

# The Highland Council

<b>Agenda Item</b>	<b>5</b>
<b>Report No</b>	<b>AC/20/2024</b>

**Committee:**                   **Audit Committee**

**Date:**                         **26<sup>th</sup> September 2024**

**Report Title:**               **Annual Report of Scottish Public Services Ombudsman Cases determined in 2023/24**

**Report By:**                   **Assistant Chief Executive - Corporate**

## **1. Purpose/Executive Summary**

- 1.1 This report sets out the number and types of complaint against the Council that have been considered by the Office of the Scottish Public Services Ombudsman (SPSO) in 2023/24 and the subsequent judgement in the cases where the SPSO's inquiry has concluded. It also provides a comparison with the Council's performance in 2022/23.
- 1.2 82 cases were determined by the Ombudsman in the period covered by this report compared to 58 cases considered by the SPSO in the previous year. Of the 82 cases only 2 were partially upheld. Details of these 2 cases have already been reported to the Audit Committee and scrutinised accordingly. The SPSO, at her discretion, chose not to investigate 26 of the 82 cases brought against the Council on the basis that the Council had demonstrated good complaint handling in its response to the customer.

## **2. Recommendations**

- 2.1 The Committee is asked to:
- i. scrutinise and consider the information provided by Scottish Public Services Ombudsman with regard to the number and types of complaints received about the Council during 2023/24
  - ii. acknowledge the low number of complaints that are made against the Council and that only 2 were partially upheld during the year.

## **3. Implications**

- 3.1 Resource and Risk: A focus on improving performance in handling customer complaints reduces the Council's risk of public exposure to criticism and reduces the cost to the Council of managing failure demand.
- 3.2 Legal: The Council is a listed authority under the Scottish Public Services Ombudsman Act 2002. The Council is required to have a complaints handling procedure in place and to cooperate with the SPSO in relation to investigations.

- 3.3 Community (Equality, Poverty and Rural), Climate Change / Carbon Clever, Gaelic:  
There are no implications arising from this report.
- 3.4 Health and Safety (risks arising from changes to plant, equipment, process, or people)  
There are no health and safety risks arising from this report.

#### 4. Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is an update report and therefore an impact assessment is not required.

#### 5. Background

- 5.1 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 investigates 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.

#### 6. Statistical data

- 6.1 Attached are summary details of the complaints that the SPSO received and determined about the Highland Council. **Appendix 1** details the number and types of complaints (by the SPSO's subject categories) received for 2023/24 and 2022/23 alongside the total of Scottish local authority complaints for those years.
- 6.2 The SPSO has reported an overall increase in the number of complaints received about all of the authorities within her jurisdiction of 33%. The number of complaints received about the Highland Council has increased in line with this from a total of 57 in 2022/23 to 83 in 2023/24. This represents 5.96% of all Scottish local authority complaints received by the SPSO and 7.24% of the 1,146 validated requests received by the Council.
- 6.3 Housing continues to be most common topic of complaint raised with the SPSO. However, the number of complaints about education, planning and roads & transport have all increased in 2023/24. These topics are also the most common subjects of complaints received by other local authorities in Scotland.
- 6.4 **Appendix 2** shows the outcomes of complaints about the Highland Council determined by the SPSO in 2023/24 and 2022/23.
- 6.5 82 cases were considered by the Ombudsman in the period covered by this report, 24 more than in the previous year. However, of the 82 cases, only 2 were taken forward for a full investigation and both were partially upheld. The details of both cases have

been reported to Audit Committee previously to the March and June meetings. This enables the Committee to scrutinise individual cases as they are reported and receive assurance that the necessary recommendations from the SPSO have been undertaken.

Designation: Assistant Chief Executive - Corporate

Date: 27/08/2024

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Appendices:

Appendix 1 – Local authority complaints received

Appendix 2 – Local authority complaints determined

## Appendix 1

### Local Authority Complaints Received 2023-24

Subject	The Highland Council			All local authorities		
	Number received	Rank	%	Number received	Rank	%
Housing	14	1	16.87%	<b>354</b>	1	25.41%
Education	13	2=	15.66%	<b>199</b>	2	14.29%
Planning	13	2=	15.66%	<b>147</b>	3	10.55%
Roads & Transport	10	4	12.05%	<b>145</b>	4	10.41%
Social Work	8	5	9.64%	<b>137</b>	5	9.83%
Legal & Admin	7	6	8.43%	<b>63</b>	8	4.52%
Environmental Health & Cleansing	6	7=	7.23%	<b>128</b>	6	9.19%
Finance	6	7=	7.23%	<b>76</b>	7	5.46%
Recreation & Leisure	2	9	2.41%	<b>21</b>	9	1.51%
Other	1	10=	1.20%	<b>5</b>	12=	0.36%
Personnel	1	10=	1.20%	<b>5</b>	12=	0.36%
Building Control	0			<b>15</b>	11	1.08%
Economic Development	0			<b>1</b>	18=	0.07%
Fire & Police Boards	0			<b>1</b>	18=	0.07%
Land & Property	0			<b>20</b>	10	1.44%
National Park Authorities	0			<b>5</b>	12=	0.36%
Valuation Joint Boards	0			<b>4</b>	15	0.29%
Welfare Fund - Community Care Grants	0			<b>2</b>	16=	0.14%
Welfare Fund - Crisis Grants	0			<b>2</b>	16=	0.14%
Subject unknown or Out of Jurisdiction	2		2.41%	<b>63</b>		4.52%
<b>Total</b>	<b>83</b>		<b>100.00%</b>	<b>1,393</b>		<b>100.00%</b>
<i>Complaints as percentage of sector</i>	5.96%			100.00%		

### Local Authority Complaints Received 2022-23

Subject Group	The Highland Council			All local authorities		
	Number received	Rank	%	Number received	Rank	%
Housing	14	1	24.56%	250	1	23.79%
Education	10	2	17.54%	140	2	13.32%
Planning	8	3	14.04%	115	4	10.94%
Social Work	6	4	10.53%	124	3	11.80%
Finance	4	5	7.02%	77	7	7.33%
Environmental Health & Cleansing	3	6=	5.26%	85	5	8.09%
Legal & Admin	3	6=	5.26%	57	8	5.42%
Land & Property	2	8=	3.51%	13	10	1.24%
Roads & Transport	2	8=	3.51%	79	6	7.52%
Personnel	1	10	1.75%	6	13=	0.57%
Recreation & Leisure	0			23	9	2.19%
Building Control	0			10	11	0.95%
Consumer Protection	0			7	12	0.67%
Economic Development	0			6	13=	0.57%
Other	0			5	15	0.48%
Fire & Police Boards	0			3	16=	0.29%
Valuation Joint Boards	0			3	16=	0.29%
National Park Authorities	0			2	18=	0.19%
Welfare Fund - Crisis Grants	0			2	18=	0.19%
Welfare Fund - Community Care Grants	0			1	20	0.10%
Subject unknown or Out of Jurisdiction	4		7.02%	43		4.09%
<b>Total</b>	<b>57</b>		<b>100.00%</b>	<b>1,051</b>		<b>100.00%</b>
<i>Complaints as percentage of sector</i>	5.42%			100.00%		

## Appendix 2

### Local Authority Complaints Determined

Stage	Outcome Group	2023-24		2022
		The Highland Council	Local Authority sector	The Highland Council
Advice	A&G - Complaint submissions - mature	0	60	5
	A&G - Complaint submissions - premature	22	309	4
	A&G - Enquiries	8	201	14
	Organisation not in jurisdiction	0	2	0
		<b>30</b>	<b>572</b>	<b>23</b>
Early Resolution	Cause and impact test not met (s 5 (3))	1	9	2
	Discretion – Insufficient benefit would be achieved by investigation	13	164	7
	Discretion – alternative action proposed	1	17	1
	Discretion – Alternative route used or available	1	8	1
	Discretion - Good complaint handling	26	413	16
	Discretion – referred back	3	38	0
	Discretion - Resolved - both parties satisfied with proposed outcome	0	12	1
	Member of the public test not met (s 5 (6))	0	6	0
	No response to contact	0	1	
	Organisation not in jurisdiction	0	1	0
	Premature	1	6	0
	Right of appeal to court/tribunal/Scottish ministers (s 7 (8))	0	18	2
	Subject matter not in jurisdiction	2	27	2
	Time limit (s 10)	1	29	1
	Unable to proceed	1	22	1
	<b>Total</b>	<b>50</b>	<b>771</b>	<b>34</b>
Investigation	Fully upheld	0	13	1
	Not duly made or withdrawn	0	1	0
	Not upheld	0	12	0
	Resolved	0	3	0
	Some upheld	2	9	0
	<b>Total</b>	<b>2</b>	<b>38</b>	<b>1</b>
<b>Total Complaints</b>		<b>82</b>	<b>1,381</b>	<b>58</b>

2-23
Local Authority sector
62
148
209
4
<b>424</b>
17
152
22
13
331
29
10
7
3
4
23
25
25
41
<b>702</b>
11
1
4
1
8
<b>25</b>
<b>1151</b>