

PERTH AND KINROSS COUNCIL**Scrutiny Committee – 17 April 2013****SCOTTISH PUBLIC SERVICES OMBUDSMAN REPORTS****Report by Head of Legal Services****ABSTRACT**

This report provides information about investigation reports and decision letters published by the Scottish Public Services Ombudsman (SPSO) regarding the Council from November 2011 to October 2012. The report also presents summarised information about the complaints received and determined in total by the SPSO about the Council from 2011-12.

1 RECOMMENDATION(S)

It is recommended that the Scrutiny Committee:

1. Note the investigation reports and decision letters published about complaints against the Council.
2. Note that all of the Ombudsman's recommendations have been accepted by Council officers and that appropriate action has been taken in each case.
3. Note the complaints received by the Ombudsman about the Council in 2011-2012 and the comparative information about all councils for this period.

2 BACKGROUND

- 2.1 The Scottish Public Services Ombudsman Act 2002 gives the Ombudsman the authority, in defined circumstances, to investigate complaints about Scottish public authorities including local authorities. Any resulting reports are laid before the Scottish Parliament and decision letters are published on the SPSO website.
- 2.2 This report covers investigation reports and decision letters about the Council published from November 2011 to October 2012.
- 2.3 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 2011/2012.

3 INVESTIGATION REPORTS & DECISION LETTERS PUBLISHED NOVEMBER 2011 – OCTOBER 2012

- 3.1 The table below lists the decision letters published by the SPSO in regard to complaints made against Perth & Kinross Council between November 2011 and October 2012.

Case Ref.	Description	Number of Complaints	Complaints Upheld
201005054	TES – Traffic Calming Measures	1	1
201005183	TES – Anti-Social Noise Issues	2	0
201100801	HCC – Anti Social Issues	5	File Closed
201100886	HCC – Rent Bond Guarantee Scheme	4	2
201102305	HCC – Payment Issues	1	File Closed
201103068	TES – Planning Application	4	0
201103170	HCC – Housing Benefit Claim	2	2
201103196	TES – Planning Application	1	File Closed
201103488	HCC – Complaints Review Committee	1	1
201103682	TES – Planning Issues	1	File Closed
201103824	TES – Planning Application	3	0
201104585	TES – Planning Issue	1	File Closed
201104664	TES – Road Defects	1	0
201200214	TES – Pavement Repairs	2	0
201200359	HCC – Social Care Issues	1	File Closed
201201908	CE – Employment Issue	1	File Closed
201202807	ECS – Contractual Matters	1	File Closed
17	Total	32	6

Note the abbreviations used above (and later) are as follows: -

CE - Chief Executive's Service
ECS - Education and Children's Services
HCC - Housing and Community Care
TES - The Environment Service

- 3.2 In 2011-2012 the Council dealt with 48 cases containing 174 complaints at stage 2 of its complaints process. The SPSO dealt with approximately 35% of these cases.
- 3.3 The Ombudsman closed a number of cases after 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.
- 3.4 The SPSO closed 8 of the 17 cases without reaching a decision.
- 3.5 The SPSO upheld 6 out of the 32 complaints and did not uphold 14. The remaining 12 complaints were from the cases that were closed.
- 3.6 In view of the relatively low numbers involved, it is difficult to contemplate particular action to address this other than continuing to improve the overall quality of the Council's complaints handling procedures and responses. It has to be recognised, however, that some complainants feel that the SPSO is the only hope of a favourable resolution to their complaint and will escalate it regardless of the Council's procedures and the quality of the response.
- 3.7 The Council has accepted and implemented all of the Ombudsman's recommendations detailed within the decision letters.

It should be noted that the Ombudsman does not make recommendations for all complaints that are upheld and may make a recommendation even though the complaint is not upheld.

On three occasions, it was recommended that a letter of apology be sent to the complainant. There were three recommendations regarding the operation of the Rent Guarantee Bond Scheme. There was one recommendation that the Council review an insurance claim related to a road defect.

4 STATISTICAL INFORMATION FOR 2011-2012

- 4.1 Appendix 1 shows the number of complaints received by the SPSO during 2011-2012 both about the Council and about all local authorities. The figures are split by the SPSO's reporting categories.
- 4.2 In 2011-2012 the SPSO received 9% fewer complaints about the Council than the previous year, with an overall reduction in local authority complaints of 4%.
- 4.3 Most of the SPSO's figures for the Council are within the range of the national figures 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.

- 4.4 Two areas, Building Control and Subject Unknown / Out of Jurisdiction, show figures better than the national figures.
- 4.5 Two areas, Housing and Planning, show percentages higher than the national figures. The cases making up these figures have been looked at to identify any underlying pattern or cause.
- 4.6 As can be seen, the SPSO received a total of 10 complaints about the Council related to planning issues. This compares to 13 in the previous year.

The SPSO did not uphold any of the 10 complaints.

The largest cause of these complaints was again the handling of planning applications. This was the cause in 6 out of the 10 complaints with the other 4 being in regard to policy/administration matters. Of the 10 complaints, 5 were from people who had objected to the application and were unhappy with the outcome.

When the number of complaints is compared to the total number of objections received (6,226) for all planning applications (2,251) in the year, the actual number of complaints cannot be considered as significant. The complaints represent 0.08% of the objections and relate to 0.2% of the applications.

After reviewing the complaints, it has not been possible to identify any systemic issue to be addressed.

- 4.7 For Housing and Community Care, the 13 complaints are each about completely different issues including neighbour disputes, repairs and maintenance issues, policy / administration matters, applications, allocations, transfers and exchanges. There does not appear to be a systemic problem to be addressed.
- 4.8 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, 47% of the complaints were premature which compares to a national average of 52%.
- 4.9 The SPSO issues a report for any complaints he has investigated which he considered to be of national significance and lays these reports before the Scottish Parliament. The SPSO did not issue any reports in relation to the Council.
- 4.10 For local authorities overall, the SPSO issued 707 decision letters compared to 408 from the previous year and 56 reports compared to 50 in the previous year.

5 SPSO ANNUAL REPORT

- 5.1 The SPSO publishes an Annual Report. The report for 2011-2012 can be found on:

<http://www.spsos.org.uk/files/SPSO%202011-12%20Annual%20Report.pdf>

That report describes the performance of the SPSO during the year. It also explains how the role of the SPSO has increased over the 10 years of the post's existence and details how he intends to continue to improve complaints handling in Scotland.

It also describes how much of the groundwork for the SPSO's Model Complaints Handling Procedure has been led by Local Authorities and the SPSO in 2011-2012. The Council's implementation of the Model Complaints Handling Procedure was the subject of a report to the Strategic Policy and Resource Committee in February 2013 (13/73).

6 CONSULTATION

There was no consultation in the preparation of this report.

7 RESOURCE IMPLICATIONS

There are no resource implications arising from this report.

8 COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

This report supports all the objectives in the Council's Corporate Plan 2009-2012 Objectives.

9 EQUALITIES ASSESSMENT

The function, policy, procedure or strategy presented in this report was considered under the Corporate Equalities Impact Assessment process (EqIA) and was assessed as not relevant for the purposes of EqIA.

10 STRATEGIC ENVIRONMENTAL ASSESSMENT

Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).

However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

11 CONCLUSION

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 numbers remain constant and that there is no discernable pattern in the complaints received.

IAN INNES
HEAD OF LEGAL SERVICES

Note: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

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Complaints Received by the SPSO 2011-2012

PKC Service	Categories used by SPSO	PKC		All Local Authorities	
		Complaints to SPSO	%	Complaints to SPSO	%
Chief Exec / CS	Personnel	0	0	11	1
	Finance	2	4	73	5
	Legal & Admin	1	2	44	3
	Total	3		128	
ECS	Education	3	6	77	5
	Recreation & Leisure	0	0	23	2
	Total	3		100	
HCC	Housing	13	28	341	21
	Social Work	5	10	182	12
	Total	18		523	
TES	Building Control	0	0	42	3
	Consumer Protection	0	0	10	1
	Env. Health & Cleansing	2	4	40	3
	Land & Property	1	2	30	2
	Planning	10	21	210	13
	Roads & Transport	4	8	96	6
	Total	17		420	
Fire & Police Boards		0	0	1	0
National Park Authorities		0	0	1	0
Other		0	0	12	1
Valuation Joint Boards		0	0	9	1
Subject Unknown or Out of Jurisdiction		7	15	325	21
Overall Total		48	100	1527	100