

05 November 2015

Kevin Stewart MSP
Convener of the Local Government and Regeneration Committee
The Scottish Parliament
EDINBURGH
EH99 1SP

Dear Convener,

Inquiry into Arm's Length External Organisations

I am writing in connection with the Committee's inquiry into ALEOs. I noted the third question and thought I might be able to provide some helpful background about how complaints and ALEOs should be managed from our perspective.

As the Committee will be aware, the SPSO is able to accept complaints about not only organisations listed directly in our legislation but organisations acting on their behalf. This means we can normally take complaints about ALEOs.

We, therefore, considered the position of ALEO's when creating the standard complaints procedures now used by all local authorities. When we issued our implementation guide for the new procedure in 2012, we said that local authorities needed to ensure any ALEO was operating an appropriate complaints process. We said:

"Some local authorities use arm's-length external organisations (ALEOs) or Trusts to deliver council services. While these organisations are separate from the local authority they are subject to local authority control and local authorities are still responsible for ensuring the services provided meet the required standard. It is for each local authority to ensure that ALEOs and Trusts are meeting the requirements of the model CHP [complaints handling procedure].

"In doing so they must have mechanisms in place to identify and act on complaints handling performance issues of the ALEO or Trust where the local authority considers this to be appropriate."

It may also be helpful if I explain that in August 2013, I wrote directly to all local authorities in Scotland in relation to Arm's length external organisations and the

Model Complaints Handling Procedure. I noted that ALEOs: “are separate from the local authority but are still subject to local authority control and councils are still responsible for ensuring the services provided meet the council’s standard. This includes the arrangements the ALEO has for dealing with complaints”.

I went on to say that “in relation to the complaints handling function of ALEOs, councils should set clear objectives in relation to complaints handling and put appropriate monitoring systems in place to provide the council with an overview of how the ALEO is meeting its objectives, while the ALEO itself should also comply fully with all the requirement of the CHP’.

In answer to the specific question about do people know who to complain to, the model CHP requires that all front line staff delivering the service should be able to confidently respond to complaints and to either resolve most of them quickly or sign-off to an appropriate colleague or point in the organisation. It also has to be clear to anyone using the service how to complain and who to complain to if either: they do not want to approach front-line staff or they are unhappy with the initial response they have had from those staff.

In relation to the investigation of non-front line complaints, we allow for either the Council or the ALEO to take this responsibility. This allows for flexibility. If the ALEO is small, it may be appropriate for the Council to do this. This is though a decision that needs to be made when the complaints procedure is being implemented. It should also be a single route (i.e. either the ALEO or the Council will investigate stage 2 complaints). We find that where there are multiple routes that leads to confusion and puts people off complaining.

It is our experience that the larger ALEOs usually run their own procedure and do signpost directly to SPSO rather than the Council at the end of the procedure. What is important to us is that people are given simple, straightforward information and are clearly signposted at each stage. Also, if complaints are kept within the ALEO, that there are governance structures in place to ensure that complaints form part of the performance reporting of the organisation.

It has to be said that, while the overall position is clear and we do receive complaints relating to ALEOs that have gone through a complaints procedures in a simple, straightforward manner, we know that this is not always working as it should. This is an issue that has been discussed and highlighted by the network of local authority complaint handlers and we will continue to support local authorities in their ongoing improvements.

I hope this information is helpful and would be happy to provide any further assistance.

Yours sincerely

Jim Martin
Ombudsman