

PERTH AND KINROSS COUNCIL**Scrutiny Committee – 3 December 2014****SCOTTISH PUBLIC SERVICES OMBUDSMAN REPORTS****Report by Head of Legal Services****PURPOSE OF REPORT**

This report provides information about investigation reports and decision letters published by the Scottish Public Services Ombudsman (SPSO) during 2013/14 and also presents summarised information about the complaints received and determined in total by the SPSO about the Council and all other Local Authorities from Financial year 2013/14.

1. BACKGROUND / MAIN ISSUES

- 1.1 The Scottish Public Services Ombudsman Act 2002 and the Public Services Reform (Scotland) Act 2010 give the Scottish Public Services Ombudsman (SPSO) the authority, in defined circumstances, to investigate complaints about Scottish public authorities, including local authorities.
- 1.2 The SPSO reports on complaints in two different ways. If he considers that the complaints he has investigated are of national significance he lays these reports before the Scottish Parliament. All other complaints are reported by decision letters sent to local authorities and published on the SPSO website and can be found at <http://www.spsso.org.uk/our-findings> The SPSO did not issue any reports in relation to Local Authorities during 2013/14.
- 1.3 This report covers decision letters about the Council published from April 2013 to March 2014.
- 1.4 The SPSO also provides statistical information each year about the complaints received about the Council in comparison to all local authorities. This report analyses any implications arising from the figures for 2013/14.
- 1.5 The Chief Executive receives copies of all SPSO Decision letters and discusses their outcomes and any recommendations made with Executive Directors.

2. DECISION LETTERS PUBLISHED APRIL 2013 – MARCH 2014

- 2.1 The tables below list the decision letters published by the SPSO in regard to complaints made against Perth & Kinross Council between April 2013 and March 2014, and the complaints upheld or not upheld by the SPSO during the same period.

- 2.2 The Ombudsman closed a number of cases after starting his initial investigation, concluding that they could not be taken forward. Reasons for closure vary, for example insufficient information supplied by the complainant, the matter being outwith the SPSO's remit or the complaint had not been through the Council's own complaints process.
- 2.3 In 2013/14 the Council dealt with 95 Stage 2 complaints containing 327 points of complaint at the final stage of its complaints process. This compares to 76 complaints containing 239 points of complaint during 2012/13.

The SPSO issued decision letters for approximately 25% of these cases in 2013/14 compared with 30% during 2012/13.

Case Ref.	Description	Number of Complaints	Complaints Upheld
201104865	TES – Planning issue	3	0
201200200	TES – Planning issue	2	0
201202858	ECS – Policy/Administration Matters	2	1
2012022994	HCC – Council Tax Issue	2	1
201204420	CEX – Policy issue	2	1
201204685	HCC – Confidentiality matter	2	0
201204821	TES – Planning issue	9	5
201204866	HCC – Right to Buy issue	1	1
201205407	HCC – Anti-Social Behaviour issues	4	3
201300524	TES – Planning Issue	3	0
201300946	HCC – Council Tax Issue	1	1
201301469	ECS – Education Issue	2	2
201301948	TES – Planning Issue	4	File Closed
201302093	HCC – Anti-Social Issue	1	0
201302395	TES – Planning Issue	2	0
201302710	TES– Planning Issue	1	File Closed

201302711	TES Planning Issue	1	File Closed
201302715	ECS - Education Issue	1	File Closed
201303898	TES – Planning Issue	2	File Closed
201304339	ECS – Education Issue	1	File Closed
201304511	TES – Planning Issue	2	File Closed
201305265	HCC – Housing issue	1	File Closed
201305667	ECS – Transport Issue	3	File Closed
201306068	TES – Parking Issues	1	File Closed
24	Total	53	15

2.4 The SPSO closed 10 of these cases in 2013/14 compared to 3 in 2012/13 and 8 in 2011/12. The SPSO are still investigating 4 cases which were started in 2013/14. To date, these cases have been in progress for between 149 and 271 working days.

2.5 Of the 15 complaints upheld by the SPSO in 2013/14, five had already been upheld by the Council.

SPSO	2011/12	2012/13	2013/14
Complaints Upheld	9	25	15
Complaints Not Upheld	11	36	21
Complaints Closed	12	9	17
TOTAL	32	70	53

2.6 There is no pattern or common factor arising from the upheld complaints which would indicate any change in practice is required, other than continuing to try to improve the overall quality of the Council's complaints handling and responses.

2.7 The Council has accepted all 10 recommendations made by the Ombudsman in connection with complaints against the Council. The Ombudsman's recommendations are varied and include demonstrating measures taken to implement a zero tolerance anti-social behaviour policy, apologising for errors and omissions, crediting a complainant's council tax account, approaching Scottish Ministers in regard to a tenant's right to buy, and ensuring that staff in

a school are aware of the Council's anti-bullying strategy and investigation process for allegations of bullying.

- 2.8 With the implementation of the new Complaints Handling Procedure (CHP) on 1 April 2013 there is now only one investigation stage. This means that there is greater capacity within the complaints system to cope with increases in complaint numbers. Each Service has its own complaints investigators who undertake most investigations. The Corporate Complaints Team undertake investigations for those complaints that service senior managers have been involved in; require an independent element or a service is experiencing a high volume of investigations. In addition there are nearly 200 officers who have been trained as Investigating Officers in addition to their own roles and who can be asked to undertake a complaint investigation.
- 2.9 The Corporate Complaints Team ensure that the SPSO Decision letters are circulated to the relevant Service and all the officers who were involved in the original complaint. The team also note the completion date of the recommendation and ensure that a response is issued to the SPSO within the required time scale.

3 STATISTICAL INFORMATION FOR 2013/14 AND COMPARISON INFORMATION FROM 2012/13

- 3.1 Appendix 1 shows the number of complaints received by the SPSO during 2013/14 both about the Council and about all local authorities. The figures are split by the SPSO's reporting categories.
- 3.2 In 2013/14 the SPSO received 12% more complaints about the Council than the previous year compared to an overall increase in all local authority complaints of 16%.
- 3.3 Most of the SPSO's figures for the Council are within the range of the national average for local authorities. There are several categories where the Council has no recorded complaints, although low national percentages for these categories make it likely that no complaints would be recorded for any given authority.
- 3.4 Three areas - Housing, Social Work and Finance - show figures lower than the national averages. In 2012/13 there were two areas which were lower than the national averages, Social Work and Subject Unknown / Out of Jurisdiction.
- 3.5 One area - Planning - shows a percentage significantly higher than the national figures. Education also shows a slightly higher percentage. In 2012/13 Education and Planning were also the areas which had percentages higher than national averages.

The cases making up these figures have been looked at to identify any underlying pattern or cause. The reason for each complaint is different and no systemic problems were identified.

- 3.6 As can be seen, the SPSO received a total of 20 complaints about the Council relating to planning issues. This compares to 14 in the previous year. These figures include complaints that did not progress to the investigation/Decision letter stage.

The largest cause of these complaints was again the handling of planning applications. This was the cause in 12 out of the 20 cases with another 5 being in regard to policy/administration matters. Of the 20 cases, 11 were from people who had objected to the application and were unhappy with the outcome.

A total of 2,145 planning applications were received during 2013/14 however, the total number of objections for this year is unavailable at the time of writing.

However if the number of objections is similar to last year's figure, 2,239 compared to the number of planning applications 1,732 then it is expected that again, the number of complaints will not seem particularly significant. During 2012/13 this represented 0.63% of the objections and 0.81% of the applications.

This conclusion is supported by the SPSO only upholding five (25%) of the complaints.

- 3.7 The SPSO also provided information about the numbers of premature complaints they received about local authorities; that is complaints which had not been through the authority's complete complaints process. For the Council, 23% (45% from previous year) of the complaints were premature, which compares to a national average of 40%.
- 3.8 For local authorities overall, the SPSO issued 1747 decision letters compared to 1497 from the previous year and no reports were issued during 2013/14 compared to 9 in the previous year.

4 SPSO ANNUAL REPORT

- 4.1 The SPSO publishes an Annual Report. The report for 2013-2014 can be found [here](#)

This report describes the performance of the SPSO during the year. It also explains that it was the first year of operation of simplified, standardised model complaints handling procedures (CHP) across all of Scotland's 32 Councils.

The report also describes the SPSO's progress towards integrating social work complaints into the model CHP although he states that the pace of reform has been slow. This work is described in detail within the report.

5. PROPOSALS

There are no proposals in regard to this report.

6. CONCLUSION AND RECOMMENDATIONS

The information about the SPSO findings provides an opportunity to reflect on the effectiveness of the Council's service delivery and complaints handling. The SPSO provides an independent complaints service for the public and, as such, will always receive some complaints about the Council. It is encouraging that the number of complaints upheld by the SPSO has declined and that there is no discernable pattern in the complaints received.

It is recommended that the Scrutiny Committee:

- (i) Note the position regarding investigation reports and decision letters published about complaints against the Council.
- (ii) Note that all recommendations have been accepted by Council Officers and that appropriate action has been taken in all other cases.
- (iii) Note the comparative information about complaints received by the Ombudsman in 2013/14.

Author(s)

Name	Designation	Contact Details
Pamela Dickson	Complaints & Governance Officer	(4)75527

Approved

Name	Designation	Date
Ian Innes	Head of Legal Services	22 October 2014

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Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not available (n/a)'.

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	No
Corporate Plan	No
Resource Implications	
Financial	No
Workforce	No
Asset Management (land, property, IST)	No
Assessments	
Equality Impact Assessment	No
Strategic Environmental Assessment	No
Sustainability (community, economic, environmental)	No
Legal and Governance	No
Risk	
Consultation	
Internal	Yes
External	No
Communication	
Communications Plan	No

3. Consultation

Internal

- 3.1 Each Service's Complaints Co-ordinator was consulted during the preparation of this report.

Complaints Received by the SPSO 2013/14

PKC Service	SPSO Category	PKC				All Local Authorities			
		Complaints to SPSO		%		Complaints to SPSO		%	
		12/13	13/14	12/13	13/14	12/13	13/14	12/13	13/14
Chief Exec / CS	Personnel	0	0	0	0	7	7	1	0.4
	Finance	4	4	7	6.2	85	173	6	9.9
	Legal & Admin	1	3	2	4.6	48	75	3	4.3
	Total	5	7	9	10.8	140	255	10	14.6
ECS	Education	6	8	10	12.3	76	171	5	9.8
	Recreation & Leisure	0	0	0	0	20	30	1	1.7
	Total	6	8	10	12.3	96	201	6	11.5
HCC	Housing	15	14	25	21.5	361	446	24	25.5
	Social Work	4	6	7	9.2	183	229	12	13.1
	Total	19	20	32	30.7	544	675	36	38.6
TES	Building Control	1	3	2	4.7	26	62	2	3.5
	Consumer Protection	0	0	0	0	9	8	1	0.5
	Env. Health & Cleansing	1	3	2	4.6	60	98	4	5.6
	Land & Property	1	0	2	0	28	28	2	1.6
	Planning	14	20	24	30.8	197	223	13	12.7
	Roads & Transport	2	3	4	4.6	73	119	5	6.8
	Economic Development	0	0	0	0	1	3	0	0.2
	Total	19	29	34	44.7	394	541	27	30.9
Fire & Police Boards		0	0	0	0	2	3	0	0.2
National Park Authorities		0	0	0	0	0	2	0	0.1
Other		2	1	4	1.5	10	9	1	0.5
Welfare Fund - Grants	Community Care & Crisis	0	0	0	0	0	16	0	0.9
Valuation Joint Boards		0	0	0	0	6	10	0	0.6
Subject Unknown or Out of Jurisdiction		6	0	11	0	313	38	20	2.1
Total		57	65	100	100	1505	1750	100	100