

THE HIGHLAND COUNCIL
AUDIT AND SCRUTINY COMMITTEE
24 September 2014

Agenda Item	9
Report No	AS/21/14

Scottish Public Service Ombudsman Cases received by the Council
Report by the Chief Executive

Summary

This report sets out the number and types of complaint about the Council that have been determined by the Office of the Scottish Public Services Ombudsman (SPSO) in the period since the last report to Audit and Scrutiny Committee.

1. Background

The Scottish Public Services Ombudsman (SPSO) was set up in 2002 to investigate complaints about 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 exhausted the formal complaints procedure of the organisation concerned.

2. Period Covered by the report.

At the meeting of the Audit and Scrutiny Committee in December 2012 members agreed that upheld SPSO cases received by the Council should become a standing item on the Committee agenda. No report has come forward to Committee since November 2013 because there have been no Ombudsman rulings against the Council in that time. The period covered by this report is therefore from November 2013 to September 2014.

3. Statistics November 2013 – September 2014

3.1 There were 31 cases initiated by the Ombudsman in the period covered by this report of which, 16 were not upheld, 2 complaints were upheld and 1 partially upheld. 12 cases have yet to be determined.

4. Summary

4.1 Complaint 1, (upheld): Planning. A complaint was made about the advice and actions of council planning officers during consideration of an application for permission in principle to build a new dwelling house in the grounds of an existing property. The applicant was dissatisfied with the responses she had received and complained to the SPSO.

Whilst the SPSO did not consider the planners' advice to be incorrect, the Ombudsman took the view that the council could have provided fuller responses in reply to the applicant's concerns.

The Ombudsman upheld the complaint and recommended that the council apologise to the applicant that their responses to her complaints were not as full as they could have been and provide more detailed responses to her original concerns. The Council has fulfilled the recommendation to the satisfaction of the SPSO and the case has been closed.

- 4.2 Complaint 2 (upheld): handling of a crisis grant enquiry. The applicant complained that when he had called the council to apply for a crisis grant, the call handler had judged him to be ineligible because he did not meet the criteria as he was not in receipt of a qualifying benefit. The complainant had therefore not been able to make a formal application.

The SPSO determined that the council had pre-judged the situation and should have agreed to process an application for the customer. In doing so, the customer could have had access to a formal review process after being advised by the SWF team that his claim was not eligible for a grant.

In making this determination the SPSO noted that the council did not need to amend any procedures. However, it recommended that the council apologise to the customer for not handling his enquiry about a crisis grant appropriately and remind staff administering the Scottish Welfare Fund that if a person clearly wanted to apply then they should process that application.

The Council has implemented the recommendations to the Ombudsman's satisfaction and the case has been closed.

- 4.3 Complaint 3, (partially upheld): complaint about an elected member. The complaint was that the Council had handled a number of elements of correspondence inappropriately. Two of the three issues were not upheld and the substance of the complaint was not upheld. However, the Ombudsman did uphold a complaint that in one piece of correspondence, reference had been made to a 'community council' when it should have been a 'community councillor'.

The Council had already acknowledged and apologised for this error when the customer had originally complained using the Council's formal complaints procedure. Consequently, the Ombudsman did not consider it necessary to make any recommendations.

- 4.4 Summary reports on complaints about Scottish Local Authorities that have been investigated by the SPSO are available on www.spsso.org.uk. However, complaints 2 and 3 referred to above have been determined relatively recently and therefore have not yet been uploaded onto the Ombudsman's website. It is anticipated they will be available to view by the end of September 2014.

5. Implications

There are no Resource; Legal; Equalities; Climate Change/Carbon Clever; Gaelic or Rural implications arising from this report.

Risk: the risks arising from the Ombudsman's rulings have been considered and, though they are judged to be of low impact and unlikely to recur, appropriate action has been taken to ensure similar issues do not arise in future.

6. Recommendation

Members are asked to consider the details of this report.

Signature: Steve Barron

Designation: Chief Executive

Date: 14 September 2014

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