

ABERDEEN CITY COUNCIL

COMMITTEE	Audit Risk and Scrutiny
DATE	30 June 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Scottish Public Services Ombudsman Decisions and Inspector of Cremations Complaint Decisions
REPORT NUMBER	CUS/21/136
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jacqui McKenzie
REPORT AUTHOR	Lucy McKenzie
TERMS OF REFERENCE	6.4

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 24 February 2021 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 The SPSO publish all decision reports on their website at www.spsso.org.uk/decision-report-search
- 3.3 There are three SPSO decisions relating to Aberdeen City Council complaints to notify Committee of since the last reporting period. One complaint was not upheld, one complaint was partially upheld, and one complaint was upheld. 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 www.aberdeencity.gov.uk/services/benefits-and-advice/apply-scottish-welfare-fund
- 3.5 From 12 October 2020, the Scottish Welfare Fund also administer the Scottish Government Self Isolation Support Grants. Further information is available at www.aberdeencity.gov.uk/services/coronavirus-covid-19/self-isolation-support-grants
- 3.6 There have been no SPSO Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions since the last reporting period.

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

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	If we do not handle complaints or Scottish Welfare Fund applications correctly then there is risk that we do not meet our objectives in relation to	L	
Compliance	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.
Operational	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.
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.

Reputational	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.
Environment / Climate	There are no environment / climate risks associated with this report.	N/A	Not applicable

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	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 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 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.
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

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	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

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 Decision Report	Recommendations and Date(s) Implemented
11/09/19	02/10/20	1) The council failed to provide reasonable support to meet their child's educational and emotional needs at school (not upheld)	Integrated Children's and Family Services	Not upheld	Decision Report 201909307 SPSO	Not applicable
13/02/19	02/12/20	2) The Council did not respond reasonably to the complaints raised between November 2015 and February 2019, (upheld) 3) The Council unreasonably failed to carry out the action agreed in their email of 13 May 2019 within a reasonable timescale, (upheld) 4) The Council did not respond reasonably to the complaint of 19 September 2019. (upheld)	Early Intervention and Community Empowerment	Upheld	Decision Report 201808479 SPSO	1) Apologise to the complainant for the specific failings identified (complete) 2) Provide the complainant with detailed plans for the relocation and reinstatement works agreed to. These plans should show the current and planned locations, designs and dimensions of the fence, gate and bin store and their sites (complete) 3) Ensure contacts from the public are responded to within a reasonable timescale, that complaints are quickly identified and dealt with under the CHP, that complaints investigations are thorough, that the CHP is followed when timescales need to be revised and that complaint responses are accurate and provide meaningful explanations of how decisions were reached (complete)

						4) Arrange for the relocation and reinstatement works to be completed (due date TBC. Work to be completed 20 working days following complainant's agreement to the works, which is yet to be received)
31/10/19	16/03/21	<p>1) The council unreasonably delayed taking action to address the noise levels within the complainant's property. (not upheld)</p> <p>2) The council unreasonably failed to effectively communicate with the complainant, from around November 2019, with respect to the progress and agreed action to address the noise levels within his property. (upheld)</p>	Early Intervention and Community Empowerment and Operations and Protective Services	Partially upheld	Decision Report 201908295 SPSO	<p>1) Apologise to for the failure to communicate effectively regarding the plans to progress agreed works. (complete)</p> <p>2) The council should communicate with the complainant regularly to agree the purpose and scope of any additional survey, and/or agree works to be undertaken (at present installation of acoustic underlay), and arrange to complete the work agreed as soon as reasonably practicable, once Scottish Government restrictions in response to Coronavirus allow. The council should communicate with the complainant to agree and arrange appropriate monitoring to robustly test the effectiveness of the acoustic underlay and/or any other works carried out. Should monitoring reveal that the works have not resolved the noise issues, the council should communicate with the complainant to agree further steps, including consideration of those set out in their complaints responses, to address the noise issues at the property (works arranged for 22 June 2021)</p>