

SCOTTISH PUBLIC SERVICES OMBUDSMAN

Report to the Audit Advisory Committee from Independent Service Delivery Reviewer Quarters 1 and 2 – April - September 2009

Introduction

I have reviewed four cases that fall within my remit during these quarters. I also received three additional cases which were either:

- i) outside my remit
- ii) sent to me for premature consideration

Case 1 – SDC 07/30

This complaint related to SPSO's handling of a complaint made against Fife Council and its handling of a development application.

On investigation I found:

- i) There were significant delays in the processing of this complaint. The original complaint was made in January 2007 and the final report was published in November 2008.
- ii) In particular, there were significant delays in the response by SPSO to the complainant's comments on the draft report.
- iii) There were some inaccuracies in SPSO's interpretation of the Planning Adviser's comments on the draft report.

There were other elements of the original complaint which were not upheld. These were:

- i) The decision to restrict the area of investigation.
- ii) Comments made by SPSO personnel during the complaint investigation.

I did inform the complainant that I believed the shortcomings which I had identified would not have altered the final decision not to uphold the complaint.

Case 2 - SDC 07/30

This complaint, which was linked to the previous one, was made by the same complainant. It related to a complaint about SPSO's handling of a complaint against Fife Council and an objection to the building of air conditioning units. This complaint had been made on behalf of a third party.

The complaint related to:

- poor quality of planning knowledge
- delay in production of the report
- SPSO's comments on the complainant's response to the draft report
- the form of the SPSO report

On investigation of this complaint, my findings were:

- i) There were some delays in the production of the draft report by SPSO.
- ii) There was lack of communication with the complainant during the complaint investigation process.
- iii) Some correspondence relating to the complaint was mislaid, which contributed to the confusion surrounding the delay.
- iv) The chronology relating to the complaint investigation and particularly the decision to publish the report before the Scottish Parliament prior to informing the complainant, contributed to the complainant's dissatisfaction.

There were other elements of the complaint which I did not uphold. These included:

- i) Poor knowledge of planning procedures by SPSO personnel.

- ii) The form of the SPSO report which I considered current best practice.

Case 3 – SDC 08/14

This complaint related to the investigation by SPSO of a complaint against the University of Edinburgh and its treatment of a full-time student living in Hong Kong and China.

The key elements of the complaint falling within my remit were:

- delays in SPSO's handling of the complaint
- factual errors in SPSO's response to the complaint
- delays in the handling by SPSO of the Service Delivery Complaint

The original complaint contained various other elements which I considered were outside my remit.

Following my investigation, my findings were:

- i) There were delays at various places during the investigation of the original complaint by SPSO.
- ii) These resulted from SPSO personnel making promises, both written and verbal, which, in the event, they were unable to keep because of operational pressures.
- iii) There was a significant delay in the handling of the Service Delivery Complaint.

Many of these delays had been investigated, accepted and apologised for prior to my investigation.

There was another element of the complaint which fell within my remit, which I did not uphold. This related to the allegation that there were factual errors in the SPSO's report on its investigation. I found no such errors.

Case 4 – SDC 08/15

This complaint related to SPSO's handling of a complaint against Aberdeenshire Council and an issue of flooding in the complainant's property. In particular it related to the handling of the Service Delivery Complaint by the Director of Policy & Development. The issues raised in the complaint were:

- change of role from Director of Investigations to Acting Ombudsman by a senior member of SPSO
- quality of response to the Service Delivery Complaint
- record of visit to the complainant's property

On investigating this complaint, my findings were:

- i) There was a breakdown of the relationship between the complainant and SPSO personnel. This was mainly due to the complainant's unrealistic expectations as to what SPSO could achieve in relation to his complaint.
- ii) None of the elements of the complaint were upheld.

Summary

As a result of my investigation of these complaints, I have identified some key themes which I will be discussing with senior management within SPSO. These include:

- management of timescales and delays during a complaint investigation
- making of promises (sometimes unrealistic and unlikely to be kept) to complainants
- clarification of SPSO's remit and its limitations
- signposting of complainants to the next stage in SPSO's internal process

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