

THE HIGHLAND COUNCIL
AUDIT AND SCRUTINY COMMITTEE
20 November 2013

Agenda Item	6(b)
Report No	AS/37/13

Annual Report of Scottish Public Service Ombudsman Cases received by the Council 2012/13

Report by the Chief Executive

Summary

This reports sets out the number and types of complaint against the Council that were referred to the Office of the Scottish Public Sector Ombudsman (SPSO) and the subsequent judgement in the cases where the SPSO concluded his inquiry in 2012-13.

1. Background

1.1 The Scottish Public Services Ombudsman (SPSO) was set up in 2002 to investigate complaints about organisations providing public services in Scotland, including local authorities. The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure and only investigates cases when the complainant has already exhausted the formal complaints procedure of the organisation concerned.

2. Statistical Data

2.1 Attached are summary details of the complaints that the SPSO received and determined about the Highland Council. **Table 1** details the number of complaints (by the SPSO's subject categories) received for 2011-12 and 2012-13 alongside the total of local authority complaints for these years. In 2012-13 the SPSO recorded 61 complaints about the Highland Council, compared to 67 in the previous year.

2.2 **Table 2** shows the outcomes of complaints about the Highland Council determined by the SPSO. In 2012/13 the SPSO determined 12 cases. Out of these, half were not upheld, two cases were fully upheld and four were partly upheld. Whilst this represents a small increase in upheld complaints on the preceding year, the longer term trend is an improving one with the number of fully upheld cases still in decline. The Council's performance in 2012-13 is 3.1% lower than the Sector average but this has reduced from 5.6% in the previous year. Fuller details of the 2012-13 upheld cases are set out in paragraph 3.

3. Upheld/Partially Upheld Complaints 2012-13

3.1 The SPSO upheld 6 separate complaints about the Highland Council in 2012-13. Four cases were partially upheld, two were fully upheld. The details of each of these cases have already been reported to the Audit and Scrutiny in the regular update reports that come to each meeting.

3.2 Complaints Handling: 3 of the 6 upheld complaints did not relate to service failure or maladministration but rather to shortcomings in the handling of correspondence. The introduction of the new model complaints procedure and the appointment of a

network of Service-based customer service officers has already led to a marked improvement in the management of customer correspondence and complaints in the current year (2013-14). The focus has been on improving the timeousness and quality of replies as well as clear signposting of the Council's complaints process and escalation to the Ombudsman. This should be reflected in a reduction in the number of cases relating to complaints handling in the Ombudsman's annual statistical returns next year and is evidenced in the 2nd SPSO report on the Committee agenda today, relating to cases determined in the period September to November 2013.

3.3 Service Delivery Complaints upheld:

i) Traffic Calming Measures: the Ombudsman upheld a complaint that the Council did not ensure a developer carried out reasonable consultation prior to introducing traffic calming measures to a residential street. The Ombudsman did not uphold the complaint about the scheme itself. The Ombudsman recommended that the Council ensure in future schemes that the developer is reminded of the requirement to consult appropriately. The Council's procedures have been amended accordingly.

ii) Conduct of an Exam: the Ombudsman upheld a complaint made about the use of SQA prelim papers that did not reach the required standards.

The Ombudsman recommended that the school develop a procedure for checking all prelim examination papers for compliance with SQA standards; work with the SQA to improve procedures and assessments; and issue a formal written apology to for the failings highlighted in the SPSO report.

Because the Council had accepted responsibility from a very early stage, and before the case was referred to the Ombudsman, all of the SPSO's recommendations had already been implemented prior to the Ombudsman's ruling being known. In addition, the Education Service now reviews and issues guidance on meeting SQA standards on an annual basis to all schools in Highland. A further letter of apology was sent.

iii) The handling of an application for planning consent for a single dwelling: The Ombudsman upheld the complaint that there were defects in the way the application was assessed. The Ombudsman recommended that the Council apologise to the customer. A letter of apology was sent within the specified timeframe.

3.4 There are no outstanding actions required from the Council in response to the above upheld cases. All recommendations have been implemented to the Ombudsman's satisfaction and the cases have been closed.

4. **Implications**

There are no Resource; Legal; Equalities; Climate Change/Carbon Clever; or Risk implications arising from this report.

5. Recommendation

4.1 Members are asked to consider the details of this report.

Signature:

Designation: Chief Executive

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Date: 07 November 2012

Background Papers: 2 X SPSO tables

TABLE 1

Complaints Received by Subject 2012-13

Subject Group	Highland Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Planning	16	1	26%	197	2	13%
Housing	8	2	13%	361	1	24%
Social Work	4	3=	7%	183	3	12%
Education	4	3=	7%	76	5	5%
Environmental Health & Cleansing	4	3=	7%	60	7	4%
Finance	3	6=	5%	85	4	6%
Roads & Transport	3	6=	5%	73	6	5%
Legal & Admin	3	6=	5%	48	8	3%
Other	2	9	3%	10	12	1%
Building Control	1	10=	2%	26	10	2%
Recreation & Leisure	1	10=	2%	20	11	1%
Land & Property	0	-	0%	28	9	2%
Consumer Protection	0	-	0%	9	13	1%
Personnel	0	-	0%	7	14	0%
Valuation Joint Boards	0	-	0%	6	15	0%
Fire & Police Boards	0	-	0%	2	16	0%
Economic Development	0	-	0%	1	17	0%
Out Of Jurisdiction	0	-	0%	20	-	1%
Subject Unknown	12	-	20%	293	-	19%
Total	61		100%	1,505		100%
Complaints as % of Sector		4.1%		100%		

Complaints Received by Subject 2011-12

Subject Group	Highland Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	13	1	19%	341	1	22%
Planning	10	2	15%	210	2	14%
Social Work	8	3	12%	182	3	12%
Education	5	4	7%	77	5	5%
Finance	3	5	4%	73	6	5%
Roads & Transport	2	6=	3%	96	4	6%
Personnel	2	6=	3%	11	13	1%
Legal & Admin	1	8=	1%	44	7	3%
Building Control	1	8=	1%	42	8	3%
Environmental Health & Cleansing	1	8=	1%	40	9	3%
Land & Property	1	8=	1%	30	10	2%
Recreation & Leisure	1	8=	1%	23	11	2%
Consumer Protection	1	8=	1%	10	14	1%
Valuation Joint Boards	1	8=	1%	9	15	1%
Other	0	-	0%	12	12	1%
Fire & Police Boards	0	-	0%	1	16=	0%
National Park Authorities	0	-	0%	1	16=	0%
Subject Unknown or Out Of Jurisdiction	17	-	25%	325	-	21%
Total	67		100%	1,527		100%
Complaints as % of sector		4.4%		100%		

Complaints Determined by Outcome 2012-13

Stage	Outcome Group	Highland Council	Sector Total
Advice	Matter out of jurisdiction (discretionary)	1	19
	Matter out of jurisdiction (non-discretionary)	1	40
	No decision reached	6	239
	Outcome not achievable	0	13
	Premature	32	704
Total		40	1015
Early Resolution 1	Matter out of jurisdiction (discretionary)	1	40
	Matter out of jurisdiction (non-discretionary)	1	99
	No decision reached	0	38
	Outcome not achievable	2	26
	Premature	5	46
Total		9	249
Early Resolution 2	Fully upheld	0	10
	Partly upheld	1	19
	Not upheld	0	48
	No decision reached	0	4
	Total		1
Investigation 1	Fully upheld	1	16
	Partly upheld	3	63
	Not upheld	6	75
	No decision reached	0	2
	Total		10
Investigation 2	Fully upheld	1	3
	Partly upheld	0	3
	Total		1
Total Complaints		61	1507

Total Premature Complaints 37 750
 Premature Rate 60.7% 49.8%

Fit for SPSO Total (ER2, Inv1 & Inv2) 12 243
 Total Cases Upheld / Partly Upheld 6 114
 Uphold Rate (total upheld / total fit for SPSO) 50.0% 46.9%

NOTE : 'No decision reached' includes complaints not duly made, withdrawn and resolved

Complaints Determined by Outcome 2011-12

Stage	Outcome Group	Highland Council	Sector Total
Advice	Matter out of jurisdiction (discretionary)	0	18
	Matter out of jurisdiction (non-discretionary)	3	20
	No decision reached	13	258
	Outcome not achievable	0	10
	Premature	28	729
Total		44	1035
Early Resolution 1	Matter out of jurisdiction (discretionary)	2	53
	Matter out of jurisdiction (non-discretionary)	1	43
	No decision reached	0	52
	Outcome not achievable	2	28
	Premature	1	51
Total		6	227
Early Resolution 2	Fully Upheld	1	10
	No decision reached	0	3
	Not upheld	3	78
	Partly Upheld	2	14
	Total		6
Investigation 1	Fully Upheld	0	6
	No decision reached	0	12
	Not upheld	2	63
	Partly Upheld	0	38
	Total		2
Investigation 2	Fully Upheld	0	6
	No decision reached	0	2
	Not upheld	0	2
	Partly Upheld	0	1
	Total		0
Total Complaints		58	1397

Total Premature Complaints 28 780
 Premature Rate 50.0% 52.1%

Fit for SPSO Total (ER2, Inv1 & Inv2) 8 235
 Total Cases Upheld / Partly Upheld 3 75
 Uphold Rate (total upheld / total fit for SPSO) 37.5% 31.9%