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**REPORT TO: AUDIT AND SCRUTINY COMMITTEE ON 14 OCTOBER 2020**

**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 (A) (51) of the Council's Scheme of Administration relating to developing and monitoring public relations, public reporting, publicity and corporate communications.

**2. RECOMMENDATION**

**2.1 The Council is invited to:**

- i) **consider the content of the SPSO Recommendations Report;**
- ii) **seek clarification on any points arising; and**
- iii) **approve the contents of the report.**

**3. BACKGROUND**

- 3.1 Complaints handling is part of the Council's Performance Management Framework. Members receive updates on complaints performance through routine reports to service committees.
- 3.2 All complaints operate through a two stage complaints process.
- 3.3 Once a complaint has passed through the complaints process, a complainant has the option of having their 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 annually to Audit and Scrutiny committee.
- 3.5 The SPSO introduced a 'learning and improvement unit' (LIU) to ensure public authorities take the necessary responsibility and actions to handle complaints well and reduce the occurrence of repeat mistakes. 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 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.

#### **4. SPSO RECOMMENDATIONS FOR REPORTING PERIOD 2019/20**

- 4.1 Table 1 (**APPENDIX A**) shows all Moray Council complaints in reporting period 2019/20 where we received notification of referral by complainants to the SPSO. Recommendations were made as detailed at cases 1 to 5.

- 4.2 Case 1, SPSO Reference 201804238 relates to a complaint that a staff member had exercised poor practice in the management of a child's case.

Following SPSO investigation of this Social Work complaint, five recommendations were made.

- Moray Council sent evidence to the SPSO on 2 December 2019 confirming that all five issues had been addressed.

- 4.3 Case 2, SPSO Reference 201707281 relates to a complaint that Social Work staff failed to follow national guidance in a child protection case. It further relates to not following the complaint handling procedure.

Following SPSO investigation of this Social Work complaint, fifteen recommendations were made – **see Appendix B**.

- Moray Council are actively working through a strategy to deal with these recommendations and have to provide evidence to SPSO, the first one by 16 September 2020 and the remaining fourteen by 9 December 2020, to show that all matters have been addressed.

4.4 Cases 3, SPSO Reference 201807504 relate to a complaint that Social Work staff poorly managed the kinship care process. It further relates to not following the complaint handling procedure.

- This is linked to case 2 and included within the fifteen recommendations made.

4.5 Cases 4, SPSO Reference 201807334 relate to a complaint that Social Work staff poorly managed the kinship care process and poorly communicated with the complainant. It further relates to not following the complaint handling procedure.

- This is linked to case 2 and included within the fifteen recommendations made.

4.6 Case 5, SPSO Reference 201811019 relates to a complaint that Social Work staff poorly managed transition to adult care and also poorly communicated with the complainant. It further relates to not following the complaint handling procedure.

Following SPSO investigation of this Social Work complaint, eight recommendations were made – **see Appendix B.**

- Moray Council are actively working through a strategy to deal with these recommendations and have to provide evidence to SPSO, by 22 October 2020, to show that all matters have been addressed.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

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/Socio Economic Impact**

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 Corporate Management Team has 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.**

Author of Report: John Black, Complaints Officer

Background Papers: SPSO PIs

Ref: SPMAN-1108985784-270

SPMAN-1108985784-335 – Appendix A

SPMAN-1108985784-336 – Appendix B

SPMAN-1108985784-337 – Appendix C