

## **Procedure for Reporting of Complaints Progressed to the Scottish Public Services Ombudsman.**

### **Report by Kenneth Lawrie, Chief Executive**

#### **1 Purpose of Report**

The purpose of this report is to seek approval for a proposed approach to be applied to all complaint outcomes from the Scottish Public Services Ombudsman about Midlothian Council

#### **2 Background**

The Public Services Reform (Scotland) Act 2010 (the Act) gave the SPSO the authority to lead the development of simplified and standardised complaints handling procedures across the public sector. The Act built on the work of the Crerar and Sinclair Reports that sought to improve the way complaints are handled in the public sector. Following consultation, a Statement of Complaints Handling Principles was developed by the SPSO. These Principles were approved by Parliament and published in January 2011.

The Ombudsman may specify public authorities under the SPSO's remit to which these model Complaints Handling Procedures (CHP) should apply and the Act places a duty on those specified authorities to comply with the relevant model CHP. The Ombudsman may issue a declaration of non-compliance where any specified authority does not comply.

The Scottish Public Services Ombudsman (SPSO) provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. They are the final stage for handling complaints.

The aim is not only to provide justice for the individual, but also to share the learning from complaints in order to improve the delivery of public services in Scotland. Their complaints standards authority promotes good complaints handling in bodies under their jurisdiction.

The eight "Complaints Performance Indicators" which Councils are required to report on are;

1. complaints received per 1000 of population
2. closed complaints
3. complaints upheld, partially upheld and not upheld
4. average times
5. performance against timescales

6. number of cases where an extension is authorised
7. customer satisfaction
8. learning from complaints

There are obvious lessons to be learned where service failures are identified and remedial action can be taken to ensure that similar mistakes are avoided in the future. However, close monitoring of service user complaints and feedback can highlight opportunities for operational improvements even where the service was initially delivered properly.

The appendix provides an appropriate framework for a consistent approach to SPSO complaint outcome compliance.

### **3 Report Implications**

#### **3.1 Resource**

There are no direct resource implications in this report.

#### **3.2 Risk**

There is a current risk that non-reporting of these outcomes will fail to demonstrate the learning opportunities or potential implications of policy and practice. The proposed procedure would reduce this risk.

#### **3.3 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- ☐ Community safety
- ☐ Adult health, care and housing
- ☐ Getting it right for every Midlothian child
- ☐ Improving opportunities in Midlothian
- ☐ Sustainable growth
- ☒ Business transformation and Best Value
- ☐ None of the above

#### **3.4 Key Priorities within the Single Midlothian Plan**

This report does not relate directly to the key priorities within the Single Midlothian Plan however the proposed procedure supports the ongoing improvement agenda across a number of the thematic areas.

#### **3.5 Impact on Performance and Outcomes**

Adoption of this procedure will ensure compliance with SPSO requirements. Close monitoring of complaints and feedback can highlight opportunities for operational improvements even where the service was initially delivered properly. There will be lessons to be learned where service failures are identified and remedial action can be taken to ensure that similar mistakes are avoided in the future.

### **3.6 Adopting a Preventative Approach**

Adoption of this procedure should ensure that the Council is proactively responding to improvement opportunities noted as part of the complaints process.

### **3.7 Involving Communities and Other Stakeholders**

This proposed process provides the Council with another form of customer feedback to assist in its responsiveness of service and any necessary re-design for more effective service delivery.

### **3.8 Ensuring Equalities**

There are no equalities issues with regard to this report. It proposes an internal process for monitoring compliance and performance of complaints received by SPSO.

### **3.9 Supporting Sustainable Development**

There are no sustainability issues with regard to this report.

### **3.10 IT Issues**

There are no IT issues with regard to this report.

## **4 Recommendations**

Cabinet is recommended to:

- a) approve the procedure for monitoring compliance and performance in relation to complaints made directly to SPSO as set out in Appendix 2;
- b) agree the framework for a consistent approach to SPSO complaint outcome compliance; and
- c) refer the report to the Performance, Review and Scrutiny Committee for their interest.

**Date:** 22 November 2016

**Report Contact:** Marina Miller, Senior Performance and Planning Officer

**Tel No:** 0131 271 3783

**E-Mail:** [marina.miller@midlothian.gov.uk](mailto:marina.miller@midlothian.gov.uk)

## **Appendices**

Appendix 1 - Procedure for reporting of complaints progressed to SPSO

Appendix 2 - SPSO Complaints Improvement Framework

**APPENDIX 1****Descriptions of Exempt Information****None**

## APPENDIX 2

### **Procedure for reporting of complaints progressed to Scottish Public Services Ombudsman (SPSO)**

1. SPSO contact Chief Executive directly with complaint letter which can take the form of either letter i) or ii) as detailed below.
2. Chief Executive's Business Manager records all complaints advised by SPSO on a central complaints tracker detailing the complaint and who it has been allocated to.

The central complaints tracker will allow Senior Performance and Planning Officer to produce the required annual report to SPSO following reporting to Cabinet for information and then the Performance Review and Scrutiny Committee for review.

3. Chief Executive's Business Manager forwards the complaint to the appropriate Director and any other relevant individuals.
4. Chief Executive's Business Manager responds to SPSO acknowledging receipt of the complaint and giving details of who this has been forwarded to for action or information.
5. Where there is information to be gathered and forwarded to SPSO in response to the complaint the relevant officer will undertake the required action and advise SPSO and Chief Executive's Business Manager once complete.
6. Chief Executive's Business Manager updates the central complaints tracker of completion date.
7. The Business Manager/Senior Performance and Planning Officer, whilst monitoring the Complaints Tracker, will remind the Director/ Head of Service of any outstanding actions.
8. SPSO contact Chief Executive directly with outcome letter which will take the form of letter iii) detailed below.
9. The outcome letter from SPSO will be forwarded by the Chief Executive's Business Manager to the Director for implementation of recommendations and the Complaints Tracker will be updated accordingly.
10. On an annual basis the Senior Performance and Planning Officer will create a report of all SPSO complaints and outcomes.
11. Once available, the report (including an assessment against the recommendations and plans for improvement) will be presented to the Cabinet for information and Performance Review & Scrutiny Committee for review.

12. Any relevant recommendations and plans for improvement will be updated to Covalent performance management system by the Senior Performance and Planning Officer.

**SPSO letters received and forwarded to the relevant people can take one of the following three forms**

- i. SPSO advising complaint has been received and are considering this.
- ii. SPSO advising they have made a decision and letter details what information is required from the Council.
- iii. SPSO outcome letter sent to the complainant and copied to the Chief Executive advising the decision SPSO have taken which can be uphold, partially uphold or not uphold the complaint and what the complainant should expect to happen.