



The Scottish Parliament
Pàrlamaid na h-Alba

Local Government and Regeneration Committee
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11 November 2013

Dear Jim,

Committee Evidence Session 11 December 2013

I am writing to confirm the approach that the Local Government and Regeneration Committee wish to take in respect of the evidence session on 11 December, but also more generally how they wish to proceed going forward. I understand that the Clerk to the Committee has been discussing our approach with your staff.

The Committee recognises that the SPSO is in a unique position, given its close dealings with public services across Scotland, to comment on progress towards public services reform. The SPSO will have great insight into how public services are generally performing and improving, through your investigatory work and consideration of complaints. Equally, the Committee recognises the valuable work that the SPSO undertake and the helpful and interesting information contained in your annual report and sector specific reports. Given the Committee's remit to consider the delivery of local government and local services we are keen to explore with you and your staff how your work can better inform scrutiny.

Previous years have seen the annual report become the main focus of questioning. To allow for this year's evidence session to be more forward looking and concentrate on the above aspects, the Committee, having perused your annual report and the report on local government, have agreed to provide you in advance with the supplementary information they wish. I attach at annex A those questions upon which the Committee have requested brief written responses by close on 5 December 2013.

The Committee recognise that in previous years, evidence sessions have focussed exclusively on your annual report and may also have been influenced by correspondence received. They also however recognise that the public have a legitimate role to play in informing the Committee, and this year, in an attempt to increase openness and transparency have agreed to widen the pool from which comment is sought by issuing a public call for input. I attach for information a copy of the call for that evidence at annex B.

Originally the Committee wished to receive answers from the SPSO to any questions received from the public prior to the 11 December meeting; they recognise that we are entering into uncharted territory as to volume and content (despite the restrictions in the notice). The Committee will therefore be content that any relevant questions, not covered by their own list, be forwarded to you for a later response. The Clerks will seek to agree a timescale with you once the volume and nature of questions are known.

I would very much welcome any thoughts the SPSO have on how they could assist the Committee as proposed.

Yours sincerely



Kevin Stewart MSP
Convener
Local Government and Regeneration Committee

Annexes

- A. Committee Questions to SPSO
- B. Local Government and Regeneration Committee – Calls for Questions for the Scottish Public Services Ombudsman (SPSO)

Committee Questions to SPSO

1. Ultimately, the SPSOs role is to indirectly support improvement in public service provision, through effective and fair public service complaints processes and procedures. What degree of success are the SPSO having in ensuring that complaints systems embed service users rights to challenge decisions?
2. To what extent do Local Authorities continue to view complaints as a nuisance rather than learning from them?
3. We acknowledged that your remit does not extend to complaint outcomes; and indeed that effective complaint procedures will not necessarily lead to a positive outcome as deemed by the complainant. That said do you believe there would be as much, if not greater, value from benchmarking/monitoring how the learning from the outcome of complaints is shared, rather than concentrating on benchmarking complaint handling processes?
4. 50% of complaints received are “premature complaints”, can you provide more detail about these, and is there any pattern in types of complaints and authorities with the highest incidence? Would it be helpful to highlight this information?
5. What is the difference between an inquiry and a complaint, and can you explain the difference in the figures on page 7 which state 50% of complaints are premature yet around 70% to the advice team are premature?
6. How are local authorities spreading the learning from complaints beyond their own boundaries?
7. Environmental Health and Cleansing complaints rose by 50%, what is encompassed by such complaints? Is this rise a symptom of the squeeze on local authority budgets?
8. Given the role of the SPSO there is a risk that organisations will give more focus to complaint handling than on the outcomes that follow? i.e. ‘following the process’. How can this be avoided?
9. Which Local Authorities are not members of the network?

Annual Report (2012-13)

10. Under “building future improvement” you refer to performance measures being established. Could you explain what type of performance measures you envisage being established and what they will tell you and allow you to continue to improve? To what extent are the performance measures directed at outcomes and the extent to which the same or similar outcome related issues are repeated in complaints?
11. In the event that you identify legislative gaps what action do you take to alert relevant policy officials and the Parliament?

12. Could you explain how certainty around response times etc. (page 11) could lead to an increase in complaints?
13. Given that justice delayed is justice denied, what action is the SPSO taking to improve its performance against its targets of progress within 50 days and decisions within 6 months?
14. What does the SPSO consider to be the reasons why no cases were taken to judicial review and how do you avoid the danger of adopting a risk adverse approach by, for example, favouring local authorities to ensure that reviews are not taken?
15. You are asked to internally review 5.5% of all decisions, how many complaints does that relate to and what actions do you take to bring the existence of review to the attention of complainers?
16. We note that no decisions were changed following your QA process, although we infer that a number of findings were made. Could you provide some examples of these findings? What action have you taken on these findings?
17. Are we correct in understanding that the “small number” of cases not identified (see page 17) is 89, or almost 10% of investigations?
18. The information provided under strategic objective 2 relating to informing providers and bodies is entirely process driven. How does the SPSO assess if you are meeting your objective to make a difference?
19. Similarly on policy engagement and administrative justice you report a considerable amount of effort. It would be as interesting to understand what they results of this effort are, to what extent have you been successful in influencing policy etc.?
20. It is interesting to note the approach of public bodies in tracking recommendations, are you aware if local authorities adopt a similar approach? If not should this be encouraged?
21. And following on from the above are there any formal mechanisms in place to encourage learning across sectors?
22. It is disappointing to read that 22% of recommendations are not implemented within the **agreed timescale**, can you give any reasons for this delay, does it relate to particular types of cases, recommendations or specific areas?
23. We note the extent of the monitoring etc. undertaken by SPSO (page 22) could you indicate what benefits flowed from this work, what were the outcomes/improvements/learning that followed?
24. Could you confirm that the anticipated outcome from utilising social media etc. more widely is likely to be an increase in complaints? What plans does the SPSO have to use such media to drive other changes, for example reductions in premature complaints?

25. The case studies contained in the report are helpful in understanding the work of the SPSO, and we note the range of recommendations that are shown. Many of these recommendations suggest actions by bodies; it would be interesting if, perhaps in future reports you were also able to provide some detail of how such recommendations improved the work and service of such bodies. We would find it useful if benefits and outcomes flowing to other bodies as a direct result of SPSO recommendations could be captured.

26. What measures are used to evaluate the effectiveness of the e-learning courses, and what is the result of any such measurement?

27. We would be interested in understanding how the complaint handling indicators for local government will assist in a “move towards a greater consistency of reporting on complaints across the sectors”.

28. What effect is envisaged on SPSO workload from the output of the social work complaints working group and in particular the SPSO taking on the role of complaint review committees?

Local Government and Regeneration Committee – Calls for Questions for the Scottish Public Services Ombudsman (SPSO)

On 11 December 2013, the Scottish Public Services Ombudsman (“SPSO”) and members of his senior staff will appear before the Local Government and Regeneration Committee. The session, in previous years has discussed the SPSOs performance over the last period and looked forward to the SPSOs plans for coming years.

The SPSO is the final stage for complaints about councils, the National Health Service, housing associations, colleges and universities, prisons, most water and sewerage providers, the Scottish Government and its agencies and departments and most Scottish authorities. The Ombudsman looks into complaints where a member of the public claims to have suffered injustice or hardship, as a result of maladministration or service failure.

The SPSO website states they are the 'last resort', and look at complaints which have been through the formal complaints procedure of the organisation concerned. The vision of the SPSO is

“Our vision is of enhanced public confidence in high quality, continually improving public services in Scotland which consistently meet the highest standards of public administration. We aim to bring this about by providing a trusted, effective and efficient complaint handling service which remedies injustice for individuals resulting from maladministration or service failure.”

The SPSO is required by law to lay his annual report on the work of his office before the Parliament each year. Our Committee’s role is to scrutinise the SPSO function by consideration of the SPSO’s annual report and related strategic documents.

In its evidence sessions with the Ombudsman, **the Committee cannot ask questions relating to individual complaints that are, or have been, considered by the SPSO.** Questions must relate to general matters (including issues covered in the SPSO annual report, such as the strategic approach and operational function of the SPSO; and the impact it has upon the overall effectiveness of public services complaints processes and public service provision).

You can contribute to the Committee’s evidence session on 11 December by submitting suggestions of matters within the Committees remit that should be raised with the Ombudsman. **If you would like to suggest a question please email it (maximum of 140 words) to the [LGR Committee mailbox](mailto:lgr.committee@scottish.parliament.uk) by Monday 25 November, providing your name and contact details.** Contact details will not be passed on or made public (although it should be noted that your correspondence could be subject to a freedom of information request). We have requested these details should clarification on your question be needed.

Please note that only questions submitted via the Committee mailbox and within the word limit will be considered, and it will be for Members to determine which questions they separately put to the SPSO for written answer.

If you have any difficulty emailing your question to the email address provided, please contact the Local Government and Regeneration Committee's assistant, Ben Morton, on 0131 3486040.

The [SPSO Annual Report](#) supports the Parliaments consideration of the performance of the SPSO and the [SPSO Strategic Plan](#) sets out the forward looking plans of the SPSO. You may find it helpful to read these documents in your considerations as they form the focus of the Committee's scrutiny, and thus questions should link to the detail contained in them.