

## **Staffing Determinations – Updates from the Ombudsman and the Information Commissioner**

### **Executive summary**

1. The SPCB will recall that as part of the budget exercise last year, it approved short term staffing determinations submitted by the Scottish Public Service Ombudsman (SPSO) and the Scottish Information Commissioner (SIC) for additional staff. In approving these, the SPCB requested in due course, it receive an update on the impact the additional staff had made. The SPCB is invited to note the updates received from the SPSO and the SIC at Annexes A and B.

### **Issues and Options**

#### **SPSO**

2. Approval was granted for the SPSO to appoint two complaints reviewers in 2014-15, on a two-year fixed term basis to enable the SPSO to maintain and further improve the quality of the service provided to the public.
3. The Ombudsman's update is at Annex A. The additional resource has enabled the SPSO to support:-
  - the ongoing anticipated increasing demand placed on SPSO. Around 14% at this stage of the year against a projection of 10%;
  - the additional level of complaints reviewer resource required to process cases requiring expert advice;
  - the increasing focus on more phone contact at pivotal stages in people's journey with the SPSO to improve satisfaction with the service;
  - establishing internationally renowned standardised, accessible complaints handling procedures across the public sector in Scotland.
4. With the additional resource and a number of initiatives to drive efficiencies, the SPSO is managing to maintain desk volumes at around 600 cases at any one time. Increases in demands for the service through the number of complaints and increasing complexity places pressure on resources in terms of the SPSO's ability to continue to deliver a high quality service as well as having an impact on workloads and inevitably staff wellbeing. Further increases in demand for the service would require further measures to be taken e.g. re-adjusting timescales, or reviewing and re-allocating resources currently committed to other statutory obligations.

## SIC

5. Despite efficiencies which had enabled the SIC to absorb a 75% increase in application numbers since 2010-11, to ensure that there was no reduction in service quality or a backlog developing, the SIC sought approval to appoint additional staff. Approval was granted for the SIC to increase her staffing complement by 1.28 full-time equivalent Grade 4 investigative staff in 2014-15 on 12-month fixed term contracts. At the time of the application, the SIC advised that she was undertaking a comprehensive review of the case-handling procedures which she anticipated would identify further efficiencies and if the review resulted in a different staffing resource mix being more effective (e.g. work being carried out by lower-graded staff) this would be reflected in the recruitment of the additional staff.
6. In March 2014, the SIC wrote to the SPCB to advise that following her review of the case-handling procedures and a revised forecast of applications, that instead of recruiting 1.28 FTE Grade 4 investigative staff, she intended to recruit a full-time Grade 1 Enforcement Team Assistant resulting in savings of £44k.
7. The Commissioner's update is at Annex B. As the Grade 1 Enforcement Team Support Assistant only took up post on 30 June 2014 and the new case handling procedures were introduced on a phased basis only coming fully into effect on 1 August 2014, the SIC considers it is too early to properly assess the full extent of the anticipated efficiencies and benefits but early indications are very encouraging.
8. The role of the new Enforcement Team Support Assistant is anticipated to have a knock-on effect on all the teams and work in the office. Some examples are:-
  - Some grade 1 administrative functions previously carried out by the Grade 2 Validation Officer have been reassigned to the Enforcement Team Support Assistant, allowing the Validation Officer to take responsibility for straightforward '*failure to respond*' cases. This combined with the process redesign means that cases previously handled by Grade 4 Freedom of Information Officers are now being handled by the Grade 2 Validation Officer. Early indications are that this is improving effectiveness;
  - More work being carried out by the Validation Officer means that the FOI officers have more time for complex case work and it is anticipated that over time this will enable them to be part of the project work undertaken by the Policy and Information Team designed to influence application numbers through raising awareness and improving practices; and
  - Work previously carried out by the Grade 2 Operational Management Team Administrators (e.g. printing, binding etc.) being reassigned to the Enforcement Team Support Assistant enabling additional support to be given to the Policy and Information Team.

9. Given only 3 months has elapsed since the post commenced it is not possible for the SIC to fully assess the impact of the role against the anticipated gains. The Commissioner has requested in her budget submission for 2015-16 that approval be given to extend the contract for an additional 9 months (to 31 March 2016) to provide an opportunity to identify further aspects of SIC's work which it might be possible to manage more efficiently and to support the wider strategic aims by supporting the development of an online application form.

### **Governance issues**

10. There are no governance issues to be considered by the SPCB. The SPSO and the SIC are employers in their own right.

### **Publication Scheme**

11. This paper can be published.

### **Next steps**

12. Officials will write to the officeholders thanking them for the update and giving them any feedback from the SPCB.

### **Decision**

13. The SPCB is invited to note the updates received from the Ombudsman and the Information Commissioner

**Officeholder Services  
October 2014**

26 September 2014

**CONFIDENTIAL**

Huw Williams  
Head of Officeholder Services  
The Scottish Parliament  
EDINBURGH  
EH99 1SP

Dear Huw

**SPSO Budget Submission 2015-16**

Thank you for your letter of 9 September 2014 requesting an update on the impact that the additional two staff approved as part of the 2014-15 budget submission has made on operations.

**Background**

In November 2013, we welcomed the SPCB's decision to approve a staffing determination for a temporary increase in our staff compliment of two additional complaints reviewers on a two year fixed term basis. To help fund the appointment of these extra staff from 1 April 2016, the SPCB also approved additional ring-fenced funding of £35k on SPSO's 2013-14 budget (50% of the budgeted costs).

The business case put forward by the SPSO highlighted the need to return to 2010-11 resourcing levels to bring them into line with the 23% rise in complaints received over the 3-year period to end 2012-2013 plus the future further predicted increase of 15% between the 2012 and 2014 business years.

In our business case we identified a number of ways in which these additional resources would help us further improve people's experience of our office as follows:-

- **increasing demand** - supporting the ongoing anticipated increasing demand placed upon SPSO, that is largely outside SPSO's control. In our 2015-16 budget submission letter (at Annex 1) we set out the extent of the increases we are seeing this year on top of rises in previous years - around 14% at this stage in the year against a projection of 10%.
- **increasing complexity** – we commented on the increase in cases requiring expert advice and the additional level of complaints reviewer resource required to process these cases – we are continuing to see a rise in cases requiring expert advice as well as seeing a rise in the number of cases requiring multiple expert advice, in particular in relation to health cases where the delivery of care is becoming more complex and so far this year we have seen a 19% increase in case volumes. We also noted the continuing fall in premature complaints, that is a positive for users of complaints processes but means that these cases require more work than previously premature complaints

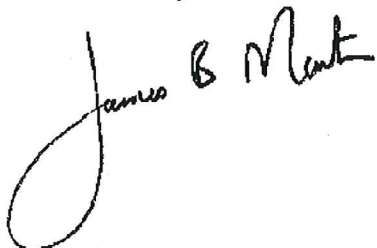
- **increased telephone contact** – we noted the increasing focus on more phone contact at pivotal stages in people's journey with us to improve satisfaction with our service that has continued into this year.
- **improving complaints handling** – we also highlighted the wider role that SPSO is playing in establishing internationally renowned standardised, accessible complaints handling procedures across the public sector in Scotland. Part of this over the next two years is likely to involve supporting further development of the current NHS complaints handling process, following on from the recent Scottish Health Council report into complaints handling within the NHS.

### Current position

In 2013-14 productivity kept pace with the increasing volumes and SPSO was able to achieve a further 8% increase in productivity. With the additional resources in place for 2014-15, and as a result of a number of initiatives to continue to drive efficiencies, the SPSO is currently managing to maintain on desk case volumes at around 600 cases at any one time. However, as highlighted above, the trend of rising complaints of increasing complexity does not at this stage appear to be slowing and this is placing pressure on resources, in terms of our ability to continue to deliver a high quality service as well as having an impact on workloads and inevitably on staff wellbeing. As I note in my letter at Annex 1, further increases in demands on our service would require further measures to be taken to manage these. These steps could range from re-adjusting timescales, to reviewing and re-allocating resources currently committed to our other statutory obligations.

I very much welcome the SPCB's ongoing interest in the resourcing challenges SPSO faces in relation to increasing demand, and look forward to further engagement with them on this matter.

Yours sincerely

A handwritten signature in black ink that reads "James B Martin". The signature is written in a cursive style with a large, looping initial 'J'.

Jim Martin  
Ombudsman

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## **Annex 1 File Copy:**

2 September 2014

### **CONFIDENTIAL**

Huw Williams  
Head of Officeholder Services  
The Scottish Parliament  
EDINBURGH  
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Dear Huw

### **SPSO Budget Submission 2015-16**

Thank you for your letter of 5 August. As requested we are submitting our 2015-16 budget request along with a detailed breakdown of our proposed budget and headcount bid using the template provided (Annex 1). For further detail regarding specific budget headings, please refer to Annex 2.

### **Summary**

#### ***Financial context***

In last year's budget submission we referenced the significant savings that the SPSO has made since 2010-11, which have included a 15% reduction in the 2010-11 baseline budget over the three year period to March 2014 as well as additional savings estimated at around 1.3 million pounds to the public purse as a result of the absorption of four new areas of jurisdiction – complaints relating to prisons, water, prisons health and the Scottish Welfare Fund. In 2014-15 we were grateful to the SPCB for the provision of a ring-fenced increase of £35k to our 2013-14 baseline budget to help support the funding of two additional investigative staff to help service the continuing increase in case volumes.

#### ***Increased demand***

In our business case for these additional resources, we predicted a 38% increase in complaints over a five year period including a 10% increase in 2013-14 and a 5% increase in 2014-15. To date (to end July) this year, the number of complaints received has significantly surpassed the estimated 5% increase and reached a 14% increase on last year's figures i.e. a projected 45% increase in caseload over a five year period rather than the anticipated 38%.

#### ***Increased complexity***

The number of cases being referred for expert advice has also continued to increase. For example, health cases have increased by a further 22% in the year to date. As well as requiring more SPSO time in their handling, they also require expert advice which has associated costs. 568 cases were referred for advice in 2013-14 compared to 466 cases in 2012-13.

As previously noted, the level of premature complaints has fallen from just over half of our much smaller caseload five years ago to around 35% in the current business year. These cases require less work than cases that are mature and ready to be investigated.

#### ***Keeping pace with demand***

As a demand led organisation we have limited control over the volume of complaints that come to SPSO. We work hard to ensure that we support bodies under jurisdiction to deal with complaints as effectively as possible to help reduce volumes that reach SPSO and when they do reach us, we aim to ensure they are processed as efficiently as possible.

We continuously focus on ways in which we can keep pace with demand, achieving greater efficiency whilst at the same time ensuring there is no detriment to the service being delivered. We comment on how we achieved this balancing act in 2013-14 within our annual report [<http://www.spsso.org.uk/sites/spsso/files/SPSO2013-14AnnualReport.pdf>]. So far in 2014-15 we have

for the fifth year running managed to achieve a further increase in productivity (currently around 11%) and are continuing to work to our stated targets.

Last year, the SPCB recognised that we had offset staff costs by further reducing running costs. While we continue to seek to identify further efficiency savings and productivity gains, as an organisation with an increasing workload and where the majority of financial resource is spent on frontline staffing, having insufficient resources to meet our statutory duties remains our most significant strategic risk. This year to meet our increasing costs as a result of rising adviser costs and cost of living and incremental salary rises, in addition to further reducing our running costs in areas such as training and outreach we have planned to keep one management post vacant for the majority of the year.

### **2015-16 Budget Submission**

The budget requirement for 2015-16 set out at Annex 1 is £3,241,591, representing a zero based budget and a real terms reduction against the approved 2014-15 budget, taking into account inflation.

### **Future changes**

Further increases in demands on our service would require further measures to be taken to manage these such as re-adjusting our timescales for handling of complaints and potentially reviewing and re-allocating the level of resource currently committed to our different statutory obligations, such as meeting our requirements in relation to our complaints standards authority role.

As the SPCB is aware, plans to establish the SPSO as the review stage for Scottish Welfare Fund appeals in 2015-16 are currently subject to a consultation exercise and funding arrangements for this work have been set out in the financial memorandum accompanying the Welfare Funds (Scotland) Bill. In addition, the Government is continuing to consider changes to the current social work and NHS complaints processes as well as plans relating to Revenue Scotland, all of which could have future financial implications for SPSO. The Scottish Government are also currently developing proposals to introduce a Scottish Consumer Ombudsman that it is likely would impact on the work of this office. The pace of progress with this proposal is likely to be dependent on the outcome of the Referendum. This office is also likely to need to make adjustments to ensure compliance with the proposed new EU Alternative Dispute Resolution requirements that will come into effect in spring 2015.

All of these proposals for future change require a not insignificant level of expert input from this office on an ongoing basis, for which there is no funding available. This budget submission does not take into consideration the impact of this work or the resource implications of any planning for or delivery of potential changes that arise as a result.

### **Conclusions**

In my view, this submission reflects the likely demands on the SPSO, assuming no further changes or expansions in remit over the 2015-16 year. As requested, I enclose a copy of our Statement of Economy, Efficiency and Effectiveness at Annex 3. Yours sincerely

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Jim Martin  
Ombudsman

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### **Enc:**

Annex 1 2015-16 Budget Submission and Staff Headcount  
Annex 2 2015-16 SPSO Budget Submission: Detailed Breakdown  
Annex 3 SPSO Statement of Economy, Efficiency and Effectiveness



Scottish Information  
Commissioner  
*it's public knowledge*

Our Ref:

Your Ref

Huw Williams  
Head of Officeholder Services  
The Scottish Parliament  
Officeholder Services  
Edinburgh  
EH99 1SP

14 October 2014

Dear Huw,

### **Enforcement Team Support Assistant (ETSA)**

Thank you for your letter of 9 September 2014 requesting an update on the impact the above post has made.

As it was March of this year before it was agreed to establish this post, the 12 months fixed-term appointment actually commenced on 30 June 2014, following completion of the recruitment and appointment process. In addition, our new case-handling procedures have been introduced on a phased basis, only coming fully into effect on 1 August.

As a result, it is too early to properly assess the full extent to which the anticipated benefits and efficiencies are being realised, but early indications are very encouraging.

As I am sure you will appreciate from our discussions, this post was the result of redesign of our processes. The role of the ETSA is anticipated to have a knock-on effect on all the teams and work in the office. Some examples of where this appears to be the case:

- Some administrative (grade 1) functions previously carried out by the Validation Officer at Grade 2 have been reassigned to the ETSA at Grade 1.
- This in turn has enabled the Validation Officer (VO) to take responsibility for straightforward 'Failure to Respond' cases. This, combined with the process redesign, means that cases previously handled by Freedom of Information Officers (FOIOs) at grade 4, are now being handled by the VO. Early indications are this is improving effectiveness. Our own KPI information shows that at the end of September 2014 88% of FTR cases were being

Scottish Information Commissioner

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closed within 1.5 months, compared to 75% at the end of June. Obviously one quarter's statistical information is inconclusive, but it is encouraging.

- More work being carried out at VO rather than FOIO level means the FOIOs have more time for the more complex case work. It is anticipated that over time this will enable the FOIOs to be part of the project work undertaken by our Policy and Information Team, designed to influence application numbers through raising awareness and improving practice. It is too early for us to be sure this aim will be realised but the foundations are in place.
- The ETSA has also taken on some of the administrative work previously carried out by the Operational Management Team Administrators at Grade 2 (e.g. printing, binding and issuing of decisions). This has enabled additional clerical support to be given to the Policy and Information Team.

With little more than 3 months elapsed since the post commenced the full potential for maximising the impact of the role has not yet been established. The post holder is, understandably, still developing competence and some aspects of the role have not yet been introduced. As we implement the revised procedures we anticipate we may identify further aspects of our work which it might be possible to manage more efficiently.

I hope this early report is helpful. As I set out in my budget submission for 2015-16, we would like to extend the contract for this post by 9 months to 31 March 2016. This would:

- i. allow us to fully assess the impact against the anticipated gains
- ii. provide an opportunity for us to identify further aspects of our work which it might be possible to manage more efficiently
- iii. support the wider strategic aims by supporting the commitment of an element of our Enforcement Team resources to the development of the online application form, its integration with the case management system, and the related revisions to our procedures.

Yours sincerely,



**Rosemary Agnew**  
**Scottish Information Commissioner**