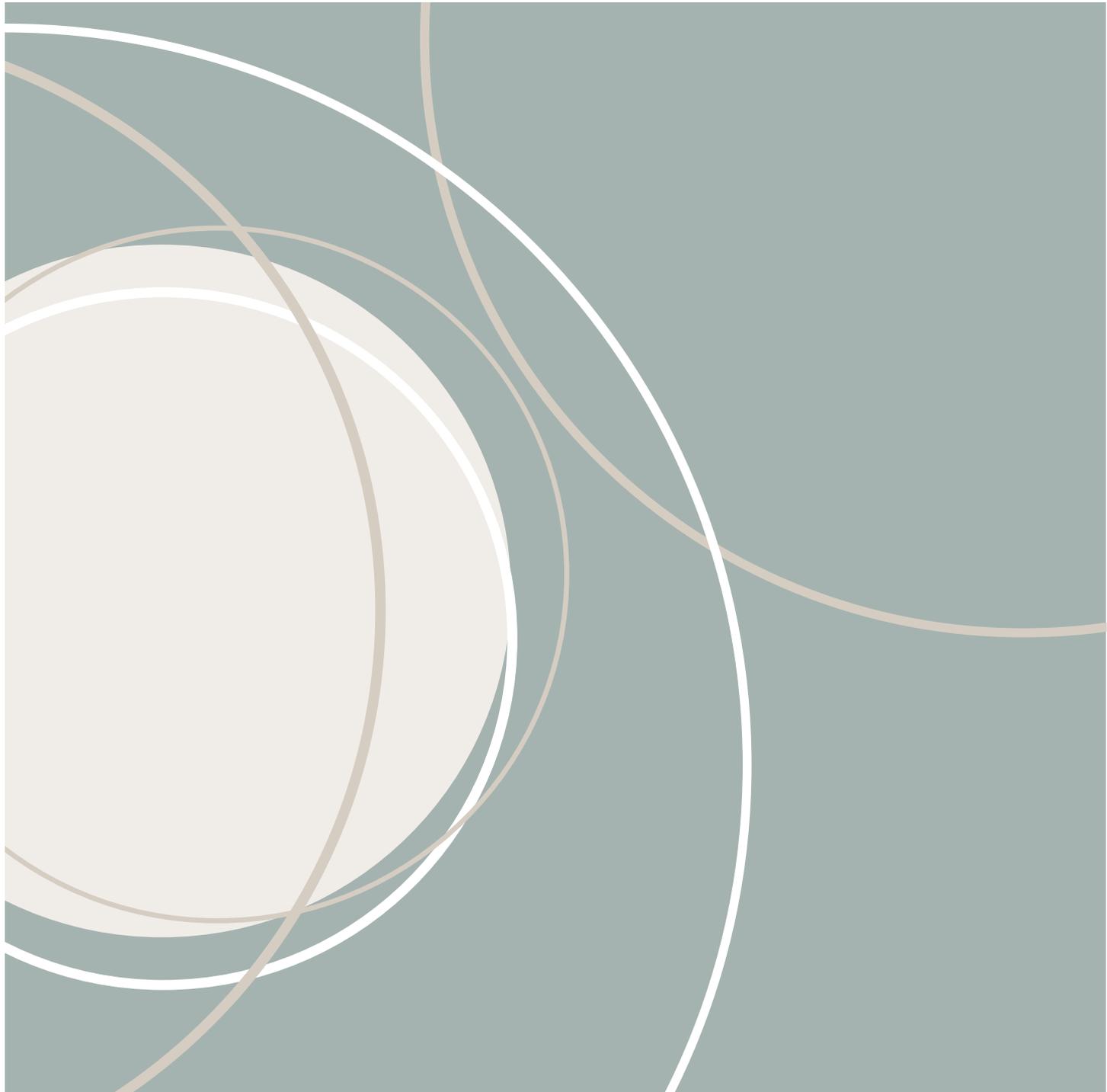


# Annual Report 2002/2003





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The Scottish Public Services Ombudsman provides an open, accountable and accessible public services complaints system.

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Our emphasis will be on the informal resolution of complaints wherever possible.

# We are open

## Annual Report 2002/2003 Ombudsman's Introduction

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I am delighted to introduce the first Annual Report from the new Scottish Public Services Ombudsman's office. In September 2002 I took up my position as the first Scottish Public Services Ombudsman along with my Deputies, Eric Drake, Carolyn Hirst and Lewis Shand Smith. Three weeks later, on 23 October, the Scottish Public Services Ombudsman Act 2002 came into effect with the aim of creating a one-stop-shop for complaints against public bodies in Scotland.

In the spirit of our founding legislation, the new office aims to raise public awareness of its existence, to improve access to the service for members of the public, to provide an informal resolution to complaints where appropriate, and to promote good administrative practices in public services. Our approach will be to work in partnership to help prevent complaints from arising and to improve complaint handling processes.

The focus of the first six months from October 2002 to March 2003 has been to merge the offices of the former Ombudsmen and to prepare the way to OPEN the new combined service. This has included identifying new premises, designing a new IT system, harmonising terms and conditions of members of staff and creating a new staffing structure based on a new complaints process. The theme of this first report, therefore, is **OPEN**.

The new office has replaced four previous Ombudsman services, which were provided by the three offices of the Scottish Parliamentary and Health Service Ombudsman, the Local Government Ombudsman for Scotland and the Housing Association Ombudsman for Scotland. Immediately prior to the setting up of the new service those offices were held by, respectively, Sir Michael Buckley, Mr Ian Smith and Mr Barney Crockett. I am pleased to pay tribute to the very positive role they played in preparing the ground for the new service and to all they and their predecessors have done to establish Ombudsman services in Scotland on a sound footing.

The focus of the first six months from October 2002 to March 2003 has been to merge the offices of the former Ombudsmen and to prepare the way to OPEN the new combined service.

I would also like to thank Audit Scotland, Communities Scotland and the office of the Parliamentary and Health Service Ombudsman in London who provided support services to the former Ombudsman offices and have continued to do so during the transition period. In addition, thanks are due to all our staff who have maintained an excellent complaints handling service during this period of change.

In making plans for the future we have borne in mind the context in which the new office has been set up and the four founding principles of the Scottish Parliament – Power-sharing, Accountability, Access and Participation, and Equal Opportunities. We have also considered the stated intention of the Scottish Executive to focus on the delivery of better public services and the emphasis on Community Planning and Best Value.

I believe that the creation of the new Scottish Public Services Ombudsman's office should be considered within this wider political framework, and that the development of a modern complaints system should be seen as integral to plans to improve public services in Scotland.

The key principles of our public complaints system, and on which the office is based, are:

**'to be open, accountable and accessible in providing the service**

**to be independent, free and fair in responding to complaints**

**to raise awareness of our service and promote good practice by Scottish public services.'**

In what follows we outline in more detail what we have done to put our principles into practice and set out our key objective for the year ahead. We have moved away from the former practice of reporting details of complaint cases in annual reports. Our plan is to look at other ways of providing this information, especially for bodies delivering public services, as an aid to learning from experience and improving future performance.



Professor Alice Brown

# Open for business

A 'one door' approach was considered increasingly relevant at a time when the delivery of public services was becoming more co-ordinated through joint partnership and Community Planning arrangements.

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We consider complaints of injustice as a result of bad administration or service failure.

## Why the new service?

After devolution the following Ombudsmen handled complaints about public services in Scotland:

<p><b>Scottish Parliamentary Commissioner for Administration</b> Complaints (via MSPs) about Scottish Executive and other devolved Agencies</p>	<p><b>Health Service Commissioner for Scotland</b> Complaints about NHS services in Scotland</p>	<p><b>Commissioner for Local Administration in Scotland</b> Complaints about Local Authorities</p>	<p><b>Housing Association Ombudsman for Scotland</b> Complaints about Registered Social Landlords</p>
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Although the strengths of these separate systems were widely recognised, there was a view that there might be some confusion for people in pursuing complaints through different offices. Further, with a new Parliament in Scotland it was considered appropriate to establish permanent arrangements specific to a devolved Scotland. Two consultation exercises were carried out – **Modernising the Complaints System** and **A Modern Complaints System** – to examine proposals for creating a ‘one-stop-shop’ that would provide a simpler and more accessible means for people to make complaints against public bodies. A ‘one door’ approach was considered increasingly relevant at a time when the delivery of public services was becoming more

co-ordinated through joint partnership and Community Planning arrangements.

The Scottish Public Services Ombudsman Act 2002 brought these proposals into effect in combining the offices of the former Ombudsmen. It also included provision for the new office to take over the Mental Welfare Commission’s function of investigating complaints relating to mental health, and to consider complaints against Scottish Enterprise and Highlands and Islands Enterprise.

Schedule 2 of the Act provides a full list of the authorities and bodies (referred to as ‘listed authorities’) who come under the jurisdiction of the Ombudsman service. The list can be amended by an Order in Council.

## What has setting up the new service involved?

In merging any organisation and planning for the future, it is important to build on the good practice and experience of the past. Staff of the former Ombudsmen all transferred to the new service and they have participated in working groups set up to progress different aspects of the merger. As noted in the Introduction, they have played a vital role in maintaining a high quality service during the period of transition when undetermined complaints were transferred to the service and new complaints have been received.

### **New identity, new logo**

We began by agreeing the key principles set out in the Introduction on which we will base our approach and working practices. Our new identity aims to reflect this statement. The three strands in our logo illustrate our aim of working with complainants and listed authorities to bring about the resolution of complaints and to improve the delivery of public services.

### **New complaints process**

Bringing together the former offices offered an opportunity to look afresh at the way in which the new office will deal with complaints and build on previous good practice. There are different potential steps in any complaints process and it is vital that these should be clear to users of the service and agencies providing advice for the public. The new process will also take into account the emphasis within the legislation to seek settlement of a complaint where appropriate.

We will introduce our new complaints process towards the end of 2003. We will then provide advice and guidance regarding the new process for listed authorities within our jurisdiction and other advisory and advocacy agencies. In addition, we will issue new leaflets and other information for complainants wishing to access our service.

A new IT system is being designed to deliver this complaints process. The office has also been restructured to reflect the emphasis we will place on providing assistance for members of the public who approach the office, re-directing them to other bodies if we are unable to help, and on resolving complaints. Staff with expertise in all our areas of responsibility will be grouped into different teams, each headed up by a Complaints Manager. Our 'Assessment' team will provide a front-line service for members of the public and others and will transfer any unresolved complaints to one of our 'Examination' teams for further examination and investigation.



**Staff have maintained an excellent complaints handling service during this period of change.**

### **Staffing**

The Ombudsman, Professor Alice Brown, was a Vice-Principal at the University of Edinburgh and Co-Director of the Institute of Governance. She has served on various public sector bodies and was Chair of the Community Planning Taskforce in Scotland. Three part-time Deputies support her in her work. Eric Drake was a Manager in the former offices of the Parliamentary and Health Service Ombudsman and worked on secondment in the office of the Ombudsman in Dublin; Carolyn Hirst was a Director in a Housing Association; and Lewis Shand Smith was a Council Convener and a former Vice-President of COSLA and served on the board of Scottish Homes.

Staff from the previous offices transferred to the new service on 23 October 2002. In the combined service they will have the opportunity to learn from colleagues who have worked with different aspects of public services' complaints systems and to consider ways in which they can deliver a more streamlined service to users. There will also be more opportunities for training and career development within the larger organisation.

In the coming year we will be recruiting new staff to help us respond to the broader powers and jurisdiction of the new office as well as the anticipated increase in enquiries from the public that will follow publicity about our service. As a combined office we will be responsible for our own support services previously provided by other bodies.





### **New office**

The former offices of the Ombudsmen are located in three different sites in Edinburgh. Identifying a base for the new office to bring staff together in the same working environment was obviously a priority. A leading firm of surveyors and property advisers conducted an independent review. Following consultation with staff, a survey of the geographical distribution of complaints received, and the evaluation of different location options, the decision was made to locate in the centre of Edinburgh, within ready access of public transport. However, we will be taking other steps to ensure our service is accessible to people across Scotland – **see Open to All.**

The new office will be in Melville Street, Edinburgh. It will be designed to offer access to all. There will be a waiting area for complainants and their families, and interview rooms for confidential consultation with Complaints Investigators. One of the challenges in the year ahead, therefore, is to move from our old offices to the new and to do so in a way that does not disrupt the service. It is only then that we can implement fully our new staffing structure and complaints process.



Our new office in Melville Street will be designed to offer access to all.

# Open to change

With the introduction of new legislation in a new political environment and the creation of new structures and processes within the office, our focus has been on responding positively to change.

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The knowledge, experience and good practice of the past will be transferred to the new service.

Not all aspects of our work have changed and it has been important that the knowledge, experience and good practice of the past are valued and transferred to the new service.

For most people approaching the office with a complaint, their main concern is to ask: 'what can you do to help me?' Many complainants also have very high expectations about what our service can provide and may be frustrated if we cannot meet them. An important part of our work, therefore, will be to clarify what we can and what we cannot do when complaints reach us. If we are unable to help, we aim to give advice on the appropriate body or organisation that possibly can.

The listed authority complained about will want to know what has changed in the transfer from the old to our new complaints system. We will issue guidance on this and, where appropriate, on interpretation of aspects of the 2002 Act. In addition, we will provide a digest of complaint cases relevant to the appropriate sectors, as one way of providing feedback and advice on complaints handling.

### **Similarities and differences from the past**

There are both similarities and differences in what we can now do to help those bringing complaints to us.

### **Differences**

- It is possible for people to bring their complaints direct to our office in person and without the need to involve their MSP or other elected representative – in some cases they previously could not do so. Further, it is now possible for complaints to be made on-line.
- In addition to looking at administrative failure on the part of a public body or service, the 2002 Act now enables us to examine complaints about 'any failure in a service provided by the authority' or 'any failure of the authority to provide a service, which it was the function of the authority to provide.' Formerly, the service failure aspect only applied to complaints against the health service.

- The emphasis on the work of the new office is more on the informal resolution of a complaint without the need to proceed to a formal investigation. Nonetheless, there will be occasions when it will be necessary to conduct a formal investigation.
- The Housing Association Ombudsman service previously had terms of reference set by Scottish Homes. Under the new legislation, registered social landlords now have a statutory duty to comply with the terms of the 2002 Act.
- The new office has taken over the Mental Welfare Commission's function of investigating complaints relating to mental health; and complaints against Scottish Enterprise and Highlands and Islands Enterprise that were previously handed by External Complaints Adjudicators.

- The Ombudsman's role is not widely understood amongst the general public and the new office will aim to do more to increase public awareness, knowledge and understanding and ensure that the service is accessible to all sections of the community. Outreach work will, therefore, have a much higher profile in the future.
- All listed authorities within our jurisdiction are required to publish information for people about the right to make a complaint, the time limit for doing so, and how to contact the Ombudsman. We will work with listed authorities in promoting good administrative practice to avoid problems arising in the first place or to act quickly and fairly when things do go wrong.
- Any listed authority within our jurisdiction can now request that the Ombudsman investigate a matter.
- At the end of a formal investigation of a complaint the Ombudsman sends a copy of her report to the Scottish Parliament. The Ombudsman has the power to lay a Special Report before the Parliament if a listed authority does not act on

her recommendations to resolve the complaint. Other matters of concern to the Ombudsman that come to light during her investigations can also be the subject of a Special Report to the Parliament.

### **Similarities**

There are many similarities between the old and the new systems. Also different examples of good practice in the former offices will be transferred to the new.

- A key role for the Ombudsman's service is to examine complaints of maladministration on the part of a public body or public service. Maladministration includes failure to respond, delay, inconsistency, and poor communication. We intend to provide further guidance on this for complainants, listed authorities and others.
- It is not within the power of the Ombudsman to over-turn or challenge a decision that a listed authority has made properly and in line with its agreed procedures.

- Before bringing complaints to the Ombudsman, we normally expect the complainant to have gone through the complaints procedures of the listed authority complained about. If they are still dissatisfied with the way in which their complaint has been handled then it is appropriate for the Ombudsman to become involved at that stage.
- The Ombudsman has a wide range of powers to require information to be supplied or documents to be produced which are relevant to an investigation. Information provided to the Ombudsman about a complaint is confidential except in certain limited circumstances.

### What we can do

To summarise what we can do, we can consider complaints where a person has experienced injustice as a result of:

- Poor service
- Failure to provide a service
- Administrative failure

Public bodies and others providing public services are covered by our jurisdiction. These include the NHS, local government, housing associations, the Scottish Executive, and the Enterprise network.

### What we cannot do

There are limits to our remit and we cannot generally look into:

- Properly made decisions that a public body or someone providing public services has a right to make even if a member of the public does not agree with the decision;
- Complaints which could be taken to court or an independent tribunal;
- Personnel issues such as appointments of staff, pay or discipline;

- Most commercial or contractual matters;
- Services in a non-NHS hospital or nursing home, unless they are paid for by the NHS;
- Complaints about UK Government Departments, such as the Inland Revenue and Department for Work and Pensions. Those are for the UK Parliamentary Ombudsman;
- Complaints made more than 12 months after the day on which the person aggrieved first became aware of the matter (unless there are exceptional circumstances).



# Open to all

A modern complaints service must be open to all members of the community.

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Raising public awareness of our service will form a central part of the new office's Outreach Strategy.

A modern complaints service must be open to all members of the community. To this end the new office of the Ombudsman is developing different ideas to ensure that its service is widely accessible. The evidence available shows that there is low general awareness of the service offered by the Ombudsman and even where such knowledge exists the willingness of some sectors of society to use the service is lower still.

We have listened to what people have to say about our service and this has informed our plans for the future. For example, in a survey carried out on behalf of the Scottish Consumer Council in 2001, 42% of those surveyed in Scotland had heard of the Ombudsman service and just 8% said they would consider using the service as a way of making a complaint.

This compared with 93% who had heard of the Citizens' Advice Bureau and 62% who would consider using their service. An analysis carried out by one of our Investigators of the responses to the Scottish Executive consultations on the establishment of the new service also provided ideas on how we can develop and improve our service.

One of our key aims is to improve understanding and awareness of the role of our office and to reduce the barriers that may stand in the way of widening access.



### **Ideas for raising public awareness**

There are a variety of ways – and no single method – of raising public awareness. We will build on the experience gained by our staff, who have expertise in this area. Some of the approaches we are considering include:

- Roadshows in different parts of Scotland where people can meet members of our staff
- Collaboration with other stakeholders, including holding surgeries in Citizens' Advice Bureaux across Scotland
- Posters and leaflets displayed in public places
- Speaking engagements in a wide range of communities and organisations
- Training events for staff in listed authorities within our jurisdiction
- Seminars for politicians and their assistants, and for advocacy agencies

- Features in the media and placing of articles in journals for practitioners in different areas of the public sector and services
- Presentations in schools, colleges and universities

### **Identifying key audiences**

We recognise that some sections of the community may face greater barriers than others in accessing our service. The reasons for this will vary. For example, to overcome language barriers, the information that we provide will be available in different languages. To help those with hearing or sight impairment we will also offer material designed to suit particular needs.

There will be specific audiences we will want to reach because they are currently under-represented in the complaints we receive. These might include people from ethnic minority backgrounds, asylum seekers or travellers who may encounter added difficulties in accessing our service.

It is also important to us to raise awareness amongst young people in Scotland and we will develop ways of providing relevant information explaining

what the Ombudsman can do to help when things go wrong in the delivery of public services.

### **Outreach Strategy**

Raising public awareness and reaching particular audiences will form a central part of the new office's Outreach Strategy. We also believe that it is vital that we raise awareness amongst other organisations and agencies that give advice to the general public as well as providing guidance for the listed authorities that we can investigate.

We have started this process by holding meetings with organisations such as Citizens' Advice Scotland, the Scottish Consumer Council and the Commission for Racial Equality.

We have conducted a questionnaire survey of authorities under our jurisdiction asking them to provide further information about their complaints handling process. Feedback from this exercise will help our staff provide better information for those contacting our office with enquiries about how to progress complaints. The survey returns will also form a basis for feedback to the listed authorities and help improve the dialogue about ways to share good practice between and across different services. Our emphasis will be on education and prevention and helping to create a culture in which, when things do go wrong and complaints arise, they are dealt with openly and effectively.



# Open to new ways of working

Just as we are keen to learn from the experience of others, we have found that we have valuable experiences to share with others.

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In setting up any new organisation, it is important to learn not only from the past but also from others in different parts of the UK and beyond. We believe that we should work with others in related fields to reduce the confusion that might exist regarding the distinctive roles of different bodies.

## **Learning from others**

The Ombudsman and her Deputies visited the offices of the Ombudsmen in Northern Ireland and the Republic of Ireland to learn from their extensive experience of handling complaints and in raising public awareness. A visit to the Financial Services Ombudsman in London was also invaluable in learning how he and his colleagues had planned and implemented a merger of previous complaint-handling schemes into a single organisation.

We are enhancing our links with our counterparts in England, Wales, Northern Ireland and Ireland through joint meetings of public sector Ombudsmen, and are considering ways in which our staff can benefit through joint training and other activities.

Another way of sharing experiences and practice is through participation in the British and Irish Ombudsman Association. The Ombudsman and her Deputies attended the Association's conference in Warwick and Professor Alice Brown gave a presentation explaining the work that had been done to create a one-stop-shop service in Scotland. The developments in Scotland are particularly interesting for colleagues in Wales who have been going through a consultation process on establishing a similar arrangement.

Just as we are keen to learn from the experience of others, we have found that we have valuable experiences to share with others. For example, we were visited soon after we were established by Nina Karpachova, the Ukrainian Ombudsman who had much to tell us about her experience in setting up a new office.

## **Working with others**

There are many agencies that provide advice or help to develop policy in relation to citizens' rights. By working with them, we will provide a service that is more sensitive and responsive to the different needs of the community. We will build on the meetings we have already held with some organisations and make contact with others over the next year.

Although people can make a complaint direct to our office without involving their MSP or other elected representative, some still prefer to ask for their help. We can play a role here in helping to inform elected representatives and their staff about the role of our office. We will use other ways of providing such information for parliamentarians and councillors in the future.

### Sharing experiences

Just as there are a variety of bodies that give advice to the public, many other organisations exist to handle complaints relating to public services. Scotland has an Auditor General, an Information Commissioner, a Parliamentary Standards Commissioner, a Standards Commission, and a Legal Services Ombudsman. There are also plans to create new offices such as the Children's Commissioner and the Public Appointments Commissioner.

We have begun meeting with all of these Commissioners to find ways of improving awareness of our respective roles and identifying when we can work together to settle complaints under our jurisdictions. Working in partnership should reduce the time and frustration felt by people who have to approach different offices.



**Robert Black** // Auditor General  
**Alice Brown** // Ombudsman  
**Hugh Begg** // former Convener of the Standards Commission



To meet these aims we will be working together to produce a Guide setting out our individual roles which will be available in different formats and on our respective websites. We are also entering into agreements to allow us to work together where appropriate.

# Open to scrutiny

Our founding legislation requires us to present an annual report to the Scottish Parliament.

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The office of the Scottish Public Services Ombudsman has a key role in scrutinising the work of public bodies and the delivery of public services. It is crucial that, as an office, we too are subject to scrutiny and find ways of improving the service we offer. That is why we have developed policies clarifying the service that a complainant can expect from us and providing an opportunity for them to complain about us when they do not think that we have handled their complaint properly.

We will issue a Service Standards document explaining what people can expect when they contact us by phone, letter, fax or e-mail, or in person, and setting out how we deal with enquiries and complaints. We have also prepared an information sheet on Making a Complaint About Our Office which we send to people who express dissatisfaction with a decision we have made or the way that we have dealt with them. This explains that someone who has not previously been involved with the matter will review any concerns thoroughly and impartially.

## Reporting to Parliament

Our founding legislation requires us to present an annual report to the Scottish Parliament. This allows us to report on the main theme and focus of our work over the year but also to provide information on the type of complaints we have received.

We have concentrated in this report on explaining what we have done as an office since we were established in October 2002. In future reports we will comment more directly on key trends and developments in relation to complaints, making recommendations where appropriate.





It is crucial that we are open to scrutiny and find ways of improving the service we offer.

# Overview of sector statistics for the year ending 31 March 2003

Although we have operated as the combined service of the Scottish Public Services Ombudsman since 23 October 2002, it has been necessary in this report to show complaints statistics under the heading of the separate former offices, accompanied by a brief analysis of each sector. Our system for collecting and analysing complaint data will be fully operational after our move to our new single-site office.

## Local Authorities

The number of new complaints received for the full year was 933. This was down 7 (0.7%) on the 940 received in 2001/2. The period 1 April 2002 – 22 October 2002 saw 532 new complaints; and in the period from 23 October there were 401 new complaints. Complaints after the SPSO formation were therefore proportionately fewer. The highest monthly number of complaints were in July 2002 (93) and March 2003 (92); the lowest in December 2002 (57).

Enquiries at 1293 were up considerably (20.8%) compared to 2001/2 (1070). The last three months saw 387 new enquiries and February 2003 (142) was a record.

### Subjects

Housing (269) remained the main subject category, followed by Planning (184) and Finance (114). Housing complaints however showed a decline (302 to 269) while Planning (180 to 184) and Finance complaints (98 to 114) were up on the previous year. Housing complaints were at their lowest since direct access was introduced in May 1988.

### Authorities

The two largest cities had the highest number of complaints, with Glasgow edging Edinburgh for the whole year. The reverse is the case with complaints since 23 October 2002.

### Determinations

The number of determinations in the year was 905; the same as last year. There was an increase in cases (220 to 248) in hand in screening at the year end. Of the cases determined, some 56.0% were not accepted for investigation on the basis of information provided by the complainant. Of the total of 905, 177 complaints (19.6%) were resolved by an offer of settlement, just under a third

of which (54) were settlements without enquiry of the authority. Last year's final outturn for settlements was 179.

### Investigations

Twenty cases were accepted for formal investigation in the year to 31 March 2003. This however included a multiple of thirteen complaints made against West Lothian Council.

Prior to 22 October 2002, the outgoing Commissioner issued six reports including three findings of maladministration with injustice. Two investigations including the West Lothian multiple resulted in a no maladministration finding. One investigation was discontinued.

Three investigations were brought forward to the new SPSO office. Two of these were 'discontinued with a statement of reasons'. One is yet to be reported on. To 31 March 2003, two other cases were accepted for investigation. One was an inherited screening. The other, the first case to be made to and accepted for investigation by the SPSO, was also discontinued with a statement of reasons. At the year end, there were two investigations still underway. Mean investigation time reduced from 5 months 12 days to 4 months 14 days (4 months 29 days if multiple counted singly).

## Complaints by Local Authority from 1 April 2002 to 31 March 2003

Authority	Brought Forward at 1/4/02	Received 1/4/02-22/10/02	Received 23/10/02-31/03/03	Not Accepted for Investigation			Offers of Settlement	Investigated	Open at 31 March 2003
				Total	Without Enquiries	After Enquiry			
Aberdeen City Council	4	15	8	27	17	2	3	0	5
Aberdeenshire Council	5	12	11	28	14	5	3	0	6
Angus Council	3	8	3	14	10	2	0	0	2
Argyll and Bute Council	8	19	20	47	16	15	4	1	11
Clackmannanshire Council	1	7	1	9	6	0	3	0	0
Dumfries and Galloway Council	10	24	13	47	24	10	5	0	8
Dundee City Council	4	6	4	14	10	0	4	0	0
East Ayrshire Council	8	10	13	31	14	3	5	1	8
East Dunbartonshire Council	2	15	11	28	10	6	3	0	9
East Lothian Council	6	9	12	27	12	5	4	0	6
East Renfrewshire Council	2	13	5	20	10	5	1	0	4
Falkirk Council	4	19	15	38	18	7	2	1	10
Fife Council	6	35	15	56	22	9	14	0	11
Glasgow City Council	16	50	38	104	45	14	21	1	23
Inverclyde Council	2	20	6	28	5	12	6	0	5
Midlothian Council	4	9	5	18	9	3	5	0	1
North Ayrshire Council	15	10	8	33	12	8	10	0	3
North Lanarkshire Council	14	35	18	67	26	18	10	0	13
Orkney Islands Council	3	0	3	6	4	1	0	0	1
Perth and Kinross Council	10	30	22	62	33	5	6	1	17
Renfrewshire Council	10	35	22	67	26	14	15	0	12
Scottish Borders Council	5	9	9	23	13	2	4	0	4
Shetland Islands Council	2	2	0	4	1	2	1	0	0
South Ayrshire Council	1	14	14	29	7	1	4	0	17
South Lanarkshire Council	8	18	15	41	19	10	2	0	10
Stirling Council	9	9	10	28	8	6	6	0	8
The City of Edinburgh Council	20	34	50	104	38	17	17	2	30
The Highland Council	12	22	15	49	28	7	4	0	10
The Moray Council	1	7	4	12	6	3	2	0	1
West Dunbartonshire Council	4	3	8	15	6	2	2	0	5
West Lothian Council	20	14	11	45	8	6	11	13	7
Western Isles Council	0	1	1	2	0	1	0	0	1
Licensing Boards	1	3	1	5	5	0	0	0	0
Police Boards and Joint Boards	0	1	0	1	1	0	0	0	0
Valuation Boards and Joint Boards	0	1	0	1	1	0	0	0	0
Bodies outwith Jurisdiction	0	13	10	23	23	0	0	0	0
<b>Total</b>	<b>220</b>	<b>532</b>	<b>401</b>	<b>1153</b>	<b>507</b>	<b>201</b>	<b>177</b>	<b>20</b>	<b>248</b>

## Analysis of Complaints by Subject for year ending 31 March 2003

Subject	Brought Forward at 1/4/02	CLAS 1/4/02-22/10/02	SPSO 23/10/02-31/03/03	Not Accepted for Investigation			Offers of Settlement	Decisions to Investigate	Open
				Total	Without Enquiries	After Enquiry			
Building Control	3	6	10	19	9	4	2	0	4
Consumer Protection	1	1	2	4	2	1	0	0	1
Economic Development	0	0	0	0	0	0	0	0	0
Education	14	21	8	43	30	5	1	0	7
Env Health and Cleansing	8	16	8	32	7	12	6	1	6
Finance	20	65	49	134	61	16	30	0	27
Housing	86	156	113	355	115	59	83	17	81
Land and Property	15	37	25	77	35	14	13	0	15
Legal and Admin	13	37	35	85	42	11	13	0	19
Personnel	0	11	11	22	21	0	0	0	1
Planning	42	107	77	226	92	59	10	2	63
Recreation and Leisure	0	5	3	8	3	2	1	0	2
Roads	7	28	21	56	25	10	11	0	10
Social Work	11	29	29	69	42	8	7	0	12
Other	0	13	10	23	23	0	0	0	0
<b>Total</b>	<b>220</b>	<b>532</b>	<b>401</b>	<b>1153</b>	<b>507</b>	<b>201</b>	<b>177</b>	<b>20</b>	<b>248</b>

# Health

We received 262 written complaints about health issues this year, a 16 % increase on the 225 received in 2001/02. This is a sharper increase in caseload than the Health Service Ombudsman for Scotland had experienced for a number of years. The diagram below summarises how cases were dealt with during the year.



It may be helpful to provide more information about the 236 cases shown as having been concluded without formal investigation.

81 of these were complaints which had either not been raised with the NHS body concerned or had not been pursued through all stages of the NHS complaints procedure. In such cases we normally advise the complainant to make use of the NHS complaints procedure and to approach us again if that does not resolve their concerns.

In 94 cases, having considered the complaint and, where necessary, obtained and reviewed background papers and sought clinical advice, we decided there were not grounds for the Ombudsman to intervene. In each case of that sort we explain to the complainant why we have reached that view. In doing so we are often able to give a fuller explanation than the complainant has so far received and that in itself can serve to allay their concerns.

A further 35 cases were enquiries that we were able to answer, rather than complaints we were asked to investigate. 19 were complaints about matters not falling within the Ombudsman's jurisdiction.

In three cases we decided there were not grounds for formal intervention by the Ombudsman but we wrote to the NHS body concerned drawing attention to issues which our examination of the case suggested they needed to address. In three other cases the NHS body concerned agreed to take further action in relation to a complaint.

The remaining cases were not proceeded with for a variety of reasons. For example, in eight cases we asked complainants for further information which we needed to consider their complaint but received no response.

# Scottish Executive and other devolved bodies

We received 66 complaints about this sector, just one less than in 2001/02. The diagram below summarises how cases were dealt with during the year.

## Written complaints received: Scottish Executive and other devolved bodies



## Complaints divided between authorities from 1 April 2002 to 31 March 2003

Criminal Injuries Compensation Authority	1
Crofters Commission	3
Forestry Commission	2
Highlands & Islands Enterprise (& Enterprise bodies)	2
Registers of Scotland	1
Scottish Commission for the Regulation of Care	1
Scottish Courts Administration	1
Scottish Enterprise (& Enterprise bodies)	2
Scottish Executive	6
Scottish Executive Development Department	7
Scottish Executive Environment & Rural Affairs Department	4
Scottish Executive Health Department	1
Scottish Executive Justice Department	4
Scottish Executive Enterprise & Life Long Learning Department	1
Scottish Higher Education Funding Council	1
Scottish Legal Aid Board	16
Scottish Natural Heritage	1
Scottish Prisons Complaint Commissioner	1
Scottish Qualifications Authority	1
Others (bodies out of jurisdiction)	10

**Total** **66**

# Housing Associations

We received 93 written complaints this year relating to the Registered Social Landlord sector. This is 11 less than last year's total of 104 eligible complaints and 16 less than the 109 eligible complaints the Housing Association Ombudsman for Scotland's office received in its first year of operation nine years ago.

These figures reinforce the continuing trend of a decline in the number of complaints received in the face of rising numbers of tenants and customers coming within the remit of housing association schemes.

This year's 93 written complaints, combined with 7 carried forward from the previous year, make a total of 100 written complaints dealt with in the year. Of these, 13 were not

eligible to be pursued, either because the body or matter complained about was outwith our authority, or because the complaint was the subject of court action or happened too long ago; 33 were settled; 31 were not upheld because we saw no evidence of maladministration. 11 were not sustained by the complainant and seven came to us prematurely and were referred back to the Association's complaints procedure. Five were still being considered at the year end.

Complaints disposed of at Stage 1 – 'Screening Stage'				
	2002/2003	% of total	2001/2002	% of total
Settled	30	43	26	32
No evidence of maladministration	8	12	16	19
Outwith Terms of Reference	7	10	13	16
Procedurally ineligible (e.g. subject of court action)	6	9	3	4
Not sustained by complainant	11	16	7	8
Withdrawn by complainant	–	–	3	4
Referred back to Association's complaints procedure	7	10	14	17
<b>Total</b>	<b>69 (Still being considered 4)</b>		<b>82</b>	
Complaints disposed of at Stage 2 – after detailed, written enquiry				
	2002/2003	% of total	2001/2002	% of total
Informally settled	–	–	2	5
Settled after preliminary view – evidence of maladministration and injustice	3	12	5	11
No evidence of maladministration	23	88	31	70
Procedurally ineligible	–	–	6	14
<b>Total</b>	<b>26 (Still being considered 1)</b>		<b>44</b>	
Analysis of new complaints by main subject				
	2002/2003		2001/2002	
Repairs	28		26	
Neighbour problems	19		10	
Applications/allocations/transfers	11		30	
Calculation of rent and/or service charges	7		8	
Right to Buy	5		4	
Fences, hedges, shared gardens	–		5	
Conduct of Committee members/Committee membership	–		3	
Improvement/alterations	5		9	
Factoring	5		–	
Sheltered accommodation	4		–	
Shared ownership	2		2	
Other (including rat infestations and use of CCTV)	7		7	
<b>Total</b>	<b>93</b>		<b>104</b>	

# Open to the future

In the year ahead – 2003-2004 – we will have completed the move to our new premises. Our new complaints process and IT system will also be up and running.

## **Key objective for the coming year**

In our first six months we have concentrated on ensuring that our own internal processes and structures are in place before shifting our focus to our Outreach Strategy and external work. The key objective for the year 2003-2004 will be to make our service more **ACCESSIBLE** to people across Scotland.

## **We will be located at:**

4 Melville Street  
Edinburgh  
EH3 7NS

## **Our other contact details will remain the same:**

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F 0870 011 5379  
E [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)  
W [www.scottishombudsman.org.uk](http://www.scottishombudsman.org.uk)

Our annual report is available online and can be made available in other formats and languages on request.

We would welcome any comments you may have about our first annual report. You can reach us by email or by writing to the address above.

