

Scottish Public Services Ombudsman
Response to
Consultation on proposals to update 'On Board – A Guide for Board Members
of Public Bodies in Scotland'

I would like to thank the Scottish Government Public Bodies Unit for inviting me to respond to this consultation.

The draft document provided presents a detailed and helpful guide for those with a role in governing Scotland's public authorities.

The Scottish Public Services Ombudsman (SPSO) is the independent body that handles complaints from members of the public about devolved public services in Scotland. This includes most Scottish public authorities covered by the 'On Board' guide, as outlined in the list of categories provided.

Under the Public Services Reform (Scotland) Act 2010, the SPSO was given a lead role in improving the handling of complaints by public sector bodies in Scotland. Through the work of our Complaints Standards Authority (CSA) we have been undertaking a programme of improvement across the public sector in Scotland through the development and implementation of simplified and standardised model complaints handling procedures (CHPs) and the roll out of guidance and best practice in complaints handling to complement the already established programme of training provided through our training unit.

Most recently we published the model CHP for the Scottish Government, Scottish Parliament and Associated Public Authorities which is now a requirement for all notified public authorities to adopt over the course of 2013/14. The model CHP and associated documents can be accessed at www.valuingcomplaints.org.uk. These CHPs have introduced a number of requirements on good governance including standards on recording, reporting and learning from complaints and a requirement to define clear roles and responsibilities throughout the organisation. The CHPs also include a commitment to publishing against performance indicators, which will provide, for the first time, consistent complaints data within organisations and across the various sectors of the public service in Scotland to allow consistent and transparent monitoring of complaints and allow sectors to benchmark and identify emerging trends.

It is from this position that I offer the following comments related to the role of complaints in good governance and how this might be incorporated into the guidance.

Importance of complaints in the governance of public sector bodies

The guide should highlight and emphasise to board members the importance of effective complaints handling to good corporate governance. A 'valuing complaints' culture - with a pro-active approach to effective resolution, monitoring and learning from complaints - is an essential part of effective governance of our public services. This has been highlighted starkly most recently by the report of the Francis inquiry

on the Mid-Staffordshire NHS Foundation Trust, the issues from which represent a warning to all in the public sector and demonstrate the risks inherent in a system that fails to actively monitor and learn from complaints. The critical elements of failure in Mid-Staffordshire related to a culture of governance and management where financial and performance driven reporting and public image replaced service as the key significant performance indicator for the Trust. A number of failures in approach to complaints were highlighted, including limited learning from complaints and a failure to seek or review details of individual complaints. The Scottish Government's revised guidance seeks to bring it into line with developments which have taken place across the public bodies landscape. I believe that the issues highlighted by Francis represent one such development.

Given this context it is important that these issues should be used to guide board members on the importance of effective monitoring of complaints within management and governance processes. Specific reference should be made within the guide to the responsibilities of the board, collectively and individually, and the chief executive and chair, in relation to monitoring and reviewing quality information from complaints and ensuring an effective, efficient and customer focused approach to complaints resolution.

In our view the responsibilities which the guide should contain include:

- ensuring the organisation and executive team are learning from service failures and customer insight provided by complaints, with systems in place to record, analyse and report on complaints outcomes, trends and actions taken.
- Ensuring that service improvements are agreed, actioned and reviewed quarterly;
- ensuring that processes are in place for the organisation and executive team to identify and respond immediately to critical or systemic service failures identified from complaints handling;
- taking an active role in monitoring and reviewing learning from complaints and reviewing individual complaints to obtain an understating of how any failures occurred and have been addressed;
- providing the necessary challenge and holding the senior officer(s) to account for the organisation's performance in complaints handling, with board / board members themselves regularly monitoring and reviewing the complaints handling performance of the organisation.

Specific changes to the Guide for Board Members

It would seem appropriate that reference to complaints be made at various points through the document but particularly in Sections 3 (Roles, Responsibilities and Relationships) as well as in the four annexes which provide helpful information, links and checklists. Given the statutory requirement to adopt the Model CHP for the Scottish Government, Scottish Parliament and Associated Public Authorities this

may also include some reference to the requirements of the CHP and their relevance for Board members in the context of good governance.

In light of the CSA's work we would be happy to discuss with the Scottish Government our views on what specific text or amendments could be made to the guidance to update it in line with recent developments and current obligations.

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