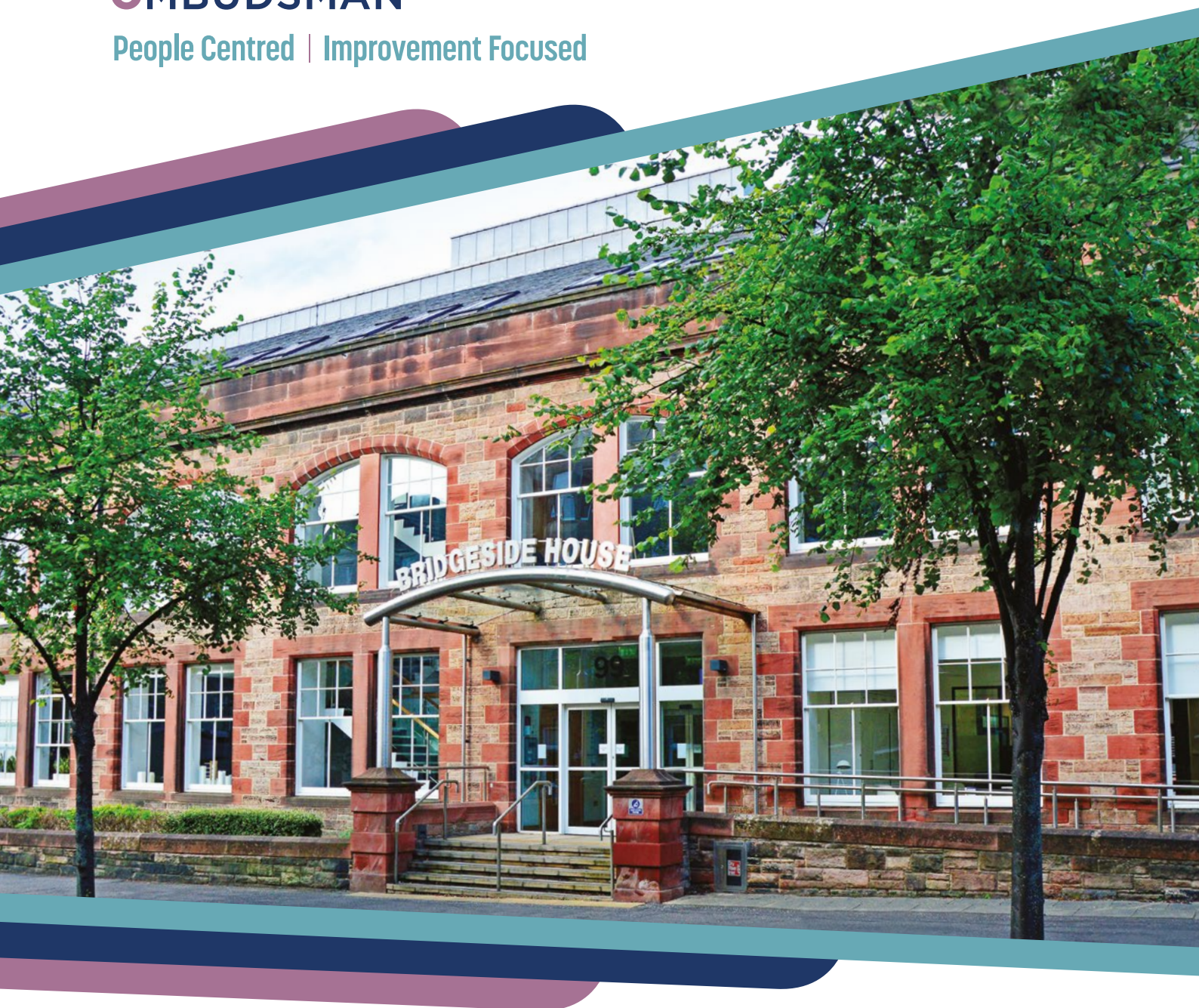


**SCOTTISH  
PUBLIC  
SERVICES  
OMBUDSMAN**



People Centred | Improvement Focused



# Annual Report

Performance Report

2018-19

The full 2018-19 Accountability Report & Financial  
Statements are available at [www.spsso.org.uk/finance](http://www.spsso.org.uk/finance)

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Please note that percentages in this report are rounded. Therefore, totals may not always equal 100%.

# Ombudsman's introduction

It is a truism that change is constant. So constant is it that it takes reflection to identify just how much change there has been in a short time. This is very much so for the SPSO.

The biggest thing to hit us last year was our office move. We left our original home in Melville Street and moved into Bridgeside House on McDonald Road on 1 December 2018. For us, this was a huge undertaking; all credit to everyone for it going so smoothly – our Corporate Services team who project managed the move, and everyone who packed up and moved whilst at the same time keeping work moving. Our new offices have some very positive benefits; as well as being more accessible for us and anyone who visits us, they are large enough to accommodate all of us comfortably and, being more open plan, enable greater collaboration, communication and team work.

Our office move was also a milestone for the Scottish Parliament's Corporate Body, as we share the building with two other parliamentary office holders: the Children and Young People's Commissioner Scotland and the Scottish Human Rights Commission. While we all have our own space, we share common areas like the training room and boardroom, collectively making much more efficient use of publicly funded accommodation.

We maintained a good level of output in both complaints (pages 11-13) and Scottish Welfare Fund review applications (pages 18-21), meeting or exceeding all but one of our key performance indicators.

We worked on our own processes and made a significant change in February 2019 when we introduced 'provisional

decisions'. This had significant impact. It has extended the time taken to conclude an investigation, as it is an additional step. However, we think this is more than compensated for, because it brings the benefits of greater transparency of decision-making, builds on the already good quality of our work and is already demonstrating good outcomes.

We also reviewed how and when we provide support to public bodies to help them improve performance, and how and when we will take more direct action. This culminated in the publication of our Support and Intervention Policy on 1 April 2019 (page 27). This policy is enabling us to use what we learn about complaints to have greater impact on learning and improvement across the public sector. It is still in its early days and we are monitoring it.

## Key issues and risks

Our key risk was, and remains, resourcing. While complaint numbers have remained relatively stable, the proportion of these requiring investigation has risen by 16%<sup>1</sup> (from 627 in 2017-18 to 726 in 2018-19). The impact of this is higher caseloads (which take a greater investigative resource), and my concern about our ability to maintain both staff wellbeing and operational performance is growing. Scottish Welfare Fund review applications are also rising.

It is not just on our staff that this has an impact. If we cannot maintain output to a good standard, it will impact on those who come to us as they have to wait longer than necessary for an outcome, and on organisations being complained about, which can be stressful for their

<sup>1</sup> All percentage figures over 1% in this report are rounded



Our key risk, and it is intensifying, is resourcing. We struggle to meet the demands placed on us without compromising quality and while maintaining a people-centred approach.

staff. Ultimately it can undermine trust and confidence in the office of the Ombudsman.

However great the pressures of casework, we remain committed to carrying out work of the highest quality. We quality assure our work and draw on feedback, suggestions, complaints about our service, and on learning from other organisations to improve our work.

This year we took a risk-based approach to quality assurance that resulted in us refining our approach to cases which are closed early in the process.

## Looking forward

This time last year, I mentioned the upcoming implementation of the Independent National Whistleblowing Officer (INWO) role for the NHS in Scotland. Various delays outside SPSO's control mean that this did not happen in 2018-19. It is now due to 'go-live' on 1 July 2020. More about that and other major pieces of work on pages 42-43.



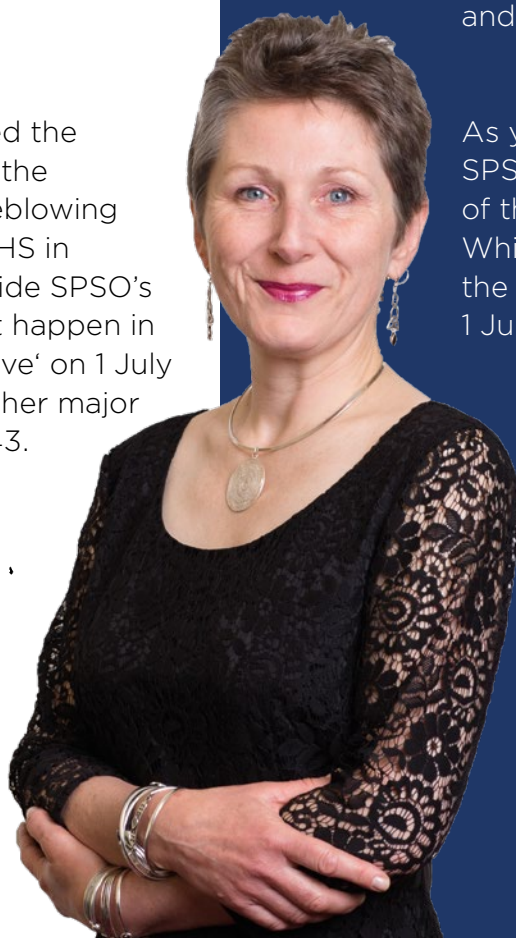
**Rosemary Agnew**  
Scottish Public Services  
Ombudsman

# SPSO role and function

The SPSO has a wide remit, covering a variety of functions and services. My powers and duties come from the Scottish Public Services Ombudsman Act 2002 which gives me three distinct statutory functions:

1. the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges
2. specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling
3. Independent Review Service for the Scottish Welfare Fund with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.

As you may be aware, the SPSO is taking on the role of the Independent National Whistleblowing Officer for the NHS in Scotland from 1 July 2020.



# At a glance

We handled  
**1,707 enquiries**



We made **1,160 recommendations** for redress and improvement to public services



We handled **4,188** complaints and determined 3,955 complaints



**4%**

Drop in the number of complaints that reached us prematurely – for the second year running

**68%** of complaints were about the **health sector**



We conducted a review of the Model Complaints Handling Procedure (MCHP) to **improve public sector complaints handling**



While complaint numbers have remained relatively stable, the proportion of those requiring investigation has risen by 16%

We published a public consultation on the draft **National Whistleblowing Standards**



800

**Scottish Welfare Fund** review applications handled

58%

was the overall rate of **upheld complaints**

We started issuing **provisional decisions** to both complainants and public bodies



We delivered **37 training events** to public service organisations



**100% of crisis grant review applications** were decided within five working days



We submitted **written evidence to the Scottish Parliament** four times and appeared twice



Our **budget** (including the cost of moving to Bridgeside House) was **£4,732,648** and our total spend was **£4,721,053**

£

# Our vision, values and strategic aims

The SPSO Act 2002 requires the Ombudsman to lay a strategic plan before Parliament every four years. Our strategic plan was refreshed and re-laid in 2018, coming into effect on 1 April 2018.

## Our vision – putting people and learning at the heart of public services

The Scottish Public Services Ombudsman contributes actively and positively to Scotland's development and delivery of first class public services: putting people and learning at the heart of what we do by being innovative and world-leading in our approach to complaints, reviews and standards.

## Our values

- We work independently and fairly
- We are people-focused and value integrity and respect
- We value learning and improvement

## Our strategic aims

1. Be recognised and consulted as a world-leading Ombudsman service of independent accessible experts with a reputation for: being run transparently and efficiently, governed effectively, and leading by example in the delivery of the full range of statutory functions.
2. Develop organisational capacity to: deliver existing statutory functions efficiently, proportionately and effectively, and develop and adopt new, or enhanced, services and functions.
3. Drive improvement in Scottish public services by setting and applying high

complaints handling and review standards and promoting a culture and practice where learning and improvement from complaints or reviews is embedded in practice, governance and organisational systems.

4. Enable and support the Scottish public sector to achieve and maintain high standards of policy and practice through a combination of sharing learning from SPSO complaints and reviews, monitoring, advice and guidance, training and appropriate collaboration.
5. Through active engagement help people know about their rights to complain or request a review, and help them understand what standards and level of services they can expect and how to access them easily and responsibly.

## Our business plan

Our strategic plan drives our **business plan** which we publish and update quarterly. Every activity in our business plan contributes to the delivery of our strategic aims.

## Impact

The impact of this integrated approach is that all we do contributes in some way to strategic aims and is rooted in our values and vision. It enables us to demonstrate how complaints handling is intrinsically linked to learning and improvement and the driving up of complaints handling standards.

In times of scarce resources it also provides a framework for prioritising our activity to focus effort on the most effective areas of work, and statutory functions.



## Examples

### Strategic aim 1: world-class service, transparent and well governed

- We take an active part in the Ombudsman Association and International Ombudsmen Institute through regular contributions to events, consultations and development of guidance.
- We gave evidence to the Welsh Assembly on the Complaints Standards Authority as part of the review of the Public Services Ombudsman for Wales' (PSOW) legislation. PSOW has recently been given similar powers to Scotland in relation to complaint handling in the Welsh public sector.
- We reviewed and updated our governance arrangements, including risk management and the role and constitution of our Advisory Audit Board.

### Strategic aim 2: developing capacity

- We continuously review and quality assure our service, particularly how we investigate complaints, to ensure we continue to investigate fairly, impartially and efficiently. Changes we made include introducing provisional decisions, restructuring our investigation teams and removing an internal process step; supported by guidance and training.
- We keep resources under constant review, particularly our capacity for complaints and Scottish Welfare Fund (SWF) review applications. This work informs what and how we ask for funding. For example, through monitoring we are now able to identify that although complaints have not increased hugely in volume since 2017-18, their complexity has; the number of cases being investigated has risen by 16% (from 627 in 2017-18 to 726 in 2018-19).

### Strategic aim 3: public sector complaints handling improvement

- We consulted with public bodies about their experience of Model Complaint Handling Procedures (MCHP). Responses are being analysed and will inform a review of the MCHP.
- We fed back comprehensive comments to the Scottish Government about their SWF guidance, and where we had identified improvements from handling SWF applications.

### Strategic aim 4: enabling good complaints handling

- We developed our Support and Intervention Policy which provides a framework of how and when we offer support to public bodies to improve complaints handling, and when we take direct action to intervene, using our powers. This went live on 1 April 2019.
- We continue, as part of our routine activity, to engage with public bodies in a variety of ways to develop good complaints handling and a positive complaints culture. We provide advice, training and guidance.

### Strategic aim 5: help people know their rights to complain

- We started work on a communication strategy which will inform how and what we communicate.
- We started a review of our website to make it more accessible and easier to contact us. The first phase of this was a refreshed homepage where links are clearer and information about making complaints is more prominent: [www.spsso.org.uk](http://www.spsso.org.uk).

# Enquiries

In 2018-19, we received 1,707 enquiries of the following types:



## Signposting

We regularly direct people to other organisations, Ombudsman schemes and complaints handling bodies when we cannot help them. We also signpost to organisations that are able to offer support. We continue to develop our knowledge of organisations that can support people. Throughout the year, to help us better understand the support landscape and improve our signposting arrangements, we invited a number of speakers into our office to learn more about their work and the people that they represent.

We have also developed our complaints form on our website to connect people to the correct organisation to handle their complaint if we are not the appropriate Ombudsman for them.



| Top signposted organisations                                          |            |            |            |            |            |             |
|-----------------------------------------------------------------------|------------|------------|------------|------------|------------|-------------|
|                                                                       | 2018-19    |            | 2017-18    |            | 2016-17    |             |
|                                                                       | No.        | %          | No.        | %          | No.        | %           |
| Citizens Advice Bureau                                                | 89         | 11%        | 65         | 12%        | 128        | 14%         |
| Financial Ombudsman Service                                           | 88         | 11%        | 85         | 16%        | 142        | 15%         |
| Ombudsman Services: Energy                                            | 73         | 9%         | 66         | 12%        | 109        | 12%         |
| Shelter Housing Advice Line                                           | 65         | 8%         | 43         | 8%         | 64         | 7%          |
| Water Industry Commission for Scotland                                | 43         | 5%         | 17         | 3%         | 27         | 3%          |
| Citizens Advice                                                       | 39         | 5%         | 18         | 3%         | 39         | 4%          |
| Parliamentary and Health Service Ombudsman                            | 35         | 4%         | 36         | 7%         | 33         | 4%          |
| Scottish Legal Complaints Commission                                  | 32         | 4%         | 10         | 2%         | 20         | 2%          |
| Information Commissioner Office – Scotland (DPA)                      | 28         | 3%         | 10         | 2%         | 15         | 2%          |
| SIAA – Scottish Independent Advocacy Alliance*                        | 27         | 3%         | -          | -          | -          | -           |
| PASS – Patient Advice and Support Service*                            | 26         | 3%         | -          | -          | -          | -           |
| Ombudsman Services: Communications                                    | 25         | 3%         | 28         | 5%         | 46         | 5%          |
| Police Investigations & Review Commissioner                           | 23         | 3%         | 8          | 1%         | 23         | 2%          |
| ACAS – The Advisory, Conciliation and Arbitration Service**           | 22         | 3%         | 5          | 0.9%       | -          | -           |
| First-tier Tribunal for Scotland (Housing and Property Chamber)***    | 19         | 2%         | 18         | 3%         | 28         | 3%          |
| NHS Inform*                                                           | 17         | 2%         | -          | -          | -          | -           |
| HM Inspectorate of Prisons for Scotland / Independent Prison Monitor* | 12         | 2%         | -          | -          | -          | -           |
| Parking and Bus Lane Tribunal for Scotland**                          | 11         | 1%         | 3          | 0.6%       | -          | -           |
| Planning Aid for Scotland                                             | 11         | 1%         | 11         | 2%         | 14         | 2%          |
| All Others                                                            | 128        | 16%        | 111        | 21%        | 251        | 26%         |
| <b>Total</b>                                                          | <b>813</b> | <b>99%</b> | <b>534</b> | <b>99%</b> | <b>939</b> | <b>100%</b> |

\* Added to list in 2018-19 – previously recorded as ‘other’

\*\* Added to list in 2017-18 – previously recorded as ‘other’

\*\*\* The First-tier Tribunal for Scotland (Housing and Property Chamber) performs the functions which used to be carried out by the Private Rented Housing Panel (“PRHP”) and the Homeowner Housing Panel (“HOHP”).

# Complaints overview

## Caseload

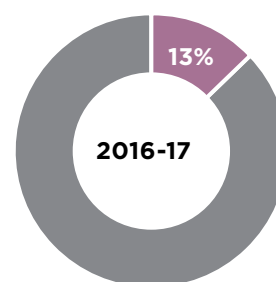
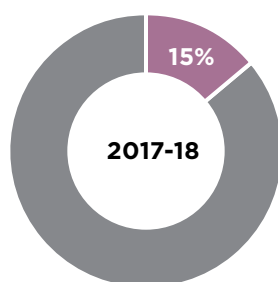
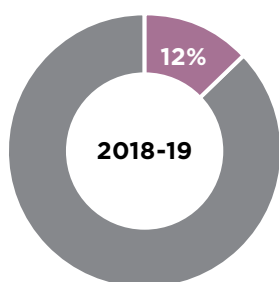
In 2018-19, we received 4,188 complaints, broadly comparable with the previous two years:

|                                          | 2018-19      | 2017-18      | % change<br>2017-18 -<br>2018-19 | 2016-17      |
|------------------------------------------|--------------|--------------|----------------------------------|--------------|
| Complaints received                      | 4,188        | 4,125        | 2%                               | 4,182        |
| Cases carried forward from previous year | 595          | 702          | -15%                             | 631          |
| <b>Total caseload</b>                    | <b>4,783</b> | <b>4,827</b> | <b>-0.9%</b>                     | <b>4,813</b> |

The number of cases carried forward was lower (accounting for 12% of our caseload, compared to 15% in the previous year). This means, a higher proportion of our caseload was in the current business year compared to previous years.



### Percentage of cases carried forward:



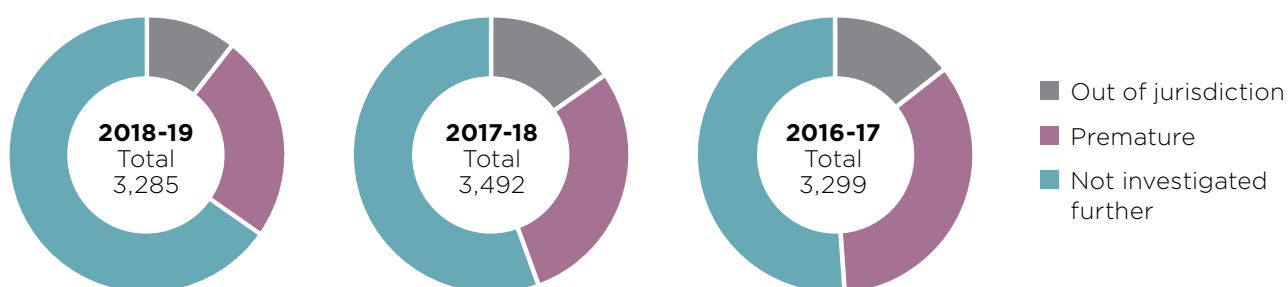
■ Carried forward % of caseload    ■ Received % of caseload

## Complaints at a glance

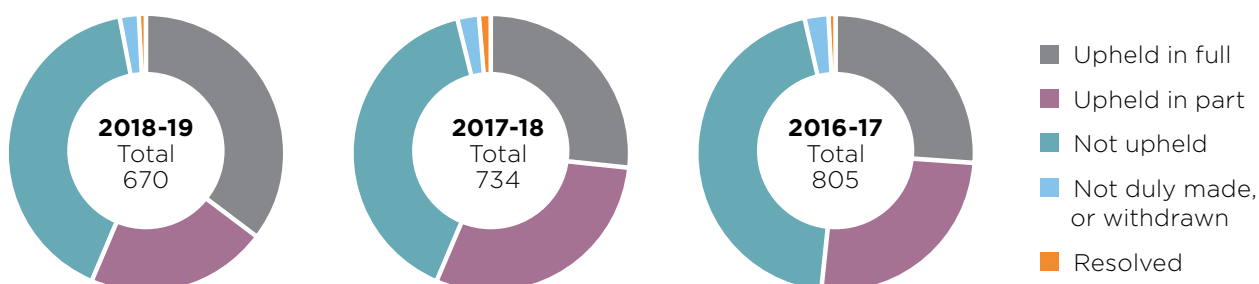
### Overview

|                                    | 2018-19      | 2017-18      | % change<br>2017-18 -<br>2018-19 | 2016-17      |
|------------------------------------|--------------|--------------|----------------------------------|--------------|
| <b>Total caseload</b>              | <b>4,783</b> | <b>4,827</b> | <b>-0.9%</b>                     | <b>4,813</b> |
| <b>Total cases closed</b>          | <b>3,955</b> | <b>4,226</b> | <b>-6%</b>                       | <b>4,104</b> |
| Cases carried forward <sup>2</sup> | 841          | 595          | 41%                              | 702          |

### Total cases closed at initial assessment



### Total cases closed after investigation



### Premature complaints rate

| 2018-19 | 2017-18 | 2016-17 |
|---------|---------|---------|
| 20%     | 24%     | 28%     |

This year, only 798 of 3,955 complaints came to us prematurely (i.e. before they had exhausted the local complaints handling procedures). This is a 4% drop for the second year running.

<sup>2</sup> The figure for carried forward cases is run from our open figures on the first day of the year, and the other figures in this table are run from our closed year-end figures. Changes happen constantly to our open figures as cases are received and determined every day and this is why the number is marginally different from what a simple calculation would predict (831). Figures for cases carried forward this year may appear higher than in previous years because of the change to provisional decisions which we made in February 2019.



## Complaints received by sector

| Sector                                                                   | 2018-19      | % of 2018-19 total received | 2017-18      | % change 2017-18 - 2018-19 | 2016-17      |
|--------------------------------------------------------------------------|--------------|-----------------------------|--------------|----------------------------|--------------|
| Health (including prison health)                                         | 1,451        | 34%                         | 1,403        | 3%                         | 1,414        |
| Local Authority                                                          | 1,301        | 31%                         | 1,474        | -12%                       | 1,528        |
| Housing Associations                                                     | 323          | 8%                          | 325          | -0.6%                      | 355          |
| Scottish Prison Service                                                  | 313          | 8%                          | 275          | 14%                        | 270          |
| Joint Health & Social Care                                               | 209          | 5%                          | 126          | 66%                        | n/a          |
| Scottish Government & Devolved Admin (excluding Scottish Prison Service) | 181          | 4%                          | 199          | -9%                        | 260          |
| Universities                                                             | 164          | 4%                          | 129          | 27%                        | 130          |
| Water                                                                    | 164          | 4%                          | 95           | 7.3%                       | 174          |
| Other                                                                    | 50           | 1%                          | 59           | -15%                       | 16           |
| Colleges                                                                 | 32           | 0.8%                        | 40           | -20%                       | 35           |
| <b>Total</b>                                                             | <b>4,188</b> | <b>100%</b>                 | <b>4,125</b> | <b>1.5%</b>                | <b>4,182</b> |

The health sector accounted for the largest proportion of cases received in 2018-19.

This is primarily due to a decrease in complaints received about local authorities compared to last year. The decrease in local authority cases is likely to be attributable to a combination of services delivered by Health and Social Care Partnerships for which we have seen a large increase in complaints, and effective local complaints handling.

## Key performance indicators (KPI)

Responding to complaints in a timely manner is a priority for us. In 2018-19, we exceeded our targets in relation to PI-1 and PI-3. While we did not achieve our PI-2 target as a consequence of increased workload and a backlog of unallocated cases, we improved our performance by almost 4% compared to last year.

In 2019-20, we are reviewing our KPIs in light of learning about the complexity of our caseload and the introduction of provisional decisions. We will make them more realistic, but challenging.

| KPI             | Description                                                                                                    | 2018-19 | 2017-18 | 2016-17 |
|-----------------|----------------------------------------------------------------------------------------------------------------|---------|---------|---------|
| PI-1 complaints | 95% of advice stage complaints handled within 10 working days                                                  | 100%    | 100%    | 100%    |
| PI-2 complaints | 95% of early resolution complaints decided or moved to more complex investigation stage within 70 working days | 89%     | 85%     | 88%     |
| PI-3 complaints | 95% of investigation complaints decided within 260 working days                                                | 97%     | 97%     | 96%     |

## How we handle complaints: overview

### Assessment

The initial stage. We check if we have enough information about the complaint, that the complainant has been through the relevant organisation's complaints process, and that the matter is one the law allows us to look at.

### Investigation

Once we have confirmed that the matter is one we are allowed to look at, we gather the information we will need for an investigation.

- *Proportionality decisions:* some cases are closed if we are able to resolve them, we consider there would be no significant benefit to the complainant, or the outcome desired is unachievable. We make some enquiries, but do not carry out a full investigation. We also check that any action a public body agreed to is delivered.
- *Investigation decisions:* complaints subject to investigation are closed either by letter to the parties or a full public investigation report. When closed by letter, we issue a provisional decision to

the parties, setting out our provisional views and inviting comments before reaching a final decision. When closing a case by full public report (cases meeting our public interest criteria), both parties receive a draft for comment on factual accuracy before we issue a final decision.

### Reviews

Either party can ask us to review a decision closed by letter if they can show that either our decision was based on inaccurate facts, or that new and relevant information has become available and would affect our decision.

### Publication

We are required to lay our decisions before the Scottish Parliament. We also publish our findings to share learning from complaints and inform improvement.

- *Decision summaries:* decisions closed by letter are published as summaries in a compendium for Parliament and publicly in a findings database on our website.
- *Public investigation reports:* investigation decisions closed by report are laid in full before the Scottish Parliament and published online.

# Complaints assessment

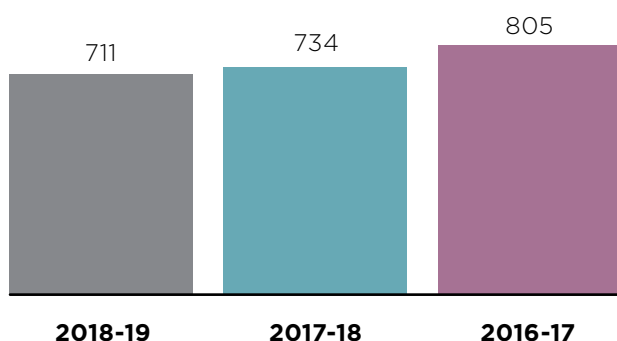
| Assessment outcome                      | Number of cases |                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Not duly made or withdrawn              | 937             | We cannot investigate something that does not meet the statutory definition of a complaint or is withdrawn.                                                                                                                                                                                                                                       |
| Out of jurisdiction (discretionary)     | 163             | Our governing legislation sets out what we can and cannot accept as a complaint. In some situations (such as a complaint being made late) we have discretion (that means some choice) to accept them anyway, but have decided not to.                                                                                                             |
| Out of jurisdiction (non-discretionary) | 188             | The law simply does not allow us to look into some cases.                                                                                                                                                                                                                                                                                         |
| Outcome not achievable                  | 210             | We don't want to raise hopes unnecessarily so will not accept complaints where the outcome the complainant wants is not achievable by us.                                                                                                                                                                                                         |
| Premature                               | 798             | Premature complaints are cases that have not completed the public body's complaints process. It is important that authorities are given the opportunity to address complaints first as it is to the complainant's advantage, and provides an opportunity for learning.                                                                            |
| Proportionality                         | 900             | In some cases the organisation complained about has already accepted service failures and taken appropriate steps to address them. If we cannot achieve any more for the complainant or the wider public interest we do not investigate. We call this a 'proportionality decision'. Our aim is to provide a more realistic and efficient service. |
| Resolved                                | 89              | These are cases we did not investigate further as they were resolved to the satisfaction of both parties without the need for a full investigation.                                                                                                                                                                                               |
| <b>Total</b>                            | <b>3,285</b>    |                                                                                                                                                                                                                                                                                                                                                   |

We tell people as soon as we can what action we can and will take on a complaint. We explain whether their case can be resolved, is something that we can legally look into, and whether an SPSO investigation is beneficial to them. We call this stage assessment.



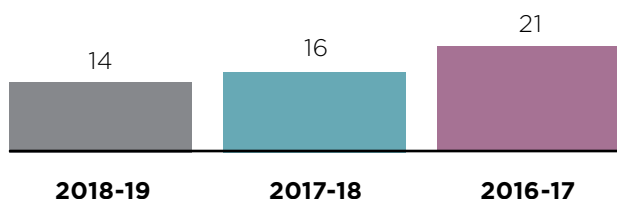
# Complaints investigation

## Investigations completed



The number of investigations completed in 2018-19 remained consistent with 2017-18. In February 2019, we changed our process to include issuing provisional decisions. To ensure that we accurately compare performance from last year to this, these cases were treated as having been completed even though they weren't technically 'closed' (and which is why this figure differs slightly from the published statistics for closed complaints). At the end of the year there were 41 provisional decision cases.

## Public reports



We issued fewer public reports in 2018-19. This in part reflects the increasing additional work public bodies are doing to try to resolve complaints before they come to the SPSO and once the SPSO starts to investigate. All cases not published in full as a public investigation report are published as decision summaries. Public reports and decision summaries can be found [on our website](#).

## Uphold rate

| 2018-19 | 2017-18 | 2016-17 |
|---------|---------|---------|
| 58%     | 59%     | 54%     |

Our uphold rate has remained in line with 2017-18. In 2018-19, we have continued to develop our approach to the proportionate investigation of cases; this ensures that we are using resources effectively to investigate cases that the public body has not already investigated thoroughly or taken appropriate action on.

## Independent advice

### Closed cases requiring independent advice, by sector

|              | 2018-19      | 2017-18      |
|--------------|--------------|--------------|
| Clinical     | 935          | 1,002        |
| Social work  | 120          | 34           |
| Other        | 109          | 133          |
| <b>Total</b> | <b>1,164</b> | <b>1,169</b> |

We use independent professional advisers to inform our decision-making on some complaints; specifically health, social work, local authority planning, water services, equalities and environmental health cases.

In 2018-19, the number of cases about which we sought specialist advice remained broadly consistent with last year. The rise in the requirement for social work advice reflects that it was our first full year of our expanded remit in looking at social work professional judgement.

## Cases requiring multiple independent advice\*

|                               | 2018-19    | 2017-18    |
|-------------------------------|------------|------------|
| 1 request for advice          | 560        | 512        |
| 2 or more requests for advice | 254        | 254        |
| <b>Total</b>                  | <b>814</b> | <b>766</b> |

\* includes advice not closed

Many cases are complex, covering a range of specialist areas. This means we have to seek advice from a number of different professionals. While the number of cases requiring independent professional advice has increased, the number of cases requiring multiple pieces of advice remained stable in 2018-19.

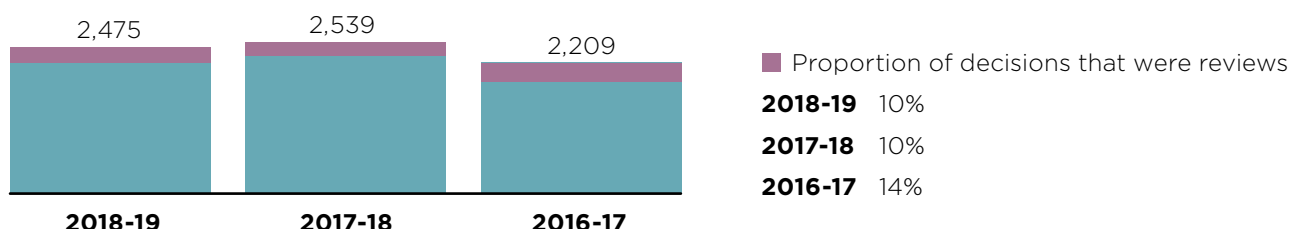
## Team structure

In October 2018 we restructured our investigations teams. We acted on feedback from our service users and our teams, demonstrating our commitment to learning and improvement. In doing this we reduced the number of steps in our process and the need to pass investigations between teams and investigators. Now, the investigator assigned to a case handles it from start to finish. This is a new system for us and we keep it under constant review. The benefits for both complainant and public bodies is consistency of service and a single point of contact throughout the complaint. It is also more efficient as it avoids double-handling on our more complex cases.

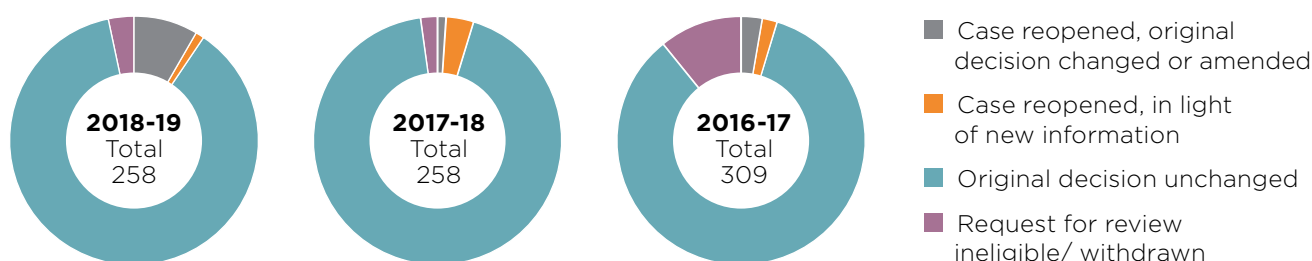


# Complaints reviews

## Number of decisions



## Review outcomes



## Reasons for revised decision

Decisions changed or amended are where we either change the outcome by issuing a fresh decision, or amend the decision reasons to give more robust or clearer explanations.

In seven of the 22 cases (case reopened, original decision reviewed, changed or amended) the outcome was unchanged but our reasoning could have been more robust or clearer. In six cases the outcome was changed. Enquiries are ongoing in seven cases and the remaining two were withdrawn in the current year.

Reviews are a valuable source of learning. All reviews are considered personally by the Ombudsman, with support from the Executive Case Officers, who had no part in the original investigation or decision. The majority of the 22 cases related to decisions made in the early stage of our process. As a result, we conducted a specific quality assurance of such decisions. This, in turn, led to improvements this year to our internal guidance and training for our teams.

## Quality Assurance

We ensure quality by having systems of management checks in place and through a quality assurance (QA) programme carried out by the Corporate Services team, independently of the case handling teams. We quality assure our complaints, SWF work and the professional advice we receive from our advisers. All QA findings are fed back to individuals, teams and managers to share learning and make improvements where needed.

In 2018-19, we did not amend any decisions.

## Performance against KPI

| Indicator | Target                                             | 2018-19 | 2017-18 | 2016-17 |
|-----------|----------------------------------------------------|---------|---------|---------|
| PI-5      | 95% of cases requested for review decision correct | 92%     | 95%     | 97%     |



# Scottish Welfare Fund

## Contact

1,567 people contacted our Scottish Welfare Fund (SWF) team in 2018-19. This is a 34% increase on 2017-18, largely accounted for by signposting enquiries which rose from 424 in 2017-18 to 762 in 2018-19. We discovered that this was largely due to SPSO's telephone number appearing more prominently than some councils' contact details on online search engines. This meant that we received calls from people who thought they were contacting the council. We hope to see a reduction this year as a result of alerting the councils concerned.

We continue to receive several enquiries each month from people who are experiencing difficulties getting in touch with their local council - most commonly because of the lack of Freephone numbers for councils. We have raised this with the Scottish Government as we see it as a major barrier to people trying to access the fund.

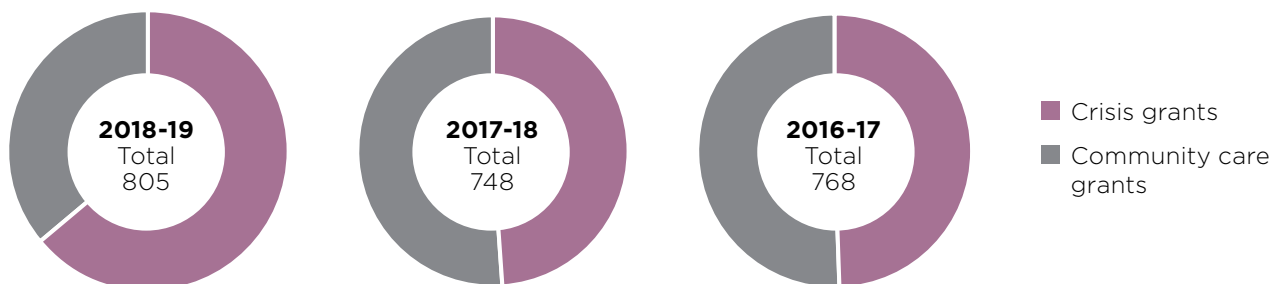
## Applications for review

We believe the substantial increase in crisis grants applications was down to factors such as:

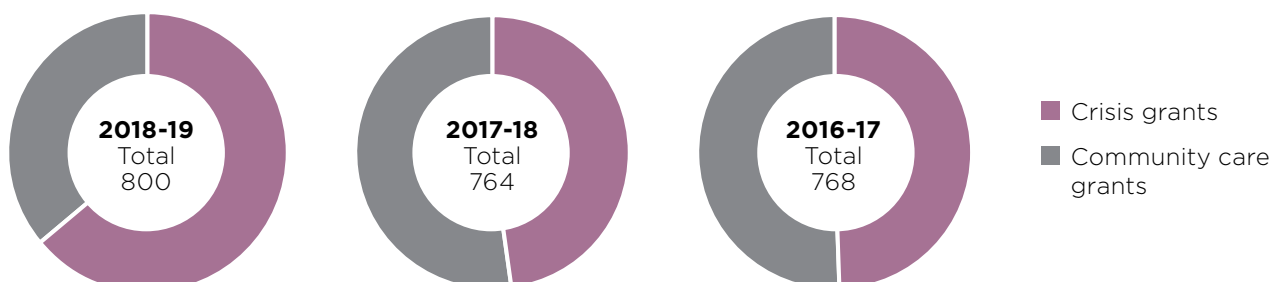
- issues with Universal Credit and other benefits such as tax credits (delays in payment, sanctions, deductions, and suspensions)
- difficult personal circumstances including insecure work, relationship breakdowns or becoming homeless
- losing money
- the pressures of living on a low income such as debt, unexpected bills or applicants unable to budget their money.



## Review applications received

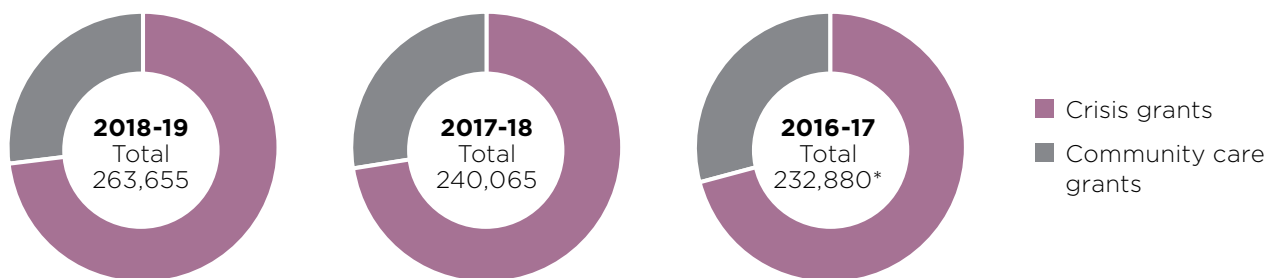


## Review applications handled



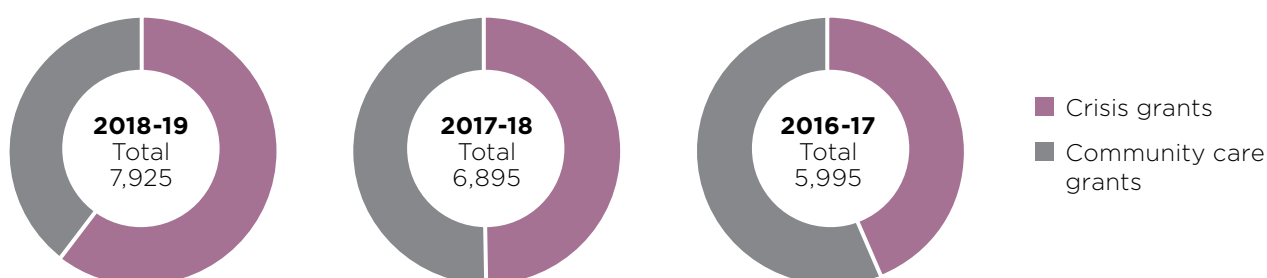
## National context

### Initial applications to the Welfare Fund received (all Scotland)



\* All Scottish Government SWF figures are rounded to the nearest 5 observations.

### Tier 1 reviews (all Scotland)<sup>3</sup>



National figures published by the Scottish Government show that there has been an overall increase in applications made to councils for the SWF in 2018-19 compared to 2017-18 and 2016-17. However, in common with the SPSO numbers, we can see that beneath the headline figures, there are some changes:

- there has been a large increase in crisis grant applications and reviews at Tier 1
- community care grants have seen an increase in applications (but a much smaller percentage change than crisis grants) but a dip in Tier 1 reviews.

This broadly mirrors the patterns that we have seen at the SPSO independent review stage, where over the past few years the number of applicants seeking reviews of crisis grants have overtaken the number seeking reviews of community care grants.

We are not clear about why requests to review community care grants (both at Tier 1 and SPSO independent review stage) have reduced again this year, and we will continue to monitor this.

<sup>3</sup> Source: Scottish Welfare Fund Statistics: Annual Update 2018/19 <https://www2.gov.scot/Topics/Statistics/Browse/Social-Welfare/swf/swf-statistics-2018-19> Accessed 5 September 2019

## Applications resulting in SPSO independent reviews

| Review application type                     | 2018-19    | 2017-18    | % change  | 2016-17    |
|---------------------------------------------|------------|------------|-----------|------------|
| Crisis grants                               | 515        | 366        | 29%       | 381        |
| As a proportion of initial applications     | 0.3%       | 0.2%       | n/a       | 0.2%       |
| As a proportion of Tier 1 Reviews           | 11%        | 11%        | n/a       | 15%        |
| Community care grants                       | 290        | 382        | -32%      | 387        |
| As a proportion of initial applications     | 0.4%       | 0.6%       | n/a       | 0.6%       |
| As a proportion of Tier 1 Reviews           | 9%         | 11%        | n/a       | 12%        |
| <b>Total</b>                                | <b>805</b> | <b>748</b> | <b>7%</b> | <b>768</b> |
| As a proportion of all initial applications | 0.3%       | 0.3%       | n/a       | 0.3%       |
| As a proportion of all Tier 1 Reviews       | 10%        | 11%        | n/a       | 13%        |

These figures are not an exact statement of what proportion of applications result in SPSO Independent Reviews as some cases will have been received in one business year and decided in the following, but what they illustrate is that compared to the number of applications made, only a small proportion result in review requests to the SPSO. Although, the proportions are relatively constant, SPSO will continue to monitor to try to understand why over 10% of tier 1 reviews, still result in appeals and what guidance and support can be given to support effective, robust, decision making.

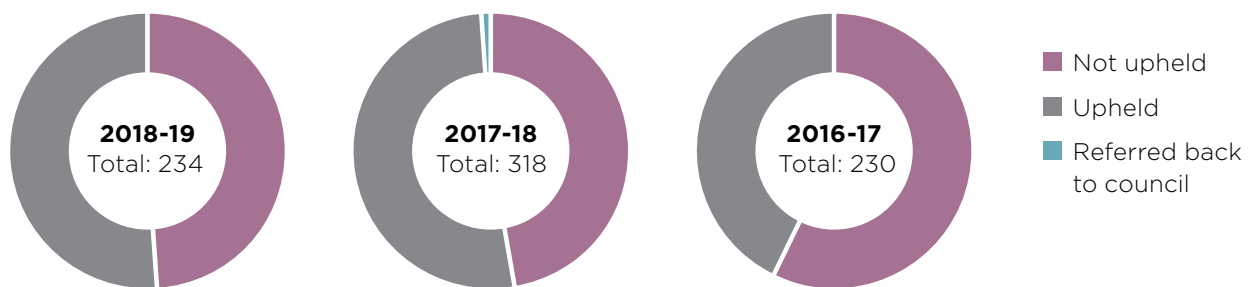
## Impact of increase in applications

The overall increase in review applications received and handled has been challenging for us as we have only a small team of six covering all of Scotland. While it is encouraging in that it shows more customers are reaching the final stage of the review process than ever before, it is increasingly difficult for us to deliver our excellent service without additional resources. We continue to monitor volumes and will seek additional resources if review application numbers continue to rise.

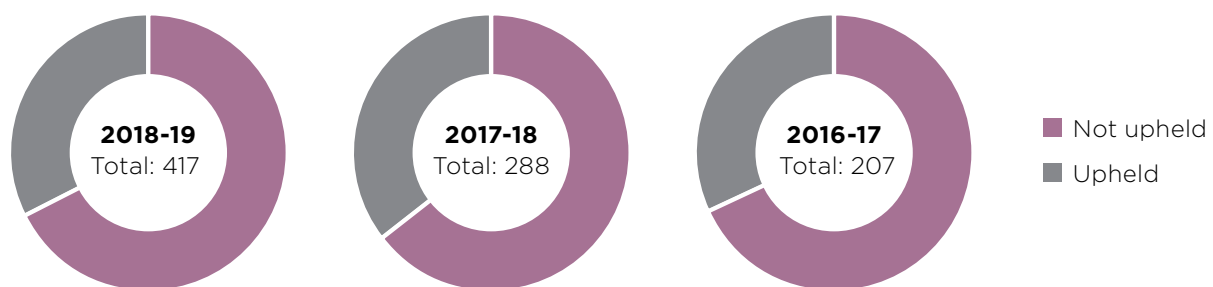


## Review application outcomes

### Community care grants



### Crisis grants



Uphold rates are the proportion of cases where we change councils' decisions. While the changes are marginal, the fall is encouraging as it means councils are making better decisions in the first instance.

While we accept that we see just a small number of the total SWF decisions in Scotland, it is notable that we changed the council's decision in over a half of community care grant reviews and almost a third of crisis grant reviews. This indicates that there is still scope for improvement.

## Key performance indicators (KPIs)

|                                                                                              | 2018-19 | 2017-18 | 2016-17 |
|----------------------------------------------------------------------------------------------|---------|---------|---------|
| PI-1 – 95% of crisis grants determined within one working day                                | 100%    | 99%     | 100%    |
| PI- 2 – 95% of community care grants review applications responded to within 21 working days | 98%     | 99%     | 98%     |
| PI-3 – 95% of reconsiderations (internal review of our decisions) – decision is correct      | 100%    | 100%    | 95%     |

PI-1 and PI-2 were set following a public consultation. PI-3 is a voluntary quality indicator we set for ourselves

*Congratulations to the SWF team, who for the third year running, exceeded these extremely demanding targets.*

# Model Complaints Handling Procedure (MCHP)

## Monitoring compliance with the MCHP

All Scottish public services have now adopted and apply the MCHP. We monitor compliance in a number of ways including conducting compliance assessments on model procedures, supporting organisations to meet the mandatory reporting requirements, following up issues identified as potentially non-compliant by colleagues and members of the public, and, where appropriate, working with organisations to share and support good practice in complaints handling.

*We provided advice and guidance to authorities where we identified non-compliance issues.*

This included: providing clarification on timescales and keeping customers updated, delivering presentations on good complaints handling, signposting to tools and guidance on our website, and reviewing and providing feedback about draft complaints handling procedures.

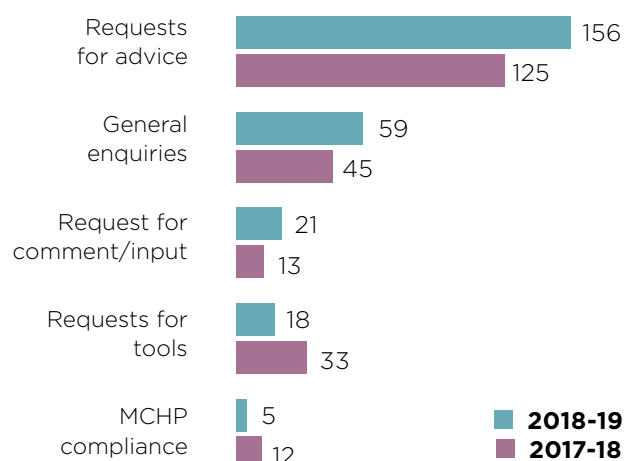


## MCHP advice

### Number of contacts

| 2018-19 | 2017-18 | 2016-17 |
|---------|---------|---------|
| 259     | 228     | 370     |

### Types of advice requests



### Advice requests by sector

|                           | 2018-19    | 2017-18    |
|---------------------------|------------|------------|
| Local Authority           | 73         | 56         |
| Health                    | 61         | 70         |
| Housing                   | 40         | 28         |
| Scottish Government       | 30         | 21         |
| Colleges and Universities | 20         | 21         |
| Water                     | 4          | 2          |
| Other                     | 31         | 30         |
| <b>Total</b>              | <b>259</b> | <b>228</b> |

Providing advice, support and guidance in respect of good complaints handling is one of the key functions of our complaints standards work. Our attendance at sector network complaints events is one way in which we meet this requirement. Another is responding to ad hoc requests for support.

In response to these ad hoc requests, throughout the year we supported organisations (and other stakeholders) in a range of ways, from advising on the implementation of the MCHP to improving complaints handling standards by offering support in relation to complaints procedures.

During 2018-19, we provided support and guidance to stakeholder enquiries on 259 occasions. By volume this was an increase of just over 13% on the previous year when we responded to 228 such requests. However, over several years we have seen a reduction in the requests we receive (for example during 2015-16 we responded to 621 requests). As the MCHP becomes more firmly established, and we see a culture change towards valuing complaints and the improvement opportunities they provide, it is encouraging (and expected) to see the number of requests for advice reduce.

## MCHP review

This year saw the start of a significant piece of work for our Improvement, Standards and Engagement team; a review of the MCHP. This is the first review since it was first implemented by the Local Government and Housing sectors back in 2012.

We had an excellent response to our survey with 156 public bodies providing comments. Our thanks to all concerned for their input.

## Survey responses by sector

|                   |            |
|-------------------|------------|
| Universities      | 17         |
| Local authorities | 31         |
| Others            | 108        |
| <b>Total</b>      | <b>156</b> |

The analysis of responses is being undertaken during 2019-20. Emerging findings include:

- Satisfaction with the MCHP is high
- 84% said the MCHP definition of a complaint is helpful
- SPSO guidance and tools are useful but we need to increase awareness of and access to the full range
- Not all performance indicators are helpful. Feedback identified a need for clarity about the requirement to test customer satisfaction, and about authorising extensions to timescales
- More guidance about use of social media to submit complaints would be helpful
- The MCHP format and the website could be more intuitive and user-friendly, for example with greater use of hyperlinks within the documents.

Work is continuing into the 2019-20 year, with the aim of having an updated MCHP by the end of the year for implementation from 1 April 2020.





# Complaints handling standards: learning from complaints

## SPSO uphold rates by sector

|                                               | 2018/19                         | 2017-18 | % difference | 2016-17 |
|-----------------------------------------------|---------------------------------|---------|--------------|---------|
| Local Authority                               | 59%                             | 58%     | 1%           | 61%     |
| Health                                        | 59%                             | 60%     | -1%          | 53%     |
| Scottish Government and Devolved Admin (SGDA) | 71%                             | 52%     | 19%          | 47%     |
| <i>SGDA (excluding prisons)</i>               | 67%                             | 65%     | 2%           | 43%     |
| <i>Scottish Prison Service</i>                | 73%                             | 33%     | 40%          | 49%     |
| Housing Associations                          | 50%                             | 57%     | -7%          | 41%     |
| Water                                         | 55%                             | 73%     | -18%         | 71%     |
| Colleges                                      | 100% (only investigated 1 case) | 58%     | 42%          | 60%     |
| Universities                                  | 33%                             | 45%     | -12%         | 41%     |
| Joint Health & Social Care                    | 55%                             | 50%     | 5%           | N/A     |

## Premature complaints by sector

|                                        | Total premature complaints 2018-19 | Premature complaints as % of total cases per sector | Premature complaints as % of total 2017-18 | % difference | Premature complaints as a % total 2016-17 |
|----------------------------------------|------------------------------------|-----------------------------------------------------|--------------------------------------------|--------------|-------------------------------------------|
| Colleges                               | 3                                  | 9%                                                  | 13%                                        | -4%          | 27%                                       |
| Universities                           | 23                                 | 16%                                                 | 11%                                        | 6%           | 14%                                       |
| Health                                 | 229                                | 17%                                                 | 22%                                        | -4%          | 21%                                       |
| Housing Associations                   | 71                                 | 22%                                                 | 31%                                        | -9%          | 35%                                       |
| Joint Health & Social Care             | 30                                 | 16%                                                 | 14%                                        | 2%           | N/A                                       |
| Local Authority                        | 299                                | 24%                                                 | 28%                                        | -5%          | 36%                                       |
| Scottish Government and Devolved Admin | 88                                 | 19%                                                 | 19%                                        | -1%          | 20%                                       |
| Water                                  | 52                                 | 37%                                                 | 39%                                        | -2%          | 41%                                       |
| Other (incl out of jurisdiction)       | 3                                  | 6%                                                  | n/a                                        | -            | 19%                                       |
| <b>Total</b>                           | <b>798</b>                         | <b>20%</b>                                          | <b>24</b>                                  | <b>-4%</b>   | <b>28%</b>                                |

## Overview of SPSO recommendations

| Recommendation type           | 2018-19      | % of total recommendations 2018-19 | 2017-18      |
|-------------------------------|--------------|------------------------------------|--------------|
| Complaints handling           | 130          | 11%                                | 109          |
| <i>Individual – apology</i>   | 342          | 30%                                | 379          |
| <i>Individual – financial</i> | 8            | 0.7%                               | 17           |
| <i>Individual – other</i>     | 36           | 3%                                 | 52           |
| Individual – total            | 386          | 33%                                | 448          |
| Learning & Improvement        | 644          | 56%                                | 635          |
| <b>Total</b>                  | <b>1,160</b> | <b>100%</b>                        | <b>1,192</b> |

## Compliance with recommendations

We set a deadline for, and follow up, all recommendations until we are satisfied that they have been implemented. Public bodies and complainants have the opportunity to comment on the timescales we set at both provisional decision and draft report stages.

94% of our recommendations were implemented within three months of the target date set. This is good performance by public bodies but we will continue to monitor compliance and will engage through our Support and Intervention Policy (page 27) with organisations that consistently fail to meet timescales.

## SPSO recommendation compliance timescales

| Authority Sector                              | Completed – Within Target | Completed – Over Target – under 3 months | Completed – Over Target – over 3 months | Total        | % Within Target | % Within Target or within 3 months of target |
|-----------------------------------------------|---------------------------|------------------------------------------|-----------------------------------------|--------------|-----------------|----------------------------------------------|
| Colleges                                      | 6                         | 1                                        | 0                                       | 7            | 86%             | 100%                                         |
| Health                                        | 467                       | 478                                      | 54                                      | 999          | 48%             | 94%                                          |
| Housing Associations                          | 9                         | 8                                        | 0                                       | 17           | 53%             | 100%                                         |
| Joint Health and Social Care                  | 40                        | 15                                       | 9                                       | 64           | 63%             | 86%                                          |
| Local Authority                               | 131                       | 57                                       | 10                                      | 198          | 66%             | 95%                                          |
| Scottish Government & Devolved Administration | 37                        | 19                                       | 0                                       | 56           | 66%             | 100%                                         |
| Universities                                  | 18                        | 10                                       | 3                                       | 31           | 58%             | 90%                                          |
| Water                                         | 2                         | 1                                        | 2                                       | 5            | 40%             | 60%                                          |
| <b>Total</b>                                  | <b>710</b>                | <b>589</b>                               | <b>78</b>                               | <b>1,377</b> | <b>52%</b>      | <b>94%</b>                                   |

## Monitoring feedback to public bodies

In addition to making recommendations, we give feedback (good, and where improvement is needed) to authorities on how a complaint was handled or where we identify an issue not complained about.



## Summary of feedback

### 2018-19

| Sector                                        | Feedback for authority |                |                                |            |
|-----------------------------------------------|------------------------|----------------|--------------------------------|------------|
|                                               | Complaints handling    | Points to note | Response to SPSO investigation | Total      |
| Colleges                                      | 1                      | 0              | 1                              | 2          |
| Health                                        | 70                     | 151            | 36                             | 257        |
| Housing Associations                          | 3                      | 5              | 0                              | 8          |
| Joint Health and Social Care                  | 9                      | 12             | 4                              | 25         |
| Local Authority                               | 16                     | 25             | 10                             | 51         |
| Scottish Government & Devolved Administration | 6                      | 2              | 2                              | 10         |
| Universities                                  | 3                      | 5              | 3                              | 11         |
| Water                                         | 1                      | 1              | 0                              | 2          |
| <b>Total</b>                                  | <b>109</b>             | <b>201</b>     | <b>56</b>                      | <b>366</b> |

### 2017-18

| Sector                                        | Feedback for authority |                |                                |            |
|-----------------------------------------------|------------------------|----------------|--------------------------------|------------|
|                                               | Complaints handling    | Points to note | Response to SPSO investigation | Total      |
| Colleges                                      | 5                      | 4              | 3                              | 12         |
| Health                                        | 79                     | 109            | 25                             | 213        |
| Housing Associations                          | 4                      | 1              | 2                              | 7          |
| Joint Health and Social Care                  | 1                      | 3              | 0                              | 4          |
| Local Authority                               | 29                     | 27             | 17                             | 73         |
| Scottish Government & Devolved Administration | 8                      | 5              | 3                              | 16         |
| Universities                                  | 3                      | 9              | 4                              | 16         |
| Water                                         | 1                      | 3              | 3                              | 7          |
| <b>Total</b>                                  | <b>130</b>             | <b>161</b>     | <b>57</b>                      | <b>348</b> |

37% of feedback was in relation to complaints handling. While we identified some good practice, the majority identified areas for learning and improvement.

We used this and other information to inform development of our Support and Intervention Policy so that we can better target our own scarce resources to where they will have greatest impact.

## Support and Intervention Policy

We developed the Support and Intervention Policy in 2018-19 and it went live in April 2019. The policy formalises the mechanisms we already use to offer support to organisations and take intervention when required. It will offer more clarity to public bodies regarding what to expect from us, how and when.

Support action under the policy will give guidance and support to organisations to help them improve their practice or address poor performance.

Intervention action is more formal and will usually require the public body to take specific action to improve performance in relation to complaints handling, handling of SWF review applications or engagement with SPSO investigations and reviews.

This does not replace the advice and feedback we already give as part of our handling of complaints, nor does the policy prevent public bodies asking us for help and advice; but makes it clearer how we will use our statutory powers in a more structured way to promote improvement.

More information about the Support and Intervention Policy is available on our website.

## Sharing learning from complaint outcomes

In 2018-19 we shared our findings and learnings in a variety of ways with organisations and the wider public:

- Summaries of all our decisions are published on our website
- A monthly e-newsletter signposts to our decision summaries and highlights trends and learning. In August 2018 we sent annual letters to health boards, local authorities, water providers and the prison service about their complaints statistics. SPSO statistics are part of the detailed complaints picture that public bodies are responsible for gathering and publishing in line with the MCHP
- We work with a variety of stakeholders such as Healthcare Improvement Scotland (HIS), sharing anonymised data to inform a wider view of public service delivery across Scotland.



# Stakeholder engagement

## Engagement overview

We engage with a range of people and organisations to provide support and advice, raise awareness and contribute to public sector improvement.

The Improvement, Standards and Engagement team participated in 76 meetings and events with external bodies. This is in addition to the events and meetings the Ombudsman was personally involved in. This compares to 66 in 2017-18 and around 70 in 2016-17.

Engagement included:

- Scottish Government openness and learning event
- Colleges annual complaints event
- Scottish Federation of Housing Associations (SFHA) governance conference
- Patient Advice and Support Service (PASS) / NHS Complaints Personnel Association Scotland (NCPAS) events
- NHS Scotland events
- Sector networks regular meetings
- Local government benchmarking sub-group
- Direct contact with:
  - Glasgow City Council to discuss complaints handling
  - North Lanarkshire Council about their approach to the Scottish Welfare Fund
  - agencies, professional bodies and steering groups, including the Inspector of Prisons, to exchange intelligence and discuss joint working; Water Industry Commission for Scotland (WICS) to discuss business to business providers complaints arrangements; the British Medical Association (BMA)

to discuss SPSO approach to investigations and use of advisers and a social security stakeholder workshop to discuss development of a Charter.

We are a member of a number of sector, interest and working groups, including:

- HIS Sharing Intelligence Group – working with partner scrutiny agencies to share intelligence in relation to different health boards on a regular basis.
- Scottish Water Output Monitoring Group
- Administrative Justice Council Steering Group

## Adviser seminar

In November 2018 we held our first annual seminar for independent experts who provide us with advice. We took the opportunity to update advisers on SPSO developments and facilitated exchanges of shared experience and approaches. We used case studies to illustrate common themes and issues for advisers. New advisers told us they found this particularly helpful.

*"It was lovely to hear from the senior team about the impact they hope to have but also that their reports/suggestions are meant to be helpful and not punitive. I felt their outlook was inspiring and I'm proud to be able to help."*

## Complaints handling training

Our training unit delivered 37 training courses across all the sectors we work with. The breakdown was:

- 22 Complaint Investigation Skills courses (focussing on Stage 2 complaints)
- 12 Good Complaint Handling courses (focussing on Stage 1 complaints)
- 3 Managing Difficult Behaviour courses.

For more information about the training we offer, [please visit our website](#).

## Scottish Welfare Fund

Our SWF team:

- delivered three regional workshops for council decision makers in Aberdeen, Edinburgh and Glasgow, focusing on hot topics for decision makers, evaluating evidence and reasoned decision-making
- held our quarterly local authority sounding board, sharing updates on our SWF casework and process, and learning across councils
- attended Scottish Government's forum for practitioners

- visited three councils to provide targeted support on specific areas of learning and welcomed visits from two councils to enhance understanding of our role and deliver information on our findings
- met with social workers who work with the elderly in Edinburgh. We recognise that the elderly can be an under-represented group when applying for welfare assistance, yet they are often likely to require assistance and meet the criteria
- visited a branch of Women's Aid to raise awareness of the scheme and review process with a particular focus on those who have faced domestic abuse.

## Parliamentary appearances and public consultations

### Parliament

- We attended the Local Government and Communities Committee 23 January 2019 about our 2017-18 annual report and performance: <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11908&i=107644&c=O&s=ombudsman>. The written evidence we sent in advance is available here: [https://www.parliament.scot/S5\\_Local\\_Gov/Meeting%20Papers/20190123\\_MeetingPapers.pdf](https://www.parliament.scot/S5_Local_Gov/Meeting%20Papers/20190123_MeetingPapers.pdf)

37 training  
courses  
delivered



The committee followed this up with a question to Scottish Government asking for an update from them on their consideration of our request for additional legislative powers, specifically the ability to pursue public value investigations and to take complaints in any format, not just in writing. [https://www.parliament.scot/S5\\_Local\\_Gov/General%20Documents/20190125\\_ConvenerToCab\\_Sec\\_SPSO.pdf](https://www.parliament.scot/S5_Local_Gov/General%20Documents/20190125_ConvenerToCab_Sec_SPSO.pdf)

- We appeared before the Social Security Committee as part of their inquiry on the Scottish Welfare Fund. <http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11560&i=104823&c=2096606&s=ombudsman> 24 May 2018. The written evidence sent in advance is available here: [https://www.parliament.scot/S5\\_Social\\_Security/Meeting%20Papers/PublicPapers\\_20180524\(1\).pdf](https://www.parliament.scot/S5_Social_Security/Meeting%20Papers/PublicPapers_20180524(1).pdf)
- We sent written evidence to the Petitions Committee on a proposed water ombudsman: [https://www.parliament.scot/S5\\_PublicPetitionsCommittee/Submissions%202018/PE1693\\_E\\_SPSO\(1\).pdf](https://www.parliament.scot/S5_PublicPetitionsCommittee/Submissions%202018/PE1693_E_SPSO(1).pdf) and on social security and housing: [https://www.parliament.scot/S5\\_Social\\_Security/Inquiries/SSCS519SSH19\\_Scottish\\_Public\\_Services\\_Ombudsman.pdf](https://www.parliament.scot/S5_Social_Security/Inquiries/SSCS519SSH19_Scottish_Public_Services_Ombudsman.pdf)

## Government

We contributed to consultation on

- Increasing employment of disabled people in Scotland <https://consult.gov.scot/fair-work-employability-and-skills/disability-employment/>  
Our response is available here: [https://consult.gov.scot/fair-work-employability-and-skills/disability-employment/consultation/view\\_respondent?uuld=1056159643](https://consult.gov.scot/fair-work-employability-and-skills/disability-employment/consultation/view_respondent?uuld=1056159643)
- Police Scotland complaints review: <https://consult.gov.scot/independent-reviews/police-complaint-handling-investigation-misconduct/>  
Our response is not yet publicly available.

## Stakeholder strategy

In 2018-19 we started reviewing all of our stakeholder relationships and activities in order to develop an effective and tailored strategy of engagements this year. This included, for instance, a review of our objectives and an evaluation of our existing sounding boards and Memoranda of Understanding.



# Customer service: feedback and service complaints

We are committed to continuous learning and improvement: we review feedback and service complaints (in addition to internal mechanisms such as QA) to inform this.

## Feedback

We get feedback through:

- our regular customer survey (forms sent electronically to complainants and telephone survey with SWF applicants)
- surveying public bodies about their experience of the SPSO
- direct feedback from people.

It is always good to get positive feedback, which last year included these comments.

“Thank you for investigating our concerns so thoroughly and sharing the findings so sensitively. The response you have provided is comprehensive and produced in a very readable format...”

Complainant

“Thank you personally, for the guidance you provided during our telephone conversations that enabled us to focus on the main points to be addressed in order to produce a favourable outcome. This whole experience has been deeply distressing for us as a family and we are relieved to bring some closure to what has been a very difficult year.”

Complainant

“I would like to commend you for the very full and comprehensive report submitted to me on the conclusion of your investigation. Throughout the duration of the case you were very professional and efficient, keeping me fully informed of the progress and state of the proceedings. The level and care of duty was of the highest order and was fully appreciated for a level of service, second to none, you are an asset to SPSO.”

Complainant

“Thank you [...you] have both been a tremendous help. I know that you are 100% non-biased. You took charge in the situation and have been absolutely amazing.”

SWF applicant

“You are the most patient person I have spoken to about my conditions. I find it really hard to open up as it is so embarrassing but you have really listened to me.”

SWF applicant



## Service complaints

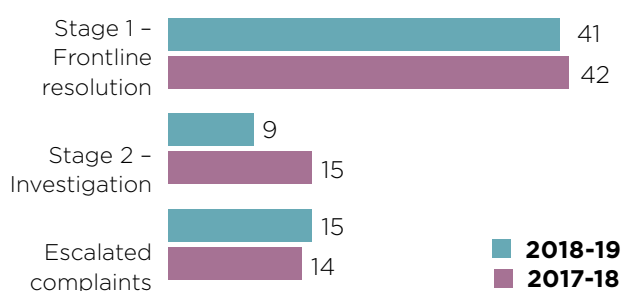
### Overview

Like public bodies under our jurisdiction we follow the same two-stage complaints process. If service users remain dissatisfied, they can ask our Independent Customer Complaints Reviewer (ICCR) to review our handling of the complaint and the decision(s) we made.

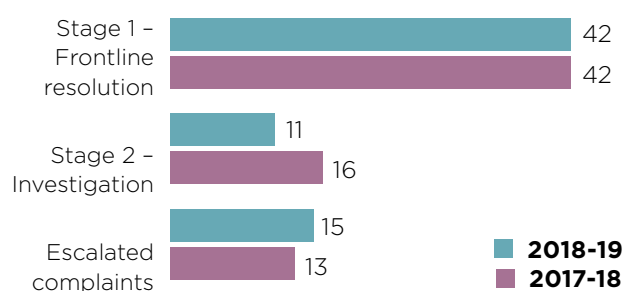
The ICCR is independent of the SPSO



### Service complaints received



### Service complaints closed



### Service complaints Upheld/Not upheld

| Upheld/Not upheld (2018-19)    | Upheld    | Not upheld | Total     | % upheld   |
|--------------------------------|-----------|------------|-----------|------------|
| Stage 1 – Frontline resolution | 12        | 30         | 42        | 29%        |
| Stage 2 – Investigation        | 1         | 10         | 11        | 9%         |
| Escalated complaints           | 4         | 11         | 15        | 27%        |
| <b>Total</b>                   | <b>17</b> | <b>51</b>  | <b>68</b> | <b>25%</b> |

| Upheld/Not upheld (2017-18)    | Upheld    | Not Upheld | Total     | % upheld   |
|--------------------------------|-----------|------------|-----------|------------|
| Stage 1 – Frontline resolution | 6         | 36         | 42        | 14%        |
| Stage 2 – Investigation        | 4         | 12         | 16        | 25%        |
| Escalated complaints           | 7         | 6          | 13        | 54%        |
| <b>Total</b>                   | <b>17</b> | <b>54</b>  | <b>71</b> | <b>24%</b> |

## Timescales

We aim to respond to complaints in line with the timescales set out in the [MCHP](#). The timescales to close complaints are:

- 5 working days at Stage 1
- 20 working days at Stage 2
- 20 working days for 'escalated' complaints.

|                                | Average time in working days to close 2018-19 | Average time in working days to close 2017-18 |
|--------------------------------|-----------------------------------------------|-----------------------------------------------|
| Stage 1 – Frontline resolution | 4                                             | 4.2                                           |
| Stage 2 – Investigation        | 21.5                                          | 22.6                                          |
| Escalated complaints           | 17                                            | 17                                            |

## Independent Customer Complaints Reviewer (ICCR)

During the year we contracted two Independent Complaints Review services. In total, they received 15 service complaints. One was subsequently withdrawn. Of the remaining 14 cases decided by the Independent Reviewers, no complaints were upheld.

We use learning from complaints to inform personal and procedural improvements. We take learning and feedback from individual complaints, and the Leadership Team consider performance and learning as part of our governance arrangements.

*In 2018-19, no significant systemic failures in service delivery emerged.*



## Complaints response times set out in the MCHP



Target met ✓



Exceeded by  
1 ½ days average



Target met ✓

# Managing the organisation: transparency and openness

## Freedom of Information and Environmental Information

|                                                    | 2018-19 | 2017-18 |
|----------------------------------------------------|---------|---------|
| Information requests received                      | 169     | 127     |
| Information requests handled                       | 164     | 131     |
| Review requests received                           | 6       | 18      |
| Review requests handled                            | 6       | 18      |
| Appeals to Scottish Information Commissioner (SIC) | 0       | 1       |

### Outcomes

- At review we upheld our original decision in five of the six cases. In the other, we found we had failed to respond to the original request within the statutory timescale
- A decision from the Scottish Information Commissioner (SIC) from the 2017-18 appeal found that we had complied with the Freedom of Information (Scotland) Act 2002 (FOISA)
- 95% of Freedom of Information (FOI) requests and 100% of FOI review requests were responded to within the statutory timescale in 2018-19
- 99% of FOI requests were responded to within 30 working days
- 100% of Environmental Information Regulations (EIR) requests were responded to within the statutory timescales.

## Model publication scheme

The SPSO reviewed our Publication Scheme to ensure that we are publishing information in line with the 2018 edition of the Scottish Information Commissioner's Model Publication Scheme and guidance, including a last updated date; and checked compliance with previous updates in respect of class 9, and a statement on copyright and re-use.

## Data protection

### Subject Access Requests (SARs)

|                                            | 2018-19 | 2017-18 |
|--------------------------------------------|---------|---------|
| SARs received                              | 102     | 75      |
| SARs handled                               | 100     | 75      |
| SAR review requests received               | 8       | 4       |
| SAR review requests handled                | 8       | 4       |
| Appeals to UK Information Commissioner ICO | 1       | 0       |

We received one decision from the UK Information Commissioner (ICO) that found that we had failed to respond to a SAR within the statutory timescale.

- 82% of SARs were responded to within the statutory timescales
- 87% within 40 calendar days

The increasing number of requests, their complexity and reduced timescales (since the General Data Protection Regulation (GDPR)) is putting a strain on our resources and continues to impact on our ability to meet targets.

## Data security

We reported two data security incidents to the Information Commissioner.

1. In one case, a file being returned to us by courier was picked up by another courier by mistake.
2. In the other case, an encrypted disc went missing from a file.

The Information Commissioner decided in both cases that no action was required.

We have clear guidelines governing how we handle data. There is a clearly established process for recording and investigation of any potential breaches in data security. All incidents must be logged using an incident recording system and, following an investigation, any identified risks are mitigated as far as possible.<sup>4</sup>

## GDPR and DPA

We successfully completed work that was required for the introduction of the new GDPR in May 2018. This included:

- Creating new privacy notices
  - Reviewing relevant policies and procedures
  - Putting staff training in place.
- Since then, we continue to develop our approach to introduce best practice.

*Throughout, and continuing, we trained and supported all staff in our improved procedures as we have become more experienced in the new legislation.*

<sup>4</sup> Our Information Governance handbook can be found at <http://www.spsa.org.uk/spsa-policies>



# Managing the organisation: our team

## Training and development

In 2018-19 we continued to meet the people development needs of the organisation through a range of activities. Learning and development activities were delivered around key areas including:

- mandatory training (e.g. Health and Safety, GDPR)
- specific subject matter learning events, for example from charities such as Stonewall and ADHD Perth to continue to build knowledge and understanding within teams
- in response to the development needs identified as part of individual personal development plans and as learning opportunities, staff attended a range of events and conferences including the Ombudsman Association conference held in Edinburgh in May 2019, a British Sign Language event at the Parliament and a Mental Health and Wellbeing conference.

We have seized development opportunities for staff to be involved in special projects, including the Ombudsman Association consultation on competency framework and a Westminster Foundation for Democracy funded trip to Cameroon as well as internal staff led projects.

We continue to support development opportunities in conjunction with other organisations and this year we hosted secondees from three different organisations, bringing learning and specialist knowledge into the organisation.

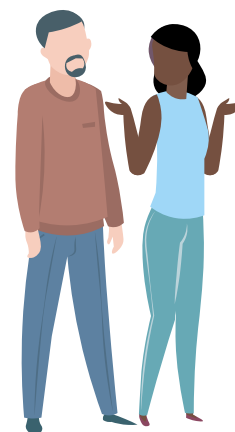
## Wellbeing

Our Mental Health and Wellbeing group was established this year. The group has focused on developing a **wellbeing framework** for the organisation. This work continues into 2019-20.

Training was delivered specifically focusing on health and wellbeing such as workshops on vicarious trauma.

## Investors in People Accreditation (IIP)

SPSO received a gold accreditation status for IIP in February 2017. The new sixth generation of IIP requires formal activity on an annual basis with accreditation status being reviewed on a three year basis. SPSO's first 12-month review took place in June 2018. Findings included an open and transparent leadership style, clear values, high levels of empowerment to take decisions, and general recognition of good performance. Recommendations for ongoing improvement included strengthening links between the organisation values and the behaviours and competencies within the SPSO's performance framework and building on current approaches to career and succession planning.



## Staff survey

The SPSO conducts an annual staff survey. The results of the last survey were published in May 2018 and the summary report can be found on our [website](#).

### Highlights:

- the response rate was 93%
- scores improved in 48 of the 64 questions
- the majority of scores were over 70% positive.

Each year the staff survey results, along with our IIP assessment findings, are combined to create an annual action plan to ensure we maintain our focus on commitment on building a people-centred organisation. Last year we continued our focus on areas such as ensuring effective communication throughout the organisation and sharing knowledge, for example through the creation of the communities of practice groups.

## Communities of Practice and working together

A number of staff-led, cross-team working groups were set up over the last year to promote and support interaction, cooperation and knowledge sharing across the organisation. The groups established include Communities of Practice, Health and Wellbeing, Internal Communications, Charities and Climate Change groups.

## Living Wage accreditation

We maintained our accreditation as a Living Wage Employer. This means that SPSO is committed to paying a minimum of £9 per hour to our staff (the minimum hourly rate for SPSO staff is currently £11.98 per hour). Following our office relocation and revision of current or new contractors, Living Wage is now a measurable criteria for both tendered and non-tendered contractors.

### Staff survey highlights



**93%**  
response  
rate

**3/4**  
of questions  
had improved  
scores

**70%**  
Most scores  
were over 70%  
positive



# Managing the organisation: governance

## Office move

At the beginning of December 2018, we moved from Melville Street in Edinburgh, our home since we were first set up, to a modern, open plan office in Bridgeside House on McDonald Road.

We share the building with the Scottish Human Rights Commission and the Children and Young People Commissioner Scotland. While we each have our own secure space, we share common areas such as the boardroom, training facilities, communal kitchen and a wellbeing/first aid room.

Not only can we work more collaboratively by sharing some spaces, we also collectively make greater, more efficient use of publicly funded space.

## Governance and risk

We reviewed and updated our Governance arrangements. This included:

- Updating our **Governance and Risk Management Handbook**
- Implementing and embedding a new risk management system ensuring risk is owned, managed and considered across the organisation
- Reviewing the role and membership of our Advisory Audit Board (AAB). The AAB's terms of reference were revised in line with governance good practice to be more focused on governance, risk and assurance. They are included in our Governance and Risk Management Handbook.

## Quality Assurance

The main aim of the QA process is to ensure that all SPSO casework is handled in accordance with laid down procedures as specified in the SPSO guidance. The QA programme is set out on an annual basis using a risk based approach. This year the programme included QA reviews of both complaints and the Scottish Welfare Fund casework, the use of professional advice in complaints investigations, the quality of telephone calls, and the application of SPSO's jurisdiction in relation to complaints relating to social work cases and discretionary decisions not to undertake complaints investigations on the grounds of proportionality.

## Environmental and sustainable development

We continue to reduce our level of carbon emissions. We are committed to supporting the Scottish Government's policies on Environmental and Sustainable Development and understand our obligations in these areas. Further to the climate change (Scotland) Act 2009, the Government introduced an order in 2015 requiring all 151 public bodies that appear on the Major Player list to submit an annual climate change report, detailing their compliance with the climate change duties. SPSO is listed, and we published our fourth annual report in August 2018. Previously, we published a sustainability report.

Our climate change and sustainability reports are available on our [website](#)

## ICT and cyber security

Digital technologies are an important tool underpinning our service, and we closely manage this part of our service to ensure we protect the personal data and sensitive information we hold and use. The importance of cyber resilience has never been greater, and in 2018-19 we continued implementing the Cyber Resilience Public Sector Action Plan and applying for Cyber Essentials certification. We completed this process in 2019.

SPSO utilise SCOTS Connect to host our network services to provide a safe and secure digital environment. SCOTS is the name for the Scottish Government's range of managed IT services and products which holds Cyber Essentials Plus accreditation. Emails are sent over the secure Public Services Network (PSN) which scans all traffic for inappropriate content, blocking its access to the system. Firewalls ensure that only trusted/secure websites are able to be accessed by staff. Continuous monitoring and improvements to our ICT infrastructure ensure we operate in an efficient and secure IT environment.

This year we upgraded our telephones to a digital system improving resilience and adding functionality to better support our work.

## Community, social and human rights

Many of our staff are involved in community and social rights engagement activities outside of work, including, for instance, volunteering for:

- the Children's Panel
- the Law Society of Scotland's Regulatory committee
- Fresh Start, a charity helping previously homeless people who have been offered a tenancy assistance to move into their new home

## International Women's Day

For the second year running, we celebrated International Women's Day in March 2019. We invited three excellent, interesting and engaging speakers to talk to us: Jen Ferguson, the Regional Family Support Coordinator, Families Outside; Julie Cameron, Head of Programmes at the Mental Health Foundation; and an internal SPSO colleague who shared his experience about parental leave. The proceeds from a bake sale in the office went to the external speakers' organisations. As part of the event, we also collected sanitary products for local charity Homeless Period Poverty Edinburgh.

## Accessible service

We work continuously to make our service accessible to whoever needs to use it, and we regularly undertake new initiatives to make sure we operate in line with best practice.

This year we refreshed our logo and visual identity – and with that all of our materials and channels including our website – to make our service visually more engaging and communicate it more clearly.

We track individual adjustments we've made to see if we can make improvements that would benefit others. This includes, for instance, supporting users with visual impairment with large font or specifically coloured paper; we also made adjustments in a very tailored way to help people using our service by, for example, timing telephone calls around medication, or caring responsibilities. On our [accessibility page of the website](#) we added information from AbilityNet detailing how users with different requirements are able to adjust their hardware and software.

We had:

- presentations from Stonewall and from an ADHD charity
- set up a Community of Practice which aims specifically to look at accessibility and accountability issues, called the IDEA Group (Inclusion, Diversity, Equalities and Accessibility). The group is made up of staff from across the organisation who are committed to improving our service. We will report in more detail in 2019-20 on the first full year of the group's activities.

## BSL Plan

We published our first [British Sign Language \(BSL\) Plan](#) in October 2018. Developed with input from the Scottish Parliament and other Parliamentary Officeholders. Our BSL plan sets out our commitments 2018-2023 to improve access to information and services for BSL users.

As with the National BSL Plan, our plan starts from the principled position that BSL is a language in its own right. Like all other citizens of Scotland, BSL users have the right to engage with and access information about SPSO and our service when they so choose, without unnecessary barriers.

In 2018-19, we updated the accessibility section of all of our printed materials with a reference to BSL users, as well as the accessibility and contact pages of our website. These now feature the Contact Scotland BSL logo and direct link to the Contact Scotland BSL website to promote the service. In 2019-20, we will work on producing more video and audiovisual content for our digital channels.

## Equalities

We ask people to complete a form which helps us monitor if there are groups of people who are under-represented among the people who bring us complaints. This year, our analysis of this data showed that there has been little significant change in the people who come to us.

While complainants remain broadly representative of the population in terms of gender and ethnicity, we have an older demographic profile than the country's population because few children or young people bring complaints to us. A significant proportion of those who complain to us are in the 40-60 age range, and this reflects that we do often see people bringing issues to us not only about services they have received but on behalf of those for whom they have caring responsibilities.

For the last couple of years, we have found that we usually have a higher proportion of people reporting they have a disability that impacts on their day to day living than in comparable surveys. This year, our figure (40%) was slightly lower than the percentage of people who report they have a long-term life limiting condition in the most recent Scottish health survey (45%). While the divergence is a few percent in a relatively small sample, it is a relatively significant proportion of our users and we take that into account when considering changes to our service. For example, when moving to our new building, the planned new layout was assessed for accessibility before the move and, since the move, a further assessment and action plan have been put in place.



## Making a complaint

We take SWF applications by phone. This makes our service accessible for vulnerable groups in particular. Complaints about public bodies, in contrast, must be made in writing (including email and via our website). We can take individual complaints in other formats but only if there are exceptional circumstances. This places the onus on complainants, rather than giving the SPSO the flexibility to adjust. We feel strongly that we should have the powers to routinely take complaints by phone and continue to seek a change in the law to allow this.

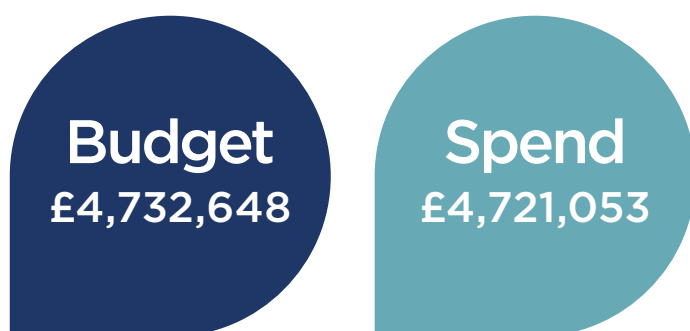
## Finance

Our 2018-19 accounts include the funding provided by the Scottish Parliamentary Corporate Body (SPCB) for the Shared Accommodation Project, which brought together the Children and Young People's Commissioner for Scotland (CYPCS), Scottish Human Rights Commission (SHRC) and SPSO in Bridgeside House, 99 McDonald Road, Edinburgh.

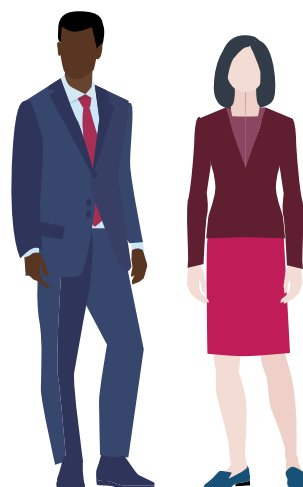
- our 2018-19 budget, excluding building costs was £4,732,648
- our total spend was £4,721,053.

For more information about how we managed our finances see the full financial statements at [www.spsso.org.uk/finance](http://www.spsso.org.uk/finance).

### Our 2018/19 Budget v Spend...



...including the cost of moving to Bridgeside House



# Looking forward

The coming year promises to be no less demanding than last. Simply maintaining our output to the same standards with an increasing workload but no increase in resources, will be challenge enough.

We also face some significant additional challenges.

## Independent National Whistleblowing Officer

The revised go-live date for the Independent National Whistleblowing Officer (INWO) for the NHS in Scotland is 1 July 2020. As well as being the very first independent body to whom whistleblowers can take complaints about how their whistleblowing concerns were handled locally, the INWO also sets the principles and standards the NHS must apply when looking into whistleblowing concerns. The draft principles and standards were published for consultation on our [website](#) 1 May 2019 – 28 June 2019.

This year, we will refine those standards in light of feedback. We aim to publish the final version by 31 December 2019. In the meantime we continue to plan for implementation, covering areas such as: support and guidance to help the NHS prepare, setting up our own function for investigation of whistleblowing complaints and raising awareness.

We are committed to taking on this important role but as with all new areas of business there are risks. The key risks are timescale and adequate resourcing (for both the SPSO and the NHS).

## Strategic plan

We are required to lay a strategic plan before Parliament every four years. The next strategic plan will be laid in 2020. A draft will be available on our website for comment in early 2020.

## Support and Intervention Policy

This policy, which provides the framework for how we support and take action with public bodies about their complaint handling performance, went live on 1 April 2019 (page 26). In addition to applying the policy, we are also developing our approach to how we manage and use data and information to inform this work.

## Performance measurement

We monitor and track our caseloads and performance. Our conclusions from the last two years are that our complaints caseload has changed. Cases remain complex but, more significantly, we are seeing a greater proportion of our workload requiring investigation. This is more resource intensive and takes longer.

We also aim to resolve complaints early in the process. While this is beneficial to all concerned, it can take time. For these reasons we will be analysing and reviewing our Key Performance Indicators to ensure that they remain challenging but realistic and are a true indicator of performance.

## Impact

Ultimately, we want to make a positive difference. In planning, carrying out and reporting on our work we aim to show:

- we make a difference for individuals through robust, impartial complaint handling
- we contribute to better public services which people can have confidence in
- we ourselves learn and improve.

The challenge for us, like many other complaints-based organisations is how we demonstrate this in a meaningful way. We have, and publish, a lot of information about decisions, activity and outcomes, but recognise that there is more we can do to structure and highlight this. A key part of our work to support this in 2019-20 is the continued development of our website and stakeholder engagement.

### Our aims for a positive impact

Robust,  
impartial  
complaint  
handling

Public  
services  
which people  
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We  
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**SCOTTISH  
PUBLIC  
SERVICES  
OMBUDSMAN**



**People Centred | Improvement Focused**

**Scottish Public Services Ombudsman  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS**

**Tel 0800 377 7330  
Web [www.spso.org.uk](http://www.spso.org.uk)**

Laid before the Scottish Parliament by the Scottish Public Services Ombudsman in October 2019 in pursuance of section 17(1) and (3) of the Scottish Public Services Ombudsman Act 2002.