

Response of the Scottish Public Services Ombudsman to Scottish Government's consultation on the Scottish Regulators' Strategic Code of Practice.

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 almost all of the regulators listed as subject to the code and listed at paragraph 8.¹ I am responding on the aspect of the code that refers to complaints at paragraph 20.

Background

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. This has included the development and implementation of simplified and standardised model complaints handling procedures (CHPs) and the roll out of guidance and best practice advice on 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. This includes all the Scottish regulators listed in the code. The model CHP and associated documents can be accessed at www.valuingcomplaints.org.uk.

The CHPs have introduced a number of requirements for 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 requirement to publish annually the organisation's performance in handling complaints. A newly developed suite of performance indicators, means that for the first time organisations are required to record, report and publish information on all the complaints they receive. This provides significant opportunities for organisations to identify service improvements from data that was previously unrecorded. It also enables consistent and transparent monitoring of complaints, the identification of emerging trends and the benchmarking of performance. The SPSO performance indicators for the Local Authority Model Complaints Handling Procedure can be found here: <http://www.valuingcomplaints.org.uk/wp-content/media/SPSO-performance-indicators-for-the-Local-Authority-Model-Complaints-Handling-Procedure.pdf>

We recommend that references in the code to complaints should clearly reflect the requirements of the model CHP. For example there is reference in the code to "regularly publishing data". The CHP requires organisations to publish on a quarterly basis, through internal management reporting, the outcome of complaints and the actions taken in response. Organisations must also externally publicise on a

¹ The exception is the Food Standards Agency. The proposed new Food Standards Scotland would be in our jurisdiction.

quarterly basis complaints outcomes, trends and actions taken. There is currently a requirement in the code to specify what is upheld and not upheld but no requirement to demonstrate learning from complaints. The model CHP requires, as a minimum, organisations to:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

It is our view that bodies who comply with the model CHP will easily comply with the requirements in the code and we are pleased to see that complaints are mentioned. However, we think it would be fairly straightforward to strengthen the code to reflect the higher standards for customer responsiveness set out in the model CHP. These standards are not simply a matter of good communication but, as we have noted in response to a previous consultation, essential to good and effective governance of public bodies.²

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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² http://www.spsso.org.uk/sites/spsso/files/consultations-and-inquiries/2013/13_04_26%20-%20SPSO%20response%20to%20Scottish%20Govt%20On%20Board%20Consultation.pdf