

ABERDEEN CITY COUNCIL

COMMITTEE	Audit Risk and Scrutiny
DATE	4 December 2019
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Scottish Public Services Ombudsman Decisions and Inspector of Cremations Complaint Decisions
REPORT NUMBER	CUS/19/438
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jacqui McKenzie
REPORT AUTHOR	Lucy McKenzie
TERMS OF REFERENCE	6.9

1. PURPOSE OF REPORT

- 1.1 This report provides information on all Scottish Public Services Ombudsman (SPSO) and Inspector of Cremations decisions made in relation to Aberdeen City Council since the last reporting cycle, together with details of the SPSO Local Authority 2018-19 annual statistics tables, to provide assurance to Committee that complaints and Scottish Welfare Fund applications are being handled appropriately.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Committee notes the details of the report.

3. BACKGROUND

- 3.1 A report detailing all Scottish Public Services Ombudsman (SPSO) and/or Inspector of Cremations decisions relating to Aberdeen City Council is submitted to Audit Risk and Scrutiny Committee each reporting cycle. This is to provide assurance that complaints and Scottish Welfare Fund decisions are being handled appropriately. The last report on this matter was submitted to the 25 September 2019 Committee.

Scottish Public Services Ombudsman (SPSO) Complaint Decisions

- 3.2 The Scottish Complaints Handling Procedure (CHP) followed by Aberdeen City Council is outlined by the SPSO. Details of the CHP can be accessed at www.aberdeencity.gov.uk/complaints
- 3.3 There are no SPSO decision relating to Aberdeen City Council complaints since the last reporting period to notify the Committee of.
- 3.4 The SPSO have recently presented their 2018-19 annual complaint statistic tables, which are detailed in Appendix A to this report. The information demonstrates how many complaints the SPSO received about Aberdeen City Council. It should be noted that the statistical information contained in the tables do not necessarily match the information held by the council as complainants may contact the SPSO without the council's knowledge or before having gone through the council's complaint process.
- 3.5 Table 1 shows complaints received by the SPSO (but not necessarily looked into by the SPSO), both about Aberdeen City Council and overall in the sector for the past two financial years. The complaints are categorised by main subject area and are shown ranked from the most received to the least.
- 3.6 Table 2 shows the outcomes of 'determined' complaints for the same period. Determined complaints are those that the SPSO have looked at and for which they have closed their file. The SPSO will have given the complainant a decision by letter or public report or will have explained why they didn't investigate their complaint. The SPSO does not normally investigate 'premature' complaints where the complainant has not completed the Aberdeen City Council complaints process in the first instance.
- 3.7 As demonstrated in Table 1, there has been an overall reduction in the number of complainants approaching the SPSO regarding Aberdeen City Council which is positive (62 compared to 85 the previous financial year). The number of Aberdeen City Council complaints received by the SPSO as a percentage of the Sector totals were 4.1% in 2018-19 compared to 5.1% in 2017-18. For context, the population of Aberdeen City is 4.2% of the Scottish total.
- 3.8 The issues were consistent with previous years with Housing and Social Work at the top of the list. The number of complaints fully investigated by the SPSO has remained consistent at 8 in total both financial years. Of those that were investigated by the SPSO, 4 of the 8 complaints in 2018-19 were upheld/partially upheld (50%) which is less than the sector total (58.8%). Action to further improve complaint handling across the council continues throughout 2019-20.

Scottish Public Services Ombudsman (SPSO) Scottish Welfare Fund Review Decisions

- 3.9 The Scottish Welfare Fund is delivered by Local Councils across Scotland and offers two types of grants – Crisis Grants and Community Care Grants. Further information is available at <https://www.aberdeencity.gov.uk/services/benefits-and-advice/apply-scottish-welfare-fund>
- 3.10 There have been no SPSO Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions since the last reporting period.
- 3.11 The 2018-19 annual SPSO Second Tier Review statistic tables are detailed in Appendix B to this report. As background, there were 14,875 claims in total handled by Aberdeen City Council in 2018-19. The SPSO received 7 review requests from Aberdeen City Council applicants (7 Crisis Grants and 0 Community Care Grants) compared to 3 review requests in 2017-18 (3 Crisis Grants and 0 Community Care Grants). The SPSO changed 2 decisions made by Aberdeen City Council (29%) and 5 remained unchanged (71%). This is an increase from zero unchanged decisions in the previous year, but below the national average of 32% changed decisions for Crisis Grants and 51% changed decisions for Community Care Grants.

Inspector of Cremations Decisions

- 3.12 The Inspector of Cremations responds to complaints or queries from the public about cremations. There have been no decisions by the Inspector of Cremations in relation to Aberdeen City Council cremations to date.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Each time a complaint escalates it is more costly to the council than the previous stage due to the effort involved, therefore financially it is in the council's best interest to resolve complaints early in the process. There is also a risk that the council may be required to undertake additional actions as a result of an SPSO decision, including financial compensation.	L	The complaint handling procedure encourages frontline resolution whenever possible and there is guidance and training in place to support staff in effective complaint handling. The financial benefit of early resolution is highlighted to responding officers in training.
Legal	There are no legal risks associated with this report.	N/A	Not applicable
Reputational	Compliance with the Complaints Handling Procedure is audited by Audit Scotland. Non-compliance carries reputational risk. Customer perception of the council could also be negatively impacted if complaints and Scottish Welfare Fund applications are not handled correctly.	L	There is a centralised Customer Feedback Team responsible for ensuring that complaints are being handled consistently and appropriately across the council. Staff within the Scottish Welfare Fund Team receive comprehensive training to ensure applications are handled correctly and there is a robust procedure in place to review decision making when necessary.
Employee	Staff morale may be lowered as a result of a	L	Whilst it is not pleasant to receive a complaint, officers are encouraged to view complaints in a positive light,

	negative outcome of a SPSO decision.		as a learning point going forwards.
Customer	There is a risk to the council's relationship with customers if a complaint or a Scottish Welfare Fund application is not handled correctly.	L	Support in complaint handling is available to responding officers through a variety of methods. In addition, all Stage 2 responses are also quality assured to ensure that responses are appropriate. Officers responsible for Scottish Welfare Fund applications receive full training to ensure they have the necessary knowledge to undertake assessments.
Environment	There are no environmental risks associated with this report	N/A	Not applicable
Technology	There are no technological risks associated with this report.	N/A	Not applicable

7. OUTCOMES

The proposals in this report have no impact on the LOIP.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The report supports a focus on the delivery of customer centric services through the scrutiny of service delivery to customers. The organisation should look to solve the core issue which led to the complaint and learn from the outcome so to reduce the potential for more / similar complaints. This leads to an improvement in customer service delivery and a reduction in time spent on handling and investigating repeat complaints, which can be a lengthy process for those involved.

Organisational Design	The report focuses on complaints outcomes which provide rich customer insight for the organisation to act upon to help transform service delivery.
Governance	The report ensures transparency around complaint and Scottish Welfare Fund application handling and provides assurances that informed decisions are being made.
Workforce	The outcomes of SPSO decisions are fed back to the relevant staff. This includes both upheld and not upheld decisions to engage staff and ensure they are fully informed of outcomes. The information is also used to inform changes in working practices and training provision for staff to improve their experience as well as that of the customer.
Process Design	Processes may be redesigned as a result of lessons learnt from a complaint or an SPSO decision to better meet the needs of customers.
Technology	Complaints data can help to inform decisions around the use of technology as it provides insight into the customer experience of accessing services digitally.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Not required
Data Protection Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable.

9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

Appendix A – SPSO Annual Complaints Statistics 2018-19 compared to 2017-18
Appendix B - SPSO Scottish Welfare Fund Annual Statistics 2018-19 compared to 2017-18

11. REPORT AUTHOR CONTACT DETAILS

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Appendix A - SPSO Annual Complaints Statistics 2018-19 compared to 2017-18

Table 1

Local Authority Complaints Received 2018-18

Subject Group	Aberdeen City Council			Sector Total	Rank	Complaints as % of total
	Aberdeen City Council	Rank	Complaints as % of total			
Housing	16	1	30.19%	251	1	19.29%
Social Work	9	2	16.98%	206	2	15.83%
Education	5	3=	9.43%	143	3	10.99%
Planning	5	3=	9.43%	130	4	9.99%
Environmental Health & Cleansing	4	5=	7.55%	101	6	7.76%
Legal & Admin	4	5=	7.55%	67	8	5.15%
Finance	2	7	3.77%	98	7	7.53%
Roads & Transport	1	8=	1.89%	111	5	8.53%
Recreation & Leisure	1	8=	1.89%	26	9	2.00%
Land & Property	0	-	0.00%	16	10	1.23%
Building Control	0	-	0.00%	15	11	1.15%
Personnel	0	-	0.00%	7	12	0.54%
Other	0	-	0.00%	6	13	0.46%
Economic Development	0	-	0.00%	5	14	0.38%
Valuation Joint Boards	0	-	0.00%	3	15=	0.23%
Welfare Fund - Community Care Grants	0	-	0.00%	3	15=	0.23%
National Park Authorities	0	-	0.00%	2	17	0.15%
Welfare Fund - Crisis Grants	0	-	0.00%	1	18	0.08%
Subject unknown or Out of Jurisdiction	6	-	11.32%	110	-	8.46%
Total	63		100.00%	1,301		100.00%
Complaints as % of Sector	4.1%			100.0%		

Local Authority Complaints Received 2017-18

Subject Group	Aberdeen City Council			Sector Total	Rank	Complaints as % of total
	Aberdeen City Council	Rank	Complaints as % of total			
Housing	30	1	34.48%	316	1	21.44%
Social Work	18	2	20.69%	254	2	17.23%
Environmental Health & Cleansing	6	3=	6.90%	116	5	7.87%
Legal & Admin	6	3=	6.90%	71	8	4.82%
Education	5	5=	5.75%	151	3	10.24%
Finance	5	5=	5.75%	112	6	7.60%
Planning	3	7=	3.45%	134	4	9.09%
Roads & Transport	3	7=	3.45%	104	7	7.06%
Land & Property	2	9	2.30%	17	10	1.15%
Personnel	1	10	1.15%	12	12	0.81%
Recreation & Leisure	0	-	0.00%	24	9	1.63%
Building Control	0	-	0.00%	16	11	1.09%
Welfare Fund - Community Care Grants	0	-	0.00%	7	13	0.47%
Other	0	-	0.00%	6	14	0.41%
Consumer Protection	0	-	0.00%	4	15=	0.27%
National Park Authorities	0	-	0.00%	4	15=	0.27%
Fire & Police Boards	0	-	0.00%	3	17	0.20%
Economic Development	0	-	0.00%	2	18=	0.14%
Welfare Fund - Crisis Grants	0	-	0.00%	2	18=	0.14%
Subject Unknown or Out Of Jurisdiction	8	-	9.20%	119	-	8.07%
Total	87		100.00%	1,474		100.00%
Complaints as % of Sector	5.9%			100.0%		

Local Authority Complaints Determined 2018-19

Stage	Outcome Group	2018-19	
		Aberdeen City Council	Sector Total
Advice	Not duly made or withdrawn	14	255
	Out of jurisdiction (non-discretionary)	0	2
	Premature	10	244
	Total	24	501
Early Resolution	Not duly made or withdrawn	3	45
	Out of jurisdiction (discretionary)	2	70
	Out of jurisdiction (non-discretionary)	1	47
	Outcome not achievable	2	71
	Premature	2	55
	Proportionality	20	358
	Resolved	0	26
	Total	30	672
Investigation	Fully upheld	4	34
	Some upheld	0	23
	Not upheld	4	40
	Resolved	0	1
	Total	8	98
Total Complaints		62	1,271

Total Premature Complaints	12	299
Premature Rate	19.4%	23.5%
Total Investigation Decisions	8	97
Total Upholds	4	57
Uphold Rate	50.0%	58.8%

Local Authority Complaints Determined 2017-18

Stage	Outcome Group	2017-18	
		Aberdeen City Council	Sector Total
Advice	Not duly made or withdrawn	15	253
	Out of jurisdiction (discretionary)	0	3
	Out of jurisdiction (non-discretionary)	0	5
	Premature	11	381
	Total	26	642
Early Resolution	Not duly made or withdrawn	1	38
	Out of jurisdiction (discretionary)	8	99
	Out of jurisdiction (non-discretionary)	8	113
	Outcome not achievable	7	85
	Premature	3	53
	Proportionality	22	314
	Resolved	2	29
	Total	51	731
Investigation	Fully upheld	2	47
	Some upheld	1	49
	Not upheld	5	69
	Not duly made or withdrawn	0	1
	Resolved	0	3
	Total	8	169
Total Complaints		85	1,542

Total Premature Complaints	14	434
Premature Rate	16.5%	28.1%
Total Investigation Decisions	8	165
Total Upholds	3	96
Uphold Rate	37.5%	58.2%

Old Uphold Rate Calculation		
Total Cases 'Fit for SPSO'	8	169
Total Upholds	3	96
Uphold Rate	37.5%	56.8%

- **Advice** – initial receipt stage where the SPSO decide whether to progress (e.g. enough information and a matter allowed to look at)
- **Early Resolution** – where the complaint is in jurisdiction and has completed the organisation's complaint process. Cases may be closed at this point if the SPSO are able to resolve with the organisation or consider no achievable outcome or significant benefit from a full investigation.
- **Investigation** – where the SPSO conduct an investigation and reach a decision on the complaint.

APPENDIX B - SPSO Scottish Welfare Fund Annual Statistics 2018-19 compared to 2017-18

Cases closed pre-decision

Outcome	2018-19 Aberdeen City Council		
	Community Care	Crisis	Total
Advice only	0	0	0
Out of jurisdiction	0	0	0
Premature	0	0	0
Not duly made or withdrawn	0	0	0
Total	0	0	0

Cases closed pre-decision

Outcome	2017-18 Aberdeen City Council		
	Community Care	Crisis	Total
Advice only	0	0	0
Out of jurisdiction	0	0	0
Premature	2	1	3
Not duly made or withdrawn	0	1	1
Total	2	2	4

Total decisions 2018-19

Application type	Total Decisions	Not Upheld (<i>council decision unchanged</i>)	Upheld (<i>council decision changed</i>)	Uphold Rate (<i>council decision changed</i>)	National Average Uphold Rate
Crisis	7	5	2	29%	32%
Community Care	0	0	0	0%	51%
Total	7				

Total decisions 2017-18

Application type	Total Decisions	Not Upheld (<i>council decision unchanged</i>)	Upheld (<i>council decision changed</i>)	Uphold Rate (<i>council decision changed</i>)	National Average Uphold Rate
Crisis	3	3	0	0%	35%
Community Care	0	0	0	0%	52%
Total	3				