



Ombudsman's Commentary

OCTOBER 2006 REPORTS

I laid 41 reports before the Scottish Parliament today. Fifteen relate to the local government sector, 13 to health, six to housing, three to the Scottish Executive and devolved administration, three to further and higher education, and one is classed as 'multi-agency' and relates to both health and local government.

Increase in number of laid reports

The volume of complaints that my office receives has risen significantly throughout the past year. This, combined with changes to our reporting process, means that we are now laying an increasing number of reports before the Parliament.

Most of the complaints that I investigated this month were not upheld. This fact should reassure the general public that the vast majority of services on which they rely are properly delivered. However, I am still concerned that my office sees a large number of complaints that could – and, in my view, should – have been resolved by the body when the complaint first arose. For this reason I have launched an initiative that aims to support public bodies by highlighting the essential characteristics of a good complaints management regime.

Preventative work with listed bodies

The project and publication **Valuing Complaints** is a major part of my office's guidance for public bodies to help them prevent complaints arising in the first place and deal with them effectively when they do. It focuses on the cultural elements (such as attitude, ownership and openness) as well as the technical elements (process, procedures, and so on) of good complaints management. It reflects a key belief that an organisation can only deliver high quality service and lever the benefits of complaints if it has a positive, collective attitude towards complaints and complainants. Over the next months and years, our intention is that **Valuing Complaints** grows into the definitive source of best practice in Scotland. More information can be found at: <http://www.valuingcomplaints.org.uk>.

Ombudsman's overview

Given the rise in the number of reports, this Commentary contains less detail about the complaints than previous Commentaries. The individual reports are available on our website, where they can be searched for by sector, date, Parliamentary region, body complained about, and reference number. I shall reserve the Commentary for expanding on one or two cases that are unusual or precedential, or where I wish to draw attention to particular trends or issues.

Health

In this month's compendium, I am drawing attention to two health complaints that I fully upheld and which illustrate the wide variety of issues that arise in complaints about the NHS.

Failure to provide timely orthodontic treatment:

Grampian NHS Board

This complaint was brought by the parents of a young man (Mr A) who it was agreed needed complex orthodontic treatment. The most effective time to give this treatment was while Mr A was going through his adolescent growth spurt – which started early in 2004 when he was aged 12. His mother then contacted the Board to ask when he could be treated but she was told he would have to wait at least two years because they were then treating patients born in 1989, two years before Mr A. His parents decided they had no choice but to pay to have the treatment done privately – even though they had to remortgage their house to do so.

I recognise that the NHS has to prioritise resources against diagnosed need and that this means difficult choices have to be made. In considering individual complaints I have to reach a view on whether the processes for prioritising resources and making treatment decisions for the individual patient were reasonable. The Board has experienced difficulties in recruiting dental staff (and I note with concern that those difficulties had been experienced for five years, without any solution having been found) but has nevertheless decided to maintain an orthodontic service.

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The Board operates an orthodontic waiting list system that is ostensibly needs-based in that urgent cases are identified. However, treatment for patients on the urgent waiting list whose treatment is time-dependant is simply designed to ensure that all cases are treated by the age of 15. This reflects the clinical view that the average growth spurt is between the ages of 12 and 15. But it does not provide the necessary flexibility to meet the needs of patients, such as Mr A, requiring treatment well before they reach the age of 15.

Taking all factors of this particular case into account, I concluded that there was a failure by the Board to provide an adequate orthodontic service to Mr A in relation to the severity of his condition and the most appropriate time for carrying out the treatment required. I upheld the complaint and recommended that the Board:

- pay redress to Mr and Mrs C a sum equivalent to the cost of the private treatment; and
- review the current Urgent Waiting List policy to ensure there is sufficient flexibility in its application to respond to the specific needs of individual patients.

The Board have accepted the recommendations and have taken steps to action them.

Treatment; Removal from Practice List:

GP Practice in the Greater Glasgow and Clyde NHS Board area

The complainant, Ms C, was unhappy with matters relating to her treatment, particularly the wording of a medical certificate and difficulty in getting a cholesterol check; and at being removed from the Practice's list of patients. I upheld the complaints and recommended that the Practice apologise to Ms C, which they have agreed to do.

I commended the Practice for undertaking that they will in future (and with the exception of the removal of violent patients) make decisions about requests for removal of patients from their Practice list at minuted Practice meetings with one of the two members of the Practice experienced in complaint handling present to give appropriate advice. I also commended them for their willingness to address in a constructive manner the difficulties that arose with the complainant, should she wish to return to the Practice.

I partially upheld one other complaint, and did not uphold or made no finding in ten complaints in the health sector this month.

Local government

Of the fifteen reports about local government, one was upheld in full, six were partially upheld and eight were not upheld. I am highlighting below where Councils have agreed to improve their procedures in response to my recommendations.

Complaint handling:

City of Edinburgh Council

I upheld or partially upheld two cases relating to complaint handling. I recommended that the Council apologise for failing to handle the complaints properly and review the implementation of their complaints procedure.

The Director of Children and Families has instructed a major review of his Department's complaint handling procedures.

Handling of objection to planning application:

City of Edinburgh Council

The Council have informed me of changes they have introduced to the format of committee reports on planning applications.

Planning; complaint handling:

South Lanarkshire Council

The Council have agreed to review their procedures to ensure that complaints are dealt with through the complaints process and that staff are reminded of the need to ensure accuracy in replies.

Lack of formal process for altering the geographic lines of planning zones around complainants' home:

Shetland Islands Council

Although I did not uphold this complaint, I recommended that the Council consider recording more fully the subject of significant points of objection and/or details of any specific motions proposed and seconded at public meetings. I am pleased to report that the Council have agreed to my suggestion.

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Housing (RSLs)

I upheld or partially upheld three of the complaints, and did not uphold the other three complaints about Registered Social Landlords this month.

Failure to provide acceptable maintenance of communal landscaped area:

(Loreburn Housing Association Ltd)

There were two separate complaints about the Association's maintenance of communal grounds. I did not uphold one complaint. The other complaint was upheld, and I recommended that the Association ensure that the communal garden area is maintained in accordance with the terms of the ground maintenance specification.

Conduct and recording of business at annual general meetings:

Partick Housing Association Ltd

I partially upheld the complaint and recommended that the Association takes steps to publicise to their shareholders the principles of their minute-taking at annual general meetings.

Delay in carrying out repairs:

Hillcrest Housing Association Ltd

I partially upheld the complaint and made a number of recommendations.

Scottish Executive and devolved administration

None of the three reports laid this month about this sector were upheld, and I made no recommendations.

Further and Higher Education

None of the three reports laid this month about this sector were upheld, and I made no recommendations.

Multi-agency (Health and local government)

This is the first of a number of cases involving more than one body across different sectors. Given the complexity of the landscape of delivery of care in Scotland, I anticipate a rise in complaints that involve several agencies. In this instance, I did not uphold the complaint and made no recommendations.

Compliance and Follow-up

All the organisations complained about have accepted my recommendations. In line with SPSO statutory responsibilities and practice, my office will follow up with the organisations to ensure that they implement the actions to which they have agreed.



Alice Brown. 31.10.2006

The compendium of reports can be found on our website, www.spsso.org.uk

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