

**Q&A Unanswered Questions | Webinar: "Ombudsman Innovations for Advancing Open Government"
Tuesday, March 17, 2015 | 10:00 – 11:00 AM EST**

Questions for Ombudsman Martin:

1. Catherine Lyon: Did he say 50% or 15% of the stage 2 went to the Ombudsman?

Answer: As I understand this question, I believe it refers to the stage of the Complaints Handling Procedure (CHP) at which complaints are closed.

For clarity what the Ombudsman said is that the % of complaints closed at Stage 1 of the CHP (as % all complaints closed) is 85 %, and the % of complaints closed at Stage 2 of the CHP (as % all complaints closed) is 15%.

If, however, the question relates to how many of the 15% of complaints closed at Stage 2 come to the Ombudsman, I would explain it this way. In 2013/14, the local government sector closed 9310 complaints at Stage 2 (15% of the total 62,071 received in that sector). In 2013/14 SPSO received 1,750 complaints about local government; this represents (18.79%) 19% of the cases closed at Stage 2 by the sector.

2. Arlene Brock: Question: Jim, in assessing 'customer satisfaction', how did you determine whether dissatisfaction was with outcome only or with process (regardless of outcome)?

Answer: As with all other organisations, this is an issue that can present a challenge. In assessing customer satisfaction, we try to ensure that we clearly differentiate between satisfaction with the service we provide, and the decision we reach on a customer's complaint. To do so we ask questions such as:

- How easy/straightforward it was to access to the CHP
- How were they were treated by staff, for example in relation to professionalism, friendliness, politeness, courtesy, communication style etc.
- Were our staff empathetic, for example in understanding the customer's perspective?
- Did we do what we said we would do, for example meeting timescales and providing updates?
- Were they satisfied with the clarity of our communications, our decision and the basis for reaching that decision?

Understandably it can be difficult for customers to separate their views on the service provided from their views on our decision on their complaint, particularly where we do not uphold the complaint. However, by trying to specifically ask questions based on service delivery issues, we hope to gain an insight as to how our customers consider we perform against the standards we set for ourselves.

3. Diann Bowes: 1. How many staff are handling how many issues at each of the levels to accomplish those goals?

Answer: The SPSO is a free and independent service set up to look at complaints about Scottish public services. We have a staff of under 50, and take final stage complaints about a range of public services across many sectors: health, local government, housing, prisons, water, further and higher education, and Scottish Government / Devolved Administration organisations.

Within each of the authorities under our jurisdiction, their staff resource will be determined by the overall size of the organisation, and the services they provide. These are the staff who work to resolve complaints at stage 1 and 2 of the complaints handling procedure, without, hopefully, the need for the customer to escalate their complaint to SPSO. It wouldn't be possible for us to estimate the numbers of staff involved at the moment, although we are keen on the possibility of working in future with local government, in particular, to assess the cost of their complaints handling.

4. Diann Bowes: 2. does the standardized reporting of complaints include both jurisdictional and non-jurisdictional complaints and what proportion are jurisdictional/non-jurisdictional?

Answer: SPSO only considers complaints from organisations that fall within our jurisdiction. However, on occasions the subject matter complained of, may not be within our jurisdiction. From our most recent annual report (2013-14), we found that, out of the total number of complaints we received (4408), 529 (12%) were recorded as being out of jurisdiction. We do not make decisions on complaints issues over which we have no jurisdiction.

5. Diann Bowes: 3. how do you gauge customer satisfaction (eg surveys)?

Answer: Please cross reference my response to question 2 above. We conduct customer satisfaction surveys, indeed we are currently running a pilot customer satisfaction survey which will consider the views of our customers whose complaints had been decided in the previous six weeks. We recognise, of course, the problem for customers in separating their views on the outcome of their complaint, from their views on the service provided, as stated at 2 above. We will publish the outcome of this pilot when all the information is available.

It is perhaps worth stating that we expect bodies to assess customer satisfaction levels with the complaints process. We provide some (limited) advice as to what issues they may assess, again similar details as noted at 2 above, for example:

- Access to the Complaints Handling Procedure
- The way in which they were treated by staff, for example in relation to professionalism, friendliness, politeness, courtesy, communication style etc.
- Empathy, for example understanding the customer's perspective
- Doing what the organisation said it would do, for example meeting timescales and providing updates
- The clarity of the decision and the basis for reaching that decision

6. Rachnilda Arduin: How were the sounding boards set up? Are there feedback forms available at specific outlets or how does it work?

Answer: The SPSO's first sounding board forum was for the NHS in Scotland in 2013. I invited senior representatives from across the sector to attend, for example chairs, chief executives and medical and nursing directors from all NHS Boards in Scotland. I followed a similar approach in setting up or local government sounding board. We meet around 3 times per year in a forum that allows for a full and frank exchange of views to enable us to improve the performance of those bodies under our jurisdiction, and of course to get direct feedback on our own performance so that we too may improve.

We have also set up a customer sounding board which includes various advocacy groups to help us learn more about how people access our service and more about the barriers to complaining.

These sounding boards are designed to enhance SPSO's own governance arrangements and help guide the work we do, including our Complaints Standards Authority improvement work with bodies under jurisdiction.

7. Gabriel GUILAO: I'd like to thank the presenter for excellent presentation. My question is: How can implement these procedures?

Answer: Firstly, you need to understand where you are now, and then develop realistic plans to get you to a standardised simplified procedure. Key to this must be working in partnership with your organisations, so for example get them involved in the development of the new procedure. Another important factor to achieve success is to communicate the costs to organisations and to customers in long drawn out complaints process. Complaints are cheaper, the closer to the frontline they are resolved, and customers are more satisfied if their complaint is brought to a quick conclusion. This can be a real driver for change.

8. Awilda Martinez: You mentioned that different avenues within the government treated complaints differently how did you go about making a cohesive approach? Did you face any resistance?

Answer: We prioritised the sectors which presented the highest risks and generated the highest volume of complaints. We introduced sector development groups from day 1 so as to ensure all key stakeholders were fully informed and fully aware of progress.

We faced real resistance in the early days. By consistently communicating the benefits and value of simplification and standardisation gradually the resistance reduced over time. Organisations that now operate the model complaints handling procedure provide positive feedback on its operation and the value it adds.

9. Lamumba Tucker: Do you have a more specific definition of what is a complaint vs an inquiry?

Answer: Yes. Each model CHP defines a complaint as 'An expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.'

We provide further information to help bodies decide what is a complaint, or what is a simple request for service or enquiry. We say a complaint may relate to:

- Failure to provide a service
- Inadequate standard of service
- Dissatisfaction with local authority policy
- Treatment by or attitude of a member of staff
- Disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
- The local authority's failure to follow the appropriate administrative process.

In addition we clarify that a complaint is not:

- A routine first-time request for a service
- A request for compensation only
- Issues that are in court or have already been heard by a court or a tribunal
- Disagreement with a decision where a statutory right of appeal exists, for example in relation to council tax or planning
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

We are clear that these example do not cover every scenario, and bodies must clearly distinguish between complaints, and other enquiries.

10. Lamumba Tucker: Do all authorities and the Ombudsman log and track complaints using the same computer system?

Answer: No, we have a casework management system but this is not linked to the casework management system for the authorities under our jurisdiction. We deal with all public sectors across Scotland; they are all free to use the IT system which best supports their business needs.

11. Alfredo Horoch: Are you implement interactive systems for customers?

Answer: We have an online complaints form that allows customers to submit their complaint online and track its progress. Once the complaint has been allocated to one of our complaints reviewers, contact is then made via telephone, email or letter (depending on the preference of the customer).

12. Kamini Bernard: To confirm I understood correctly - departmental staff (front line staff) are involved in level 1 and 2 and the Ombudsman does not get involved until after this process is complete? Are all staff involved at the departmental level or are there designated staff trained to deal with complaints?

Answer: The SPSO is a free and independent service set up to look at complaints about Scottish public services. Therefore, the Ombudsman only becomes involved after a person has complained directly to the public service about the issue.

Front-line staff in the public service (local council, prison, housing provider, health provider, water provider, further or higher education provider) will deal with a complaint and, if it is

not resolved at Stage 1 or Stage 2 of their process, then the customer has a right to bring their complaint to the Ombudsman. The SPSO offer a range of training courses for all public sector staff involved in complaints handling, whether at stage 1 (frontline/early resolution) or stage 2 (complaints investigation).

I would add here: We recognise the importance of providing scope to adapt the model CHP to reflect, for example, the body's organisational structure, operational processes and corporate style. It is therefore for the body to determine whether or not they have designated staff trained to investigate complaints at stage 2 of the procedure.

Occasionally, in exceptional circumstances, the SPSO can become involved in a complaint before it has completed the organisation's complaints procedure, but the standard criteria for bringing a complaint to the Ombudsman's office is that it has completed the organisation's own complaints procedure first.

13. Noman Ansar: How about the complaint receiving mechanism? Do you people have desks or only a center office?

Answer: In the Ombudsman's office, people can bring their complaint to us in a variety of ways: we have an office that customers can visit to make their complaint in person, however the majority of the complaints we receive are either taken online (via the complaints form on our website), or received by post via a written letter or complaints form. Once a complaint has been duly made, we conduct a lot of our work by telephone, where we consider this to be appropriate.

14. Chris LaHatte: what sort of case management system do you use?

Answer: The SPSO uses 'Workpro'. For more information see here: <http://www.workpro.com/>

15. Arlene Brock: how do you assess the quality of customer interactions during handling of complaints (i.e. to respond / manage complainants with particular anxieties or difficulties in understanding that the authorities had handled complaints appropriately)?

Answer: We assess the overall quality of complaints handling by organisations, against the requirements of the model CHP for their sector. In particular, our complaints reviewers will consider performance against timescales, what the body did to understand and agree the complaint with the customer and what was done to keep the customer updated on progress.

We also consider what a body has done to support the customer where there is a need to do so. The model CHP reflects that all members of the community have the right to equal access to the complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services, and other customers may have specific needs that the organisation should address to ensure easy access to the complaints handling procedure. Organisations must always take into account their responsibilities to equality issues. This includes making reasonable adjustments to their service to help the customer where appropriate.

16. Catherine Lyon: Has the CHPs provided "better" complaints and result for Ombudsman complaints?

Answer: A crucial CSA role is in supporting organisations towards good practice in complaints handling to help improve overall standards of complaints handling across all sector in Scotland. As an example, the complaints performance figures for the local government sector indicate that 85% of all complaints are closed at stage 1 of the CHP; we see this as a positive indication that a large majority of complaints are now resolved early by empowered and well trained staff. Again, using that sector as an example, we received 1750 complaints in 2013/14, which represents just under 3% (1750/62,071) of all complaints from that sector, however, we continue to uphold 49% of these complaints, indicating there is still room for significant improvement in the quality of decision making.

17. Ulrike Grieshofer: Thank you very much for your presentation! Since the core tasks of Ombudsmen include finding maladministration and this potentially means also finding a violation of human rights, we would be interested in knowing if and to what extent the SPSO also cooperates with the Scottish NHRI?

Answer: SPSO participated in the Scottish Human Rights Commissions' (SHRC) working group to develop and launch Scotland's first Scottish Human Rights Action plan in 2013. We have a good understanding of the SHRC and a strong, collaborative working relationship. SPSO undertakes training for its own staff on human rights and involves the SHRC in an advisory capacity in cases as the casework demands.

18. Aristomenis Kotsakis: Any (possible) feedback on Key Performance Indicators per Sector, will be greatly appreciated. Congratulations for your class A presentation!

Answer: We are now getting feedback from the key indicators for the first time, and in particular the performance information included in the presentation was derived from the performance of local authorities against the key indicators for that sector. The indicators that we require organisations across Scotland to measure their performance against include:

- The total number of complaints received
- The number and percentage of complaints considered at the frontline resolution stage of the CHP
- The number and percentage of complaints closed at the frontline resolution stage within 5 working days
- The number and percentage of complaints where an extension to the 5 working day timeline has been authorised
- The number of complaints upheld / not upheld at the frontline resolution stage as a percentage of all complaints closed at this stage
- The average time in working days to resolve complaints at the frontline resolution stage
- The number and percentage of complaints considered at the investigation stage of the CHP
- The number and percentage of complaints resolved at the investigation stage within 20 working days
- The number and percentage of complaints where an extension to the 20 working day timeline has been authorised

- The number of complaints upheld at the investigation stage as a percentage of all complaints closed at this stage
- The average time in working days to resolve complaints at the investigation stage
- A statement outlining changes or improvements to services or procedures as a result of the consideration of a complaint
- A measure to assess customer satisfaction with the complaints service provided (as opposed to the outcome of their complaint).

19. Ulrike Grieshofer: Thank you for your presentation! You mentioned equity and fairness. Do you think a stronger human rights approach is helpful in the daily OMs work?

Answer: Yes. Although in Scotland it is for the courts to determine whether or not there have been technical violations of human rights in any given set of circumstances, it is central to an Ombudsmen's work, in carrying out their functions, to take into account that public bodies need to demonstrate their obligations and commitments to human rights through their policies and practices in all areas of public service delivery.

In some cases these obligations are far more obvious, for example, in health cases where there is a loss of dignity for a patient with dementia. In others, it is less so, such as the impact of planning or more administrative decisions which can have unintended consequences. Irrespective of the circumstances, it is the Ombudsmen's role to test the body to evidence how they have taken into account human rights considerations in developing their policies and practices.

20. Marie Paturel 2: Question for Jim Martin - do you track whether or not a body /agency/organisation has implemented your recommendation(s) for a particular complaint ... and do you publish this data??

Answer: Yes, our complaints reviewers always check with organisations to make sure that they have done as we recommended. We expect to see firm evidence that our recommendations have been implemented. If we find that they have not, we will go back to the organisation until we are satisfied that what we recommended has been done. We publish performance data on the timeliness of the implementation of these in our annual report. In our most recent annual report (2013-14), we reported that of the 1171 recommendations due for implementation, 74% were carried out within the agreed timescale and 98% within three months of the target date.

Questions to Ombudsman Fiona:

1. Noman Ansar: It was quite informative. Thank you for sharing you study. I just need to know about the Government Functionaries' Support. Is it overwhelming?

Answer: As you can see from [our report](#), Toronto's civil servants were highly supportive of the office, and had a number of positive things to say about the Ombudsman's work. In terms of Toronto's elected City Council, that too has been very supportive. They have adopted and implemented every one of the recommendations stemming from our publicly reported investigations. Council has also not disputed a single fact or finding in our investigations

2. Renzo Lavin: Q for Jim and Fiona. Can you please tell us more about collaborative action with CSO's and organized groups of citizens, apart from complaint mechanisms?

Answer: Beyond conducting investigations, we do mediation, work in the community, as well as education and outreach with civil society organizations. This ranges from providing information, explaining things, practising shuttle diplomacy, mediating and finding other forms of resolution. For more information on this part of my work, please see pages 14 and 15 of our latest [Annual Report](#).

3. Babatomiwa Aghedo: In Africa, especially in Nigeria, where the concept of an ombudsman is currently foreign and there are no existent laws. How is the international community proposing to help introduce this concept to our societies?

Answer: The work of the International Ombudsman Institute and the World Bank's OGP Partnership is certainly important in this regard. Some Ombudsman have helped other countries establish their offices. I have done so, for example, in Peru and done work with the recently established Johannesburg Ombudsman. I have also conducted training in Namibia for southern African Ombudsman offices. In that instance, the Commonwealth Secretariat sponsored the initiative. I would be happy to continue this dialogue with you, Mr. Aghedo. You can reach me at fcrean@toronto.ca.