

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

27 November 2023

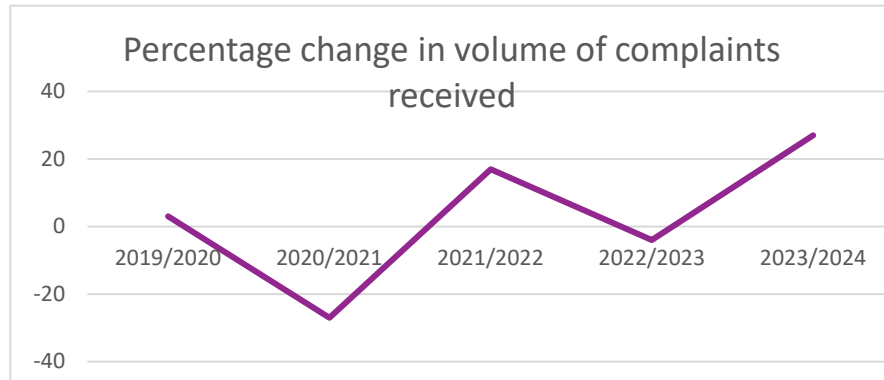
Dear Ariane,

SPSO update 2023—24 Quarters 1 and 2

1. In advance of my meeting the Committee on 5 December 2023 to discuss SPSO's annual report 2022—23, I thought it might be helpful to provide an update on performance over the first two quarters of the current year. I appreciate the focus of the Committee will be on performance in the reporting year 2022—23, I wanted to ensure the Committee had up-to-date data to inform them about current trends. The main highlights are summarised below.

Rise in public service complaints

2. We are seeing an unprecedented increase in public service complaints numbers. The first two quarters of 2023—24 have seen a **27% increase in complaints received**. Although the overall volume is within the range we experienced pre-pandemic at the higher levels, the increase is surprisingly steep and was higher in Q2 (32%) compared to Q1 (20%). It is unclear whether this steepness of rise is continuing into the current quarter, but numbers are certainly not falling.
3. As a resource-led organisation the unpredictability of complaint numbers is always a challenge. However, for some years prior to the pandemic case numbers were relatively stable and fluctuations year to year (positive or negative) were modest.
4. The percentage changes experienced in the last five years have been dramatic and the chart below which plots the percentage changes year on year (shows the extent of the variation (the final figure is only for two quarters)).



5. These large swings in complaint volumes present challenges both for managing current resources and when predicting future volumes and engaging with the SPCB about budgets. This year we are partially meeting the challenge with increased productivity (a 17% increase in closed cases) and are continuing to look at efficiencies across our services.
6. As the Committee would expect, we monitor our complaints data closely, and look to identify trends. So far increase is cross-sectoral and cross-subject and we have not identified specific themes or drivers. We intend to engage with the networks of complaints handlers to see if the trend in numbers is reflected in complaints received by public bodies.

Allocations

7. As I note in the annual report by the end of 2022—23, we had reduced the length of time people were waiting to be allocated from 11 to five months and the number of people waiting from 677 to 298.
8. By the end of Q2 of 2023—24, despite the steep increase in complaints, we had reduced the length of time some (not all) cases were waiting to be allocated to four months. This involved 313 cases. I will give a further update to the committee on the day.

INWO performance

9. We have seen a smaller increase in NHS Whistleblowing case numbers, we have received 66 cases this year compared to 59 over the same period in 2022—23. Although case numbers are relatively stable compared to public service complaints, we are seeing a shift in the types of cases, with more progressing beyond the giving of advice, to being investigated or resolved. 22 cases have progressed to the assessment stage compared to eight last year and 10 cases have gone to full investigation (compared to five last year). The number of cases being held in the team has been relatively stable over the last two quarters.
10. INWO complaints are inherently more complex than public service complaints and require different approaches to investigation, often involving multiple interviews and the need to manage extremely confidential and sensitive information.



11. We regularly publish INWO investigation reports and details of our *findings and recommendations*.

SWF performance

12. We have seen a 28% decrease in applications for a review of Local Authority decisions about Scottish Welfare Fund Applications (SWF) in the first two quarters of this year compared to 2022—23. However, we experienced exceptional demand in 2022—23, receiving the highest number of reviews since the launch of the service in 2016. The impact of this was that our value-adding work on good practice, advice and training was limited. The current dip has provided an opportunity to do more work in this area as set out in para 14 below.
13. Volume-led demand is challenging because application numbers fluctuate. There are likely to be a number of causal factors for the decrease to date:
 - 13.1. Applications to the fund itself decreased overall by 12% in quarter one, this is likely to have impacted review numbers. Quarter two statistics will not be published until 31 January 2024.
 - 13.2. The impact of the cost of living crisis is undoubtedly still being felt, particularly for those on the lowest incomes. However, the introduction of additional support measures, may have contributed. The economic context and the link with inflation and other factors, may be having an impact but that is far from clear.
 - 13.3. The decrease is not consistent across all local authorities; some are experiencing rises in applications, other reductions. Until we have access to quarter two data, we don't know if that is continuing.
14. Demand for support from local authorities has increased and continues to do so. Local authorities describe various challenges mainly relating to resources and budget pressures. We continue to provide ad hoc support, including training, but with the acknowledgment that we do not have dedicated resources for learning and improvement within the SWF team. How sustainable this is if application numbers rise again is doubtful. Strategically, it is an area of ongoing priority, as we would like to replicate the improvements in handling SWF applications at local level, that we have seen in complaint handling.
15. Accessibility both in terms of applying to the fund and accessing the local authority first tier review process, remains an issue. For example only three of 32 local authorities have a freephone number in place, and there are mixed approaches to how applicants can apply for a first tier review.
16. Raising awareness of the review function is a key priority for us and we plan to continue to use the available data to target our engagement effectively. We are keen to take part in planned improvements as part of the Scottish Government Review Action Plan.



Improving complaints handling

17. On 16 November 2023, we held the first SPSO complaints conference since early 2020. Over 220 complaints handlers from across the public sector attended and key themes included
 - 17.1. the benefits of achieving a resolution on a complaint
 - 17.2. improving accessibility for people experiencing vulnerability and
 - 17.3. the progress on implementation of child-friendly complaints.
18. In October, we held our second INWO Speak Up Week which focused on learning from concerns. As well as daily input from SPSO, events were held by Boards across Scotland. Full information including recordings of some of the events is available here: [Speak Up Week | INWO \(spsso.org.uk\)](https://www.spsso.org.uk/speak-up-week)
19. We are also seeing the results of work taken over many years to make our office more accessible. Our recent analysis tells us that our users are more likely to be female (57%), have a disability (51%) and come from less rather than more affluent areas (we have more complaints from the lower four deciles (43%) than the highest four (36%)). This is a significant shift. In 2009—10 we reported 52% of users were male, and 24% disabled. We also reported that only 0.02% of complainants told us they were from a minority ethnic group. In 2022—23 that figure was 10%.
20. This shift reflects both the SPSO's work and the significant work over many years to make the local complaints process simpler, with fewer stages and clearer signposting.
21. While this is encouraging, we remain of the view that there is still under-representation from people in vulnerable situations and know that some users of public services are nervous of complaining, often related to the situation they are in. We are in a better position than some years ago but recognise there is still work to do on this so will continue to interrogate our data and engage with stakeholders.

Child friendly complaints

22. Development of a child friendly complaints process is continuing, our piloting of the has given us very useful feedback which has supported the principles we will lay for Parliamentary approval¹.

Complaint handling training for public bodies

23. We continue to support public bodies through both our good complaints handling online course and our in-person complaints investigation skills training. This year we have trained 920 staff across 164 different public bodies.

¹ The intention is to do this by the end of March 2024, but this is dependent on the progress of the UNCRC Bill



24. I look forward to meeting the Committee again next month and welcome any questions about our current performance as well as our 2022—23 annual report.

Yours sincerely

Rosemary Agnew
Scottish Public Services Ombudsman