

Agenda Item	8
Report No	AS/17/19

HIGHLAND COUNCIL

Committee: Audit and Scrutiny Committee
Date: 19 September 2019
Report Title: **Scottish Public Service Ombudsman Cases Upheld**
Report By: Chief Executive

1. Purpose/Executive Summary

- 1.1 This report provides information on the cases that have been upheld by the Office of the Scottish Public Sector Ombudsman (SPSO) since the last Audit and Scrutiny Committee.
- 1.2 3 cases were determined by the Ombudsman in the period covered by this report. Of those, 1 was partially upheld.

2. Recommendations

- 2.1 Members are asked to:
 - Consider the outcome of the partially upheld SPSO case; and
 - Note that the SPSO made no recommendations in relation to this matter.

3. Implications

- 6.1 Resources and Risk: Improved performance in handling customer complaints reduces the Council's risk of public exposure to criticism and reduces the cost to the Council of managing failure demand. There are no Legal; Equalities; Climate Change/Carbon Clever; Gaelic or Rural implications arising from this report.

4. Background

3.1 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.

4. Upheld Complaint: 201707741

4.1 The customer (Mrs C) complained that The Council failed to handle a planning application reasonably and failed to handle her complaint appropriately. The SPSO took independent advice from a planning adviser. They found that the Council had met its statutory obligations to make information about the application publicly available and had reasonably exercised its professional judgement in assessing the application. The SPSO found that The Council's actions were reasonable and did not uphold this part of Mrs C's complaint.

4.2 In relation to the handling of Mrs C's complaint, The SPSO found that there was an inconsistency in the report on the planning application which had not been identified by The Council's complaint investigation. It is worth noting that this inconsistency was also not raised by Mrs C as part of her complaint. Nevertheless, the SPSO determined that this constituted a reason to uphold the original complaint in part. The SPSO noted that this error did not make a substantive difference to the outcome of Mrs C's complaint and made no recommendations to the Council.

Signature: Donna Manson

Designation: Chief Executive

Date: 9 September 2018

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