

Scottish Parliament Region: Highlands and Islands

Case 200603492: VisitScotland

Summary of Investigation

Category

Scottish Government and Devolved administration: Policy/administration

Overview

The complainants, Mr and Mrs C, raised a number of concerns about the way in which VisitScotland handled their complaint about the Quality Assurance Scheme.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) inspection visits made to Mr and Mrs C's guest house were not in accordance with VisitScotland's usual procedure in so far as frequency and variation (day/night) were concerned (*not upheld*);
- (b) the standards that Mr and Mrs C required to achieve to increase their star grading were not specified sufficiently (*partially upheld*); and
- (c) Mr and Mrs C were not advised, in advance of their December 2006 inspection, that assessment standards had changed (*not upheld*).

Redress and recommendations

The Ombudsman recommends that, in relation to their current standards, VisitScotland ensure that inspection staff are clear about the standards pertaining to each star rating and that, as far as possible, these standards are specific and measurable.

VisitScotland have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 14 April 2007, the Ombudsman received a formal complaint from Mr and Mrs C about the way in which VisitScotland handled their complaint about the Quality Assurance Scheme (the Scheme). In particular, they alleged that the inspection visits made to their guest house were not in accordance with VisitScotland's usual procedure in so far as frequency and variation (day/night) were concerned. They also complained that the standards they required to achieve to increase their star grading were not specified sufficiently and that they were not advised, in advance of their December 2006 inspection, that assessment standards had been changed.

2. The complaints from Mr and Mrs C which I have investigated are that:
- (a) inspection visits made to Mr and Mrs C's guest house were not in accordance with VisitScotland's usual procedure in so far as frequency and variation (day/night) were concerned;
 - (b) the standards that Mr and Mrs C required to achieve to increase their star grading were not specified sufficiently; and
 - (c) Mr and Mrs C were not advised, in advance of their December 2006 inspection, that assessment standards had changed.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Mr and Mrs C and VisitScotland. I have also had sight of VisitScotland's grading standards applicable before and after September 2006, when a change occurred (and relative quality standards information packs), and sight of the inspection reports for Mr and Mrs C's guest house dated 17 May 2005, 15 February and 11 December 2006. On 17 May 2007 I made a formal enquiry of VisitScotland and their response to me was dated 15 June 2007.

4. While I have not included in this report every detail investigated, I am satisfied that no matter of significance has been overlooked. Mr and Mrs C and VisitScotland were given an opportunity to comment on a draft of this report.

(a) Inspection visits made to Mr and Mrs C's guest house were not in accordance with VisitScotland's usual procedure in so far as frequency and variation (day/night) were concerned

5. Mr and Mrs C bought their guest house in November 2004 and, after several months of extensive refurbishment, they began trading on 1 March 2005. The complainants became members of the Scheme and their first inspection visit was on 17 May 2005. I am aware from the available literature that the Scheme's year runs from September to August in the year following and, therefore, Mr and Mrs C's first visit was made during the 2004/5 scheme year. VisitScotland said that, in accordance with normal practice following a change of ownership, the first visit was overnight. Further inspections were made on 15 February 2006 (in year 2005/6) and on 11 December 2006 (in year 2006/7). Both these visits were overnight.

6. Mr and Mrs C believed that VisitScotland had targeted them for non-standard visits as they said that it would be standard practice to expect an alternation between overnight and daily inspections. They also expressed concern that they received three inspection visits in 19 months. When they complained to VisitScotland they said they were told that VisitScotland had done this to try to assist them in their efforts to increase their star grading but, the complainants said, they found this explanation totally unacceptable.

7. I have made reference to information packs provided to me by VisitScotland (see paragraph 3) and I can confirm that the Scheme year operated by them runs from August to September. The literature explained that businesses may be visited at any time during the Scheme year and that visits were not planned for the anniversary of the previous visit. Day or night visits were not specified and VisitScotland said that they made a mix of both. I enquired particularly about this aspect of the matter in my enquiry to the authority of 17 May 2007 and, in replying, the Chief Executive said:

'In February 2006, the advisor elected to make an overnight visit as the [guest house] held a high three star rating and she was aware of the owners' aspiration to achieve four stars. Had a day visit been made at that time, and four stars adjudged a realistic possibility, an overnight visit would have been required, as with all upgrades, to confirm this. Our advisor was simply trying to avoid the need for a second, possibly unnecessary, overnight visit if the [guest house] had reached four star level. The same rationale was applied to the December 2006 visit. There is no intent by, or indeed benefit to, VisitScotland not to upgrade the [guest house]). Our

assessment standards are rigorous - we believe rightly so - in the interests of consumers.'

(a) Conclusion

8. Mr and Mrs C believed that VisitScotland did not apply their usual procedures when inspecting their premises. They were unhappy that they had had three overnight visits within a period of 19 months. However, after having consulted the appropriate documentation, I have not seen any evidence to suggest that VisitScotland breached their own inspections policy as far as timing and frequency were concerned. I have noted the Chief Executive's explanation (see paragraph 7) and find this to be acceptable. An overnight visit was a requirement at the time when premises were recommended for an upgrade and, as the likelihood for an upgrade appeared high in Mr and Mrs C's case, VisitScotland were, therefore, seeking to save the complainants a further visit fee. In all the circumstances, I do not uphold this aspect of the complaint.

(b) The standards that Mr and Mrs C required to achieve to increase their star grading were not specified sufficiently

9. The complainants told me that they were keen to develop their business and improve upon its star rating and, as they had spent a considerable amount of money on refurbishment, they were, therefore, disappointed to learn, after their first inspection on 17 May 2005, that their grading was unchanged.

10. From the information on standards applicable at the time (see paragraph 3) I understand that to achieve a four star rating a property should obtain an overall percentage score of between 84-92%. Other relevant criteria were:

'Housekeeping not less than 9

No items to score less than 7

50% of total scores to be excellent (9 or 10)

+ 25% of total scores to be very good (8)

At least 50% of service elements to score excellent (9 or 10)'

11. A copy letter from VisitScotland dated 17 March 2005 addressed to Mr and Mrs C referred to them having received 'a copy of our scheme criteria pack', which contained the above information, and the appropriate inspection report (dated 17 May 2005) confirmed this and gave information about where Mr and Mrs C's guest house sat in relation to those required ratings. The inspection on 15 February 2006 was also graded by the same standards and, while Mr and

Mrs C were told that they were 'an extremely strong 3-star with some areas already into the 4-star category', their bedrooms and bathrooms fell short of the standard required for 4-star (the scoring for these two was exactly the same as it had been in May 2005).

12. In September/October 2006 VisitScotland's grading standards assessment system changed, therefore, Mr and Mrs C's third inspection on 11 December 2006 was assessed in terms of the new standards. The guest house was again graded as 3-star, with an overall score of 69%. In the comments section, it was recorded by the assessor that 'I would suggest the two sections of Hospitality and Friendliness and Breakfast are the ones that could be most easily brought up to 4-stars. On the revised scheme you need just one of these two areas to meet 4-stars that is Breakfast at 70% or Hospitality at 75% and an overall award of 70%'. The assessor's report gave suggestions as to how it may be possible to improve these areas, for example, by offering spontaneous acts of hospitality and suggesting things that could be added to the breakfast menu. At the time of inspection, the respective scores for Breakfast and Hospitality were 60% and 70%.

13. Mr and Mrs C said that they had previously held high marks in these two areas (in May 2005, 80% for Breakfast and 88% for Hospitality and in February 2006, 85% for Breakfast and 90% for Hospitality) and on 8 January 2007 they, therefore, wrote to VisitScotland questioning the situation, saying that as far as they were concerned nothing had changed; that the staff, menus and products had remained the same. This letter was acknowledged on 10 January 2007 but as a reply had not been received by 29 January 2007, Mr C sent an emailed reminder (which was acknowledged the same day). The complainants sent a further reminder on 6 February 2007 and on 7 February 2007, they received a response from VisitScotland's Director of Visitor Services and Quality (the Director) which referred to the new standard in place and stated generally that the standard required for 4-stars was that all key quality areas (cleanliness, hospitality and friendliness, bedrooms, bathrooms and breakfast) must achieve a 4-star quality level and the overall total percentage must be between 70% and 84% rating (but see the advice given by the assessor in relation to Hospitality and Breakfast in paragraph 12, that only one of them required to be brought up to 4-stars). Mr and Mrs C's inspection report categorised the key quality areas as having two 4-star bandings and three 3-star bandings (hospitality, bathrooms and breakfast). The letter went on to say that the two areas the assessor felt could most readily be addressed

were Hospitality and Friendliness and Breakfast, hence the reason for her focusing on them in the inspection report. The Director said that whether or not Mr and Mrs C accepted the advice proffered was a matter for them to decide and that the new benchmarking standards were not directly comparable to those which had existed previously. He ended his letter by saying that, if the complainants felt that it would be helpful to discuss the matter and their aspirations for the star rating of their business, a visit would be arranged free of charge to assist them to identify what needed to be done.

(b) Conclusion

14. It is for VisitScotland to assess whether or not Mr and Mrs C's guest house should receive 3-star or 4-star rating. My role in investigating this complaint is to ensure that this assessment was done in accordance with the stated policy and procedures. After considering the available information, I am satisfied that, with regard to the first two inspections carried out at Mr and Mrs C's guest house (see paragraphs 9 and 11), the standards required for them to achieve a 4-star rating were clearly set out, in both the advice and the inspection reports. However, while I accept the Director's statement about the comparability of the new benchmarked standards, I do not believe the position was clearly stated overall. In particular, with regard to the third inspection on 11 December 2006, the assessor's notes on her report said that on the revised scheme Mr and Mrs C needed 'just one of these two areas to meet 4-stars that is Breakfast at 70% or Hospitality at 75%', whereas the guidance and the Director's letter of 7 February 2007 make reference to all the key quality areas (five of them) requiring to achieve a 4-star rating. In the circumstances, I can readily accept Mr and Mrs C's confusion about the new standard as there appeared to have been a shift in focus. Although, had Mr and Mrs C availed themselves of the Director's offer to meet and discuss the matter free of charge, this could have been reduced. Nevertheless, I partially uphold this aspect of the complaint.

(b) Recommendation

15. The Ombudsman recommends that, in relation to their current standards, VisitScotland ensure that inspection staff are clear about the standards pertaining to each star rating and that, as far as possible, these standards are specific and measurable.

(c) Mr and Mrs C were not advised, in advance of their December 2006 inspection, that assessment standards had changed

16. The complainants maintained that they were totally unaware of the changes in standards prior to the December 2006 visit and they believed that their guest house had been assessed under a separate agenda and that there had never been any intention to upgrade it. In his reply of 15 June 2007, the Chief Executive provided me with information about how the new standard was communicated to businesses likely to be affected. He said that the new scheme comprised the adoption of common standards of assessment by VisitScotland and equivalent bodies in England and Wales and by the Automobile Association. He said that the Welsh Tourist Board had coordinated certain communications on behalf of all the involved parties using a consolidated mailing list. I was advised that direct mailings had been made to the industry about the change in grading standards on 15 July 2005 and in September 2005. The Chief Executive said that, while it was not now possible to check the mailing list, 'we are as certain as we can be that the [guest house] as a current scheme participant, would have been included in the Quality and Standards department's database used for the communication of the new standards'. I have also been told that two electronic bulletins were sent to the industry in August 2005 and June 2006 and there had been articles in the trade press.

(c) Conclusion

17. I note that Mr and Mrs C said they had not been advised of the changed grading standards and they specifically deny receiving any letters sent to them by the Welsh Tourist Board but I am satisfied from the above (see paragraph 16) that there had been an industry-wide publicity campaign. Although the Chief Executive could not now say definitely that Mr and Mrs C had been directly contacted, he was almost certain that, as current scheme members, Mr and Mrs C would have been on the Welsh Tourist board's mailing list. On the balance of probabilities, I have concluded that Mr and Mrs C were likely to have been contacted directly but, even in the absence of this, I believe that there was sufficient publicity available to have informed them of impending change. In all the circumstances, I do not uphold the complaint.

18. VisitScotland have accepted the recommendations and will act on them accordingly. The Ombudsman asks that VisitScotland notify her when the recommendations have been implemented.

24 October 2007

Explanation of abbreviations used

Mr and Mrs C

The complainants

The Scheme

VisitScotland's quality assurance scheme

The Director

VisitScotland's Director of Visitor Services and Quality