I am writing to you in connection with the above ‘Complaint Handling Principles Document’ as presented for Parliamentary appraisal and approval by Ombudsman, Mr Jim Martin.

I hope you will read and consider the points I make in this letter, which I submit, NOT as complaints about the SPSO, but as positive suggestions which if implemented, would I feel, both benefit Public Services Complainants and assist the Ombudsman and his staff in carrying out their difficult and sometimes onerous duties.

*During the year 2009-2010, the SPSO were inundated with more than 4000 enquiries and complaints, of which more than 3000 were deemed inappropriate by the Ombudsman to examine or investigate. In view of the fact that the Ombudsman is a ‘last resort’ action by members of the public, who often feel angry and frustrated by the way their complaints were handled by the Public Services personnel, this large number of complaints ‘turned away’ by the SPSO gives me cause for concern. However, I accept Mr Martin’s contention that he simply does not have the resources to deal with this huge number of complaints and enquiries. Mr Martin also makes the point that members of the public are apparently unaware that many legitimate public services complaints are simply beyond the Ombudsman’s legal remit. Perhaps some clearer information on those official SPSO leaflets might reduce these initial enquiries from members of the public to a more manageable level.

Mr Martin is very keen for most Public Services Complaints to be resolved at local level. This would greatly reduce the workload for the SPSO personnel and would result, hopefully, in more satisfied public services complainants. Mr Martin’s ‘Quick and Simple’ complaint handling principle and to a lesser extent his ‘Seek Early Resolution’ principle are designed to address this issue within the public services complaints departments.

I sent a personal response to the SPSO public consultation document, expressing my concern that public services personnel might regard ‘quick and simple’ and ‘early resolution’ as excuses to deal only superficially with public complaints, or even dismiss them ‘out of hand’. This way of dealing with, what are sometimes quite complex issues, causes quite understandable public anger and frustration, and perhaps more importantly, does nothing to drive up improvements in public services.

The Ombudsman, in his monthly commentary, publishes lists of ‘recommendations’ made to public services. These are based on the SPSO’s decisions about public services complaints, examined by the investigating staff members. Under present legislation, these ‘recommendations’ are NOT enforceable and there is very little that Jim Martin and his staff can do if the
‘offending’ public services managements choose to ignore them, or even disagree with them!!

**The following ‘recommendations’ are taken from Ombudsman, Mr Martin’s November 2010 Monthly Commentary:-

**Recommendations to Health Boards**
> that a Board apologise for the delay in providing a community psychiatric nurse; ensure their healthcare professionals record a rationale for clinical decisions and patient records; apologise to the complainant for failing to ensure that only appropriate healthcare professionals were involved in a decision; ensure their healthcare professionals maintain a reasonable standard of record keeping and apologise for their failure to inform the complainant properly of the decision.

**Recommendations to Councils**
> a Council review their systems for retaining planning files in order to ensure that, in future, such files are not mislaid; ensure that, in future, officers keep contemporaneous notes of their visits to site where disputes arise or exist; remind their staff of the need to include accurate background and representation information in their reports; feed back the Ombudsman’s views on a misleading statement in their letter; put in place a system to ensure that delays do not occur in the future, should they agree to provide legal advice to members of the public; and apologise to the complainant for failing to provide the full information obtained from their solicitor.

> In relation to a social work complaint, in situations where complaints are complex or there has been a delay in bringing them to the Complaints Review Committee (CRC), the CRC consider holding a preliminary hearing or clearly state as a matter of record in the minute why they had not considered any particular matters raised; and that the Head of Children’s Services make an apology.

**Recommendations to colleges or universities**
> that a College apologise to the complainant for failing to notify him formally, in writing, of the outcome of the Stage 4 consideration of his complaint within a reasonable timescale; review their current complaints procedure to ensure that the final Stage 3 Appeals to the Principal are responded to in writing, within a published and agreed timescale; and review their process for documenting complaints.

I chose these particular ‘recommendations’, which represent a broad spectrum of Public Services complaints, because they ALL involve, non adherence to established protocols on record keeping and documentation, unacceptable delays, failure to obtain qualified professional opinions, and even in one case, willful non adherence to proper legal procedures. These
lapses are not confined to November 2010. They are recurrent issues which come up again and again within SPSO complaint handling records.

The correct protocols and procedures ARE ALREADY IN PLACE within the public services governance and delivery schedules. Adherence to existing protocols, particularly in regard to record keeping and storage and handling of documentation, should be enshrined within the LAW and failure to comply properly with these statutes should be an offence, punishable by law.

For far too long, public inquiries, fatal accident inquiries, inquests and police investigations have been impeded by ‘missing ‘ or ‘mislaid’ public services records and documents, altered records and even records NOT kept at all!! Several Sheriffs and even Judges have commented adversely about this unacceptable situation within our Public Services. This also makes life very difficult for SPSO’s investigating officers and advisers.

I am asking the Local Government and Communities Committee to consider asking the Scottish Parliament to introduce legislation to make compliance with certain existing Public Services Protocols a compulsory requirement for Public Services employees and managers.

Thank you for taking the time to read this letter.

Jennifer Helen Allan
2 December 2010


**http://www.spso.org.uk/investigation-reports/2010/november/ombudsmans-commentary-november-2010