

THE HIGHLAND COUNCIL
AUDIT AND SCRUTINY COMMITTEE

29 September 2016

Agenda Item	9
Report No	AS/17/16

Annual Report of Scottish Public Service Ombudsman Cases received by the Council 2015/16

Report by the Chief Executive

Summary

This reports sets out the number and types of complaint against the Council that have been referred to the Office of the Scottish Public Sector Ombudsman (SPSO) in 2015/2016 and the subsequent judgement in the cases where the SPSO has concluded his inquiry. It also provides a comparison with the Council's performance in 2014/15.

1. Background

1.1 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 already exhausted the formal complaints procedure of the organisation concerned.

2. Statistical Data

2.1 Attached are summary details of the complaints that the SPSO received and determined about the Highland Council. Appendix 1, Table 1, details the number of complaints (by the SPSO's subject categories) received for 2014/15 and 2015/16 alongside the total of local authority complaints for these years.

2.2 Appendix 2, Table 2, shows the outcomes of complaints about the Highland Council determined by the SPSO. In 2015/16 only 8 complaints were considered suitable for the SPSO to investigate, compared with 14 in the previous year, a significant reduction in percentage terms. Out of the 78 cases recorded in 2015/16, 4 cases were fully upheld and 1 was partly upheld. This is a decrease on the preceding year when a total of 6 out of 76 cases were fully or partially upheld. Fuller details of the 2015/16 upheld cases are set out in Section 3, below.

2.3 There has been an increase in the number of premature complaints being submitted to the SPSO, from 32.9% in 2014/15, compared with 46.2% in 2015/16. This is higher than the sector rate of 37.6% and in terms of numbers, it represents an increase from 25 premature cases in 2014/15 to 36 premature cases in 2015/16. This is unfortunate as the trend had previously been downwards. The Ombudsman has been asked to provide further information on the subject groups that have received the most premature complaints to see if the reasons behind this increase

can be identified and steps taken to reverse the decline in performance. An update on progress with this will be provided to the Committee in due course.

3. Upheld/Partially Upheld Complaints 2015/16

3.1 The SPSO upheld or partially upheld 5 separate complaints about the Highland Council in 2015/16. Full details of each of these cases have already been reported to the Audit and Scrutiny Committee in regular update reports. The Ombudsman's own summary reports on these complaints can be found on the website: www.spsos.org.uk by searching on the reference number.

3.2 Case 1, 201404445 (partially upheld): Council Tax. The complaint was that the Council had sent a customer's council tax demands to an incorrect address despite him notifying the Council of his correct address. The customer also complained that the Council failed to process his forms for council tax benefit. The first complaint was upheld, the second complaint was not. The Council has given an apology, as recommended.

3.3 Case 2, 201403087 (upheld): Bullying allegations at a primary school. Whilst the Ombudsman accepted the Council's position that bullying had not occurred, the SPSO did find that the school had not adequately addressed the implications, including anxiety and stress, experienced by the child. The Council has given an apology, as recommended.

3.4 Case 3, 201304678 (upheld): Bullying allegations at a primary school. The Ombudsman upheld a complaint that a school failed to undertake a proper investigation of bullying allegations and failed to follow its own anti-bullying guidelines. The council has apologised unreservedly to the family; and fulfilled all of the other recommendations.

3.5 Case 4, ref 201407208 (upheld): Damage to garden fence. The Ombudsman investigated a complaint that contractors employed by the Council had caused damage to a garden fence. Whilst the Ombudsman decided it was not possible to assess whether the customer's fence had been damaged as claimed, the SPSO did find that the Council had failed to deal appropriately with the complaint itself. The Council has given an apology and actioned all of the SPSO's recommendations, including the payment of compensation by the contractor.

3.6 Case 5, ref 201500997 (upheld): Time taken to install a road sign at concealed road entrance. The Ombudsman determined that the Council took an unreasonable time to install a road sign and did not respond to the customer's requests for progress updates within a reasonable timescale. The Council has given an apology and actioned all of the SPSO's recommendations.

4. Implications

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

5. Recommendation

5.1 Members are asked to consider the details of this report.

Signature: Steve Barron

Designation: Chief Executive

Date: 19 September 2016

Author: Kate Lackie, Business Manager

TABLE 1
Complaints Received by Subject 2015-16

Subject Group	Highland Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Planning	20	1	25.6%	172	5	10.0%
Housing	16	2	20.5%	423	1	24.6%
Finance	11	3	14.1%	179	3	10.4%
Social Work	7	4	9.0%	231	2	13.4%
Education	6	5	7.7%	173	4	10.0%
Environmental Health & Cleansing	6	5=	7.7%	126	6	7.3%
Roads & Transport	6	5=	7.7%	120	7	7.0%
Legal & Admin	1	7=	1.3%	61	8	3.5%
Other	1	7=	1.3%	17	13	1.0%
Personnel	1	7=	1.3%	9	15=	0.5%
Building Control	0	-	0.0%	54	9	3.1%
Recreation & Leisure	0	-	0.0%	32	10	1.9%
Welfare Fund - Community Care Grants	0	-	0.0%	31	11	1.8%
Land & Property	0	-	0.0%	20	12	1.2%
Economic Development	0	-	0.0%	11	14	0.6%
Welfare Fund - Crisis Grants	0	-	0.0%	9	15=	0.5%
National Park Authorities	0	-	0.0%	6	17=	0.3%
Valuation Joint Boards	0	-	0.0%	6	17=	0.3%
Fire & Police Boards	0	-	0.0%	5	19	0.3%
Consumer Protection	0	-	0.0%	4	20	0.2%
Subject Unknown or Out Of Jurisdiction	3	-	3.8%	33	-	1.9%
Total	78	-	100.0%	1,722	-	100.0%
<i>Complaints as % of Sector</i>		4.5%		100.0%		

Complaints Received by Subject 2014-15

Subject Group	Highland Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Planning	21	1	29.2%	217	3	11.5%
Social Work	12	2	16.7%	253	2	13.5%
Education	9	3	12.5%	174	4=	9.3%
Housing	7	4	9.7%	468	1	24.9%
Finance	6	5=	8.3%	174	4=	9.3%
Land & Property	6	5=	8.3%	29	10	1.5%
Environmental Health & Cleansing	4	7	5.6%	148	6	7.9%
Legal & Admin	3	8	4.2%	76	8	4.0%
Economic Development	2	9	2.8%	8	16=	0.4%
Roads & Transport	0	-	0.0%	119	7	6.3%
Building Control	0	-	0.0%	61	9	3.2%
Recreation & Leisure	0	-	0.0%	24	11	1.3%
Other	0	-	0.0%	21	12	1.1%
Welfare Fund - Community Care Grants	0	-	0.0%	14	13	0.7%
Welfare Fund - Crisis Grants	0	-	0.0%	12	14	0.6%
Personnel	0	-	0.0%	10	15	0.5%
Consumer Protection	0	-	0.0%	8	16=	0.4%
Valuation Joint Boards	0	-	0.0%	6	18	0.3%
Fire & Police Boards	0	-	0.0%	4	19	0.2%
National Park Authorities	0	-	0.0%	3	20	0.2%
Subject Unknown or Out Of Jurisdiction	2	-	2.8%	51	-	2.7%
Total	72	-	100.0%	1,880	-	100.0%
<i>Complaints as % of Sector</i>		3.8%		100.0%		

TABLE 2
Local Authority Complaints Determined 2015-16

Stage	Outcome Group	2015-16		2014-15	
		Highland Council	Sector Total	Highland Council	Sector Total
Advice	Not duly made or withdrawn	9	321	12	380
	Out of jurisdiction (discretionary)	2	6	2	29
	Out of jurisdiction (non-discretionary)	0	5	0	25
	Outcome not achievable	0	6	1	42
	Premature	35	606	23	713
	Resolved	0	0	0	4
	Total	46	944	38	1,193
Early Resolution 1	Not duly made or withdrawn	2	54	4	36
	Out of jurisdiction (discretionary)	5	104	2	56
	Out of jurisdiction (non-discretionary)	8	196	12	140
	Outcome not achievable	7	185	4	107
	Premature	1	58	2	42
	Resolved	1	29	0	35
	Total	24	626	24	416
Early Resolution 2	Fully upheld	2	27	1	33
	Some upheld	1	20	1	18
	Not upheld	1	37	1	56
	Not duly made or withdrawn	0	1	0	0
	Resolved	0	1	0	3
	Total	4	86	3	110
Investigation 1	Fully upheld	2	23	1	28
	Some upheld	0	36	2	26
	Not upheld	1	40	7	63
	Not duly made or withdrawn	1	4	0	1
	Resolved	0	4	0	1
	Total	4	107	10	119
Investigation 2	Fully upheld	0	1	1	3
	Some upheld	0	0	0	1
	Not upheld	0	0	0	0
	Total	0	1	1	4
Total Complaints	78	1,764	76	1,842	
Total Premature Complaints		36	664	25	755
Premature Rate		46.2%	37.6%	32.9%	41.0%
Fit for SPSO Total (ER2, Inv1 & Inv2)		8	194	14	233
Total Cases Upheld / Some Upheld		5	107	6	109
Uphold Rate (total upheld / total fit for SPSO)		62.5%	55.2%	42.9%	46.8%