

Ariane Burgess MSP
Convener of the Local Government, Housing and
Planning Committee

28 May 2024

Dear Ariane,

SPSO update

1. I recently published the SPSO complaints statistics for 2023—24, in anticipation of producing my Annual Report and Financial Statements. As with last year, I am conscious that by the time the annual reporting and auditing process is complete (in October), the information in it will be out of date, providing, as it does a snapshot in time. I thought the Committee might find it helpful to hear about some of the highlights from my upcoming Annual Report and the successful, ongoing work to reduce allocation waiting times.

Highlights

2. Work coming in
 - 2.1. SPSO received **4,686** complaints this is a **33%** increase on the previous year.
 - 2.2. Nearly two thirds of complaints were about the health sector (33%) and local authorities (30%).
3. Output
 - 3.1. We achieved a **21%** increase in productivity, reflecting the strenuous efforts to reduce unallocated and older complaints. This comes after a 10% increase in productivity last year.
 - 3.2. My office carried out **201** “investigations” (cases we investigate beyond early stages). This is a 5% increase on last year.
 - 3.3. We have introduced more efficient ways of working at an early stage in our assessment and investigation process. We continue to look for efficiencies and examples of these initiatives include improvements in our casework IT system to improve transfer of a cases between different parts of the



process and presenting our early-stage decisions more impactfully and clearly using a statement of reasons. These have enabled us to absorb (so far) increased volumes and to communicate our decisions in the early stages more quickly and clearly.

4. Recommendations

- 4.1. We made **496** recommendations to public sector organisations, compared to 350 in 2022—23, a rise of 42%.
- 4.2. **271** of these (over half) were for learning and improvement to ensure the issue complained about doesn't happen again.
- 4.3. **66 (13%)** were for complaint handling improvements. This was an increase on last year when 9% of recommendations were about complaint handling.

5. Cases closed in early stages

- 5.1. **2,637 (56%)** of cases were closed following enquiries, but without a lengthy investigation leading to a public summary or full public report.
- 5.2. While we can complete the assessment stage more quickly, we are still mindful of quality and outcomes for complainants. We take steps to ensure that complainants have received or subsequently receive, the appropriate outcome to their complaint. The actions we take to achieve this include:
 - 5.2.1. taking specialist advice
 - 5.2.2. resolving cases where our early intervention can achieve an outcome acceptable to the complainant
 - 5.2.3. confirming that the organisation has done what they said they would do (or there is a clear action plan to do so), and
 - 5.2.4. providing feedback for learning or improvement (we did this **734** times).
- 5.3. We can achieve significant outcomes in these early stages. To give just one example, we have managed to ensure payments of several thousands of pounds for a number of kinship carers where assessments had not been undertaken at the appropriate time. Doing so at this stage means they receive those payments more quickly.
- 5.4. This approach enables us to give faster decisions, which benefits both complainants and public organisations, and is one of the reasons for the sustained productivity improvement.
- 5.5. While this is an important part of my, and any Ombudsman scheme's work, I am mindful that it can appear less transparent and harder to explain publicly. I publish statistics in full, and the descriptions of these are now more meaningful, but there remain legislative limitations on what I can publish about these cases (something I would like to see change). While I



must work within the limitations, my business plan this year includes a project to review whether and how I can publish more information within those limitations.

Local government

6. I know the Committee have a particular interest in local government cases.
 - 6.1. We received **1,393** complaints about Councils which is a 33% increase on the 1,051 received in the previous year.
 - 6.2. The most common areas of complaint were similar to the previous year:
 - 6.2.1. the top two, Housing and Education increased at a rate higher than the council average (both were **42%** higher than last year), and
 - 6.2.2. we saw a significant increase in Roads and Transport complaints of **84%** which meant they came in at number four, ahead of Social Work. (Last year we only received **79** Roads and Transport complaints).

Local authority top 5 subjects of complaint

Subject	23—24	22—23	Change from 22—23
Housing	354	250	+42%
Education	199	140	+42%
Planning	147	115	+28%
Roads and Transport	145	79	+84%
Social Work	137	124	+10%

Note: An additional 118 social work complaints were registered against Health and Social Care partnerships in 23—24 this was an increase of 46% (81) on 22—23

Allocation times

7. At close of business on 31 March 2022 we had 604 cases awaiting allocation. At that year-end point, we estimated that some complainers, particularly those whose cases had not been prioritised, could wait up to 11 months before their case was allocated.
8. I am extremely pleased to be able to tell the Committee that triaged cases which are a priority for allocation are being allocated within days rather than weeks; and **today we have one case awaiting priority allocation and that will be allocated this week.**
9. There are currently **263** non-priority cases awaiting allocation and the current time to allocate them is **14—16 weeks.**



10. It is important to note that not every complaint we receive joins the pool of unallocated complaints, meaning many complainers do not and have not experienced a delay in allocation.
11. Complaints are assessed at an early stage, with over **50%** of them passed to a dedicated team following that assessment. These cases are usually those complaints we will not investigate beyond initial enquiries.

Other highlights

12. We record and report publicly about complaints that are made about our service.
 - 12.1. Despite the increase in volume of complaints to us, complaints about our service reduced by around **11%** from **137** in 2022—23 to 122 in 2023—24. This is likely a direct and positive impact of the work to reduce timescales. We know that delay was a key driver of dissatisfaction last year.
 - 12.2. We also improved the timescales within which we respond to more complex stage 2 customer service complaints. The average time to respond decreased from **17.9** to **14.7 days** and the number we completed within our 20 working days target increased from **82%** to **88%**.
13. Each quarter we report on positive, unsolicited, feedback.
 - 13.1. In 2023—24, we have noted positive feedback from 123 individuals.
14. Child friendly complaints
 - 14.1. I have laid for approval, a set of Child-friendly complaint handling principles before the Parliament. This is the culmination of significant co-design work. The Principles, while the end of one stage of the journey, are the starting point to improving complaint handling for children and young people. They will be supported with dedicated guidance which we will be producing to help with implementation of the Principles.
15. I will provide the next update on timescales to the Committee later this year. Meanwhile, I would be very happy to answer any of the Committee's questions about our functions and performance.

Yours sincerely

Rosemary Agnew
Scottish Public Services Ombudsman