Written evidence from Scottish Public Services Ombudsman
[PHS0041]

This note is intended to provide some background to the Committee in areas where the SPSO remit and powers are most different from that of the Parliamentary and Health Services Ombudsman. These relate to the decision of the Scottish Parliament to create a single Ombudsman and also to a new role we have around setting complaints standards and designing and implementing standardised procedures for organisations under our jurisdiction.

Our jurisdiction
The SPSO’s jurisdiction broadly covers devolved and local areas of government and related bodies. This includes local authorities; prisons; the health service; registered social landlords; the Scottish Government, colleges and universities and most Scottish NDPBs. We can take complaints by private companies providing services on behalf of one of these public sector bodies. We also take complaints about one utility, water. There are exceptions to our remit, there are separate bodies in Scotland for complaints about police; information requests; breach of standards of specific codes of conduct; and social care. Last year we received, a little over 4,100 complaints of which 37% were about local authorities and 30% about health.

The “one-stop-shop” concept and review of complaints
The roots of our broad jurisdiction can be traced back to 2002, when the Scottish Parliament endorsed the idea of a “one-stop-shop”. The aim was to make it easier for the public to access the ombudsman and to be able to deal with complaints where more than one organisation was involved. This led to the merger of the Scottish parts of the Parliamentary and Health Services Ombudsman, Housing Ombudsman and Local Government Ombudsman. There have been additional significant changes following two reviews of complaint handling across the Scottish public sector in the last few years. Full details of these reviews can be found in the Crerar Report (2007)\(^1\) and the Sinclair Report (2009)\(^2\). Broadly speaking, these reports called for significant changes in complaints handling by public organisations and simplification of the complaints handling landscape at the next level. It was as a direct results of these reports that we took on a role in relation to prisons and water complaints and that the bodies previously dealing with complaints in these areas were abolished.

As an organisation with a broad jurisdiction we need to ensure we can bring the benefits of being a “one-stop-shop” in terms of ease of access; consistency of approach and learning across the sector with the requirements to understand the diverse range of public services. When taking on new jurisdictions we have set up small teams of staff who specialise in those complaints for a period to build up our internal knowledge and only moved to integrating them with our mainstream process when we believe we have sufficient

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\(^2\) [Http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/ActionGroups/ReporttoMinisters](http://www.scotland.gov.uk/Topics/Government/PublicServiceReform/IndependentReviewofReg/ActionGroups/ReporttoMinisters)
experience and expertise to do so. We also have a bank of specialists advisers we can draw on when we need to supplement our knowledge.

The Complaints Standards Authority
The other statutory change to our remit as a result of these reviews was that we took on a new role in 2010. This role gives us specific powers and imposing duties on organisations under our jurisdiction around complaint standards.

In line with the new legislation we undertook a public consultation on principles of complaints handling and seven complaint handling principles were approved by the Scottish Parliament in January 2011. All organisations under our jurisdiction are required to comply with these principles. The legislation also encouraged us to create standardised complaint handling procedures which meet these principles. We can require organisations under our jurisdiction to implement these procedures.

Working in partnership we have led a programme of reform to develop a standardised model complaints handling procedure for each sector under our jurisdiction which it is now a statutory requirement for bodies to adopt. There are currently standardised procedures in place for all local authorities, registered social landlords, colleges, universities and the Scottish Government and Government sponsored agencies and other public authorities. They all follow the same simple model process. A quick, frontline resolution stage which should normally be completed within five working days and a single investigation stage with a target response time of 20 working days. Alongside that simple process, there are requirements for organisations to log, monitor and learn from all complaints. While very similar, the model for each sector does take into account specific issues that reflect the individual needs of each sector and there is room for local flexibility, not in terms of the process and standards the public receive, but in how their organisations meets these. This is another example of the way we need to balance being a single Ombudsman with the need to reflect and respect local conditions.

While there were some initial concerns from organisations in implementing this new model, particularly those for whom this would be a significant change, there are now hundreds of organisations across Scotland operating this model and organisations are increasingly reporting that they are finding the new model is acting as a cultural catalyst not only in relation to their complaints handling but in improving their wider approach to customer service.

The CSA also provides support to organisations using the model. They have established complaints handlers networks for the sectors to help share best practice and learning from complaints and to benchmark performance. We have developed standardised performance indicators for each sector which they will be required to publish meaning that, for the first time, the public will have access to consistent detailed information about complaints at a local level and organisations will be able to compare and benchmark against each other on the basis of consistent detailed information. We are not seeking to become a regulator but

have worked with regulators who now have access to complaints data in the course of their regulation and inspection activities.

It is worth noting that the complaints process for the Health Service in Scotland is set out in separate legislation and regulations. The process consists of a single investigation stage of 20 working days and this was used as the basis for the other sectors to mean that, as far as possible, anyone complaining to any public organisation in Scotland should meet similar standards and procedures. This should also make it easier for organisations working together to deliver services to co-ordinate their responses to any concerns.

Making the process easier and recording and monitoring complaints is only the start of the process. The process is also designed to help staff in public organisations focus less on the process and more on responding well. There is a strong emphasis in the procedures on empowering all front-line staff to resolve problems as close to the frontline as possible. The CSA also seeks to share good practice and has established forums for complaint handlers to meet to discuss improvements and common issues. Additional support is given by our training unit.

**The SPSO Training Unit**

The SPSO training unit predated the reviews and was created in response to requests from organisations in our jurisdiction for help and was initially influenced by a similar unit at the Local Government Ombudsman. This has since evolved considerably as requests for training increased following the Sinclair report in 2009 which recommended that public organisations invest in training for staff and also that the status of complaint handlers be improved within organisations. When the model procedures were developed there were further requests for us to support the process with good complaint handling skills training.

Our website SPSO Training\(^4\) now hosts several e-learning modules. These are free to members of staff in the organisations under our jurisdiction. The modules currently available on the site are designed for front-line staff to help them understand their role and emphasise the benefits of resolving complaints quickly. We have had 2,500 staff sign up direct through our own website and know organisations who have chosen to directly host the e-learning on their own internal websites have signed up many more.

We also deliver direct training for staff who undertake the investigation stage and in 2012/13 delivered 71 courses. We are currently working closely with NHS Education Scotland (NES) and e-learning training for frontline NHS staff launched in May 2013. We are providing training direct to GP practice managers alongside NES and expect to have an investigation skills training e-learning module for NHS staff available early next year. Our e-learning modules have attracted considerable interest and we have had requests from organisations outside our jurisdiction to access these, including some international contacts to use them. To give an example, we have had a direct request from a local authority in New Zealand. We know NHS England have considered our modules as they look to develop their own approach.

\(^4\) [http://www.spsotraining.org.uk/](http://www.spsotraining.org.uk/)
While we do not charge for e-learning we do for direct delivery training and do so on a cost-recovery basis. We sought and received Scottish Government funding for the technical side of the e-learning and the NHS have funded their own e-learning.

Looking ahead
There is currently an impetus around complaints handling as a result of the reviews, and the implementation of the new models. However, culture change and leadership remain the most significant factors in improving complaints handling. While training seeks to support this, I have also been meeting Chief Executives and others to encourage greater visibility and reporting and provide additional guidance and support for the way governance structures across the public services should be responding to complaints.

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