



REPORT TO: AUDIT AND SCRUTINY COMMITTEE ON 27 FEBRUARY 2019

**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) (4) of the Council's Scheme of Administration relating to contributing to public performance reporting.

2. RECOMMENDATION

- 2.1 **The Committee is invited to 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 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 2017/18

- 4.1 Table 1 (**APPENDIX 1**) shows all Moray Council complaints in reporting period 2017/18 where we received notification of referral by complainants to the SPSO. Recommendations were made as detailed at items 1, 2 and 10.
- 4.2 Item 1, SPSO Reference 201608934, continued from reporting period 2016/17. Following SPSO investigation of this Community Care complaint, three complaint issues were upheld with three specific recommendations made to:
- Issue an appropriate apology
 - Carry out a review of procedures for clients transitioning from other local authorities, supported at corporate level.
 - Issue staff guidance relating to communication and a person-centred approach to transitions from one local authority to another.

The Head of Community Care, dealt with these recommendations by:

- Issuing an apology letter on 29 January 2018
- Reviewing and revising policy which was issued to staff

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

- 4.3 Item 2, SPSO Reference 201607679, continued from reporting period 2016/17. Following SPSO investigation of this Education complaint, it was upheld and the following recommendations were made including:
- Make an appropriate apology
 - Arrange training for staff involved

A Quality Improvement Officer, dealt with these recommendations by:

- Issuing a letter of apology on 1 August 2017
- Providing a training input to the school staff concerned

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

4.4 Item 10, SPSO Reference 201608046, continued from reporting period 2016/17. Following SPSO investigation of this Education complaint, it was upheld and the following recommendation was made to:

- Make an appropriate apology

The Corporate Director (Education and Social Care) dealt with this recommendation by:

- Issuing a letter of apology on 8 January 2018

Correspondence evidence of this was sent to the SPSO investigating officer confirming that the recommendation had been complied with.

5. **SUMMARY OF IMPLICATIONS**

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

This report supports the Scottish Government's national outcomes, in particular the commitment to be accountable to the community as stated: "Our public services are high quality, continually improving, efficient and responsive to local people's needs."

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in the Moray Council Corporate Plan 2023. As part of the **Improving** Value the Complaints Handling Process enables us to be open about our performance, including opportunities to improve, and also to learn from our experiences and failures, and change accordingly.

(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 Corporate Management Team has been consulted on the contents of SPSO Recommendations report.

6. CONCLUSION

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

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Background Papers: SPSO PIs
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