

SPSO NEWS

January 2016

Monthly news from the Scottish Public Services Ombudsman

This month we are laying 80 decisions about all of the sectors under our remit before the Scottish Parliament. There are no full public reports this month. The decisions can be read on our website at www.spsso.org.uk/our-findings.

Case numbers

Last month (December), we received 324 complaints. We determined 318 complaints and of these we:

- gave advice on 168 complaints
- considered 86 complaints at our early resolution stage
- decided 64 complaints at our investigation stage

We made a total of 102 recommendations.

Ombudsman Overview

Range of subjects and outcomes

This is an unusual month in that we are not laying any full public interest reports. These are usually about the NHS (about which we are nevertheless laying 51 decision reports today). This provides a welcome opportunity to highlight some of the other areas we deal with, where, while the cases may not be as potentially life-changing as in the health sector, the issues raised are of significance to the person concerned and our findings may have repercussions for others. I list below some of the issues and recommendations made in this month's decisions, to give a flavour of the kind of non-NHS related matters we look at and the outcomes we achieve. Sometimes that outcome is a reinforcement of the finding the authority made when it considered the issue, and where it has taken commendable action in light of the original complaint, we highlight this good practice routinely on our website under the 'Action taken by body to remedy' heading in www.spsso.org.uk/our-findings.

Higher Education: Case [201405612](#) is about how a student's allegation of bullying by a lecturer was investigated. We upheld some aspects of the complaint, and did not uphold others. In addition to recommendations for the individuals involved, we asked the university to consider introducing a specific harassment and bullying policy and procedure for students. This recommendation aims to improve how any future allegations are investigated. In another complaint (case [201501395](#)), we found that a university had made reasonable adjustments for a student's disability and given her a number of chances to change her behaviour. As they had followed their guidance and processes, we did not uphold the complaint.

Housing: in case [201404784](#), we found that a housing association acted reasonably in response to advice given to them by the occupational health service and made the adaptations they could. In another case ([201405808](#)), we found that the association acted promptly to secure a tenant's windows when she was in hospital for a few months. They had documented the action taken and were able to prove the sequence of events. However, in another case ([201502775](#)), we asked an association to write off the debt they were pursuing with a tenant because there was no evidence that a kitchen repair was the tenant's responsibility.

Local authority: planning is one of the top subjects of complaint about local authorities and this month, as is common, we did not uphold most of the planning issues brought to us. We found that councils, as planning authorities, had followed the relevant procedures in reaching their decisions in a reasoned and justifiable way (eg case [201502273](#)). In a planning-related case where we found fault (case [201405112](#)), we asked the council to consider a discontinuation or alteration order and report back to us on action taken. We also upheld and made recommendations on a noise nuisance complaint from a woman whose home was next to an outdoor sports facility within a school campus (case [201405142](#)). She could hear shouting and swearing from her house and garden, as well as balls hitting fencing. We had looked at this complaint before, and the measures the council had taken had not worked. We found further failings this time in how they had tried to manage the noise and made five recommendations to redress and improve the situation. In another noise-related complaint (case [201406394](#)), we found that a council had correctly followed their procedures in switching off church bells and in case [201405047](#), we similarly found a council had taken reasonable action in relation to a complaint about

flooding. In these last two cases, while we understood that the complainants were unhappy with the councils and we acknowledged this, our role is to look at whether the way the decisions were taken was reasonable. As we found that they were, we did not uphold the complaints.

Scottish Government: most complaints in this sector are about the Scottish Prison Service (SPS). This month includes a common complaint we see about prisoner's progression to less secure conditions (case [201503020](#)). We did not uphold it because we found that the SPS had applied the relevant assessment and risk policies and procedures. Another case ([201501192](#)) was about a prisoner's transfer to a prison elsewhere in the UK. Here we found failings and recommended that the SPS provide us with reassurance that there is a reliable system in place for logging and tracking cross-border transfer applications. This is another example of a recommendation that has implications beyond the individual circumstances of the complaint investigated.

Water: these complaints were about a range of issues including charging methods, reinstating of supply, billing and allowances. This month we found that the licensed provider had acted reasonably in each case and did not uphold any complaints.

[These complaints can be viewed on the SPSO website.](#)

Scottish Welfare Fund

We have recruited five new members of staff (a manager, three case reviewers and a team assistant) who will form our SWF review team. We are continuing to work closely with the Scottish Government and our two SWF sounding boards (made up of local authority and third sector representatives respectively) to ensure that we are on track to deliver the review service from 1 April. As well as developing the new guidance and process, we are expanding our website to include the new role and developing a suite of communications materials. We will continue to provide regular updates to stakeholders on our progress on the fund over the coming months. On February 2, we will give evidence about our role to Parliament's Welfare Committee which is looking at the regulations on the fund.

We are currently analysing the 24 responses we received in response to our consultation on how we intend to implement our new role. We will publish the analysis and responses by the end of this month.

If you have any questions meanwhile, please contact Paul Smith, SWF project lead, at paul.smith@spsso.gsi.gov.uk or 0131 240 2969.

SPSO Draft Strategic Plan Consultation

We received 18 responses to this consultation, mostly from public authorities. We are currently analysing the responses and will publish our analysis along with the responses in due course.

Complaints Standards Authority (CSA)

NHS

Our work to develop a revised NHS model complaints handling procedure (CHP) continues. We have worked closely with the Scottish Government and key NHS partners to form a project steering group which provides overall programme governance for the project. Three distinct sub groups are leading on the development of the revised procedure, an approved approach to data recording and reporting and preparing learning and training materials to support the implementation of the CHP. Each of these groups will present an update on their progress to the next meeting of the steering group in January 2016.

Our intention remains for the NHS model CHP to be published during 2016 with implementation by NHS Scotland being introduced from April 2017.

Integration of health and social care

The Scottish Government is currently working to develop guidance on complaints for Health and Social Care Partnerships to help ensure an integrated approach to handling complaints and Annual Performance Reporting. This will largely follow the SPSO model CHP, although including reference to the existing statutory social work and NHS complaints arrangements. The Scottish Government aim is for this guidance to be published in spring 2016.

A draft Scottish Public Services Ombudsman Act Amendment Order 2016 is currently before the Scottish Parliament for approval. This will add integrated joint boards to the list of organisations under SPSO's jurisdiction.

Local government

The next meeting of the network will be held in January 2016, when topics for consideration will include performance management and reporting and learning from

complaints. The network is currently also looking at issues such as how to ensure the welfare of the staff involved in complaints handling, developing a common set of complaints categories and the process and timescales for updating the performance indicators for complaints handling. These issues, and more will be discussed at the network. We encourage all local authority complaints handling colleagues to join this network, either by attending the meeting or participating via the well-established knowledge forum.

Further education

The next Complaints Handling Advisory Group Meeting will take place on 5 February, at College Development Network Stirling. The Advisory Group provides a forum to identify and share good practice, and look at ways in which learning from complaints can be used to improve the services that colleges deliver. The meeting will also consider its approach to hosting an event in April or May to give colleges the opportunity to benchmark their complaints performance.

Housing

The next meeting of the Housing Complaints Handlers Network will be rescheduled as it has not been possible to arrange a meeting in January. The network is committed to benchmarking the performance of its members and working to standardise complaints categories across the sector. Further information on the role of the network, including details of how you may join, can be obtained from anne.fitzsimons@tollcross-ha.org.uk.

For all previous updates, and for more information about CHPs, visit our dedicated website www.valuingcomplaints.org.uk.

Training Events

From September - December 2015, we delivered a total of nine courses to public authorities: five councils, one college, one housing association and two to a mix of authorities. Five were in Complaints investigation skills and four in Good complaints handling.

Upcoming courses (all based in central Edinburgh)

Complaint investigation skills (stage 2 of the model CHP): 1-day open course

Tuesday 22 March

Thursday 23 June

Tuesday 29 November

Managing Difficult Behaviour: Wednesday 28 September

These are open to staff from all sectors under the SPSO's jurisdiction. **Full course details are available on the SPSO Training Unit website.**

For more information and to book spaces, please contact training@spsso.org.uk

We have more information about courses that we can offer to organisations in our flyer: **SPSO Training 2016 (PDF, 40KB)**

Compliance and follow-up

In line with SPSO practice, my office will follow up with the organisations to ensure that they implement the actions to which they have agreed.

Jim Martin, Ombudsman, 20 January 2016

The compendium of reports can be found on our website:

<http://www.spsso.org.uk/our-findings>

For further information please contact:

SPSO

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Edinburgh EH3 7NS

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The Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman (SPSO) provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. Our service is **independent, impartial and free**.

We are the final stage for handling complaints about councils, housing associations, the National Health Service, prisons, the Scottish Government and its agencies and departments, the Scottish Parliamentary Corporate Body, water and sewerage providers, colleges and universities and most Scottish public authorities.

We normally consider complaints only after they have been through the complaints procedure of the organisation concerned. Members of the public can then bring a complaint to us by visiting our office, calling or writing to us, or filling out our online complaint form.

We aim not only to provide justice for the individual, but also to share the learning from our work in order to improve the delivery of public services in Scotland. We have a programme of outreach activities that raise awareness of our service among the general public and promote good complaints handling in bodies under our jurisdiction.

Communications team: T 0131 240 8849

SPSO website: www.spsso.org.uk

Valuing Complaints website: www.valuingcomplaints.org.uk

Contact us: T 0800 377 7330 www.spsso.org.uk/contact-us