

ISDR Report to AAC meeting on 21 Oct 2014

I have notified SPSO that I will not be seeking to renew my contract as ISDR when it expires in Nov 2014. This is because of the pressure of other commitments.

I have greatly enjoyed working with everyone at SPSO and with the AAC. I wish my successor as ISDR well, and will provide him/her with any help required.

Annex 1 covers the seven cases that I have dealt with since I last reported to the AAC. Six were not upheld. One was partly upheld.

As mentioned in relation to case [redacted], SPSO should review its standard wording for 'complaint summary' letters, and consider a variation (in appropriate cases) which makes it clearer that the outcomes originally sought by the complainant have been scaled back to reflect what SPSO can or will provide.

As mentioned in relation to case [redacted], SPSO should consider whether or not it would be helpful to future complainants if its standard guides made it more explicit that there is unlikely to be any communication between acknowledgement of a review request and issue of the ombudsman's decision.

Annex 2 is an advance draft of 'my' section of the ISDR report for SPSO's 2014-15 annual report.

David Thomas
Independent Service Delivery Reviewer

Annex 1: Summary of ISDR cases 2014-15 (to date)

Case: [redacted]
Respondent: [redacted]
ISDR decision: 14 May 2014
Outcome: Not upheld

Service complaint: SPSO had colluded with [redacted] and had not handled the case properly; the ombudsman's decision letter showed bias and included a personal attack on the complainant; and SPSO should have told the complainant sooner that SPSO could not look at [redacted].

ISDR decision: SPSO had not colluded with [redacted] and had handled the case properly; the ombudsman's decision letter did not show bias and did not include a personal attack on the complainant; and SPSO had told the complainant that it could not look at [redacted] as soon as he raised that aspect of his complaint.

Any wider comments: None.

Case: [redacted]
Respondent: [redacted]
ISDR decision: 22 May 2014
Outcome: Not upheld

Service complaint: The head of complaint standards ignored the complaints reviewer's failure to phone when he received the complaint; SPSO did not deal with the part of the complaint about the [redacted]; the complaints reviewer made no attempt to respond to the points the complainant made in writing; the complaints reviewer sent the case for review by the ombudsman without the complainant's knowledge or consent; and the head of complaint standards had failed to respond to the service delivery complaint within 20 working days.

ISDR decision: The head of complaint standards had already apologised for not responding within 20 working days. The other aspects were not upheld.

Any wider comments: None

Case: [redacted]
Respondent: [redacted]
ISDR decision: 22 May 2014
Outcome: Not upheld

Service complaint: Failure to comply with SPSO's service standards on 'our contact with you'; failure to provide a clear explanation of the decision and the facts and reasons for the decision; failure to answer questions about findings; the forms used by SPSO; a contradiction in the response to the complaint about the format for a review request; failure to provide detailed factual reasons for the refusal of a review; incorrect application of the complaints procedure, with stage 1 happening twice; the published decision summary referring to [redacted], rather than [redacted]; something should be done about [redacted].

ISDR decision: Not upheld.

Any wider comments: None.

Case: [redacted]

Respondent: [redacted]
ISDR decision: 25 Jun 2014
Outcome: Partly upheld

Service complaint: The complainant was led to believe that she would have the opportunity to discuss the matter further, before the ombudsman issued his decision, if she had any questions or further information – but the case went straight to decision.

ISDR decision: The complainant's understanding was incorrect, but was indicated in her letter accompanying the review request. So SPSO should have made the position clear to her then. It should apologise for that and [see 'any wider comments']

Any wider comments: SPSO should consider whether or not it would be helpful to future complainants if its standard guides made it more explicit that there is unlikely to be any communication between acknowledgement of a review request and issue of the ombudsman's decision.

Case: [redacted]
Respondent: [redacted]
ISDR decision: 8 Jul 2014
Outcome: Not upheld

Service complaint: The complainants said SPSO: should not have combined his complaints into one case; confused the separate cases; failed to take account of relevant matters; failed to address one aspect of his complaint; did not respond to his letter of 28 Feb 2014; did not respond to his last email; did not treat him with respect; and sent the case for review before he had requested a review

ISDR decision: Save for matters in respect of which he had already received an apology from SPSO, I identified no service failure in the handling of the case. But ...

Any wider comments: I recommend that in future, when SPSO treats a challenge to a decision as a request for review, it should be more explicit when responding to the complainant – rather than just sending a standard-form acknowledgement from the executive casework officer.

Case: [redacted]
Respondent: [redacted]
ISDR decision: 9 Jul 2014
Outcome: Not upheld

Service complaint: The complaint was unhappy: with what the complaints reviewer said over the phone on 9 Apr 2013; with the complaints reviewer's summary of his complaint; with the complaints reviewer's summary of the outcomes sought; that the manager did not reply personally to his letter of 14 Nov 2013; and that the ombudsman did not reply personally to the various letters that he sent to the ombudsman.

ISDR decision: Not upheld, but ...

Any wider comments: SPSO should review its standard wording for 'complaint summary' letters, and consider a variation (in appropriate cases) which makes it clearer that the outcomes originally sought by the complainant have been scaled back to reflect what SPSO can or will provide.

Case: [redacted]
Complainant: [redacted]
Respondent: [redacted]
ISDR decision: 13 Oct 2014
Outcome: Not upheld

Service complaint: The complaint to SPSO was that [redacted]. The service delivery complaint was that SPSO had declined to view a video of the incident.

ISDR decision: Not upheld. The video of the incident was not relevant to the issue of what [redacted] did.

Any wider comments: None.

Reviewer's Report: May to Oct 2014

David Thomas, Independent Service Delivery Reviewer

The role of Independent Service Delivery Reviewer is an important one, because it provides an independent and external appeal in respect of service delivery complaints. It is to SPSO's credit that it set a precedent for public-sector ombudsman schemes by establishing the post in 2007.

I have filled the role since 2011. But I am afraid that pressure of other commitments means that I am unable to continue. So this is my final report. I wish my successor well. Throughout my term, the ombudsman and his staff have cooperated positively with me and have accepted my recommendations.

Many of those who referred service delivery complaints to me found it difficult to distinguish their view of the merits of their complaint against the public body (which is not a matter for me) from their view of the way in which SPSO handled the case. Some had unrealistic expectations. SPSO cannot exceed the legal limits to its statutory powers. And it is for SPSO, and not the complainant, to direct the course of the investigation – including to ensure impartiality.

During the period May to Oct 2014 I dealt with service delivery complaints in seven cases. In all of the cases, the ombudsman and his staff provided me with all of the information that I required. Besides looking at the specific service delivery concerns raised with me, I also carefully reviewed the whole of the case files in question.

I did not uphold the service delivery complaint in six of the cases. I was satisfied that SPSO had dealt with these cases effectively, efficiently and fairly. In the seventh case, I partly upheld the complaint – because I did not think SPSO had done enough to dispel the complainant's misunderstanding about one aspect of SPSO's procedure, though it did not affect the outcome of the case. SPSO accepted my conclusions and apologised to the complainant.
