



**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**

People Centred | Improvement Focused

Scottish Public Services Ombudsman

Strategic Plan 2020-2024

This document is laid before the Scottish Parliament by Rosemary Agnew, the Scottish Public Services Ombudsman (SPSO) as required by section 17A of the Scottish Public Services Ombudsman Act 2002. April 2020





Contents

Foreword.....	1
About the SPSO.....	2
SPSO statutory functions.....	2
Vision and values.....	3
Vision.....	3
Strategic themes.....	3
Values.....	3
Strategic theme: Accessibility.....	4
Our strategic objectives.....	4
Strategic theme: Access to justice.....	5
Our strategic objectives.....	5
Strategic theme: Capacity.....	6
Our strategic objectives.....	6

Strategic theme: Standards.....	7
Our strategic objectives.....	7
Reporting progress.....	8
Resources.....	9
Overview and sustainability.....	9
Volumes scenarios.....	11
Complaints about public services.....	11
Context.....	11
Scenario 1- number received changed, complexity and proportion are constant.....	13
Scenario 2 – number received increases and complexity and/or proportion increases.....	13
Scottish Welfare Fund review applications.....	14
Whistleblowing complaints.....	15
Summary of strategic objectives.....	17

Foreword

Welcome to the SPSO's strategic plan which sets out our priorities and approach for the next four years; 2020/21—2023/24.

We will live our values to deliver our functions efficiently, effectively and economically. While our remit is wide, and expanding, we aspire to deliver our business coherently and consistently across all functions. We will strive to continue to give great service to all who come to us; whether to make a complaint about a public body, seek our advice and support, ask for a review of a Scottish Welfare Fund decision or complain about how the NHS has handled a whistleblowing concern.

We are driven by our values and vision

The delivery of our strategy will be through our annual business plans, which set out the actions we take to achieve our higher aims. We recognise that in delivering our strategy, we are adding value by contributing to Scottish public services improvement and providing access to justice for users of those services. We understand both the complexity of our business and the challenges and risks SPSO and Scottish public services face over the coming years.

SPSO's most significant risk is insufficient resources. We are seeing increases in both volumes of work, and the complexity of the complaints, reviews and issues coming to us. Like many other organisations, the COVID-19 pandemic is having a profound impact on

our capacity and ability to deliver our services. We recognise that this is not just a short-term issue and that there is likely to be a legacy effect on public services generally, complaint handling specifically, and on the NHS which will also be adopting the new Whistleblowing Principles, Standards and Procedures. That effect is likely to span years rather than months.

Despite these challenges we continuously seek ways of delivering services more efficiently, as even without the impact of COVID-19, we barely manage to meet the workloads we have currently to the standards to which we aspire. Any increase in volume is, effectively, a cut in resources, and unless we can maintain our capacity, we face the prospect of having to make difficult decisions about the extent to which we deliver our statutory functions, which in turn could undermine trust and confidence, both in us and Scottish public services.

We are a great team; dedicated and committed, driven by deep-rooted values of being people centred, fair, independent and learning and improvement.



Rosemary Agnew
Scottish Public Services Ombudsman



April 2020



About the SPSO

It is all too easy to think of the SPSO as being simply a complaint handling body. It is where the majority of our resources are consumed, and the most public of our work. Complaints about public services and whistleblowing are an essential part of the access to justice and alternative dispute resolution landscape, providing a route for people to seek redress; but that is not all we do.

As can be seen from our statutory functions we are more than that, adding **value** to Scottish public services in many ways:

- we set and monitor complaints and whistleblowing standards and performance
- our Scottish Welfare Fund reviews help people in crisis and need
- our work emphasises the importance of: local resolution, consistency of decision-making in line with statutory or national guidance, and the value of good complaint handling
- we encourage learning for improvement to enable more efficient delivery of Scottish public services
- we provide essential advice and guidance for our service users – existing and prospective - and Scottish public bodies under our jurisdiction.

SPSO statutory functions

The Scottish Public Services Ombudsman has a wide remit, covering a variety of functions and services. The Ombudsman's powers and duties come (predominantly) from the Scottish Public Services Ombudsman Act 2002, which gives her four distinct statutory functions:

1. the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges
2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling
3. independent review service for the Scottish Welfare Fund with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications
4. Independent National Whistleblowing Officer for the NHS in Scotland (INWO) – from July 2020¹ – final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned.

¹ The published timescale at the time of writing but subject to change in light of the impact of COVID-19

Vision and values

Vision

The Scottish Public Services Ombudsman contributes actively and positively to high performing Scottish public services. Recognised for our innovative world-leading approach, we put people and learning at the heart of all we do.

Strategic themes

We will live our values through four strategic themes that drive our activity and annual business plans.

- Accessibility
- Access to justice
- Capacity
- Standards

Values

We will be driven by our values.

- Independent
- People centred
- Fair
- Learn and improve





Strategic theme: Accessibility

Good is ... Everybody who uses Scottish public services can access them without barriers, when they need them, in the way they need to. People are always treated with dignity, respect and kindness

Success is

- We will be able to take complaints in any format
- Scottish public bodies complaints procedures will be accessible to all and drive wider accessibility improvements
- We will have an active and engaging stakeholder network which considers accessibility to complaints and learns from them to improve accessibility to public services

Our strategic objectives

1. We will develop and monitor the Model Complaints Handling Procedures and Model National Whistleblowing Standards, to ensure accessibility is integral to public bodies complaints handling.
2. We will make our own services as accessible as they can be.
3. We will push for legislative change to enable us to make our services and those of other Scottish public bodies accessible.
4. We will continue to develop relationships with our stakeholders to both learn from and to contribute to fair, accessible Scottish public services.

Supports National Performance Framework



National Outcome: Human Rights



National Outcome: Health

Strategic theme: Access to justice

Good is ... People have, and understand how to, access gateways to justice if things go wrong with public services. They receive proper explanations and fair redress, in a way that they feel listened to and supported

Success is ...

- Setting realistic performance indicators and achieving them efficiently and effectively
- Positive influence and input to the access to justice landscape, including promoting and supporting effective signposting

Our strategic objectives

5. We will deliver our statutory functions in line with legislative requirements and our published customer service standards and performance targets.
6. We will contribute to the development of the wider access to justice environment through engagement with relevant groups and stakeholders such as the UK Access to Justice Council, the Open Government Partnership, and other commissioners and ombudsman services.

Supports National Performance Framework



National Outcome: Human Rights



Strategic theme: Capacity

Good is ... SPSO and Scottish public services have the capacity to deliver their functions effectively and fairly. They are adequately resourced, and have the necessary enabling infrastructure and well-trained staff who are supported to deliver the service

Success is ...

- Sufficient resources across all our functions
- A happy, engaged team
- Recognition through accreditation for investors in people and well-being
- Accessible, helpful support, guidance and training for stakeholders

Our strategic objectives

7. We will continue to push for adequate funding for our functions and seek to develop a more sustainable funding model, recognising the annual budget process but challenging, where appropriate, how it is applied.
8. We will assess and mitigate the impact of the COVID-19 pandemic on our capacity and that of public bodies and other stakeholders to deliver an effective service which meets published standards.
9. We will be acknowledged for having well-trained, properly supported people, who have the tools they need to deliver our services.
10. We will build or maintain our capacity, financial, human and infrastructure, to implement and deliver our statutory functions.
11. We will review and develop the support, guidance and training we offer to public bodies, complainants and whistleblowers to enable them to develop their own capacity, in particular the NHS in developing its capacity in respect of whistleblowing.

Supports National Performance Framework



National Outcome: Human Rights

Strategic theme: Standards

Good is ... Public services are delivered to the standard required and expected. They are supported and enabled by robust governance structures that ensure that public bodies comply with legislation and standards, and learn from experience; theirs and others, good and poor

Success is ...

- SPSO support and intervention has impact and drives improvement
- Model procedures and guidance are fit for purpose and effective
- Information and intelligence are shared through engagement, information sharing agreements and consultations

Our strategic objectives

12. We will monitor Scottish public bodies' complaint handling, Scottish Welfare Fund applications and whistleblowing handling, holding them to account for poor performance and giving credit for good performance.
13. We will develop our capacity to gather and share information to enable us to make informed and beneficial interventions when complaint, whistleblowing and Scottish Welfare Fund services fall below accepted standards.
14. We will review the Model Complaints Handling Procedures and National Whistleblowing Standards, to ensure they remain fit for purpose.
15. We will contribute to the development and/ or review of other standards and guidance to ensure they deliver services to the standards required.

Supports National Performance Framework



National Outcome: Human Rights



National Outcome: Connected, Open



Reporting progress

Annually

The SPSO will report achievement against plans through: Annual Reports and Annual Report and Accounts. These will set out achievement against the published strategic and business plans.

The business plan sets out the activities of the organisation and how they each support the delivery of strategic aims. The plan is a mixture of regular business as usual activity, and initiatives to deliver specific pieces of work.

Quarterly

A quarterly update will be published providing an overview of progress against the business plan.

Other

Achievement and progress will also be reported through other mechanisms as needed including:

- Parliamentary scrutiny
- Specific reports required by legislation and national guidance
- Special reports
- Publication of documents such as minutes and governance reports
- Ad hoc reports
- Stakeholder engagement with a range of stakeholders, including the public, public bodies, third-sector and advocacy bodies and others with an interest in our work

**We report progress in
several ways**

Resources

Overview and sustainability

Inadequate, inflexible and unsustainable funding levels pose the biggest strategic and operational risk to the SPSO. This is exacerbated by the annularity of funding allocations and the unpredictability of complaint (and other work) volumes. Our ability to build capacity quickly is constrained by the time taken to train and develop new team members for the intellectually, technically and emotionally demanding functions we deliver.

We recognise that funding for all Scottish public services is stretched and that we have a responsibility to be held accountable for how we prioritise work to use our resources effectively, and to strive constantly for efficiency. Asking for more money is a last resort, but we also have a responsibility to deliver the statutory functions the Scottish Parliament has given us. To knowingly fail to seek adequate funding or to fail to set out what impact inadequate funding has would be irresponsible.

SPSO will seek funding from five sources:

1. **The annual consolidated budget from the Scottish Parliamentary Corporate Body (SPCB).** For the purposes of this strategic plan, the baseline budget is the 2020/2021 budget. It is the minimum required to deliver our statutory functions to the current levels. Only if volumes increase will additional funding be sought (subject to **Volumes scenarios**), and only then if increases cannot be absorbed through internal efficiencies. As currently, salary related costs, such as pay uplifts will continue to be met by the SPCB.

2. **Operational contingency funding.** SPSO does not hold contingency funding for one-off unplanned expenditure that cannot be absorbed through internal efficiencies or re-prioritisation of work. As currently, requests will be made to the SPCB's office holder contingency funding in line with agreed procedures and frameworks.
3. **Project funding.** Funding will be sought from the SPCB for one-off planned projects or initiatives. Requests will be based on demonstrating the added value of the work and the benefits to Scottish public services, and will not impose on-going increases to the SPSO's consolidated budget.
4. **New and changing functions.** If the SPSO is given additional functions, or external drivers change or expand existing functions, additional funding will be sought for:
 - *Development and set-up costs.* These will be one-off, unconsolidated funding required to scope, develop and implement the new functions.
 - *Consolidated funding,* included in the SPSO's baseline budget for ongoing delivery of expanded or new functions.

While it is expected the funding will be accessed via the SPCB, the SPSO will liaise with other stakeholders, such as the Scottish Government, for provision of funding. Consolidated funding for new functions will be subject to review as agreed with SPCB and other stakeholders to ensure it is at the appropriate level.



5. **Changes in volumes.** The SPSO's remit is both complex and wide-ranging. This combined with the unpredictability of complaints about public bodies, Scottish Welfare Fund review applications and whistleblowing complaints makes a single approach to volume related funding challenging.

In *broad terms* our approach considers the impact of changing volumes on each specific volume-based function, plus the impact on other functions such as supporting corporate services, engagement and communication, and standards related work (e.g. public sector complaints and whistleblowing performance monitoring, intervention to drive improvement, advice and support).

Reductions

If volumes in one functional area decrease, in the short-term (one to two years) resources will be redeployed to where they add the greatest value, or will be used to absorb increases in other volume-based functions. This will enable SPSO to retain vital experience, skills and competence; essential for roles that require significant investment to develop.

If volumes in one functional area demonstrate a sustained decrease, the SPSO will liaise directly with the SPCB about redeploying resources permanently, using funding for contingency or reducing the consolidated budget.

Increases

If volumes in one functional area increase (or fluctuate wildly), in the immediate short-term the SPSO will seek to absorb the increases through internal efficiencies and redeployment of resources from other functions. In the one to two year time frame the SPSO will seek unconsolidated funding to assist in managing the fluctuation.

If volumes in one functional area demonstrate a sustained increase, the SPSO will liaise directly with the SPCB to increase the baseline consolidated budget.

Scenarios

Scenarios to illustrate the impact of volume changes in relation to each of the volume-driven functions are set out in the remainder of this document.

Volumes scenarios

Complaints about public services

Context

Generating resourcing scenarios in respect of complaints is complex in that absolute numbers of complaints received year-on-year is too blunt a tool on which to estimate requirement. It does not reflect the complexity and therefore the amount of work a complaint actually takes. What this means is that complaint numbers may rise, but if they are less complex they require fewer resources; equally they may fall but require more resources. The scenarios set out below are predicated on the number of Complaints Reviewers (CRs, investigators) and the number of investigations we carry out. They are illustrative of *scale* of increase or decrease but are not intended to be absolute as they do not reflect other knock-on costs, e.g. administrative support and increases in information requests (the majority of SPSO information requests are in relation to complaints).

To understand the scenarios set out, it is important to have a basic understanding of the complaints process. In summary:

1. a complaint is assessed to determine whether it is within SPSO's jurisdiction (i.e. can we investigate).
2. even if a complaint is within jurisdiction we assess whether we *should* investigate. For example, if we can resolve a complaint without investigation we will. Also if SPSO cannot achieve anything more for the complainant than has already been achieved by the public body's handling of the complaint, we normally only investigate if there is public interest in doing so. We do not consider it fair to raise expectations that we can achieve more, if we can't.
3. if we decide that we both can and should investigate a complaint, we launch an investigation. This is a formal step under our legislation.

Investigations are important in terms of resource levels both as a proportion of the total number complaints we receive and particularly in relation to the complexity and level of work each complaint investigation (in terms of stage 3 above) requires.

As the table opposite shows, over the last three years the number of complaints received has risen. The level of investigative resource has remained constant over this period.

SPSO's investigative resource makes decisions about jurisdiction (stage 1 above), whether a complaint should be investigated (stage 2 above) and following an investigation

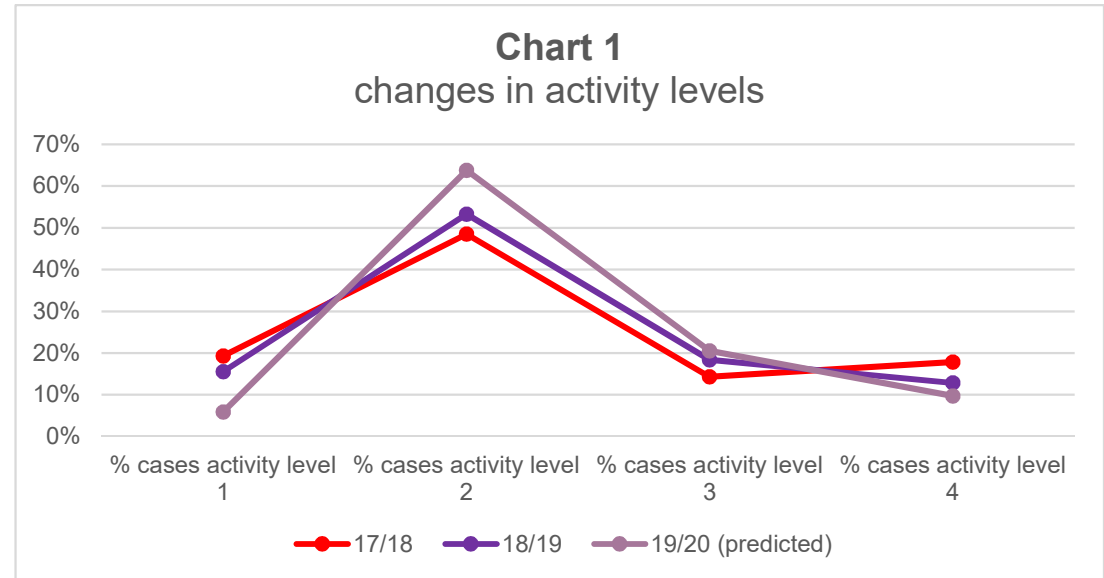
Total number of complaints received 2017/18, 2018/19 and predicted for 2019/20 (based on quarters 1 and 2 and previous years' patterns)			
	2017/18	2018/19	2019/20
No received	4,124	4,188	4,372
% change from previous year	-1%	2%	4%



(stage 3 above). Each year we investigate (at stage 3 as set out above) around 30% of the complaints we receive and that are within jurisdiction (approximately 15% of all complaints).

We monitor the level of activity each completed investigation takes on a scale of 1-4 and from this track whether the proportion of cases requiring more investigative action is increasing or decreasing; the more “activity” the greater the complexity. This impacts on capacity as each case requires more investigative resource at each level. Chart 1 illustrates that over the last three years, there has been a shift with more cases at increased levels of activity and so requiring more resource per case, particularly at levels 2 and 3. In 2017/18, 63% of investigations were at levels 2&3; by 2019/20 this had risen to 84% (based on predicted figures).

What all this means is that as numbers received rise or fall, so does the number of investigations. As resources have remained constant, any rise in complaints and in their complexity, is, effectively, a cut in investigative resource.



Throughout the period, efficiencies have been made that have offset some of the increase. However, there has also been an increase over the 2019-20 year in the length of time a complaint is held before being allocated to a Complaints Reviewer.

What this means in totality is that the SPSO is stretched to capacity in relation to complaints, so significant increases in the number of complaints either need to be met by increases in resources, or; will require more radical approaches to what the SPSO accepts for investigation, affect how long it takes to allocate new complaints, or investigations will take longer. It is paramount that whatever the approach, quality and thoroughness of decisions are not compromised.

Scenario 1- number received changed, complexity and proportion are constant

If complaints received change, but the complexity and proportion requiring investigation (at stage 3) remain constant, for each 10% rise or fall in complaint numbers, the amount of investigative resource rises or falls as shown below. This assumes an average number of complaints handled is in the range 170-185.

% increase		5	10	15	20
Complaints received (4,372 baseline)	4,372	4,591	4,809	5,028	5,246
Investigation resource (FTE)	25	25	27.5	29	30
Average annual caseload	175	184	175	173	175

% reduction		-5	-10	-15	-20
Complaints received (4,372 baseline)	4,372	4,153	3,935	3,716	3,498
Investigation resource (FTE)	25	24.5	22.5	21	20
Average determinations	175	170	175	177	175

Scenario 2 – number received increases and complexity and/or proportion increases

If complaints received change, but the complexity and/or proportion requiring investigation (at stage 3) increases, the amount of investigative resource also rises or falls as shown below. This assumes an average number of complaints handled is in the range 155-170

% increase		5	10	15	20
Complaints received (4,372 baseline)	4,372	4,591	4,809	5,028	5,246
Investigation resource (FTE)	27	27.5	29	31	33.5
Average annual caseload	162	167	166	162	157

% reduction		-5	-10	-15	-20
Complaints received (4,372 baseline)	4,372	4,153	3,935	3,716	3,498
Investigation resource (FTE)	27	25	24	23	21
Average determinations	162	166	164	162	167



Scottish Welfare Fund review applications

The Scottish Welfare Fund (SWF) independent review service has been a function of the SPSO since April 2016. The SWF provides crisis support to the most vulnerable people in situations of dire need in Scotland. It provides a short-term financial lifeline in a range of situations from delay in payment of Universal Credit, to moving into accommodation from being homeless. People's needs are immediate; in some situations it can be as basic as no payment, meaning no food on the table for entire families. It is vital that applications are processed quickly, accurately and fairly. This is not only in terms of the SPSO's actions, but also at every stage of the SWF application process.

The SWF review service resourcing was reviewed at the end of 2016/17, and again as part of the 2020/21 budget process. Each time, additional resources were made available as volumes rose significantly. From April 2020 the team will consist of a manager, a team assistant and five case reviewers; one more than previously.

The most significant figure for planning purposes is the number of cases determined as that represents the number of cases requiring detailed consideration and a decision.

Total work received by the SWF team	2016/17	2017/18	2018/19	2019/20 projected
Total number of contacts received	1,077	1,188	1,562	
Number of signposting enquires	310	424	762	
Cases closed pre-decision	330	158	149	
Crisis Grants and Community Care Grants determined	437	606	651	792
Average number of determinations per case reviewer	146	152	162	158

The aim would be to keep the number of determinations per case reviewer to between 150 and 165. As can be seen from the illustration below, an increase or reduction of 10% equates to an additional 0.5 of a case reviewer.

% increase		5	10	15	20
Determinations (baseline 792)	792	832	871	911	950
Complaints Reviewers (FTE)	5	5	5.5	6	6
Average determination cases	158	166	158	152	158

% reduction		-5	-10	-15	-20
Determinations	792	752	713	673	634
Complaints Reviewers (FTE)	5	5	4.5	4.5	4
Average determination cases	158	150	158	150	158

Whistleblowing complaints

This function is anticipated to come into effect from July 2020, although this will be reviewed in light of the COVID-19 pandemic impact on the NHS. Implementation started in 2019/20. Funding is phased; some funding is included in the SPSO's consolidated budget from 1 April 2020, with the additional allocation scheduled for Autumn 2020.

By the end of 2020/21 it is anticipated the INWO team will consist of one team manager, six INWO complaints reviewers (investigators) and a team support officer. The number of whistleblowing complaints reviewers is directly proportionate to the number of whistleblowing complaints. Current resources are based on the best estimate using the very limited data available both in terms of whistleblowing complaints received, and the capacity of individual complaints reviewers.

Agreed funding also includes the equivalent of two full-time officers for standards monitoring and first contact advice. They are not anticipated to be directly impacted by volumes of whistleblowing complaints.

Until demand for these functions is known through actual experience, they will be subject to review at the same time as investigation capacity.

As the function is new, resources in light of volumes will be under constant review by the SPSO, and more formally reviewed over the period of this strategy. This review will include SPSO, SPCB and the Scottish Government.

The following is illustrative of how funding requirements *might* change, in light of experience.

	2020/21	Beyond 2021 subject to review	Potential costs if complaints are double the anticipated levels, or complaints reviewers can handle over half the number of WB complaints	Potential costs if complaints are half the anticipated levels, or complaints reviewers can handle double the number of WB complaints
Staffing	£626,840	£679,472	£929,500	£328,000
Running costs	£76,990	£60,976	£97,500	£30,500
Total	£703,830	£740,448	£1,027,000	£358,500





Summary of strategic objectives

- 1.** We will develop and monitor the Model Complaints Handling Procedures and Model National Whistleblowing Standards, to ensure accessibility is integral to public bodies complaints handling.
- 2.** We will make our own services as accessible as they can be.
- 3.** We will push for legislative change to enable us to make our services and those of other Scottish public bodies accessible.
- 4.** We will continue to develop relationships with our stakeholders to both learn from and to contribute to fair, accessible Scottish public services.
- 5.** We will deliver our statutory functions in line with legislative requirements and our published customer services standards and performance targets.
- 6.** We will contribute to the development of the wider access to justice environment through engagement with relevant groups and stakeholders such as the UK Access to Justice Council, the Open Government Partnership, and other commissioners and ombudsman services.
- 7.** We will continue to push for adequate funding for our functions and seek to develop a more sustainable funding model, recognising the annual budget process but challenging, where appropriate, how it is applied.
- 8.** We will assess and mitigate the impact of the COVID-19 pandemic on our capacity and that of public bodies and other stakeholders to deliver an effective service which meets published standards.
- 9.** We will be acknowledged for having well-trained, properly supported people, who have the tools they need to deliver our services.
- 10.** We will build or maintain our capacity, financial, human and infrastructure, to implement and deliver our statutory functions.
- 11.** We will review and develop the support, guidance and training we offer to public bodies, complainants and whistleblowers to enable them to develop their own capacity, in particular the NHS in developing its capacity in respect of whistleblowing.
- 12.** We will monitor Scottish public bodies' complaint handling, Scottish Welfare Fund applications and whistleblowing handling, holding them to account for poor performance and giving credit for good performance.
- 13.** We will develop our capacity to gather and share information to enable us to make informed and beneficial interventions when complaint, whistleblowing and Scottish Welfare Fund services fall below accepted standards.
- 14.** We will review the Model Complaints Handling Procedures and National Whistleblowing Standards, to ensure they remain fit for purpose.
- 15.** We will contribute to the development and/ or review of other standards and guidance to ensure they deliver services to the standards required.

SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN



People Centred | Improvement Focused

If you require this document in another format (for example large print, audio or Braille), please contact us on 0800 377 7330 or www.spsso.org.uk/contact-us