



REPORT TO: AUDIT & SCRUTINY COMMITTEE ON 28 SEPTEMBER 2016

**SUBJECT: SCOTTISH PUBLIC SERVICES OMBUDSMAN
RECOMMENDATIONS REPORT**

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 The Audit & Scrutiny Committee is asked to consider the Scottish Public Services Ombudsman (**SPSO**) Recommendations Report to demonstrate that SPSO recommendations are considered at a senior level.
- 1.2 This report is submitted to Committee in terms of Section III (H) (1) of the Council's Scheme of Administration relating to ensuring that the highest standards of probity and public accountability are demonstrated.

2. RECOMMENDATION

- 2.1 **The Council is invited to consider the content of the Scottish Public Services Ombudsman Recommendations Report, seek clarification on any points arising and otherwise approve the report.**

3. BACKGROUND

- 3.1 Complaints handling is part of the Council's Performance Management Framework. Members receive six-monthly updates on complaints performance through routine reports to service committees.
- 3.2 All complaints, with the exception of statutory social work complaints operate through a two stage complaints process. Due to legislation, statutory social work complaints operate through the existing three stage complaints process.
- 3.3 Once a complaint has passed through either of these processes, a complainant has the option of having his complaint considered by the SPSO. Following SPSO investigation, they can make recommendations to help councils learn from mistakes and implement service improvements.
- 3.4 The SPSO has asked authorities to confirm that SPSO complaint recommendations are reviewed at a senior level by returning an annual

'learning and improvement statement' confirming this. This builds on the model complaints handling procedures that set out the importance of Moray Council being able to demonstrate how they 'systematically review complaints performance reports to improve service delivery'. Our statement includes a commitment to report on SPSO recommendations every 6 months to Audit and Scrutiny committee.

- 3.5 As part of the SPSO's 2016-20 draft Strategic Plan, which went to public consultation, they propose to introduce a 'learning and improvement unit' (LIU) to ensure public authorities take the necessary responsibility and actions to handle complaints well. This plan outlines that the aim of the LIU is to enhance the impact of their work by helping authorities improve public services through learning from complaints.
- 3.6 One of the main areas the LIU will focus on is SPSO recommendations. A key part of this work includes providing authorities with additional support and advice on how to meet their recommendations with a view to preventing repeat service failings and complaints. In addition to this extra support they are looking to adopt a tighter escalation process for the very few cases where their recommendations are not being implemented, with the potential to lead to a Special Report.
- 3.7 It is likely that, as part of LIU work, the way SPSO make recommendations will evolve. As well as continuing to ensure that their recommendations address individual complainants' injustices, the onus will increasingly be on making recommendations that work to support authorities to identify and develop their own solutions for bringing about learning and lasting improvement.

4. SPSO RECOMMENDATIONS FOR REPORTING PERIOD 2015/16

- 4.1 Table 1 (**APPENDIX**) shows all Moray Council complaints in reporting period 2015/16 where we received notification of referral by complainants to the SPSO. Recommendations were made as detailed at items 6 and 8.
- 4.2 Item 6, SPSO Reference 201403550, continued from reporting period 2014/15 into 2015/16. Following SPSO investigation of this Planning complaint, no aspect was upheld, however, three specific recommendations were made including:
- Apologising to the complainer and following through any actions by 4 November 2015
 - Reminding relevant staff of Scottish Government guidance by 2 December 2015
 - Ensuring SPSO findings regarding inconsistent approach is fed back to Planning and Transportation by 2 December 2015

The Head of Development Services, dealt with these recommendations by:

- Issuing an apology letter on 28 October 2015 which included information on the actions to be followed through
- In November 2015, sending an email to Planning and Transportation staff reminding them of the Scottish Government's guidance on planning conditions relating to precision and enforceability
- On 5 November 2015, discussing the SPSO findings at his Development Management Team Meeting

Correspondence evidence of this was sent to SPSO confirming that all recommendations had been complied with.

4.3 Item 8, SPSO Reference 201400708, was received in November 2015. Following SPSO investigation of this Integrated Children Services complaint, it was upheld and the following recommendations were made including:

- Make an appropriate apology
- Provide a copy of the report that we had failed to send

The Head of Legal and Democratic Services, dealt with these recommendations by:

- Issuing a letter of apology on 4 April 2016
- Providing a copy of the report to the complainant on the same date

The SPSO was provided with a copy of this letter to evidence that recommendation action had been taken. It was dealt with by Head of Legal and Democratic Services as opposed to Head of Integrated Children's Services, as the SPSO referral followed a Complaints Review Committee hearing.

5. **SUMMARY OF IMPLICATIONS**

(a) Moray 2026: A Plan for the Future and Moray Corporate Plan 2015 - 2017

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in 'Moray 2023: A Plan for the Future.' Within the Moray Council Corporate Plan, it has been identified that "we will talk to our customers and see how they would like services improved" that is a core part of the process of learning from complaints. SPSO recommendations often necessitate further communication with customers.

(b) Policy and Legal

The SPSO requested a 'Learning and Improvement statement' in support of our statutory requirement to report to the SPSO annually on their performance indicators.

(c) Financial implications

It is not anticipated that there will be any financial implications as the two complaint recommendations referred to in this report are not linked in any way to financial claims.

(d) Risk Implications

Failure to report may result in SPSO making a declaration of non-compliance against the Council. Non-compliance with the statutory duty relating to national standards being adopted would present risk in terms of reputational damage and a loss of public confidence in our ability to deliver quality improvements based on complaints analysis, and ultimately to maintaining and improving service standards.

(e) Staffing Implications

There are no staffing implications related to this report.

(f) Property

There are no property implications related to this report.

(g) Equalities

The Equal Opportunities Officer has been consulted in the preparation of this report and the equalities impact has been identified as uncertain.

(h) Consultations

The Head of Development Services and Head of Legal and Democratic Services have been consulted on the contents of SPSO Recommendations report.

5. CONCLUSION

5.1 The SPSO Recommendations Report presents council action taken to address SPSO recommendations.

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Background Papers: SPSO PIs

Ref: