

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Audit Risk and Scrutiny
<b>DATE</b>	8 October 2020
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Scottish Public Services Ombudsman Decisions and Inspector of Cremations Complaint Decisions
<b>REPORT NUMBER</b>	CUS/20/136
<b>DIRECTOR</b>	Andy MacDonald
<b>CHIEF OFFICER</b>	Jacqui McKenzie
<b>REPORT AUTHOR</b>	Lucy McKenzie
<b>TERMS OF REFERENCE</b>	6.4

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### 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, 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 12 February 2020 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](http://www.aberdeencity.gov.uk/complaints)
- 3.3 There are two SPSO decisions relating to Aberdeen City Council complaints since the last reporting period to notify the Committee of. The SPSO reviewed a provisional decision originally reported at the 25 September 2019 Committee and have amended the outcome to partially upheld. The second is an upheld decision. Further information is detailed in Appendix A.

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

- 3.4 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>
- 3.5 There have been two SPSO Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions since the last reporting period. The SPSO did not change the council's decision. See Appendix B for further details.

## **Inspector of Cremations Decisions**

- 3.6 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**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Strategic Risk</b>	If we do not handle complaints or Scottish Welfare Fund applications	L	

	correctly then there is risk that we do not meet our objectives in relation to		
<b>Compliance</b>	The (SPSO) is the regulatory body for public services in Scotland. If we are non-compliant in our handling of a complaint or Scottish Welfare Fund application then there is risk that this is highlighted by the SPSO.	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.
<b>Operational</b>	Staff morale may be lowered as a result of a negative outcome of a SPSO decision.	L	Whilst it is not pleasant to receive a complaint, officers are encouraged to view complaints in a positive light, as a learning point going forwards.
<b>Financial</b>	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.
<b>Reputational</b>	Non-compliance carries reputational risk. Customer perception of the council could also be negatively impacted if complaints and Scottish Welfare	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

	Fund applications are not handled correctly.		Team receive comprehensive training to ensure applications are handled correctly and there is a robust procedure in place to review decision making when necessary.
<b>Environment / Climate</b>	There are no environment / climate risks associated with this report.	N/A	Not applicable

<b>Category</b>	<b>Risk</b>	<b>Low (L), Medium (M), High (H)</b>	<b>Mitigation</b>
<b>Financial</b>	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.
<b>Legal</b>	There are no legal risks associated with this report.	N/A	Not applicable
<b>Reputational</b>	There is reputational risk to the council if complaints are not handled appropriately. Customer perception of the council could also be negatively impacted if complaints and Scottish Welfare Fund	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

	applications are not handled correctly.		training to ensure applications are handled correctly and there is a robust procedure in place to review decision making when necessary.
<b>Employee</b>	Staff morale may be lowered as a result of a negative outcome of a SPSO decision.	L	Whilst it is not pleasant to receive a complaint, officers are encouraged to view complaints in a positive light, as a learning point going forwards.
<b>Customer</b>	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.
<b>Environment</b>	There are no environmental risks associated with this report	N/A	Not applicable
<b>Technology</b>	There are no technological risks associated with this report.	N/A	Not applicable

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
<b>Impact of Report</b>	
<b>Aberdeen City Council Policy Statement</b>	Complaints are a vital part of organisational learning and improvement therefore enabling the Council to realise its aims across its policy statement. The report focuses on complaints outcomes which provide rich customer insight for the organisation to act upon to help transform service delivery.

**Aberdeen City Local Outcome Improvement Plan**

Prosperous Place Stretch Outcomes

The Scottish Welfare Fund supports the delivery of the LOIP stretch outcome 13 as it can provide short term financial assistance to help with food costs which can relieve the pressure on use of food banks. It also works with partner agencies to identify citizens and signpost them for budget management, debt advice and benefit maximisation.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES (if applicable)

Appendix A – SPSO complaint decisions

Appendix B - Scottish Welfare Fund SPSO Review Decisions

## 11. REPORT AUTHOR CONTACT DETAILS

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## Appendix A – SPSO Complaint Decisions

Complaint Received Date	SPSO Decision Date	Complaints Investigated by the SPSO	Cluster	SPSO Decision	SPSO Recommendations	Date Implemented
15 November 2017	4 August 2020.	<ol style="list-style-type: none"> <li>1) The restrictions put in place in relation to the complainant's son were unreasonable (not upheld)</li> <li>2) Information about the complainant's son was inappropriately shared with a health visitor (upheld)</li> <li>3) The Council did not respond to your complaint appropriately (not upheld)</li> </ol>	Integrated Children's and Family Services	Complaint partially upheld	<ol style="list-style-type: none"> <li>1) Letter of apology to be sent to the complainant and son.</li> <li>2) Review whether training arrangements and guidance in place ensures that staff are aware of the procedural requirements relating to information sharing.</li> </ol>	<ol style="list-style-type: none"> <li>1) 1 July 2020</li> <li>2) Due 27 October 2020</li> </ol>
6 June 2018	24 February 2020	<ol style="list-style-type: none"> <li>4) The council failed to take reasonable enforcement action in respect of planning breaches in Duthie park (upheld)</li> <li>5) The council failed to handle the complaint reasonably (upheld)</li> </ol>	Strategic Place Planning	Complaint Upheld	<ol style="list-style-type: none"> <li>1) Apologise to the complainant for the failure to take reasonable steps to investigate breaches of planning control and for the failure to handle the complaint reasonably.</li> <li>2) Accurately record actions taken by Council during planning enforcement investigations, including the outcome of any informal negotiations</li> <li>3) Remind staff of the importance of accurate record keeping</li> <li>4) Staff should accurately identify the substantive issues contained within a complaint and apply time constraints appropriately.</li> </ol>	All completed by 24 March 2020



**Appendix B – Scottish Welfare Fund SPSO Review Decisions**

<b>Crisis Grant Application Received Date</b>	<b>Application Type</b>	<b>Aberdeen City Council 1<sup>st</sup> Tier Review Decision Date</b>	<b>SPSO 2<sup>nd</sup> Tier Review Decision Date</b>	<b>SPSO Decision</b>
14 January 2020	Crisis Grant	14 January 2020	17 January 2020	Aberdeen City Council decision upheld (Council's decision unchanged)
6 July 2020	Crisis Grant	10 July 2020	7 August 2020	Aberdeen City Council decision upheld (Council's decision unchanged)