

SCOTTISH PUBLIC SERVICES OMBUDSMAN

ANNUAL REPORT 2016–17

Our vision and values focus on



SPSO's 2016-2020 Strategic Plan

Our **six strategic objectives** are to:

- 1** provide a high quality, user-focused independent complaints handling service.
- 2** provide a high quality, user-focused independent review service for Scottish Welfare Fund decisions.
- 3** simplify the design and operation of the complaints handling system in Scottish public services.
- 4** improve complaints handling by public service providers.
- 5** be an accountable, best value organisation.
- 6** support public service learning and improvement in Scotland.

Our **five equalities commitments** are to:

- 1** take proactive steps to identify and reduce potential barriers to ensure that our service is accessible to all.
- 2** identify common equality issues (explicit and implicit) within complaints or reviews brought to our office and feed back learning from such cases to all stakeholders.
- 3** ensure that we inform people who are taking forward a complaint or review of their rights and of any available support, and that we encourage public authorities to do the same.
- 4** ensure that we play our part in ensuring that service providers understand their duties to promote equality within their complaints handling and review procedures.
- 5** monitor the diversity of our workforce and supply chain, and take positive steps where under-representation exists.

Laid before the Scottish Parliament by the Scottish Public Services Ombudsman in October 2017
in pursuance of section 17(1) and (3) of the Scottish Public Services Ombudsman Act 2002.



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Executive Summary

This annual report for 2016–17 covers the final year of my predecessor Jim Martin’s term in office, and the record of achievement belongs to him and the staff at SPSO.

I became Scottish Public Services Ombudsman on 1 May 2017. Like Jim, I am committed to developing and promoting learning, impact and public service improvement activities that add lasting value to Scottish public services. In addition to complaint handling, being Reviewers of the Scottish Welfare Fund and the work of the Complaints Standards Authority, my team will continue to both promote and support learning from complaints.

I also look forward to building on the good work I have seen since taking up post: the high quality support provided to often distressed members of the public who call for advice; the thoroughness and dedication of the resolutions and investigations teams; and the expert guidance and training offered to public authorities to support them in handling complaints.

Health complaints

Of the cases that SPSO took to full investigation in 2016–17, 63% were about the health sector (an increase of 5% on last year’s 58%). Health cases are more complex and resource intensive because they often consist of multiple issues and need specialist input. 2016–17 saw a significant change for this office: we were given notice that the clinical advice service we had relied on was being withdrawn from April 2017. While this presented challenges,

it was also a great opportunity for us to significantly expand our bank of independent Scotland-based advisers. These specialists cover a wide range of disciplines, and there are distinct benefits in having direct and quick access both to their expertise and, in particular, their understanding of the NHS in Scotland.

2016–17 also saw the culmination of work by a large range of stakeholders in developing a new complaints handling procedure for the NHS. We led the development of the new procedure and supported its successful implementation. It is to the credit of all concerned, in particular the health boards, that it was in place by the target date of April 2017. The NHS procedure has a strong emphasis on frontline resolution and on monitoring, reporting and learning from complaints – in line with other public sector complaints procedures.

Social care and social work complaints

SPSO was also asked to develop a new complaints procedure for social work complaints to align them with the local authority and NHS procedures. Our role was also extended to consider professional judgement in relation to social work complaints (a role we already have in relation to health complaints). The procedure and our new role began on 1 April 2017, and in the lead-up to this SPSO’s preparations focused on developing guidance on complaints for social work services, recruiting social work advisers and publicising the changes through sounding boards, training and communications.

Executive summary



Scottish Welfare Fund (SWF) review service

2016–17 was the first year of operation of our new service for independently reviewing applications for Community Care Grants and Crisis Grants. As well as delivering an accessible, effective service that provides value for money for the public purse and feedback to councils, the new scheme offers unique independent oversight into the way in which SWF guidance is being applied across Scotland. In 2016–17 we reviewed 437 SWF decisions. Of these, we changed the decision made by the council in over 30% of crisis grants and over 40% of Community Care Grants cases. Our most frequent feedback to councils was about communication with applicants, highlighting that in a number of cases they did not provide a clear rationale for their decision. There is a summary of SWF activity in this report, and [we published a fuller separate annual report on the SWF review service in June 2017.](#)

Public service improvement

In 2016–17, our learning and improvement team began work. The main focus in the first year was on developing and improving the impact of SPSO recommendations. Our aim was, and remains, to promote learning from complaints to improve public services. Our recommendations work contributes significantly to this in providing support to public authorities in identifying the learning from complaints and promoting outcome-based action.

This ‘value-adding’ aspect of the work is extremely important as it will ensure that our investigations both bring about justice for the individual, and achieve something else that complainants often say they want: that the same thing that led to their complaint does not happen to anyone else. We are developing our approach to recommendations to further enable public authorities to carry out preventative work and bring about long-lasting change.

I look forward to working with my new colleagues to ensure that Scotland’s Public Services Ombudsman makes a positive difference in the delivery of public services.

Rosemary Agnew

Scottish Public Services
Ombudsman

Performance Summary

We helped
5,508
people



We handled
4,104
complaints

We gave advice
and support on
1,404
enquiries



We carried out
805
investigations

63%

of our investigations were
about the health sector

we made

1,379

recommendations
for redress and
improvement





96%
of investigation
complaints were
decided within
260 working days



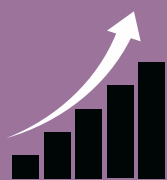
97%
of recommendations were
complied with within three
months of our deadline



We handled
99.5%
of advice stage complaints
within 10 working days



We handled
88%
of early resolution complaints
within 70 working days



our bank of Scotland-based
clinical advisers grew from 7 to
65

our overall complaint
uphold rate was
52%

Casework Performance

Strategic objective 1: to provide a high quality, user-focused independent complaints handling service.

This section highlights:

- volumes and types of enquiries and complaints
- accessing our service
- complaint outcomes by sector
- professional advisers
- authorities' performance
- our performance
- involving stakeholders

Enquiries and complaints received

In 2016–17, our overall casework volume increased by a total of 4% compared with the previous year. We received 1,404 enquiries and 4,182 complaints – a total of 5,586 contacts. We gave advice and support on all 1,404 enquiries and handled 4,104 complaints.

We made a change in how we recorded enquiries in 2016–17. Prior to April 2016, some of the complaints we received by phone were recorded as advice stage complaints. From April 2016, we logged many of the quickly-resolved queries as signposting enquiries instead, as this better reflects the amount of work entailed at this stage. This change in recording explains the 85% increase in enquiries received and the 9% decrease in complaints received compared with the previous year.

This change in recording means it is not possible to compare the figures of enquiries and complaints received individually from this year to those of previous years. We can though, still compare overall case volumes and numbers of complaints closed at the investigation stage of our complaints process, as we do later in this report.

How we handled enquiries

Enquiries are handled by our advice team who provide support and guidance and where appropriate refer people to other organisations that may be better placed to help. We made referrals on 939 enquiries in 2016–17, compared with 755 the previous year. [There is a breakdown of referrals in the table at the end of this report.](#) Our enquiries paint a picture of the types of concerns members of the public most frequently raise with us, and in 2016–17 can be seen as indicative of the prevailing economic climate. In the course of the year, the largest increase was in the number of people we referred to the Financial Ombudsman Service. We also saw sizeable increases in the number of referrals we made to the Citizens Advice Bureau, Shelter Housing Line and the Energy Ombudsman.

Casework performance

Accessing our service

An important part of our communications strategy focuses on making sure people can contact us in the way they want to. In 2016–17, we saw an increase in the number of people making complaints to us via our website. The total proportion of online submissions was 29% in 2016–17, up from 20% the previous year. The proportion

of people using our paper complaint form also rose, from 7% to 13%. As in previous years, the most commonly used method of contact was our freephone number. Although we can, and do, offer advice by phone, in most cases we are currently not able to take complaints by phone because of existing provisions in our legislation.

Method of contact in 2016–17 as a % of all complaints

Method of contact	2016–17 total complaints	2016–17 %
Complaint Form	560	13%
PCF Form (Prisons)	102	2%
Email	143	3%
Fax	1	0%
Letter	750	18%
SPSO Contact Form	107	3%
Telephone	1,296	31%
Visit	10	0%
Web Complaint Form	1,213	29%
Total	4,182	99%*

* Percentages do not total 100 due to rounding

In relation to Scottish Welfare Fund (SWF) applications, 72% of initial contact was by phone. We explicitly set out to make the SWF review service accessible by phone, and were very pleased that so many applicants chose to contact us this way.

Casework performance

How we handled complaints

The proportion of complaints we received about each sector remained about the same as the previous year, with combined complaints about local authorities and health accounting for over 70% of our caseload.

Complaints received by sector in 2016–17 and 2015–16 as a % of all complaints

Sector	Complaints 2016–17	% 2016–17	% 2015–16
Local authority	1,528	37%	37%
Health	1,414	34%	33%
Scottish Government and devolved administration*	530	13%	12%
Housing associations	355	8%	8%
Water	174	4%	5%
Higher education	130	3%	3%
Further education	35	1%	1%
Other	16	0%	0%
Total	4,182	100%	99%**

* Of the complaints received about the Scottish Government and devolved administration sector, 270 (51%) were about prisons (there were 331 in 2015–16, 58% of the sectoral total). Complaints from prisoners about NHS services are included in the figures for health complaints.

** Percentages do not total 100 due to rounding

There is a detailed table of all the outcomes of the complaints we dealt with in 2016–17 at the end of this report. Our full statistics are on our website.

Advice and early resolution

When people bring us their complaint, we try to provide them with answers as soon as we can on whether their case can be resolved early on and whether an SPSO investigation is appropriate. Sometimes people present issues that we cannot look at for legal reasons, and in these cases it is important that we let them know quickly that we cannot help, so they can pursue other options. In other instances, where the organisation has already investigated the issue and taken reasonable steps to address the problem, we may decide that we could not achieve a better

outcome and so it would not be proportionate to use our resources to investigate further. We consider in detail any cases that are unclear, using our specialist professional advisers where it is needed, so we can be confident that we are not ruling out anything that we should be looking at.

By the time cases come to us, the opportunity to resolve them to both parties' satisfaction has usually passed and positions have become entrenched. Nevertheless, we do try to act on cases where the issue can be quickly resolved. In 2016–17, we resolved 62 cases at this detailed consideration stage.

Casework performance

Investigations

In 2016–17, we completed 805 investigations, compared with 891 the previous year. Of the 805 cases, 507 were about the health sector (63% of complaints handled at this stage across all the sectors, compared to 58% the previous year). We investigated 156 complaints about local authorities (19% of complaints handled at this stage across all the sectors compared to 22% the previous year).

Of the investigations completed, 21 cases were reported in full as public reports resulting in the publication of 17 detailed, public, investigation reports (compared with 41 the previous year). Of the 21 cases reported, 5 were about local authorities and the rest were about the health sector. We saw a decrease in the number of detailed investigation reports because in a large number of cases, while there had been serious failings, the health board concerned had already addressed these as part of their local complaints handling process or significant event review.

Where we are satisfied that an organisation's actions are sufficient to ensure no repeat of the failings, it reduces the need for us to make far-reaching recommendations, and so to publish a full report. Importantly, we still capture the learning from our investigations, even when we decide not to publish a detailed report, publishing a summary decision instead.

Recommendations

Our recommendations have three main purposes: to redress individual injustice, to help prevent the problem from happening again and to support learning and improvement. We might recommend that an authority:

- provides a proper written apology
- reviews a decision
- changes a process
- puts in place a procedure they should have
- complies with their complaints process.

In 2016–17, we made 1,379 recommendations (compared to 1,524 the previous year). We follow up each recommendation, requiring the authority to provide detailed evidence of what they have done to provide redress or make the improvement we asked for. We set a deadline on each recommendation. In 2016–17, 97% of recommendations were implemented within three months of the target date we set. This is very positive and consistent with the 98% the year before. While we engage with authorities to support them in meeting the timescales, ultimately it is down to individual organisations to implement the recommendations on time.

Casework performance

Professional advisers

We use professional advisers to inform decision making on some of our complaints. These are mostly in the health sector but also in areas such as planning, equalities, environmental health and water services. This means we have independent expert advice on what is reasonable to expect in the particular circumstances of a case. Advisers may explain technical terms and information or point us to relevant guidance and legislation. We take their advice into account along with all of the other evidence and information we obtain in deciding whether to uphold a complaint.

In the course of 2016, the English Parliamentary and Health Service Ombudsman (PHSO) told us that with effect from April 2017, they would be withdrawing the clinical advice service they had provided to SPSO and many other public service ombudsmen for the previous two decades. We used this opportunity to build our own bank of independent, Scotland-based professional advisers covering areas such as midwifery, mental health, obstetrics and gynaecology, dentistry, nursing, social work, psychiatry and GP services. The benefit of using advisers based in Scotland is that they are fully aware of the Scottish context, which can be different from that elsewhere in the UK. We have 28 internal advisers (who work at our office to provide direct and quick advice) and 37 external advisers based in Scotland. We also have an arrangement whereby we can continue to access the PHSO's panel of clinical advisers where required, for example in the more rare specialisms.

Authorities' performance

Premature and uphold rates are two key indicators of how well complaints are handled.

Premature complaints

These are complaints that reach us too early, without having first gone through the authority's complaints process. A low premature rate is often an indication of a successful complaints process that is founded on early resolution. The premature complaints proportion of our overall caseload fell again in 2016–17 from 31% to 28%. While there remained a wide range of rates across the sectors, there were reductions across most of them, including a decrease from 52% to 41% for water authorities. In our two largest sectors, we saw decreases from 38% to 36% for local authority complaints and from 23% to 21% in the health sector. The further education sector was the only one to show an increase in

premature rate, from 23% to 27%, however the actual numbers are very small.

Although these figures will have been impacted to a small extent by the change in recording of some complaints as enquiries, overall the continuing fall in premature complaints is good news both for complainants and authorities. It suggests that people are getting their complaint dealt with at the right place and using the SPSO properly as the last stage in the process.

In addition to the 1,142 cases that were closed as premature complaints, we also identified a further 181 cases where someone had originally brought their complaint to this office as premature, and had to then bring it back again because they did not achieve a satisfactory resolution from the authority they had complained to. This suggests that around 1 in 7 people that approach us with a premature complaint are likely to return at a later stage.

Casework performance

Upheld complaints

A low uphold rate by SPSO can reflect robustness in an authority's handling of the complaint, particularly at their detailed investigation stage when objectivity and evidence-based decision making are key. Of the total of 805 complaints that we investigated, we upheld or partly upheld 52%, compared to 54% the previous year.

Uphold rates by sector 2016–17 and 2015–16

Sector	2016–17	2015–16	% difference
Local authority	60%	55%	+5%
Health	51%	56%	-5%
Scottish Government and devolved administration	42%	53%	-11%
Housing associations	37%	52%	-15%
Water	60%	44%	+16%
Further education	60%	30%	+30%
Higher education	39%	30%	+9%

We saw a range of changes in the uphold rates of the various sectors compared with the previous year.

- three sectors had an uphold rate of 60% including the local authority sector, up from 55% the previous year
- there were 156 local authority complaints that reached the investigation stage
- the 60% uphold rate in the water and further education sectors was on small numbers (20 and 10 complaints respectively)
- housing associations saw the most significant fall in uphold rate with 37% in 2016–17 compared to 52% the previous year, again on small numbers of complaints (30)
- in the Scottish Government and devolved administration sector, the overall uphold rate fell to 42% in 2016–17 from 53% the previous year. This was because the uphold rate for the Scottish Prison Service (which is the subject of around half of the complaints in this sector) fell to 42% from 55% in 2015–16. The prison service's high uphold rate was the main reason we worked particularly closely with them in 2016–17, to support them in improving their complaints handling. We are pleased that their uphold rate fell last year and look forward to helping them reduce it further through continuing focused work in 2017–18.

Casework performance

Focused work with individual authorities

In 2016–17, we began to record early resolution and investigation cases that contained a complaints handling issue, and found that this applied to an overall 19.5% of these cases.

The proportion of cases where we identified complaints handling issues:



41% in the water sector



21% in local authority and health



16.5% in higher and further education



12% in housing



11% in the Scottish Government sector.

We have made changes to our case management system for 2017–18 which will allow more systematic and detailed recording and reporting of this type of information. This in turn will help us to identify the specific elements of complaints handling that public bodies struggle with which will help us focus resources on

providing support and training where it is most needed.

We use the statistics we gather about individual authorities to inform our training and support activities. In 2016–17, we offered direct assistance to two organisations to support aspects of their complaints handling.

Our performance

We have clear service standards and performance targets to which we work. We also gather information about our service (including our Scottish Welfare Fund independent review role, as set out in the SWF service quality section on page 19.) from a variety of sources, including: our quality assurance process, requests for reviews of our decisions, customer service complaints and stakeholder feedback.

Timescales

With extreme reluctance, we introduced a casework “holding bay” in autumn 2015. This was the first time we had had to do this since 2009. This was for variety of reasons (including the ending of temporary two year funding we had been granted) which essentially amounted to having insufficient resources in place at the time to handle the volume and complexity of the work we received.

Extending our timescales was one of the options we had laid out in our consultation on our 2016–2020 strategic plan, in line with our stated priority of maintaining the quality of our investigations, even if that meant they took longer to conclude.

Casework performance

We consider each complaint on its own merits and the time taken to handle each one varies depending on the level of advice, resolution work or investigation required. We do, however, set average timescale targets for staff to track and measure performance across the main areas of our work. Despite maintaining challenging timescales, in a challenging environment, we exceeded two of our three targets for timescale performance indicators (PIs) in 2016–17. This was a significant achievement in light of our resource situation at the time:

- **PI-1** 99.5% (target: 95% of advice stage complaints were handled within 10 working days)
- **PI-2** 88.0% (target: 95% of early resolution complaints were decided or moved to more complex investigation stage within 70 working days)
- **PI-3** 96.1% (target: 95% of investigation complaints were decided within 260 working days)

Although we did not reach the PI-2 target, we were able to maintain our previous performance against this indicator, achieving 88% compared with 88.6% in 2015–16.

We exceeded our timescale targets for our Scottish Welfare Fund review service, as set out on page 19.

Customer service standards

Our [customer service standards](#) apply to both members of the public and public authorities. They are a set of commitments about our communication, our openness and fairness, and our competence and responsibility.

It was a significant achievement for us that in 2016–17 the Ombudsman Association (OA) used the SPSO service standards as the basis of a generic customer standards framework they have developed for all UK and Ireland ombudsman schemes. We were very pleased to take a leading role in this work with the OA.

As well as publishing individual reports in relation to the feedback we get through a variety of sources, this year we will issue a single report which draws on all the feedback to give an informed, holistic, overview of our customer service.

Quality Assurance

We remain committed to quality and ensure this through review of some case decisions and our Quality Assurance (QA) process. The QA process involves randomly testing a 10% sample of our work on recently closed cases. We did not change any decisions following QA in 2016–17. We gave careful, closer consideration to a small number of cases and found some instances where we could have given a clearer explanation or where we could have obtained more evidence to support our conclusions. Crucially, we reflect on the outcome of our QA to identify what we can learn and where we can make improvements.

Casework performance

Reviews of decisions

In 2016–17 we responded to 309 requests for review, 14% of cases eligible for review. Of the 309 cases reviewed, 177 had been closed pre-investigation, and 132 had been closed at the investigation stage.

Pre-investigation cases are cases that have been closed prior to investigation because, for example, there is not enough evidence to progress the complaint or it is not clear that the complaint is within the remit of this office. Of the pre-investigation cases reviewed, 12 of these were re-opened: 4 because new information had come to light and 8 cases because we considered we could have exercised our discretion to investigate the complaint.

Of the 132 cases that had been fully investigated, 3 were reopened: 2 to consider new information and 1 to change the original decision.

Customer service complaints

Our process for people who are unhappy with our service has two internal stages, followed by referral to an external Independent Customer Complaints Reviewer (ICCR). The ICCR made three recommendations to the SPSO in 2016–17, to which the senior management team responded and acted on as needed. We record and report customer service complaints internally and to our Audit and Advisory Committee. Our annual service complaints report, including examples of actions we have taken to improve our service, is published in summary form later in this annual report and [there are more statistics on our website](#).

Involving stakeholders

Customer surveys

In 2016–17 we continued to ask people whose complaint we had handled for their views on our service through a survey based on our service standards. The results were reported quarterly to our service improvement group so that we could act quickly on the feedback. We published a report of the 2015–16 results on our website and we will publish the 2016–17 results, our findings and actions later this year. Unfortunately response rates were quite low and next year we will consider whether there is a more effective, cost-efficient way to get feedback.

In 2016–17, we began a survey of authorities' views of our service, similarly based on our service standards and also including questions about the various ways we support authorities' complaints handling and about our communications materials. This feedback was generally positive and will be published later this year as part of our overall report against service standards.

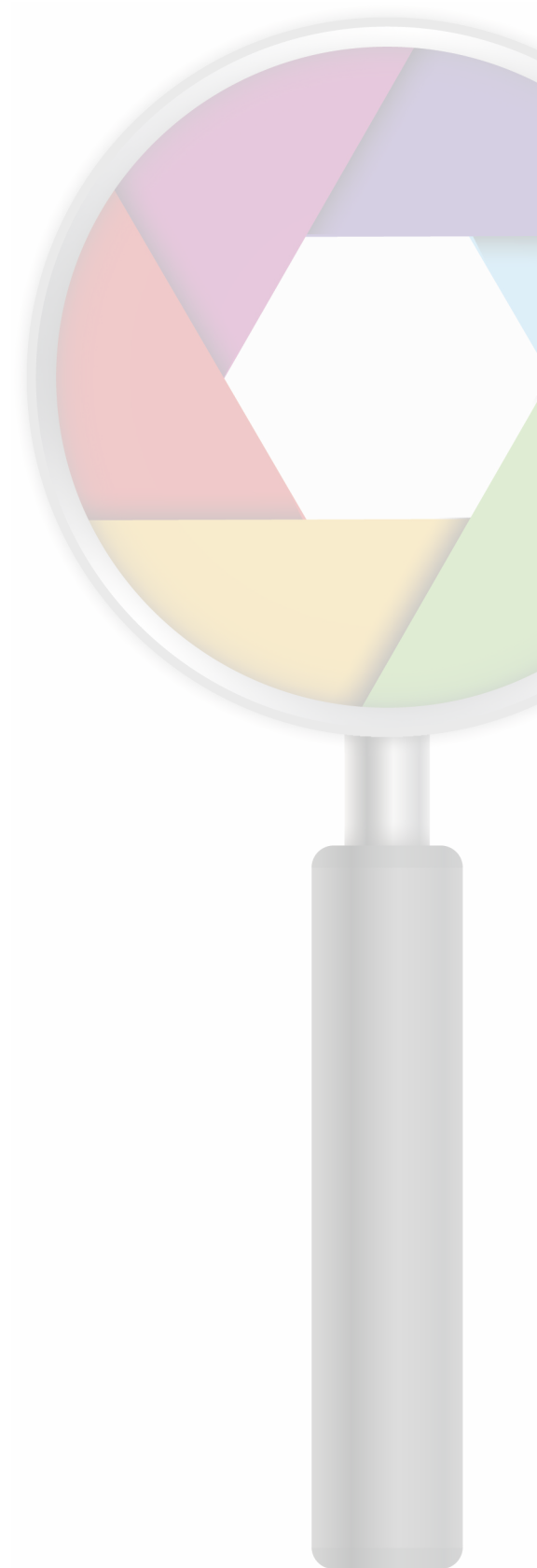
Casework performance

Sounding boards

We have three formal sounding boards, representing customers (through consumer organisations), local authorities and the NHS, which meet approximately twice a year. [Membership and minutes of our sounding boards are posted on our website.](#) These involve two-way discussions on a wide range of issues, including for example the financial challenges the public sector faces; updates on changes to SPSO's remit; the NHS and social work complaints procedures and our learning and improvement activities.

Customer Forum

In 2016–17 we set up a new customer forum, made up of recent users of our service. [Membership and minutes of our customer forum are posted on our website.](#) There are six members of the public on the forum, representing a balance of background, skills and interests, and a range of experience of our process. Given the high proportion of our work that relates to NHS complaints, we also recruited two representatives of the Patient Advice and Support Service (PASS, which is run by Citizens Advice Scotland). Thank you to the members of the forum for your insight, challenge and feedback to us on areas such as our accessibility, communications and the impact of our recommendations.



Scottish Welfare Fund

Strategic objective 2: **provide a high quality, user-focused independent review service for Scottish Welfare Fund decisions**

Setting up the new service

In 2016–17, we began our new role as independent reviewer of the SWF.

The SWF provides a safety net for some of the most vulnerable and disadvantaged people in Scotland through the provision of Community Care Grants and Crisis Grants. It is a national scheme, delivered on behalf of the Scottish Government by local councils in line with the SWF legislation and guidance.

Our role as reviewer of councils' decisions began on 1 April 2016, with recruitment, facilities, guidance and procedure for carrying out reviews and communications materials in place. To ensure a smooth process, we had set up two sounding boards (for local authorities and the third sector) and consulted on our Statement of Practice and on our approach to an Equalities and Human Rights Impact Assessment. We also liaised with the Government, the Convention of Scottish Local Authorities (COSLA) and the Scottish Parliamentary Corporate Body to make sure that we were adequately resourced or the role.

Our team consisted of five covering the whole of Scotland, replacing the previous scheme where all of the 32 councils had separate review panels in place, each entailing administration and management costs. We handled a comparable number of reviews overall compared with the previous scheme, and saw a 26% increase in the number of crisis grant applications.

Accessibility

Recognising the urgency of the situations many applicants face, accessibility was a key focus. We ensured that people could apply for a review by phone (when previously applicants had to make review requests in writing). 72% of all initial contact to us was made by phone, and it is likely that the increase in crisis grant applications was in part a direct result of this increased accessibility.

A significant change in service delivery from the previous scheme is that SPSO case reviewers contact every applicant to explain the process and provide them with an opportunity to discuss their case. In addition, we provide detailed reasons for the decisions we make, and also highlight 'suggestions for improvement' which aim to promote better service delivery and decision-making by individual councils.

The new scheme offers independent oversight into the way in which SWF guidance is being applied across the country. Our most common finding was councils' poor communication with applicants, particularly where they did not provide a clear rationale for their decision.

Scottish welfare fund

Performance information

In 2016–17, our SWF team helped 1,078 people. This included:

- answering 331 enquiries
- 310 of these involved signposting and giving advice and support
- determining 437 reviews (230 Community Care Grant reviews and 207 Crisis Grant reviews).

The overall uphold rate for Crisis Grants was 32% and for Community Care Grants it was 43%. We instructed councils to award:

- 66 crisis grants (our median award was £82.35)
- 98 Community Care Grants (this included 345 individual items, the most common of which were cookers, fridge freezers, carpets/flooring and washing machines).

Timescales

We set ourselves three performance indicators (PIs), and as shown, we exceeded them:

- **PI-1** 99.5% (target: 95% of Crisis Grant applications determined within one working day from the point at which we have received all information)
- **PI-2** 97.8% (target: 95% of Community Care Grant applications responded to within 21 working days from the point at which we have received all information)
- **PI-3** 99.5% (target: 95% of cases requested for reconsideration, decision is correct)

PI-1 and PI-2 are the timescales that we set out in our Statement of Practice for each type of grant and they are measured from the point at which we have received all the information we need in order to make our decision.

PI-3 is a quality target and is based on the outcome of the small number of cases where we are asked to look again at the decision.

Service quality

We use the same processes for SWF reviews as we do in SPSO's complaints handling work to ensure that we gather and respond to feedback: quality assurance; requests for us to reconsider our decisions; customer service complaints and input from stakeholders.

Quality Assurance

As a new service, all decisions were checked and approved by management for the first few months of operation to ensure quality and consistency. After this initial period, a QA process was developed which involves 10% of cases being assessed on a quarterly basis by a senior colleague from outside the team. To ensure learning and improvement, results are fed back to individual case reviewers and considered at our internal service improvement group.

As a high proportion of our customer contact is over the phone, we considered that there should also be a measure for reviewing the quality of our telephone conversations. Following a successful telephone QA pilot in late 2016, the scheme is being rolled out fully during 2017–18.

Scottish welfare fund

Reconsideration requests

We test the quality of our decision-making through examining carefully all requests that are made to us for reconsideration. During 2016–17 we responded to 37 requests for reconsideration. This was 8% of our decisions. We changed the original decision in two of these and re-opened a further two cases in light of new information having been received.

Customer service complaints

We have a two stage complaints process, which adopts the principles and approach of the model complaints handling procedure. At the first stage we look at complaints ourselves to try to resolve matters. If the person is still unhappy they can take the matter to our senior management at stage two, after which it can be looked at by the ICCR. [We record and publish details of customer service complaints on our website](#), including any actions taken in response.

During the year we received two customer service complaints about our SWF service (less than 1% of our SWF caseload). We responded to both complaints on the same day we received them, well within our target of responding to complaints at stage one within five days. Both were responded to by the team manager at stage one and did not need to progress to the second stage in the process where senior management review complaints.

Stakeholder input

Raising awareness of our role was a priority during the first year. To help us achieve this, we spoke at a number of events including the Child Poverty Action Group Annual conference, the Scottish Independent Advocacy Alliance annual conference, the Welfare Rights Forum and three Scottish Government workshops. Additionally, we met with several advice organisations across Scotland and visited 14 SWF teams within councils.

Our two sounding boards (one for local authorities and one for the third sector) provided invaluable feedback and we continued the meetings of the sounding boards throughout the first year of the service and into 2017–18. The local authority sounding board enables us to share information about our processes, gather feedback and respond to queries.

It has also revealed information about broader themes across SWF as we are conscious that we only see the 'tip of the iceberg' in terms of overall SWF applications which are handled by councils and don't result in review applications. Our third sector sounding board has developed our understanding of the needs of specific groups who may access the fund including people with disabilities, refugees and individuals who have experienced domestic violence.

Improving Complaints Handling

Strategic objective 3: **simplify the design and operation of the complaints handling system in Scottish public services**

Strategic objective 4: **improve complaints handling by public service providers**

These objectives are delivered by our Complaints Standards Authority (CSA). The most significant 2016–17 achievements were:

- leading the development of the new NHS model complaints handling procedure (CHP)
- developing the new social work model CHP and preparing for our extended role to consider professional judgement in relation to social work complaints
- supporting organisations to monitor, report and learn from complaints handling
- providing advice, support and guidance in respect of good complaints handling
- delivering training.

Simplifying and streamlining complaints procedures

Developing a model CHP for the NHS

In response to the [Scottish Health Council's review of NHS complaints handling](#), the Scottish Government asked the CSA to lead on the development of a standardised, person-centred NHS model complaints handling procedure (CHP). This work

continued in 2016–17 in partnership with representatives from across NHS Scotland including health boards, the Scottish Health Council, NHS Education for Scotland (NES), NHS National Services Scotland, the National Prisoner Healthcare Network, primary care and the NHS Complaints Personnel Association Scotland. The independent Patient Advice and Support Service, Healthcare Improvement Scotland and public partners were also actively involved. We also worked closely with the Government and their legal advisors to identify the required legislative amendments.

The new NHS model CHP was published by the Government in October 2016, for implementation from 1 April 2017. The procedure supports a consistent, person-centred approach to complaints handling across NHS Scotland, and brings the NHS into line with other public services by introducing a two stage process. Following publication, we worked closely with the Government and NES to develop a programme of education and awareness-raising to support staff to implement the new procedure. This included revisions to e-learning material and participating in a programme of events across Scotland.

Improving complaints handling

Social work

Developing a CHP: health and social care integration complaints

Following several years of discussion during which SPSO raised concerns about the complaints arrangements for often vulnerable social work service users, 2016–17 saw tangible progress being made. Our concerns related to the existing social work complaints procedure and Complaints Review Committees (CRCs), together with the challenges of complaints arising from the integration of health and social care services, which were embedded in different and inconsistent legal frameworks.

Legislative changes in March 2016 meant the previous social work complaints arrangements (including the requirements for CRCs) came to an end on 1 April 2017. The new social work model CHP was required to fill the gap that this created.

In developing the new social work model CHP, we followed the same approach as we had previously for other sectors: working in partnership with stakeholders to take account of issues specific to social work services and those arising from the integration of health and social care services.

Our partners in this work included the Government, councils, the Society of Local Authority Lawyers and Administrators (SOLAR), the Convention of Scottish Local Authorities (COSLA), the Care Inspectorate, the Scottish Social Services Council (SSSC), advocacy organisations and several third sector representative groups.

The social work CHP was published in December 2016, for implementation from 1 April 2017. We provided advice, guidance and support to organisations during the period of implementation.

Integration Joint Boards (IJBs) are listed under the SPSO Act 2002, and so they must also have a CHP which complies with the Complaints Handling Principles that were approved by the Scottish Parliament in January 2011. To simplify this process we developed a template CHP for IJBs to adapt and adopt.

Preparing for SPSO's extended role in relation to social work complaints

The same legislation that ended the previous social work complaints process (the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016) also gave the SPSO an additional responsibility to consider professional judgement elements of social work complaints. This brought social work into line with health complaints, where we can already assess clinical judgement.

In preparing for this, we engaged with the relevant stakeholders, including Social Work Scotland, COSLA, SOLAR and local authorities, the third sector and advocacy groups, the SSSC, the Care Inspectorate, and the Government's Integration Team. These stakeholders provided feedback and acted as a sounding board for our work.

We also visited local authority social work services, attended CRC hearings and scrutinised SPSO social work cases and CRC outcomes. We recruited independent professional social work advisers to provide appropriate advice to our complaints reviewers. The advisers helped us add to our knowledge bank and delivered several training events for our staff. We also updated our public facing leaflets on social work complaints and revised our website to ensure it reflected our new powers.

Improving complaints handling

Supporting complaints handling

Monitoring compliance and performance

We continued to monitor compliance with model CHPs in all sectors and to respond to any non-compliance issues by feeding back to and supporting individual authorities. We also continued to support organisations in their reporting and publishing of complaints information including through complaints handlers networks and key sector and regulatory bodies (such as Audit Scotland, the Scottish Housing Regulator, the Scottish Funding Council, the Scottish Government and the Scottish Parliamentary Corporate Body). This reporting is done within existing structures, to minimise the regulatory burden.

We supported the local authority, housing and college sector's complaints handlers' networks with their work in benchmarking complaints performance. It is gratifying to see that the college sector has taken this further and have developed standardised categories of complaints across the sector to extend understanding of the service areas which generate complaints, and help colleges target learning and improvement activities.

Good practice through advice, support and guidance

A core activity of the CSA is to support public bodies in good complaints handling. One way we do this is by providing advice, guidance and by responding to ad hoc requests. The total number of support engagements during 2016–17 was 370. Although this is a reduction from the previous year when we had 621 engagements, it in no way diminishes our commitment in this area and is, in part, a reflection of our work to create and support sectoral knowledge networks to identify and share good practice in complaints handling. Three sectors accounted for over half of the requests we received: local authorities (28%), housing (16%) and NHS (11%).

In 2016–17 we participated in over 70 events such as meetings, workshops and conferences to promote good practice in complaints handling. For example we:

- took part in four regional NHS events
- delivered complaints workshops for primary care providers including practice managers
- presented to Social Work Scotland's complaints group in relation to the new CHP and
- spoke directly to elected members in local government about their scrutiny role in monitoring complaints performance.

Improving complaints handling

We also relaunched our website for organisations, Valuing Complaints, in 2016–17. We made huge improvements to the site which provides user-friendly access to information for organisations seeking to improve their complaints handling. It contains guidance and tools we have developed to support authorities, such as the complaints handling self-assessment reflective learning form and our Complaints Improvement Framework.

Networks

We continue to support the sector specific complaints handlers' networks. The networks, which currently include the local government, housing, NHS, college and university sectors, are run by the members and aim to share good practice, develop tools and guidance, support practitioners and facilitate benchmarking of complaints performance information.

Training

In 2016–17, we delivered 39 training courses across all sectors. These were:

- 23 complaints investigation skills
- 13 good complaints handling
- 3 managing difficult behaviour

Almost a third of courses were to the housing sector, followed by Government agencies, local authorities and the NHS and college and university sectors. In addition, we delivered three cross-sectoral open courses.

We also continued to promote our e-learning courses. [The e-learning courses are free and available on our Valuing Complaints website.](#) We have made it possible for authorities to adapt the e-learning package for use on their own internal systems and many have done so, particularly councils. This presents us with a welcome challenge in that we can't be certain of how many users access e-learning in this way.

www.valuingcomplaints.org.uk

Valuing Complaints is our newly relaunched website for best practice in complaints handling. It contains information to help support improvement in public sector complaints handling, including: model complaints handling procedures for Scotland; implementation and compliance guidance; and best practice and training resources. It also provides resources to promote learning and improvement from complaints.



Corporate Performance, Governance and Accountability

Strategic objective 5: to be an accountable, best value organisation

Strategic planning and delivery

2016–17 was the first year of our 2016–20 strategic plan. Progress against this and annual business plans and measures was reviewed regularly by the SPSO management and shared with the Audit and Advisory Committee and Scottish Parliamentary Corporate Body (SPCB) officials.

Governance and accountability

Audit and Advisory Committee

Each year as part of the SPSO's annual report, the chairman of the SPSO Audit and Advisory Committee (the AAC) produces an annual report on behalf of the Committee. The purpose of the report is to summarise the Committee's work over the previous financial year and provide the Committee's opinion in relation to our governance. [Dr Tom Frawley, Chair of the SPSO Audit and Advisory Committee, provided his detailed report which is published on our website.](#)

The report sets out the remit and work of the AAC in providing assurance on a range of governance areas.

The SPSO is grateful to the AAC for the assurance and scrutiny it provides. We acknowledge the valuable contribution of all of the AAC members: Dr Tom Frawley the Chairman, Heather Logan and Jim McCormick. We wish to express particular thanks to Heather Logan who stepped down at the end of the year, and echo Dr Frawley's acknowledgement of her substantial contribution.

The key messages from the AAC were:

- **Internal audit.** The AAC noted the overall opinion reached by the internal auditor was that SPSO has a generally sound framework of control, which provides reasonable assurance regarding the effective and efficient achievement of its objectives.
- **External audit.** The AAC reviewed the final accounts for the financial year 2015–16 prior to their submission for audit, and considered Audit Scotland's Audit Report. The AAC found Audit Scotland's proactive approach effective in enabling understanding of the remit of the audit by having a particular focus on the specific risks and priorities facing SPSO. The AAC noted Audit Scotland's opinion of the accounts for 2015–16 was unqualified.
- **Known unbudgeted liabilities.** The AAC remained concerned that the SPSO is required to absorb unbudgeted liabilities from its limited existing budget. There is a significant and developing risk around the challenges for the SPSO in balancing its expenditure and staffing levels against a reduced budget, especially in relation to increased workloads. The AAC noted that the unbudgeted liabilities had been notified to the Scottish Parliamentary Corporate Body.
- **Risk.** The AAC did not raise concerns about the SPSO risk management approach, culture and awareness of risk. The SPSO's systems of internal controls were effective.

External Audit

Our 2016–17 annual report to Members and the Auditor General for Scotland was submitted in August 2017 and is available in full on our website. The summary from the independent external auditors' report, is below:

The Key messages from independent external audit conducted by Deloitte:

Overall conclusion

We have reviewed the annual report with reference to the format and content set out in the Government Financial Reporting Manual (FReM), confirming that the annual report and accounts comprise a performance report, an accountability report (which includes the remuneration report and staff report, the governance statement and the parliamentary accountability disclosures) and the financial statements.

As a new requirement in 2016/17, we are required to provide an opinion on whether:

- the performance report has been prepared in accordance with the directions made thereunder by the Scottish Ministers;
- the information given in the governance statement is consistent with the financial statement; and
- the governance statement has been prepared in accordance with the Acts and the directions made thereunder by the Scottish Ministers.

Based on our audit work, we envisage issuing unmodified opinions on the above.

In addition to the opinion, we have read the performance report and accountability report (including the governance statement) and confirmed that the information contained within both is materially correct and consistent with our knowledge acquired during the course of performing the audit, and is not otherwise misleading.

We have audited the auditable parts of the remuneration and staff report and confirmed it has been prepared in accordance with the Acts and the directions made thereunder by the Scottish Ministers.

Governance Statement

The FReM requires a governance statement to be published with the financial statements and guidance on content is provided in the governance statement section of the Scottish Public Finance Manual (SPFM) which sets out the essential features. We have confirmed that the SPSO governance statement is in compliance with this guidance and is consistent with our knowledge gained during the audit. We are not aware of any significant events between 31 March 2017 and the date of this report which have not been included in the governance statement.

As part of the review of the effectiveness of the systems of internal control and risk management arrangements, the Ombudsman has been informed by the Senior Management Team (SMT), the Audit and Advisory Committee (AAC), the work of internal auditors and comments from Deloitte as external auditors.

As part of our wider scope audit work we have reviewed the governance statement and concluded there are no inconsistencies or omissions based on audit evidence obtained throughout the audit.

Financial Sustainability

SPSO had approved funding for 2016/17 of £3,253k, with additional funding of up to £107k in order to establish a fixed term Learning and Improvement Unit.

SPSO operated within its cash allocation, drawing down the full allocation. Other income of £698k was secured in the year to fund additional specified areas of expenditure, such as acting as an independent reviewer of Scottish Welfare Fund (SWF) decisions and developing a new social work complaints handling procedure.

A Strategic Plan is in place for the period 2016–2020, which details SPSO objectives and how these fit with its statutory duties and Scottish Government National Outcomes. This is supplemented with annual Business Plans which summarises yearly performance against measures.

Budgets are prepared on an annual basis with indicative budgets for the 2 following years included. As there is uncertainty around future funding that will be received, 3 years budgeting is deemed adequate. We are satisfied that SPSO is pro-active in respect of its short, medium and longer term financial plan and will continue to operate within its cash allocation.

Internal Audit

In 2016–17 our internal auditors, the Scottish Legal Aid Board, looked at the areas of payroll, absence, risk management, accounting and budgeting, and procurement, and provided a consultancy report on climate change reporting duties. The auditors raised no issues of significance.

We implemented improvements to our case-handling system which refined our casework process from a five-stage to a three-stage process, streamlining complaint administration and integrating the new case type for Scottish Welfare Fund (SWF) casework. We updated our desktop and laptop computers in preparation for moving onto Windows 10 in 2017, as part of the SCOTS Connect secure network services.

Our people

We review our own learning and development requirements and deliver training programmes and development opportunities on a rolling basis. Group training sessions are delivered by a mix of internal and external experts and in 2016–17 this included areas such as the prison service, forensic psychology, dementia awareness, social work, presentation skills, leadership development, legal matters and issues, initiatives to promote positive mental health, and internal knowledge-sharing sessions.

We ran a number of induction sessions for colleagues new to the organisation, including telephone training. We developed our induction programme to include a ten-week Complaints Handling Induction Programme. We also ran a number of engagement and participation sessions on

the work of the Learning and Improvement Unit and on a project to review our vision statement and values.

SPSO achieved gold accreditation in Investors in People for 2016–17, valid to 2020, following the annual review in March 2016. This level of accreditation recognises organisations which strive for the best possible standards in people and management, the nurturing of talent, and which encourage personal development. IIP is an internationally recognised accreditation held by 14,000 organisations across the world, and gold accreditation is only awarded to the top 2% of organisations assessed.

[We carried out our staff survey in November 2016.](#) The results of the survey were generally very positive, indicating high levels of job satisfaction, engagement and dedication from SPSO staff. Staff indicated a strong sense of commitment to the organisation, despite the challenges of demanding workloads.

Risk management

We actively manage risk that impacts on the successful delivery of our strategic aims. The most significant strategic risk to the organisation in 2016–17 remained the adequacy of resources to deliver a quality service that delivers effective complaint handling within an acceptable timescale.

Ours is a demand-led service and as a consequence the number and complexity of complaints and enquiries handled is outside our control and fluctuates. This was closely monitored by the management team.

Corporate performance, governance and accountability

Environmental and sustainable development

We have continued to reduce our level of carbon emissions. We are committed to supporting the Scottish Government's policies on Environmental and Sustainable Development and understand our obligations in these areas. Further to the Climate Change (Scotland) Act 2009, the Government introduced an Order in 2015 requiring all 151 public bodies that appear on the Major Player list to submit an annual climate change report, detailing their compliance with the climate change duties. SPSO is listed, and [we published our second annual report in November 2016](#). Previously, we published a sustainability report.

Financial performance

Our budget for 2016–17 was £3.25 million. We received an additional £107,000 from the Parliament to set up the Learning and Improvement Unit, and £635,350 from the Scottish Government to establish three new areas of jurisdiction. We also generated modest revenue through our training unit and through shared services agreements (we continue to provide HR expertise to Scotland's Commissioner for Children and Young People).

We publish information on our website on specific expenditure areas, as required under the Public Services Reform Act. [Our full audited accounts are also published on our website](#).

Financial position for the year ended 31 March 2017

	2016–17	2016–17		2015–16
Budget	Expenditure	Variance		Expenditure
	£'000	£'000	£'000	£'000
Net operating costs per the accounts	3,253	3,340	87	3,250
Capital Additions	–	32	32	2
Total expenditure	3,252	3,372	119	3,252
Adjustments				
Non-cash items	–	(42)	(42)	(40)
Working Capital (including cash)	–	30	30	61
Cash Funding from SPCB	3,252	3,360	107	3,273

The slight overspend was a direct result of the additional work taken on for 2016–17 as noted above. It was kept to a minimum through careful monitoring and management.

Complaints about SPSO

Our customer service complaints process is based on our customer standards and has two internal stages, followed by referral to the ICCR.

We record and report customer service complaints internally and to our Audit and Advisory Committee. [We publish reports of customer service complaints on a quarterly and annual basis on our website.](#) The reports show the volume and type of complaints, their outcomes, the actions we took and our performance.

Key points for 2016-17

- we received 49 service complaints and closed 50 (from 4,182 complaints), which is 1.2% of our caseload, this is in line with the previous year.
- of these, 11 (22%) had elements that were upheld or partly upheld, an increase of 6% on the previous year.
- average timescales at stage 1 were 2.8 working days (against a target of 5 working days). At stage 2 we took on average 22.14 working days (against a target of 20 working days), and for escalated complaints the average time to issue a

decision was 30.75 working days (against a target of 20 working days).

- average timescales at stage 2 and for escalated complaints were adversely impacted by two 'outliers' which skewed the overall performance. Removing these two outliers would mean that average timescales at stage 2 are 16.8 working days and for escalated complaints 17.25 working days.
- the ICCR received 7 referrals and completed 2 full reviews. This is significantly lower than the previous year when the ICCR received 18 referrals and completed 8 reviews.
- each of the two reviews completed by the ICCR resulted in some of the issues being complained about being upheld. Of a total of 11 issues considered within these two reviews, 4 were upheld and 1 was partially upheld.

The table below gives a breakdown of closed service complaints by stage and outcome, including those determined by the ICCR. Each complaint contains a number of individual issues and the decision represents an aggregate of the outcome.

Complaints outcomes 2016–17

Type	Upheld	Not Upheld	Total	% upheld
Stage 1	7	24	31	22.6
Stage 2	3	9	12	25
Stage 2 escalated	1	6	7	14.3
Stage 3 – ICCR*	2	0	2	100
Total	13	39	52	25

* We have taken the view that where some but not all aspects of a complaint are upheld, we will report that as an overall upheld complaint. In the case of the two complaints considered by the ICCR, the reviewer considered 11 separate issues, upheld 4 and partially upheld one. As each case had at least one issue partially upheld, we have reported this as two upheld complaints.

Corporate performance, governance and accountability

Learning from service complaints

The table below provides examples of areas where we needed to take action to improve.

Failing identified	What we did in response
<p>We issued a letter from a member of staff very close to the date that member of staff was due to leave SPSO, but invited the customer to call them, even though the employee would already have left SPSO's employ by the time the complainant received it.</p>	<p>We agreed that this was poor customer service. The complainant had lost the opportunity for a fuller discussion with the member of staff who had originally worked the case. We upheld the complaint and discussed with the complainant what further action he wanted us to take on his complaint.</p>
<p>We told a complainant that two aspects of their complaint were for the review process, whereas they were about communication and should have been taken through the customer service complaints process.</p>	<p>We apologised to the complainant for this failing and committed to reminding colleagues that if they are in any doubt, to send the correspondence to both the Executive Casework Officer and the Head of Communications and Engagement to ensure that it is handled under the correct process.</p>
<p>The complainant was unhappy with the time we had taken to decide that her case should be closed (180 days).</p>	<p>The complaints reviewer explained the reason for the time it had taken to decide on the complaint, and apologised to the complainant. While there was a delay in reaching the decision in this case, this was in part unavoidable. Generally staff were reminded of the need to keep complainants updated throughout the SPSO process.</p>
<p>The complainant had provided details of her dyslexia and other factors which affected her ability to read documents at the start of SPSO's process when she submitted her complaint. These difficulties were the reason why the complainant, at the end of our process, had asked for her decision letter to be read to her. This did not happen, and we should have acted on the information she provided at the start of the process and agreed with her any reasonable adjustments we could put in place. The complainant advised that this had affected her ability to request a review of the decision within the timescale.</p>	<p>We apologised to the complainant for the fact that we did not read her decision letter to her and put reasonable adjustments in place.</p> <p>We agreed to discuss flexibility with the timescale, should she choose to request a review. We fed back to our investigation teams the need to identify any needs as soon as possible in the complaint assessment.</p>

Independent Customer Complaints Reviewers' Report

The ICCR provides a final external stage for complaints about the service delivered by SPSO under our customer service standards. It reviews our handling of service complaints and gives a view on whether we have acted in accordance with our service standards. If the ICCR finds any service failures, it makes recommendations for appropriate redress. The ICCR also offers constructive feedback and practical ideas for further improvement. [The full report from Jodi Berg and Elizabeth Derrington is available on our website.](#)

ICCR highlights for 2016–17

- The total number of referrals and the number of cases investigated were substantially lower than the numbers for 2015–16 (when there were 18 referrals and 8 reviews).
 - The majority of complaint issues were not upheld as the ICCR was satisfied that the SPSO had dealt with matters appropriately in line with published procedures and service standards.
 - The ICCR was satisfied that SPSO had been thorough and fair.
 - Where there had been administrative errors or failures of communication, SPSO had, on the whole, been quick to apologise and taken action to reduce the risk of similar problems in future.
 - Upheld complaint issues related to delays or oversights in replying to correspondence and led to three recommendations to SPSO.
- The ICCR received 7 referrals and completed 2 full reviews. One complaint was withdrawn by the complainant, and in 4 cases did not result in a full review because the issues the complainant wished the ICCR to look at related to decisions made by SPSO rather than to a service failure.

	Complaint issues	Issues upheld	Issues partially upheld	Recommendations
1 Mrs A	7	4	0	2
2 Mr B	4	0	1	1
Total	11	4	1	3

Corporate performance, governance and accountability

Compliments about SPSO

Compliments were paid through comments people made in our customer service survey; others are unsolicited thanks sent to our complaints reviewers. Here are a few examples.

A friend of mine suggested I try the Ombudsman, as he had found them very fair. I am so glad I did... After we had talked together on the phone I came away thinking, for the first time, that I had hope of a fair and just outcome, that someone who was unbiased and diligent was looking into our complaint.

The clear, respectful and professional way in which the SPSO dealt with my concerns helped me to move on from the event.

I think it is a fantastic service and easy to work with.

All the staff at SPSO treated me fairly, with sensitivity and respect. Could not have asked for better treatment with regards to my complaint... I personally found the whole process cathartic and healing.

I was very impressed about the level of detail in the investigation... Although my complaint was not upheld, which I feel is unfair, the customer service I received was incredibly high.

The report is immensely impressive in its tone and clarity.

The complaints reviewer has been an absolute star and gone above and beyond what she needed to. The whole team at the SPSO has been wonderful – thank you!

This process has been difficult at times and has brought out a lot of emotions but your incredibly effective and compassionate management of this case has made the whole process that bit easier. I am so grateful for your patience and empathy when we have spoken and would like to thank you for making me feel like our case really mattered.

Impact: Sharing Lessons

Strategic objective 6: to support public service improvement in Scotland

We believe that as well as putting things right for individuals, complaints can and should drive service improvement and lead to long-lasting change. We know that the public sector shares this vision, and we have been very pleased with the response from authorities and complainants to our new learning and improvement unit. The unit received funding for 2016–17, and we outline the main areas of this strand of our work below.

Sharing outcomes

We continued our practice of publishing almost all of our decisions and recommendations on our website, highlighting any significant trends and issues from the cases in our monthly e-newsletter. In 2016–17, we published 742 decisions. The reporting section of the SPSO website is our third most visited area, demonstrating a strong appetite for information about investigation outcomes. In 2017–18, we started a project to make this area easier to search online, to enable the public, authorities and others to see what we do and to learn from complaints that we have handled.

In 2016–17 we also continued to provide annual letters to authorities, sending them to all councils, NHS boards, universities, the prison service and water providers about which we received complaints. These contain a breakdown of the complaints that we investigated by subject, outcome, and so on, for each organisation in the relevant year. We publish the annual letters on our website.

Learning from complaints: informed consent

We published our first thematic report in March 2017, which highlighted the common failings we find in relation to consent to medical treatment. The report explored recent developments in the law and policy about consent and used case studies to illustrate the problems we see. As well as highlighting issues, we are keen to be able to be part of the solution, and the report also included a practical tool (the 'consent checklist') for health organisations, scrutiny bodies and policy makers to use in evaluating a consent process. We held an event at the Scottish Parliament for MSPs, health professionals, policy-makers and advocacy workers to discuss the report. It was very well-received, with positive feedback from health professionals, patient advocacy organisations and others.

Supporting authorities' learning

In its first year of operations, the focus of our learning and improvement work was on building our capacity to drive improvement through learning from complaints, especially by the authorities that bring us the largest volume of complaints or that exhibit repeat failings or systemic complaints handling issues. We embarked on a series of projects, some internal and some external, and these are summarised in the following sections.

Impact: sharing lessons

New approach to recommendations

We developed our new approach to how we make recommendations which we put into place on 1 April 2017 and continue to develop. We have made our recommendations outcome focussed, more targeted, deliverable and effective. This approach is based on a systematic analysis of the approximately 1,500 recommendations we made in 2015–16 (and ongoing monitoring and evaluation of recommendations). We also surveyed authorities, asking for their views, held workshops with SPSO complaints staff to provide input and used insights from our customer sounding board and customer forum.

On the basis of this analysis and feedback, we developed a new way of presenting our recommendations aimed at improving clarity and encouraging authorities to identify and develop effective solutions for preventing repeat mistakes and improving services.

This approach will enable us to capture more detailed information about our findings and recommendations, which will help us to better understand the impact of our work. We have also improved our methods internally for identifying complaints handling issues. This provides valuable intelligence for internal and external purposes. It has enabled us to strengthen links with key scrutiny and improvement bodies to identify ways in which they can support improvement from complaints, for example by providing organisations such as Audit Scotland with tailored information to feed into their role in carrying out public audits. Complaints should be considered as part of an organisation's overall governance and assurance arrangements, and we are keen to support organisations to ensure that this happens.

This work is still in its early stages and we will continue to monitor and develop it, in light of our own learning and feedback both from complainants and the organisations we investigate.

Targeted assistance

This year we offered direct assistance to two organisations identified through casework as needing to improve the quality of their complaints handling. Both organisations took up this offer and we established work plans with both. This work included working with two pilot areas: to scope and plan the changes and resources needed for the whole organisation, developing a Complaints Toolkit for staff on the intranet, and meetings between SPSO and complaints staff to develop relevant skills. Our support to these organisations will continue into 2017–18 and includes developing e-learning resources and quality assurance processes for the complaints handling function.

General assistance

More generally, as organisations move beyond the implementation of their CHPs and towards a culture of using complaints to inform wider learning and improvement, we wanted to ensure that our online resources reflected this. Working closely with our CSA, we redesigned our website for complaint handlers (www.valuingcomplaints.org.uk) around four key themes:

1. handling complaints
2. training
3. learning and improvement and
4. governance and performance.

In 2017–18 we will continue to add tools and resources to the site with the aim of supporting public bodies in embedding their learning and improvement activity.

Impact: sharing lessons

Cross-sectoral conference

In March 2017 we organised a cross-sector learning event, attended by nearly 200 delegates from a wide range of public sector organisations. The three themes for the day were:

1. analysing complaints to drive improvements
2. making the most of the learning from complaints
3. improving complaints handling.

SPSO staff led sessions about our QA processes and making impactful recommendations, a complainant spoke about his experiences of complaining, and several organisations shared examples of innovation and good practice. There were presentations about triangulating complaints data and measuring the impact of recommendations. There was also input from academics discussing complaint handlers and complainants as 'critical friends'. The event introduced delegates to some tools we developed in 2016–17: the Quality Assurance Tool and the Decision-making Tool. [These tools, as well as the presentations from the event, are all available on the Valuing Complaints website.](#)

Equipping elected members and informing policy

We provided expertise on complaints handling in response to proposed changes in the public sector landscape, and to raise awareness of what we do. [Our responses and evidence are published on our website.](#) In the course of 2016–17, we provided policy input as follows:

- responding to the Scottish Government's consultation on Social Security in Scotland
- responding to the Scottish Government's proposal for the introduction of a 'No Blame' redress scheme
- evidence to the Scottish Parliament's Health and Sport Committee about our role in NHS complaints

- responding to the Scottish Government's consultation 'Empowering teachers, parents and communities to achieve excellence and equity in education: A Governance Review'
- evidence to the Scottish Parliament's Local Government and Communities Committee on our annual report.

Following the Holyrood elections in May 2016, we refreshed [our Guide for MSPs/MPs and Parliamentary Staff](#). The Guide is part of the material we provide to inform people about our role in resolving complaints about public services in Scotland. Members of the public can bring a complaint to us directly. They do not have to ask an elected representative to do it for them. We know, however, that some people ask their MSP for support in making a complaint. When this is the case, it is important that those helping the person understand our remit and the kinds of outcomes we can achieve. In addition to helping constituents through complaints processes, MSPs also have a crucial role to play in holding public service organisations to account – including us. Our MSP Guide explains our roles and also outlines the key ways we relate to the Parliament and how we are held to account for our performance.

In conjunction with the Improvement Service, we similarly refreshed our Guide for Councillors in late 2016 in preparation for the new intake of elected representatives in Scotland's local authorities in May 2017. [This is available on the Improvement Service website, on their Elected Member Guidance and Briefings page.](#)

Equality and Diversity

We are committed to providing a fair, accessible service that recognises and serves the varying needs of our service users. In this section we highlight the work we undertook in 2016–17 to ensure we met our equalities commitments.

Ensuring our service is accessible

We continued to offer a drop-in service for people to come to our office and speak directly with our advice team and complaints reviewers. The Plain English Campaign validated all of our websites with the Crystalmark standard (reflecting the sites' good navigation and use of clear language). We continued to invest in Browsealoud software to help people with visual impairment or who wish to read our website in other formats or languages. We are also able to access interpretation and translation services, and have a portable loop induction system in our office for hearing aid users.

Understanding our users and improving our service

Along with most public organisations, we ask people to tell us about themselves when they bring us a complaint by asking them to fill out a form. This is voluntary and the information is not linked to their complaint. It helps us to understand who is using our service, see if any particular group is under-represented, and to remove any potential barriers to our service.

We made some changes to the data we collect in the 2016–17 forms. Specifically, we made changes to improve the way we gather information on gender and health to better understand the people who use and do not use our service. As this was the first year we have been collecting the data in this way, it is not possible to benchmark this information against previous years. The most significant finding was the number of people who reported they had a disability. 2016–17 was first year we asked people not only whether they had a disability but whether that disability related to physical and/or mental health. In 2015–16, around 25% of users reported they had a disability.

In 2016–17 when we specifically asked about both physical and mental health, the proportion of respondents indicating they had a disability increased to 33%. Of those who indicated a disability, 31% said it related to their physical health, 20% to their mental health, and a further 25% said they were affected by both. The remainder declined to specify the nature of their disability. We will look at this area again carefully next year to see if there are any established trends.

When we looked at areas where the data we collect was unchanged, the pattern of people complaining to us was similar to 2015–16 when we reported that our users broadly reflected the population. The one area where we remain out of step with the census figures is around age, where young people remain under-represented.

Equality and diversity

Reasonable adjustments

While the adjustments we make for people who come to us to help them access our service are specific to the person's needs, we review them each year to identify whether there are common themes. The most common types of request made in 2016–17 were to increase the font size for people who were partially sighted, use written correspondence rather than the phone for people who were partially and profoundly deaf and to use simple English for people who said they struggled to read and write, or with complex information.

A number of people told us that they had conditions that we should be aware of such as schizophrenia, Asperger's syndrome, autism, dyslexia, learning difficulties and chronic fatigue syndrome. We also adjusted our service for people whose first languages were Polish, Chinese, Lithuanian and British Sign Language.

It is important that we know if someone needs us to adjust our service to make it accessible for them. Our advice team, the first point of contact with the public, are now more actively seeking information from people to make sure we better understand if someone needs adjustments rather than waiting for the member of the public to let us know.

Our customer satisfaction survey asks people for their views on our accessibility. The results of the 2015–16 survey, which we published in November 2016, showed that 74% of people agreed that they were provided with all the support they needed.

Scottish Welfare Fund

Applicants to Community Care Grants and Crisis Grants can be among the most vulnerable in society. In preparing to take on our new independent reviewer role in April 2016, we wrote our first joint equality and human rights impact assessment. We made the document available for the whole of 2016–17, but did not receive any comments.

We received diversity information from a sample of SWF cases (21%) during the year. Applicants were advised that providing this information is voluntary and the information is stored and logged separately from their review application. From this data, we learned that 53% of respondents reported either a physical or mental disability.

Examples of reasonable adjustments we made include issuing decision letters in different languages, primarily using telephone communication for those with literacy difficulties and using an interpretation service. We also encouraged use of Browsealoud to enable access to our SWF website for people with dyslexia, visual impairments, low literacy and English as a second language.

All cases determined 2016–17

Case type	Stage	Outcome Group	Further Education	Higher Education	Health	Housing Associations	Local Government and Devolved Administration	Scottish Government	Water	Other Unknown	Total	
Enquiry	Advice & signposting	General enquiry	0	0	1	1	2	1	0	1	6	
		Out of jurisdiction enquiry	0	0	0	0	0	0	0	974	974	
		Premature enquiry	0	0	0	0	0	0	0	424	424	
	Total enquiries		0	0	1	1	2	1	0	1399	1404	
Complaint	Advice	Not duly made or withdrawn	6	21	312	85	279	133	25	8	869	
		Out of jurisdiction (discretionary)	0	0	0	1	0	0	0	0	0	1
		Out of jurisdiction (non-discretionary)	0	0	0	1	3	0	2	0	1	7
		Outcome not achievable	0	0	0	0	1	0	0	0	0	1
		Premature	6	13	242	113	467	83	69	3	996	
		Resolved	0	0	0	1	0	0	0	0	0	1
		Total	12	34	554	201	750	218	94	12	1875	
		Early Resolution	Not duly made or withdrawn	2	6	68	10	43	10	3	0	142
			Out of jurisdiction (discretionary)	1	6	58	8	82	27	5	0	187
			Out of jurisdiction (non-discretionary)	2	20	20	37	111	64	27	4	285
Outcome not achievable	2		8	47	19	115	65	4	0	260		
Premature	3		3	54	9	57	18	2	0	146		
Proportionality	2		15	113	27	132	45	9	0	343		
Investigation	Resolved	0	0	12	10	20	9	10	0	61		
	Total	12	58	372	120	560	238	60	4	1424		
	Fully upheld	2	1	129	6	52	14	8	0	212		
	Some upheld	4	8	131	5	42	11	4	0	205		
	Not upheld	4	13	235	16	60	28	5	0	361		
	Not duly made or withdrawn	0	1	11	1	1	5	1	0	20		
Total complaints	Outcome not achievable	0	0	1	0	0	0	0	0	1		
	Resolved	0	0	0	2	1	1	2	0	6		
	Total	10	23	507	30	156	59	20	0	805		
	Total complaints	34	115	1433	351	1466	515	174	16	4104		
Total contacts		34	115	1434	352	1468	516	174	1415	5508		

Enquiries signposted by SPSO advice team 2016–17 and 2015–16

	2016–17	2015–16
Advocacy Referral	1	4
Age Concern Helpline	1	0
Audit Scotland	2	4
Bus Passengers Platform	4	0
Care Inspectorate	11	4
Citizens Advice Bureau	128	102
Commission for Ethical Standards in Public Life in Scotland	11	4
Communications and Internet Services Adjudication Scheme	2	0
Consumer Direct	39	49
Consumer Focus Scotland	0	1
Dental Complaints Service	3	0
Drinking Water Quality Regulator	9	4
Financial Ombudsman Service	142	98
Homeowner Housing Panel	23	13
Information Commissioner Scotland	15	24
Law Society of Scotland	0	1
Local Government Ombudsman	3	0
Office of the Scottish Charity Regulator	3	3
Ombudsman Services: Communications	46	52
Ombudsman Services: Energy	109	96
Ombudsman Services: Pensions	11	9
Ombudsman Services: Property	16	27
Other	102	67
Parliamentary and Health Service Ombudsman	33	40
Passenger Focus	0	1
Planning Aid for Scotland	14	10
Police Investigations & Review Commissioner	23	24
Private Rented Housing Panel	5	4
Public Concern at Work	1	2
Public Services Ombudsman for Wales	1	0
Referred to Employer / Human Resources	25	21
Referred to Legal Advice	28	11
Removals Industry Ombudsman Scheme	1	0
Samaritans	3	1
Scotland's Commissioner for Children and Young People	2	7
Scottish Information Commissioner (FOI)	9	1
Scottish Legal Complaints Commission	20	20
Scottish Parliamentary Corporate Body	0	1
Shelter Housing Advice Line	64	42
The Property Ombudsman	2	0
Water Industry Commission for Scotland	27	8
Total	939	755





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