

The Highland Council
Audit and Scrutiny Committee – 17 April 2008

Agenda Item	
Report No	

Scottish Public Sector Ombudsman Inquiries into Complaints Against The Highland Council - Annual Report

Report by The Chief Executive

Summary

This reports sets out the number and type of complaints against the Council that have been referred to the Office of the Scottish Public Sector Ombudsman (SPSO) in the preceding year and the subsequent judgement in the cases where the SPSO has concluded its investigation.

1. Background

- 1.1 The Scottish Public Services Ombudsman was set up in 2002 to investigate complaints about most organisations providing public services in Scotland, including local authorities. The SPSO looks into complaints where a member of the public claims to have suffered injustice or hardship as a result of maladministration or service failure and only investigates cases when the complainant has already exhausted the formal complaints procedure of the organisation concerned.

2. Cases investigated in 2007/08

- 2.1 In 2007/08 the SPSO initiated 13 new inquiries of which, 9 related to Planning issues, 2 to Finance, one to Housing and one to Social Work. In addition to these there are a number of cases that were begun in the previous year which are still ongoing or on which the Ombudsman reached a judgement in 2007/08.

3. Cases Completed in 2007/08

- 3.1 In 2007/08 the SPSO completed enquiries into 14 cases. The SPSO decided not to instigate full investigations into 8 of these cases which meant that only 6 resulted in full reports being submitted to the Parliament. Of these 8 cases, 2 were partially upheld.

4. Complaints Upheld

4.1 Case 1 – Parking Issues, Skye. Published 20 February 2008

The subject of the complaint was that the Council had failed over a number of years to ensure that the proprietors of an adjacent premises provided adequate car parking.

The Ombudsman partially upheld the complaint concluding that:
“The Council could have been more forceful with Mr B. In that time, Mr C was probably inconvenienced by overflow. I therefore partially uphold Mr C’s complaint.”

However, the SPSO had no recommendation to make because the outcome achieved by the Council was considered satisfactory. The full text of the report is available on the SPSO website at <http://www.spsso.org.uk>.

5.2 Case 2 – Planning advice for development at Woodside of Culloden. Published 19 March 2008

The complaints investigated were that:

- (a) Mr C was not given an explanation for the reasons why the development plot was affected by a change of circumstances or why the definitive advice given to him in October 2004 did not apply (not upheld);
- (b) Mr C's objections to planning permission were not taken into account and he was not advised that planning permission was granted on 6 April 2006 (upheld); and
- (c) the Council delayed in responding to Mr C's correspondence (not upheld).

The Ombudsman recommended that the Council emphasise to staff that care should be taken in responding to correspondence and that replies given to members of the public address the concerns raised and be made in a timely fashion. She also recommended that the Council apologise to Mr C for failing to advise him from the outset that planning permission had been granted.

These recommendations have since been implemented and the SPSO has written confirming that she is satisfied with the steps that the Council has taken. The full text of the report is available on the SPSO website at <http://www.spsso.org.uk>.

3. Cases Outstanding

- 3.1 There are 14 active Ombudsman cases at the present time, some of which were commenced in 2007/08, but a number of which were instigated by the SPSO in 2006/07. We have received draft reports for 5 of these cases and expect the final reports to be laid before Parliament in May/June 2008. The findings of these reports remain confidential until they are published and so it is not possible at this time to confirm publicly whether or not the SPSO has found in favour of the complainant in any of these cases.

Recommendation

The Committee is asked to note the report.

Signature:

Designation: Chief Executive

Author: Kate Lackie, Business Manager

Date: 7 April 2008