15 December 2014

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

Dear Convener,

Thank you for your letter of 1 October 2014 which sets out the Committee’s approach to the 7 January 2015 evidence session.

We are looking forward to discussing our annual report with the Committee and welcome the continued involvement of the public.

As the Committee is aware, we put a great deal of information about our performance into the public domain. The Committee were consulted on our strategic plan for 2012 to 2016 which is available here: [http://www.spso.org.uk/strategic-plan](http://www.spso.org.uk/strategic-plan). On our website you can also find: the minutes of our senior management team meetings; Audit and Advisory Committee meetings; meeting notes of our customer, local government and NHS sounding boards; regular reports about complaints we have received about our service; and, of course, almost all of the decisions we have made. We hope this means that anyone who is interested in our service can quickly and easily access the relevant information.

The Committee will also have available to them:

- Our annual report
- Our sectoral report on Local Government
- Our sectoral report on Health
- Our sectoral report on Housing
- Our sectoral report on Water
- Our sectoral report on Prisons

I appreciate the time the Committee have already spent considering our annual report and please find attached our answers to the Committee’s questions.
In order to further assist the Committee, I am providing an update on our work over the first six months of 2014/15 and also a summary of areas we expect to have potentially significant impact on us in the near future. One of these is my increasing concern about the rising number of complaints and our level of resources.

Yours sincerely

Jim Martin
Ombudsman
Annex A

SPSO performance update to the Local Government and Regeneration Committee

April to September 2014/2015

1. Key numbers about our performance

- 2,517 complaints received – 14% increase on the same six months in 13/14
- 2,495 determined – 16% increase on the same six months in 13/14

We have now seen several years of significant increase in complaints coming to us. We have managed to again increase productivity significantly but, as you can see, this is not keeping pace with the numbers that are coming in. Despite this, I know the Committee will be pleased to learn that we have also improved our performance against our timeliness targets with an improvement from 70% to 86% of decisions made within 50 working days.

I have said previously that quality will come before speed. Improvements in productivity are the result of improvements in when and how we communicate, with more emphasis on telephone contact at key points in the process, and also by ensuring that we make a decision that we cannot look at a complaint and signpost people effectively as quickly as possible. We have moved a small number of experienced staff to the very front of our process and, as a result, most of these decisions are now made within 3 days. This means that those complaints are no longer taking time later in the process away from cases where we can make a difference. We are continuing to look at our process and also our communication to both further improve quality and to ensure we are as efficient as possible. However, I think it is increasingly likely that we have made the most of efficiency gains and, in the absence of increased resources, there may be difficult decisions ahead.

Request for Review numbers

I am very pleased to report we have seen a reduction for the first time in requests for reviews of our decisions. All customers - complainants and organisations - can request a review if they are unhappy with a decision that is not made personally by me but is delegated to one of our complaints reviewers. Over the last few years we have made this process more visible to our customers and easier to access and, as a result, the percentage has been on a slow upward rise. Information about how to request a review is now included with every decision and, in October, we increased the time within which someone could make a request from 3 to 6 weeks.

Although we have made this process increasingly more visible, numbers of requests have always been low in relation to the number of delegated decisions made - the highest we have seen was 7% in the first six months of 2013/2014. The overall figure reported for last year reduced to 5.7% as we saw fewer requests for reviews in the second half of 2013/14. This trend has continued and the figure I can report
today to the Committee for the first six months of this year, 2014/15 is 3.4%. This is a significant reduction compared to the same period in 2013/14. I need to be careful to make any predictions based purely on two quarters. However, I am hopeful that this does show the benefits of the work we have undertaken to improve our communication and the focus we have had on the quality of our decisions through our Quality Assurance process.

2. Key numbers about complaints coming to us

- The number of cases coming to us prematurely is 37% - this is 14% lower than it was in 2009

- The uphold rate is also stable at 48%

The significant decrease in cases coming to us early is something about which I think we should all be pleased. We believe this is largely attributable to improvements in complaints handling brought about by the work of our Complaints Standards Authority in developing and helping public bodies implement our simplified model complaints handling procedures.

The questions to be asked now are: can this be sustained in an era of tightening budgets, and can it be lowered further? I appreciate that there will always be a number of people who want to come to us early. Indeed, I have discretion if I consider there are special circumstances to accept premature complaints so I do not anticipate this will ever fall to 0%. In fact I anticipate it will always be in the double figures. However, 37% still feels high and I would like to see the figure drop a few more % points. Our complaints standards team continue to work with organisations and we provide targeted support where we can to those organisations about which we receive high numbers of premature complaints so I am hoping this is only a temporary plateau.

The uphold rate for the first six months of this year is identical to the first six months of last year at 48%. The full year rate ended higher at 50% so I am approaching the six monthly figures with caution but I would like to highlight some potentially interesting trends. In our three largest areas (local government, health and housing) we have seen a decline in the uphold rate when comparing the first six months of this year to the first six months of last year. In local government this has been relatively modest at 4% and for health the rate is down 5%. Although small, these still represent significant numbers of cases as they are the largest areas under our jurisdiction. In housing there has been a significant 18% fall in the uphold rate.

It should be noted that the final six months of last year saw a general increase and this may mean the current declines are simply a short-term anomaly. While the housing % is a particularly notable reduction, I would also highlight the fall in health complaints where, because I can look at clinical judgment, numbers have tended to

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1 Please note these figures compare the six monthly figures. The annual figures for 13/14 were: 34% and 50%
be high and rising and so any decline is potentially significant. As the Committee knows, I have long hoped that the work we have invested in helping public bodies improve their handling of complaints before they come to me would reduce the rate at which we uphold complaints about them. We will report in more detail on this in our next annual report when we have figures for the full year.

3. Issues identified from my monthly compendiums
I have set out in response to the Committee’s questions the issues I have highlighted in my annual sectoral reports as repeated or potentially systemic failings. Each month, I highlight any significant issues from the cases published and, for example, in the first six months I have pointed to cases where:

- There were failings to respect the rights of carers and of a patient who could not make their own decisions;
- There were delays in cancer diagnosis; and
- There was a failure to signpost to the Additional Support Needs process in a school.

I will keep a close eye on these issues and we will analyse the full year results to assess what can be learned from the complaints received. As you will see in my response to the Committee’s questions my ability to investigate beyond the complaint is limited and, given this, it is not always possible to say whether these are simply isolated incidents that have clustered or that there are broader systemic issues. However, we do monitor complaints for trends and highlight these when they occur.

4. Policy developments

Scottish Health Council Report
Our health annual complaints report highlighted the Scottish Health Council report on NHS complaints handling. The findings of the SHC report (‘Listening and Learning: how feedback, comments, concerns and complaints can improve NHS services in Scotland’) were informed by a review which gathered views from patients and the public and included visits to all 21 of Scotland’s NHS Boards. The report also drew heavily on the first annual complaints reports produced by NHS Boards under the requirements placed on them by the Patients’ Rights (Scotland) Act. The use of this analysis shows the benefits of such regular and consistent reporting in providing a basis for complaints handling quality across the sector.

In our health report, we draw out a number of recommendations which the Listening and Learning report suggested SPSO take forward, including the development of a more consistent model complaints handling procedure. We have been in discussion with the Scottish Government and others on the best way to take forward these recommendations and we will work closely with stakeholders in taking forward

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2 See the September 2014 newsletter where I highlight that this has been seen before. All newsletters are available at http://www.spso.org.uk/ombudsmans-newsletter-archive
3 See a number of cases in the October 2014 newsletter
4 See the September 2014 newsletter where I highlight this
potential changes. We are committed to supporting the NHS and the Government in continuing to improve the way complaints are responded to and managed within the NHS.

Development of a complaints handling self-assessment framework
As part of this work to support improvement, we are developing and testing a framework for regulators and service providers to help them systematically assess the quality of their complaints handling. This looks at various aspects of complaints handling, including the effectiveness of the process for handling complaints, whether there is appropriate governance, oversight and learning and going beyond the numbers to include assessment of the quality of responses. We agreed that this initial draft framework could be used by Health Improvement Scotland as a basis to undertake and structure their review of NHS Grampian. They have told us this was very useful and we are, in turn, using this experience to refine further. We hope to make this framework widely available in 2015, including through working alongside the Scottish Housing Regulator.

Developments in the Ombudsman and wider landscape
In 2014, the Public Administration and Select Committee reported on public sector ombudsmen in England. I gave evidence to the PASC and it is pleasing to note the conclusion in their report, which, in effect, suggested that the one-stop-shop Scottish model should be adopted in England. In Northern Ireland, the assembly is also considering legislation which has drawn on our experience in Scotland.

I am watching these developments closely and will highlight to the Scottish Government and Parliament any developments that I think Scotland would benefit from adopting.

I am, of course, also considering carefully the potential impact on the SPSO of the proposals set out in the Smith Commission.

4 Looking forward

The integration of health and social care
We are being asked on an increasingly frequent basis for advice about how complaints should be handled in the new world of integrated services. We have increasing concerns about potential confusion for users in the new arrangements, based, in part, from emerging feedback from the experience of areas which have already moved to integrated arrangements. It is disappointing that, despite having raised this issue for some years both before Parliamentary Committees and with the Scottish Government, there is currently no clear model for complaints about integrated services and that legal barriers to integrating health and social care complaints processes remain. We have also expressed concerns that some of the functions of the integrated boards may not be covered by SPSO’s jurisdiction.

Scottish Welfare Fund
As the Committee will know, the Welfare Funds (Scotland) Bill, outlining provisions for the permanent Scottish Welfare Fund, is currently before the Scottish Parliament and that the Welfare Reform Committee has supported the proposal that SPSO take on the new function of independent second tier reviews. I await the vote at stage 1 for the view of the Scottish Parliament on the principles and, at that stage, if approved will start to move implementation plans forward.

Improving our service and the role we can play in scrutiny

Customer Survey and Service Standards projects
We have undertaken a significant project to review our service standards this year. These are a critical part of our Quality Assurance process and are also used when we assess complaints about the service we have delivered. As part of the process we have been in discussion with the British Standards Institute to see if there was scope to develop a BSI suitable for public service complaints handling. The international standard ISO9001 was designed for consumer/trader disputes and is not suitable for citizen/state disputes. While this discussion was useful, it highlighted that we would need to fund this process and that would be at significant cost (up to around £100,000).

In the absence of an appropriate BSI or ISO standard we have worked with ombudsmen and other complaints handlers across the UK to ensure that the standards we are setting reflect the best practice of the sector. We also expect these standards to be adopted elsewhere. The standards we have set have been endorsed by the Ombudsman Association and we also asked our customer sounding board to consider them in detail. The standards will be launched shortly and we intend to use them to further improve our service. In particular, our future approach to customer surveying will be based on these standards.

As the Committee will be aware, we have previously commissioned external researchers to undertake a large customer survey once every two years. The last survey we undertook was qualitative as the external research advice we received was that repeating a quantitative survey was unlikely to provide significantly different findings.

While we have made useful improvements as a result of our surveys we considered this biannual process was not providing us with information quickly enough. We wanted regular, quantitative data on customer satisfaction to sit alongside the detailed review of work we undertake in our own quality assessments. We have considered the way other ombudsmen and complaints handlers gather their customer feedback and are hoping to have a new approach in place for 2014/15 which will allow us to have surveys running continuously.

We are, therefore, piloting a survey that we can undertake quickly and easily in-house which allows us to get more information more regularly from our customers. We will base these surveys on our new service standards and this should provide us with a whole range of tools that will link together to help generate continuous
improvement in the service we provide. The new approach to surveying will also allow us to put even more information about the quality of our service and what the public can expect into the public domain.

Redress research – ensuring fair outcomes for citizens
I discuss our current approach to redress in Annex B in response to one of the Committee’s questions. We currently recommend financial redress in under 5% of cases and generally do so when there is a direct financial loss.

I also wanted to highlight to the Committee that I have recently commissioned research into the approach to financial redress adopted by the ombudsman offices in the UK which have a similar role to the SPSO. I have done so because it seemed to me that there was a variety of approaches taken. I am particularly interested in the fact that other similar offices will award financial redress when there has been no direct financial loss but when it is no longer possible to right the wrong done in any practical sense. This area, which involves the use of public resources, is not a straightforward one - this has been further demonstrated by a case which is currently before the Supreme Court where such an award by the Northern Ireland Ombudsman is being challenged as ultra vires. Our redress report should be available in the spring and I intend to undertake a review of our policy at that point to ensure it remains fit for purpose. I should stress that, if it is appropriate, I am comfortable with Scotland having a different approach. However, I need to ensure any approach is fair to the members of the public who have suffered a loss that it is difficult to redress.

Report on recommendations
Following my last appearance the Committee asked whether, within current resources, we could make more effective use of the response organisations make to our recommendations. Currently, we follow each recommendation made, carefully assess evidence for compliance and persistently pursue organisations until we receive an appropriate level of assurance. However, that information is shared only between ourselves, the organisation and the complainant where requested. I appreciated the Committee’s awareness of the limitations that exist on our resources but I have asked for an internal report to be prepared to consider how we might make this part of the investigation process more publicly available and what work that would require. This report should be completed by the end of this financial year.
Annex B

Answers to questions received from the Committee on Annual Report 2013-14

Ombudsman’s introduction

1. The Committee notes the implementation of complaint handling procedures (CHP’s) in certain sectors have been in place for the full reporting period. They are interested to learn what impact these have had on the numbers of complaints received, by the SPSO and the organisation, and any impact they have had on outcomes?

The model complaints handling procedures (CHP) have been operating across all local authorities and Registered Social Landlords (RSLs) for the 2013/14 period. The CHPs require local authorities and RSLs to publish consistent complaints information for the first time. In relation to RSLs there is a requirement to provide complaints information to the Scottish Housing Regulator through their monitoring of the Scottish Social Housing Charter. Ultimately, responsibility for reporting, publicising and analysing this information - and to take the improvement opportunities presented by this - is for the sectors themselves. It is important to emphasise that it is not SPSO’s responsibility to collect or analyse this information. Our role has been in providing the tools, frameworks and guidance on how this should be done. We note that after our appearance last year, the Committee approached SOLACE for further information about how information about decisions could be shared in the sector.

While noting our limitations, as part of our role in assisting and supporting improvements, we have been taking an active interest in the information that is available and can provide some comments on this to the Committee.

In terms of complaints at a local level, directly to local authorities and RSLs, given that this is the first year of the requirement to publish against consistent definitions of complaints, there is no clear previous baseline of transparent or consistent information to compare against to measure the impact in terms of actual numbers received or dealt with by these organisations. Some local authorities and RSLs are reporting increases in numbers of complaints for their own councils in comparison to the numbers they themselves were reporting previously. This is not unexpected given that the requirements now place a requirement on organisations to record all complaints made at the frontline. Most, if not all, organisations previously dealt with a majority of complaints at an ‘informal’ stage before entering their multi-stage complaints processes. These complaints were not recorded which meant that there was no information on complaints dealt with at that stage. It also means that the formally recorded and reported complaints for councils in 2013/14 were likely to increase, even if the underlying levels of dissatisfaction raised by customers did not.

Although some are reporting increases, interestingly, we have seen one council reporting decreases in reported numbers. This is due to the changes in the definition of a complaint with councils now operating one standardised definition. Many first time requests for service or enquiries from councillors, for example, were previously
categorised as complaints by some councils. This means that some councils were recording as complaints what most people would regard as simply a request for help. The standard definition of a complaint in the new model is helping to ensure that it is clear what should and should not be regarded as a complaint.

Over the same period, complaints about local government and RSLs increased by 16% in both sectors in 2013/14. This could be partly as a result of the new, more accessible CHP, a potential unintended consequence which we have raised with the committee in previous years. It should, though, be noted that we are also seeing increases across most sectors and as part of a longer term trend, increases which preceded the introduction of the model procedures. An encouraging indicator (and one which we did anticipate in relation to the CHPs) is the drop in premature complaints coming to SPSO, which we have outlined above in relation to both 2013/14 and the first period of 2014/15. With a simpler process and greater clarity and consistency about stages and timescales, and how their complaint will be investigated and responded to, fewer people are being lost in the complexity of multi-stage complaints processes.

In terms of the impact on outcomes, the key outcome for customers is that there is now a clear, simple and consistent procedure operating across most public services in Scotland, where before Sinclair and Crerar had identified that the previous system was broken and not fit for purpose.

One of the key aims of the model CHP was earlier and quicker resolution of straightforward complaints with more complaints dealt with close to the point of service provision and these complaints recorded and signposted. Based on our analysis of the council information available so far, local authorities are reporting an average 84% of complaints being responded to at the frontline without further escalation. Eight councils have reported a performance of 90% or more in this regard, which is an excellent outcome for customers.

Some councils are now also reporting examples of their learning from complaints with key case studies where they have improved as a result of complaints. Councils have reported to us that it is proving difficult to collect and provide robust information around learning and outcomes and this is something that the local authority complaints handlers network continues to focus on with our support. We are hoping over the next year to share learning with and from other sectors to help organisations in this regard.

2. The Committee are pleased to read in the report about innovations and solutions, can you provide some examples of these and set out the benefits that accrued.

The reference to innovations and solutions in the final paragraph of the Ombudsman’s introduction refers to the points highlighted in the rest of the overview. In particular, on pages 8-9 the Ombudsman highlights those practices of SPSO which have led to our being seen as a source of good practice by ombudsmen from
around the world who are seeking to learn from us. The Committee may be interested to know we have recently been approached by the World Bank as a leading ombudsman internationally to participate in their seminar series. The innovations that have attracted most interest as set out in the overview on pages 8-9 include:

- The creation of the Complaints Standards Authority and the implementation of standardised model CHPs, a model which others are looking to follow elsewhere,
- Our Quality Assurance process,
- Our e-learning modules and training programme.

Further information about the impact of the CSA is dealt with in detail on pages 32-37; the QA process on page 17 and the training unit on pages 38-39. The training we have developed for the NHS is currently being adapted by NHS England and Wales and we anticipate that many of our innovations will be taken up as part of the review of ombudsmen in England.

**Casework Performance**

3. The Committee would welcome your views and comments on whether the workload and resource implications of considering clinical judgments as opposed to maladministration in health complaints is an appropriate function to be undertaken by a lay body and 4 Also whether you consider undertaking this type of investigation detracts from your original core purpose and reduces the service you are able to provide to other complainers.

I have taken these questions together and I will answer them in some detail as they highlight a significant part of our work.

As an organisation, we have nearly 20 years of experience of looking at clinical judgment and an even longer experience of health complaints and it is, therefore, part of our core purpose.

The Health Service Commissioner for Scotland was set up in 1972. This post was effectively replaced by this organisation in 2002 and we inherited staff and complaints from the previous Commissioner’s office. In 1996 it was clarified in legislation that the Health Service Commissioner for Scotland would be given the power to consider clinical judgment. The Scottish Parliament confirmed this position in 2002 when we were established, so it has always been part of the SPSO’s core purpose. In 2011 the Patient Rights (Scotland) Act further strengthened the rights of patients, their family and friends to easily access a straight-forward complaints process.

I consider the development in Scotland over many years of a quick and easy internal process and easy access to an independent body with powers to look at the real concerns of the public is appropriate. The current process whereby I use clinical advisers but all the decisions are clearly made independently of the NHS is, therefore, one that I continue to support. This does mean NHS cases take more
resources but that has been the case now for almost 20 years and we are experienced in managing that process. The increasing impact on resources in recent years comes from better access by the public to complaints processes at the NHS level and peoples’ greater confidence in complaining about the NHS. This is a direct result of actions taken by the Scottish Government in, for example, the Patient Rights legislation which we have supported.

5. The Committee have noted the “success” of the pilot project to triage complaints at an earlier stage. They have also noted the information about 63 cases resolved early at the detailed review stage and would welcome your comments on whether this represents a failure of the new triage procedures?

Resolved is the description we use when we have been able to obtain agreement to a solution from both the complainant and the organisation and, therefore, need take no further action. This happens when our early look at the papers and/or our early discussions with the complainant and the organisation make it clear that what the complainant wants is likely to be something the organisation would be happy to do for them or may be required to do. We would normally expect these kind of cases to have been sorted out by the organisation in the original complaint to them but sometimes communication has not been good and these cases come to us. We can resolve cases in this way as part of the early triage stage but resolving cases usually requires a level of consideration of the detail and more contact with the organisation and the complainant than is possible at the very quick triage stage. We do not consider this a failure of the new process.

6. The Committee notes the increase in local authority complaints withdrawn and your view that this represents an underlying dissatisfaction with discretionary decision making. Can you update the Committee on your thinking underpinning this finding.

We identified this increase in withdrawn cases very quickly after looking at last year’s statistics. We looked at all of these cases to see if we could see a pattern. In many of these cases we found that we had asked for further information but the person had not provided that and so we had been unable to continue.

We did find a pattern in local authority cases where people who were told early in the process that we could not change the decision or even look at it directly because of the restriction on discretionary judgment, tended not to contact us again. As part of our regular practice we tell people early what we may or may not be able to achieve and where there is a significant gap we will also check that they are happy for us to proceed on that basis. We found at this point there was a drop off, with people not getting back to tell us they were happy to proceed.

This explanation also reflects our experience later in the process when people who have chosen to proceed remain unhappy with the outcome because of its limitations even although we explained this at the start. The Committee may find it interesting to note that this contrasts directly with our experience in health complaints – in health
when we tell people we do not provide compensation but we can look at the decision, they are far more often than not still keen to proceed.

7. The Committee notes a small number of organisations continue to have high numbers of complaints and would welcome details of these organisations.

We publish statistics detailing all complaints received for each individual organisation.\(^5\) We do not publish league tables because we have different jurisdictions over different sectors, and the challenges are varied. However, at the start of 2013/14 we identified a small group of organisations, around 10, who we wanted to work more closely with in an effort to help reduce the volume of complaints to us. Volume was, therefore, a key factor in identifying these organisations but we also considered some quality indicators such as the % of cases which came to us prematurely and at the rate of upheld complaints. The ten organisations we engaged with were (in no particular order):

- NHS Greater Glasgow and Clyde
- NHS Lothian
- NHS Tayside
- GPs (not a single organisation, but a high generator of complaints as a group)
- City of Edinburgh Council
- Fife Council
- Glasgow City Council
- Scottish Water
- Business Stream
- Scottish Prison Service

As you will see a key feature of many of these organisations is their large customer base which is likely to generate large numbers of complaints. We had structured meetings with each organisation to discuss their approach to complaints. We found the organisations welcomed the extra contact and support. Given resources, we are unable to offer the tailored approach to all our organisations.

Resources mean we have been unable to repeat the project in full this year but we continue to offer additional support where we can. We also identified that, at the end of the process, the organisations falling into this category had changed somewhat because of changing numbers of complaints. We would expect the list to undergo some changes each year.

8. The SPSO performance against the target at PI-2 shows a significant failure. Can you update the Committee on the reasons for this and the actions being taken to address the position.

\(^5\) http://www.spso.org.uk/statistics
You will see in the briefing note that the figure has moved from 70% to 86%. Of all our targets, this is the most challenging. The increasing number of complaints is outpacing our resources and, as I have said previously, time will go before quality. We have not yet revisited our KPIs and they will remain challenging. In order to get as close as we can to this target within our existing resource base, we have taken the pilot project forward and this is now permanent. This means we can remove any cases that can be identified quickly as not suitable. We continue to work on better communication which we know can help reduce time taken.

9. Does the absence of any judicial reviews being taken suggest that remedy is not effective and, if so, what reasons you would suggest contribute to that view. Are there any alternative remedies you consider appropriate?

Judicial review is the court option available to members of the public unhappy with the decisions and actions of Scottish public bodies. In many of the complaints we receive, we are providing a free alternative to that process within the limits set out by our legislation. If we did not exist, the only way to challenge any failings that may affect decisions would be to go direct to judicial review. As a Scottish public body, our decisions are also subject to judicial review.

While judicial review is rare, we do take the possibility seriously. We test our decisions and process against the standards we know a court would apply at judicial review and regularly provide training to staff to make sure any of our decisions would withstand such scrutiny. It should be noted that it is common practice for an organisation like ourselves to be the final stage before the Courts.

The effectiveness or not of judicial review as the route to challenge decisions of public bodies generally is a very broad question. We understand it appears to be used less often in Scotland than elsewhere. We note that judicial review was considered as part of the recent major review of the Scottish Court Service and the Parliament have decided what aspects of judicial review required reform.

10. The Committee continue to note all those dissatisfied with SPSO’s service do not have the opportunity to have their complaint considered by the external Service Decision Reviewer. They consider this a surprising position for a body whose purpose is to help people dissatisfied. Your comments on this would again be welcome.

Everyone dissatisfied with our service has the right to complain to the external service delivery reviewer. This is a non-statutory process which we fund ourselves because of our commitment to high quality service provision. There are no restrictions on access. It is therefore difficult for us to comment further on this question.

Impacts
11. The Committee have a particular interest in benchmarking which is mentioned in a couple of places in this section of your report. Please supply detail of which organisations are benchmarking and brief details of how they are doing this. Given the SPSO role in facilitating local authority handlers network the Committee are keen to understand how this work is improving performance.

Benchmarking is currently being undertaken by the local government sector through the local authority complaints handlers network. Over the course of 2013/14 the network have developed the arrangements for benchmarking performance with input from the Improvement Service. They have agreed an approach to comparing key performance indicators through the network with sub-division of local authorities into ‘family’ groups of similar local authorities. This approach has been piloted in the first instance against a small number of indicators with meetings planned for January and March to consider the information further. We are encouraging other sectors to develop a similar approach.

In terms of improving performance, this is allowing local authorities to start comparing performance against the agreed indicators to establish how they are performing against other similar local authorities, to identify where they can improve and to identify where best practice might exist. As an example, the indicator outlined above on the proportion of complaints resolved at the frontline will show a variance in performance between councils. This may be an indication of where one council’s approach is more effective at resolving these complaints (for example, through the structure of their teams, the training of their staff etc.) or it may indicate differences of approach in recording. Comparing this information will help inform their ongoing development and improvement.

12. The Committee notes 26% of recommendations are not implemented by organisations within agreed timescales and would welcome further details on this including the reasons given and details of any systemic offending organisations.

We do not have any organisations that we would consider systemic offenders. The bulk of recommendations are completed within our timescales across all organisations. If we did find any organisation was repeatedly missing this deadline, we would be happy to inform you of this.

It may be helpful if we explain further what we mean by agreed timescales. In terms of a full report which has been laid before the Parliament, organisations see the recommendations in draft format and can actively agree the timescales. In other cases, they are presented with a timescale and told when we expect a reply. The timescales we set are based on our previous experience and are standard timescales. In order to express our KPIs simply, we use agreed to cover both agreed and standard timescales. It is the standard timescales which are most likely to be missed – i.e. timescales we set.
In those cases they could be missed because: the organisation is challenging the decision or the organisation finds the timescale more challenging than we had anticipated. This can be for a variety of reasons including the organisation deciding to do more work, or complexity that could not have been anticipated prior to them trying to implement the recommendation.

13. **The Committee are very pleased to see the SPSO is engaging by phone with the complainants prior to issuing your decisions. We are interested in what effect this has had on requests for review?**

We are pleased to have the Committee’s support for what has been an important part of our ongoing focus on continuous improvement. Over a number of years now we have emphasised communication skills in recruitment and training as a way of ensuring not only that we provide a better service but we also find that more effective communication helps the quality of our decision-making. We also consider there is likely a link between good communication and the number of review requests. As we explain in our briefing note, we have seen a significant drop in reviews despite making our process easier to access (from a high of 7% to 3.4% of all decisions). It is early days and we think the effect on reviews is only part of the benefit of this approach but we do find this encouraging. However, it should be noted that even at its peak the request for review numbers was low as a proportion of our decisions and as a low number it is always more subject to short-term fluctuation.

14. **The Committee have noted in the examples of recommendations those relating to financial redress. We would be interested to understand the basis on which they are made and the available mechanisms for enforcement?**

When we identify a failing, we look at the impact of that failing and whether it can be remedied. In some cases, the impact is financial. In those cases, we would recommend a financial remedy. We generally do so only in cases where we consider there has been direct financial impact that we can quantify. We appreciate we are, at times, dealing with limited public resources so we do this carefully but there are situations where not to make a financial recommendation would be unjust. Fewer than 5% of our recommendations involve financial redress. The Committee will note in our briefing note that we are undertaking research into the approach of others, in particular around the use of financial redress where there has been a non-financial loss. We are aware from anecdotal evidence that our approach may be to use financial remedy more rarely than others. Our current policy does allow us to make time and trouble payments if we think someone has been kept in a complaints process for an unreasonable period of time. As the complaints processes have become quicker, this has been an extremely rare occurrence.

The Committee will have noticed the use of the word “at times”. We also take complaints from businesses about licensed water providers. The bulk of those complaints are about errors in billing and we find we make more financial remedy recommendations in those cases, largely because the concerns raised are usually financial.
Enforcement is the same for non-financial recommendations. If an organisation does not intend to implement a recommendation we would seek to persuade them to do so. However, if that fails, our only course of action would be to put the failing before the Parliament in the form of a special report. We know from cases in England that the complainant would likely be able to pursue the refusal as a judicial review against the organisation who has refused.

15. Please provide details of all of the systemic issues you have identified.

We appreciate that, when writing these questions, the Committee had not yet had access to our sectoral reports where we set out more details on the trends in each area. At the time of writing we have produced health, local government and housing reports. I would highlight pp 9-16 of the health report, pp 9-19 of local government and pp 7-11 of the housing report where we outline the main themes and issues that have emerged from last year’s casework.

The Committee will also be aware that I also highlight any points of concern I have in my monthly compendiums, and in my briefing note I have set out some of the points I have highlighted in the last few months.

16. Please advise when the next SPSO consumer survey will be undertaken along with any further details you are able about the proposed methodology?

We have referred to this in our briefing note as part of our wider review of service standards. We have considered a number of approaches to improve on the data we have received in the past. Traditionally we have undertaken a large biannual survey which has relied on external consultants. As discussed with the Committee previously, on advice the last one was a qualitative survey. All the surveys conducted to date have been helpful but we are keen to make this a more regular part of our work and to ensure feedback is more immediate. This year, we have decided not to spend significant money on consultants but are piloting an in-house survey which we anticipate will give us more data more regularly. The pilot will be undertaken by the end of 2014/15 with the intention of having this running throughout next year.

Corporate Performance

17. When will the SPSO staff survey results be published?

This was published on the 29 August 2014. Details are available on our website here: http://www.spso.org.uk/news-and-media/ombudsman-publishes-spso-staff-survey-results

The Committee may also be interested in our Investors In People report which we published in April 2014: http://www.spso.org.uk/news-and-media/spso-continues-investor-people
18. The Committee welcome the range of feedback methods used with SPSO stakeholders and would be interested in seeing any evaluation thereof or comments received thereon.

The Committee will be aware that our complaints reviewers frequently receive unsolicited thanks from complainants. We have provided notes of some of these to the Committee in the past; this year continues to see similar positive comments from the public about the quality of our service and the outcomes we have been able to achieve for people.

While we have undertaken surveys of stakeholders previously, this year we have focused on improvements to our customer surveying as a priority.

We continue to engage with stakeholders directly and each sectoral report provides details of this. We also engage through our sounding boards for the two largest sectors (health and local government). We publish notes of all sounding board meetings and you can see the comments we receive as part of the process in each note. These are available here: http://www.spsso.org.uk/sounding-boards

Informally, the feedback we have had from the master classes undertaken for the NHS last year was very supportive. NES has asked us to repeat these classes and that they are considering undertaking an evaluation of the training they have delivered in previous years. Any comments will be used to improve and develop future training.