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**REPORT TO: AUDIT AND SCRUTINY COMMITTEE ON 27 OCTOBER 2021**

**SUBJECT: SPSO RECOMMENDATIONS REPORT**

**BY: CHIEF EXECUTIVE**

**1. REASON FOR REPORT**

- 1.1 The Committee is asked to consider the Scottish Public Sector 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 (I) (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 **It is recommended that Committee consider the content of the SPSO 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 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 the

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 2020/21**

- 4.1 Table 1 (**APPENDIX 1**) shows all Council complaints in reporting period 2020/21 where we received notification of referral by complainants to the SPSO. Recommendations were made as detailed at case 10 only. An update on the four cases subject to a number of SPSO recommendations in reporting period 2019-20 is also provided.
- 4.2 Case 1, SPSO Reference 201804238 relates to a complaint that staff had failed to follow due process to update the Children's Reporter following placement of a child from one parent to another under an agreed voluntary arrangement.
- 4.3 Following SPSO investigation of this Social Work complaint, one recommendation was made where we were asked to apologise to the parent who made complaint.
- Moray Council sent evidence to the SPSO on 21 January 2021 confirming that the recommendation had been actioned. SPSO confirmed that the recommendation had been met and praised the standard of the apology provided.
- 4.4 Case 2 from reporting period 2019-20, 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.
- 4.5 Case 3 from reporting period 2019-20, SPSO Reference 201807504 relates to a complaint that Social Work staff poorly managed the kinship care process. It further relates to not following the complaint handling procedure.

- 4.6 Case 4 from reporting period 2019-20, SPSO Reference 201807334 relates 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.
- 4.7 Following SPSO investigation of these three Social Work complaints, fifteen recommendations were made.
- Moray Council provided evidence to SPSO on 9 December 2020 and they were satisfied that all recommendations had been addressed. SPSO praised the efforts of our Social Work Department in the implementation of these recommendations.
- 4.8 Case 5 from reporting period 2019-20, 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.
- 4.9 Following SPSO investigation of this Social Work complaint, eight recommendations were made.
- Moray Council provided evidence to SPSO on 31 March 2021, following an agreed extension from the original recommendation completion date of 22 October 2020, to show that all matters had 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.

The Equal Opportunities Officer has recommended that where services are experiencing high volumes of complaints, the management of respective services should arrange to identify common complaint issues and any learning arising. This will help to ensure that complaints are not arising from situations where customer diversity needs have not been considered or addressed, e.g. disability or cultural issues.

**(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 the action taken by the Council to address SPSO recommendations.**

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Background Papers: SPSO Pls  
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