

PERTH AND KINROSS COUNCIL**Scrutiny Committee – 11 February 2015****SCOTTISH PUBLIC SERVICES OMBUDSMAN'S
RECOMMENDATIONS ARISING FROM COMPLAINTS IN 2013/14****Report by Head of Legal Services****PURPOSE OF REPORT**

This report provides information about the 10 recommendations made by the Scottish Public Services Ombudsman (SPSO) during 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 the 10 recommendations made by the SPSO in regard to the 24 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
- 1.5 The Chief Executive receives copies of all SPSO Decision letters and discusses their outcomes and any recommendations made with Executive Directors.
- 1.6 This report has been produced following a request by the Scrutiny Committee at its meeting on 3 December 2014. The Committee wanted to be informed of the individual SPSO recommendations in respect of Council complaints dealt with in 2013/14 and the actions taken to comply with them.

2. RECOMMENDATIONS MADE BY THE SPSO IN 2013/14

The recommendations made by the SPSO and the actions taken by the Council are listed in Appendix 1.

3. PROPOSALS

It is proposed to include implementation information in regard to SPSO recommendations in future reports on the SPSO Annual Report.

4. CONCLUSION AND RECOMMENDATIONS

The recommendations from the SPSO were all given appropriate consideration by senior management and action taken as soon as operationally possible.

It is recommended that the Scrutiny Committee note that all recommendations have been accepted by Council Officers and that appropriate action has been taken in all cases.

Author(s)

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

Approved

Name	Designation	Date
Ian Innes	Head of Legal Services	January 2015

If you or someone you know would like a copy of this document in another language or format, (on occasion only, a summary of the document will be provided in translation), this can be arranged by contacting Report Author



Council Text Phone Number 01738 442573

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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.

APPENDIX 1

RECOMMENDATIONS MADE BY THE SPSO IN 2013/14

The table below lists the 10 recommendations made by the SPSO in regard to Decision Letters issued against the Council between April 2013 and March 2014.

Case Ref.	Complaint Description	Decision Issued	SPSO Recommendation	Council Action
201202858	ECS Failed to take reasonable action in response to complaints of noise and anti-social behaviour at a Community Campus	26/07/2013	Recommendation 1 The Council demonstrate measures they have taken or propose to take to implement the policy of zero tolerance of anti-social behaviour including foul and abusive language. Date by which SPSO recommended action be completed: 26/10/2013 Recommendation 2 The Council reach a decision on the installation of fencing in appropriate locations to reduce general levels of noise affecting the property. Date by which SPSO recommended action be completed: 26/10/2013	Council agreed revised procedures with Live Active Leisure Ltd, which operates the facility on behalf of the Council. Date action completed by Council: 11/11/2013 Sound-reducing fencing was agreed and put in place. Date action completed by Council: 11/11/2013
201202994	HCC Failed to remove a student exemption from the complainant's Council Tax account in 2009 and notify them of the revised change at the time resulting in a backlog of payments	15/05/2013	Recommendation 3 The Council apologise for their omission in not removing a student exemption earlier from the complainant and in not informing her of this. Date by which SPSO recommended action be completed: 15/06/2013	Apology letter sent. Date action completed by Council: 8/10/2013

Case Ref.	Complaint Description	Decision Issued	SPSO Recommendation	Council Action
			Recommendation 4 The Council make an ex gratia payment of half the council tax liability incurred during the period complained about. Date by which SPSO recommended action be completed: 15/07/2013	Ex gratia payment made. Date action completed by Council: 8/10/2013
201204420	CEX The Council did not reasonably investigate and respond to the complainant	24/05/2013	Recommendation 5 An apology be issued Date by which recommended action be completed: 30/06/2013 Recommendation 6 Draw this report to the attention of the Head of Legal Services Date by which SPSO recommended action be completed: 30/06/2013	Apology letter sent. Date action completed by Council: 7/06/2013 Report drawn to the attention of the Head of Legal Services. Date action completed by Council: 7/06/2013
201204866	HCC The Council incorrectly advised the complainant of his right to buy on three occasions since February 2007	23/08/2013	Recommendation 7 That the Council after first obtaining the complainer's agreement and a supporting statement from him, present three cases to Scottish Ministers for consent for a voluntary sale based on: a Sale at estimated 26 February 2007 market value with discount of £15,000 and an allowance for rent paid to date of completion of sale;	This was a very complex case and trying to implement the recommendation proved just as complex. A letter was sent to the SPSO in December 2013 by the Executive Director, Housing and Community Care, explaining the situation and indicating that the Council would proceed to undertake the sale assessment process.

Case Ref.	Complaint Description	Decision Issued	SPSO Recommendation	Council Action
			B Sale at estimated 26 February 2007 market value with discount of £15,000 but with no allowance for rent paid; and C Sale at estimated 30 March 2011 market value with discount of £15,000 and an allowance for rent paid to date of completion of sale. Date by which SPSO recommended action be completed: 20/12/2013	The sale was completed in June 2014. An allowance for rent paid since 26 February 2007 to the sale date was included, less the cost of maintenance and improvements made to the property during this period. Date action completed by Council: 20/12/2013
201205407	HCC 1. The Council's Safer Communities Team took five months to tell the complainant that their case had been closed 2. The Council's Safer Communities Team refused to divulge to the complainant the name of the Council solicitor who determined that the harassment suffered did not cause alarm or distress 3. The Council refused to provide the complainant with a copy of the statutory test which the lawyer used to determine the matter	8/10/2013	Recommendation 8 The Council apologise for the delay in providing clarification on whether it was open to the Safer Communities Team to pursue formal action and for the failure to respond to requests for information. Date by which SPSO recommended action be completed: 8/11/2013	Apology letter sent to the complainant with information requested but not originally provided. Date action completed by Council: 19/11/2013

Case Ref.	Complaint Description	Decision Issued	SPSO Recommendation	Council Action
201301469	ECS The Council took an unreasonable time to respond to the complainant in terms of its Complaints Handling Procedure	9/10/2013	Recommendation 9 The Council apologise for the unreasonable time taken to manage the entire process of responding to the complaints. Date by which SPSO recommended action be completed: 24/10/2013 Recommendation 10 The Council should consider reviewing what steps they might take to ensure that timelines for complaints handling are met and appropriate cases are given priority Date by which SPSO recommended action be completed: 11/11/2013	Apology letter sent Date action completed by Council: 29/10/2013 Letter sent to SPSO explaining that implementation of new complaint system had increased workload. The Council believed that the introduction of the new CHP would reduce further such delays. Date action completed by Council: 11/11/2013

