

Performance Update



2009 – 10

This summary document provides key information about the performance and impact of the SPSO during the past year. It highlights the main changes we made in 2009–10 and outlines significant future developments including the introduction of complaints handling principles and guidance for a model complaints handling procedure across the public sector.

key facts & figures (for year to 31 March 2010)

- > We received **4,210** complaints and enquiries – complaints alone increased by **12%** compared with the previous year
- > We resolved **4,430** complaints and enquiries, almost **10%** more than in the previous year
- > We dealt with **906** enquiries, helping people decide whether to take their complaint further, and directing them to the right place to make it
- > We resolved **3,524** complaints, an increase of more than **22%** on 2008–9
- > We published **123** investigation reports which included our findings on **134** complaints
- > Our open caseload at 31 March 2010 had reduced to **241** from 500 open cases at 31 March 2009, a reduction of **52%**
- > We circulated the Ombudsman's Commentary to **1,300** stakeholders each month
- > Our website received an average of **5,000** visits each month
- > We held **190** outreach meetings with a wide variety of organisations
- > Our new Training Unit began operations and delivered **seven** training events
- > We operated on a budget of **£3.27 million** with **47** full-time equivalent staff. Three quarters of our staff are directly involved in handling cases.

Complaints and enquiries received

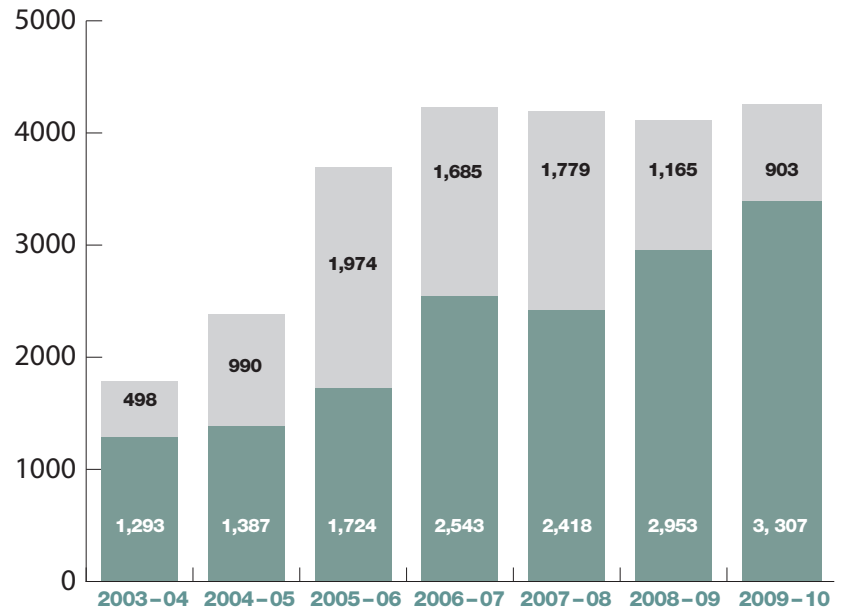
In 2009 – 10 we received 12% more complaints than in the previous year. Overall we received just over 2% more enquiries and complaints.

Total contacts received by year (enquiries and complaints)

Complaints received **3307**

Enquiries received **903**

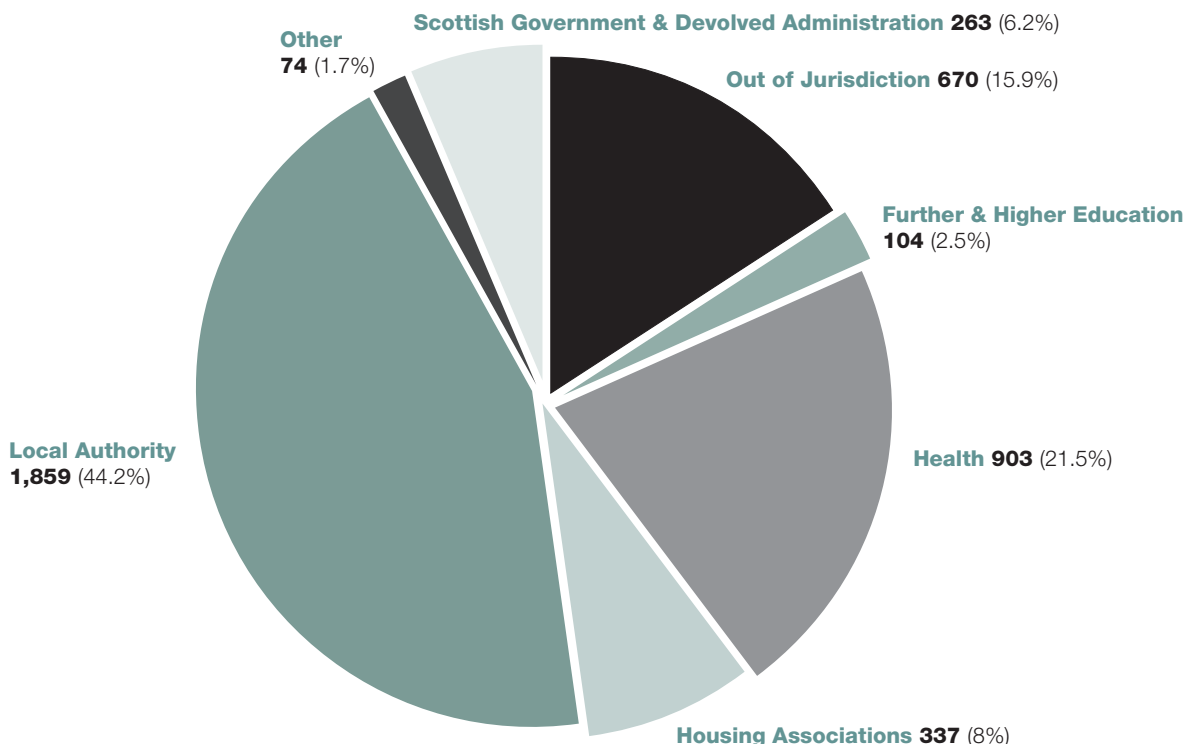
Total **4,210**



Who the complaints were about

The chart below shows the proportion of enquiries and complaints we received about different areas in the public sector.

Total contacts received by sector in 2009 – 10

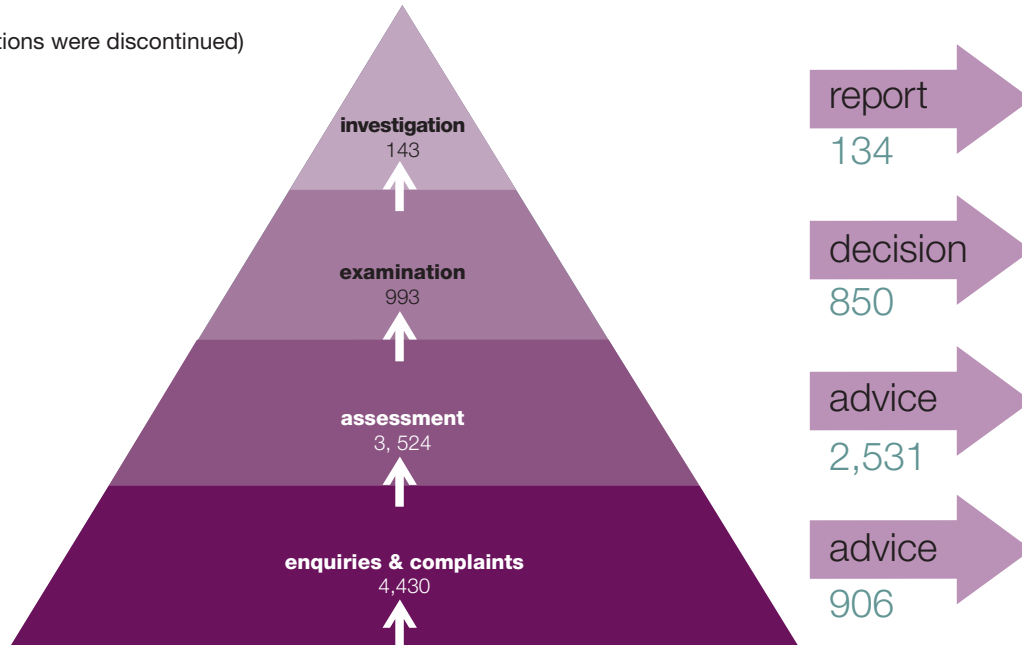


How we dealt with the complaints

Enquiries and complaints resolved at different stages 2009 – 10

(figures include some cases carried over from the previous year)

(9 investigations were discontinued)



Enquiries: At this stage we give support and guidance to people who contact us about their problem with a public service. We give advice about complaining and where appropriate direct people to an organisation that may be better placed to help them. In 2009 –10 we gave advice on 906 enquiries.

Assessment: In 2009 –10 we resolved 2,531 complaints at this stage. Many of these had come to us too early (we call these ‘premature’ complaints) and needed to be made first to the organisation concerned. Others could not be examined because, for example, the subject was out of our jurisdiction, or because the complainant withdrew it or didn’t provide us with enough information to allow us to take it forward.

Examination: At this stage we gather and examine evidence. This includes getting expert advice and carrying out interviews or site visits in relevant cases. In most cases we then report our conclusions in what we call a decision letter. This normally happens if the organisation concerned accept that things went wrong, apologise and take action to prevent the problem happening again. It also happens when, from the evidence we see, it seems the organisation didn’t do anything wrong

or there is not enough evidence for us to reach a conclusion, and we think it unlikely that further investigation would uncover more. In 2009–10 we resolved 850 complaints at this stage.

Investigation: We may decide to move to investigation if we need more evidence to reach a conclusion and it would be both practical and proportionate to investigate the matter in more depth. We may also decide that there is a public interest issue involved and that the facts of the case should be made public. In these cases we publish an investigation report. Such reports are normally about complex technical matters and involve explaining legislation, unravelling facts and drawing conclusions based on the facts of the case. In these cases, we frequently make recommendations to the body to ensure no recurrence of the problem and to drive up standards of performance more widely. In 2009 – 10 we published 123 reports about a total of 134 complaints. Nine further cases that we took to investigation did not end in a report being published, as they were discontinued before reaching that point. The outcome of all our investigations is shown in the chart on the next page.

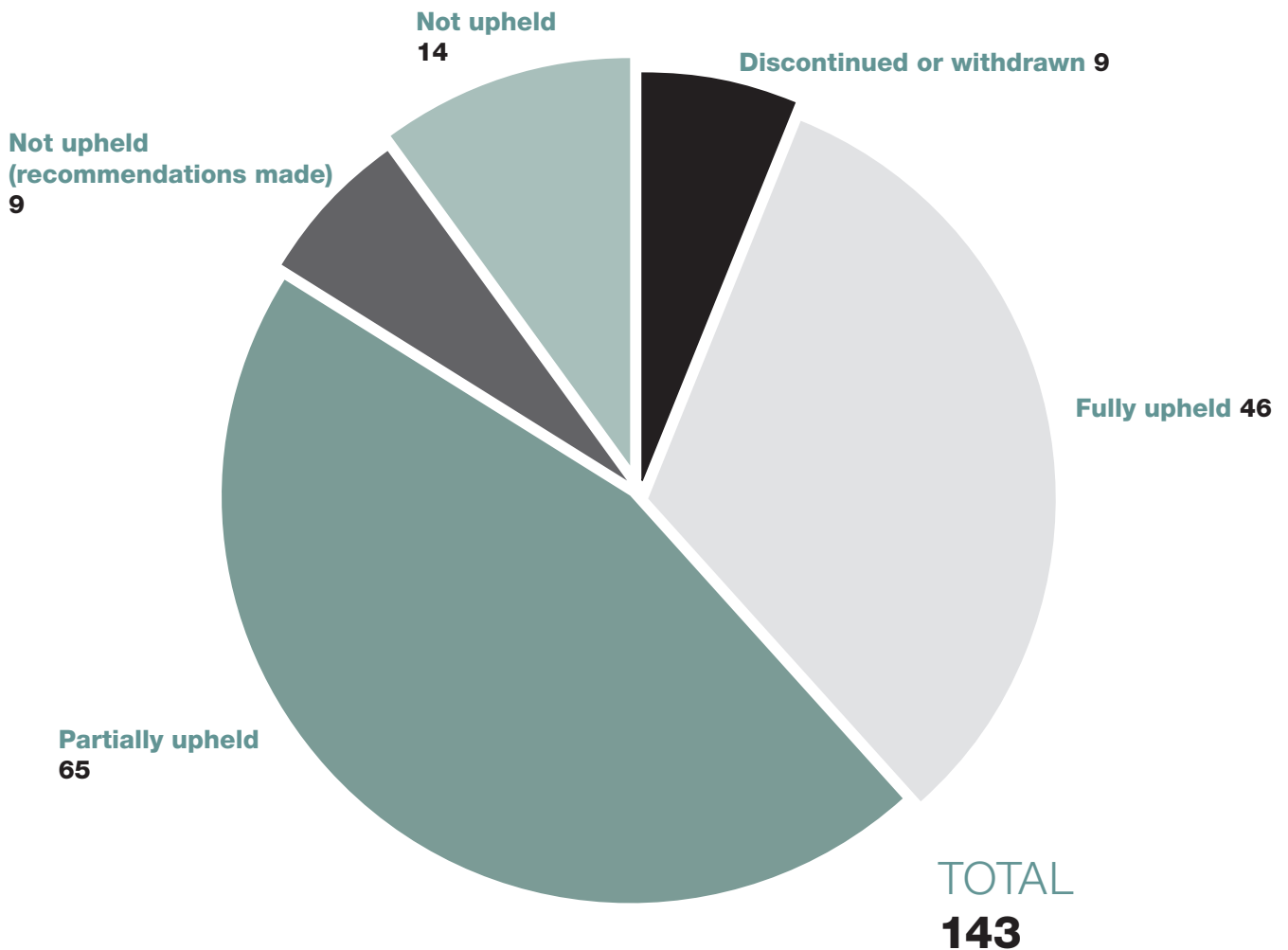
Improved Performance

When Jim Martin took office as Ombudsman in May 2009, one of his priorities was to review cases that had been at the SPSO for over 12 months at the end of June 2009. He implemented a strategy to clear all of these by December 2009, and we achieved this target.

Compared with the previous year, the volume of complaints received in 2009 – 10 increased by 12%, and the number of cases resolved increased by 22%.

The number of cases that were open at 31 March 2010 was 241, less than half the number that were open at the end of the previous year.

Investigation outcomes 2009 – 10



Recommendations – driving improvement

We make recommendations in our decision letters (previously called determination letters) and investigation reports. By doing this we aim to drive improvement in public services by putting things right for the individual who's complained, and preventing the same thing happening to someone else. Our investigation reports alone for 2009 –10 contained **over 400** recommendations about more than **300 issues** in **over 50 different bodies**. For example:

We recommended 30 different practices or hospitals in 13 different Health Boards (or Boards themselves) carry out various actions including that they:

- > ensure a proper multi-disciplinary approach to patient care
- > review pain management documentation and recording
- > ensure that relevant staff understand the Adults with Incapacity (Scotland) Act 2000, its Code of Practice and other relevant guidance
- > analyse why pressure ulcers developed and why there was then no proactive treatment
- > undertake an external peer review of nursing care
- > improve supervision arrangements for junior staff
- > develop more effective and practical policies for dealing with a breakdown in doctor-patient relationships and for referring patients between services
- > consider how hygiene standards can be tracked and monitored
- > review and improve clinical and administrative record keeping
- > review and improve policy and guidance for staff and show that relevant training has been provided
- > review and improve communication with patients and their relatives
- > apologise for poor complaint handling and improve processes
- > apologise for poor treatment/misdiagnosis/inadequate nursing care
- > apologise for failing to obtain informed consent for clinical procedures

We recommended 21 different Councils:

- > improve communication with clients about needs assessments
- > improve Social Work Complaint Review Committee procedures and improve guidance for Committee members
- > review and improve procedures for investigating allegations of bullying in schools
- > put in place a policy and guidance for dealing with requests for support for home-educated children
- > take immediate action in respect of planning enforcement notices

- > discuss a future care package with a complainant
- > discuss and agree required home repairs with a complainant
- > apologise fully for failings in Council procedures, complaint handling and timescales
- > audit complaint procedures and improve on them
- > apologise for failures in referral to mediation and ensure staff understand the relevant procedures

We recommended five different educational institutions:

- > review complaint procedures to accommodate situations where a combination of complaints of bullying and harassment, academic concerns and academic appeals are active at the same time
- > review record keeping processes and processes for appeal hearings
- > ensure that feedback from a student's supervisor or placement is clearly communicated, especially where there are concerns about the student's performance
- > implement a policy for managing unacceptable behaviour
- > ensure that information supplied when handling a complaint is accurate
- > apologise for poor complaint handling

We recommended three different Scottish Government bodies:

- > review a specified complaint to see where communication could be improved
- > ensure that agencies acting on their behalf fully understand their responsibilities
- > apologise for confusion and delay in handling an application
- > apologise for poor complaint handling

We recommended two Housing Associations:

- > consider asking their insurance agents to revisit an insurance claim from a tenant
- > improve their policy on compensation claims
- > refund part of the rent paid over a 14 month period during which required remedial work was not carried out
- > use the learning from complaints to improve procedures
- > apologise for disruption and inconvenience caused to a tenant

>>> SPSO Business

Review of our business process

In October 2009, the Ombudsman announced a review of our business process covering 'all aspects of SPSO complaint handling policies, guidance, procedures and practices'. The review concluded in May 2010 and the most significant resulting change is a greater emphasis on early resolution of complaints. We have made organisational changes to support this, and now have a two-team structure for handling enquiries and complaints. Our Advice and Early Resolution team provide information to the public and to complaint handlers in public sector organisations, with a focus on discussing possible solutions at an early stage. Where complaints are appropriate to the SPSO, our Investigations team takes them up by forensic examination of the issues. We also have a new process for dealing with complaints about how we have delivered our service and the decisions we have reached.

Appointments

Steve Carney joined us in August 2009 as Director of Complaints and Investigations following 34 years in local and central government in England. During that time he worked in social care departments across London as a senior administrator, and then as a specialist customer service and complaints manager at Westminster City Council. More recently he was the Head of Complaints and Service Improvement at the Commission for Social Care Inspection.

John Vine joined our Audit and Advisory Committee in December 2009. John is the Independent Chief Inspector of the UK Border Agency, and was previously Chief Constable of Tayside Police in Scotland. The other Committee members are Sir Neil McIntosh (Chair), Baroness Rennie Fritchie (Deputy Chair), and David Thomas.

Feedback from service providers

We posted the results of our survey on public service organisations' views of our service on our website in August 2009. An independent company carried out the research for us, and received a response rate of 54% (82 returns from a total of 152). Satisfaction with our case handling service and our general advice and guidance on complaint handling was high.

There were three areas where satisfaction levels were slightly lower and where we have taken steps to improve. The full survey results and our actions are available on our website.

Training Unit

Our Training Unit opened for business in September 2009. It provides training to help support frontline complaint handlers in public services and to share the learning from complaints brought to our office. Our Complaint Handling and Investigation Skills courses are designed for both frontline staff with immediate responsibility for resolving complaints, and for staff responsible for investigating formal complaints. The courses were developed in response to requests for specific support for staff in the frontline of complaint handling and will play a key part in our Complaints Standards Authority 'support for practitioners' role.

Between September 2009 and March 2010 we held seven training sessions involving ten different organisations. Several local authorities have already booked courses with us in the coming year. So far, we have worked mainly with local authorities. In the future, though, we are extending our courses to areas such as health and housing. We are also working with NHS staff throughout Scotland and the Improvement Service to develop sector-specific models to deliver complaint handling training.

Looking ahead – widening remit

The Public Services Reform (Scotland) Act 2010 and the Scottish Parliamentary Commissions and Commissioners etc Bill impact on the SPSO in a number of ways. The two pieces of legislation took up recommendations made in the report from the 'Fit For Purpose Complaints System Action Group' (The Sinclair Report) which followed publication of the Crerar Report.

Prison complaints

The Sinclair Report recommended that the functions of the Scottish Prisons Complaints Commissioner (SPCC) should be transferred to the SPSO. The Scottish Government accepted this recommendation and the Scottish Parliamentary Commissions and Commissioners etc. Bill sets out a target transfer date of 1 October 2010.

The SPSO, the Scottish Government, the SPCC, the Scottish Prison Service and the Scottish Parliament have been working to prepare for the transfer in a way that ensures that neither prisoners nor the Scottish Prison Service suffer a reduction of service when it takes place. We are absorbing prison complaints with no increase to our staff numbers and with significant savings to the public purse.

Water complaints

The Sinclair Report also recommended that the complaints function of Waterwatch should be transferred to SPSO, with other aspects being transferred to Consumer Focus Scotland. At Stage 3 of the Public Services Reform Bill, an amendment was made that delays the commencement order for the transfer to 12 months after Royal Assent. The likely transfer date is therefore 1 July 2011.

We are taking forward plans for the transfer with Waterwatch, Consumer Focus Scotland, the Scottish Government and the Scottish Parliamentary Corporate Body.

Improving complaints handling procedures

The Sinclair Report also recommended the establishment of 'A set of principles based on the present SPSO guidance [www.valuingcomplaints.org.uk] founded on consumer focus and simplification...' and that they, '...should form the basis of all public service complaints handling processes, which will be developed in partnership between the SPSO and service providers...'

Statement of principles

The recommendation was accepted in principle by the Scottish Government and the subsequent Public Services Reform (Scotland) Act included provision to enact these proposals. Accordingly, we have developed a statement of complaints handling principles which will be consulted on during the summer, and submitted to the Parliament for approval in autumn 2010.

Guidance on model CHP

The Sinclair Report also recommended that there should be a standardised complaints handling process (CHP) for each public service sector based on the principles developed by the SPSO. Consultation on the guidance for the model CHP will take place alongside the principles.

Complaints Standards Authority

Work on establishing SPSO's complaints standards authority role as envisaged in the Public Services Reform (Scotland) Act will begin in earnest in December 2010 or January 2011.

Corporate Strategic Objectives 2008–2011

- 1 To provide a high quality, independent complaint handling service
- 2 To improve complaint handling by public service providers
- 3 To support public service improvement in Scotland
- 4 To simplify the design and operation of the complaint handling system in Scottish public services
- 5 To be an accountable, best value organisation

Business Plan: **key priorities for 2010–11**

- 1 Deliver an efficient and effective complaint handling service, working to stretching targets, continuously building quality and accessibility
- 2 Promote improvement of frontline complaint handling through outreach and training activities
- 3 Share strategic lessons from our casework with service providers and appropriate scrutiny bodies, and ensure service providers implement SPSO recommendations
- 4 Lead the simplification of complaints handling across Scottish public services through introducing core principles and establishing SPSO as the Complaints Standards Authority
- 5 Deliver operational efficiency, effectiveness and accountability through clearly defined priorities, performance measures and resources that meet business needs



SPSO
4 Melville Street
Edinburgh
EH3 7NS

Tel
Text
Email
Web

0800 377 7330
0790 049 4372
ask@spsso.org.uk
www.spsso.org.uk