

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk and Scrutiny
DATE	26 th November 2015
DIRECTOR	Richard Ellis (interim)
TITLE OF REPORT	Scottish Public Services Ombudsman Complaint Decisions
REPORT NUMBER	CG/15138
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report provides details of all Scottish Public Services Ombudsman (SPSO) decisions relating to Aberdeen City Council complaints received during 2014/15 that were subsequently referred to the Ombudsman.

2. RECOMMENDATION(S)

It is recommended that Committee review the contents of this report, identify any systemic issues and recommend any additional actions as appropriate.

3. 3. FINANCIAL IMPLICATIONS

Any revenue and capital implications for the implementation of SPSO recommendations have been funded from service budgets. There have been no substantial financial implications to date.

4. OTHER IMPLICATIONS

N/A

5. BACKGROUND/MAIN ISSUES

The Scottish Complaints Handling Procedure (CHP) has three stages:

- Stage 1 - Frontline Resolution
- Stage 2 - Formal Investigation
- Stage 3 - Independent External Review (SPSO)

The first two stages of the complaints handling process are dealt with internally by the council. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the council's complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way the council has handled the complaint.

The ombudsman has the authority to make a final decision on the complaint. Following their investigation, the SPSO write to the council and the complainant with the outcome of their decision. Where necessary the SPSO will make recommendations that the council must implement to address a customer's dissatisfaction and / or to prevent the same problems that led to the complaint from happening again. The SPSO also instruct the timescales for implementing their recommendations.

In 2014/15, 668 complaints were recorded by Aberdeen City Council. 420 of those complaints were investigated and responded to as a Stage 2 complaint and 31 of those complaints were subsequently referred to the SPSO for consideration.

The SPSO investigated 13 of the 2014/15 Aberdeen City Council complaints, of which 4 were not upheld, 5 were upheld and 3 were partially upheld. Details of the upheld and partially upheld complaints with recommendations are provided in Appendix A. One partially upheld complaint had no recommendations and is therefore not included.

In addition, the SPSO made recommendations in relation to two complaints at enquiry stage to be carried out to achieve resolution without going to full SPSO investigation. The details of which are outlined in Appendix B.

All recommendations were implemented by Aberdeen City Council within the timescales required by the SPSO.

6. IMPACT

Improving Customer Experience –

Complaints are a valuable source of information about council services, which can help to identify recurring or underlying problems and potential improvements. It is important to take action to try to stop the problem from happening to any customers again. Lessons can be learnt from identifying common and recurring causes of complaints but

another important approach is to identify lessons that can be learnt from individual complaints.

As part of the complaints handling procedure, services should identify learning points so that they can be recorded and acted upon to improve the customer experience. This is particularly important where complaints are upheld, but even a complaint which is not upheld could still highlight the need for us to improve communications or the way in which we manage the customer's expectations.

Where appropriate, actions should be implemented across the Council, and not just in the service area that was the subject of the individual complaints. Complaints information can also be reviewed to improve service delivery for customers in the future.

Improving Staff Experience –

The outcomes of complaint decisions should be fed back to relevant staff. This includes both upheld and not upheld decisions to engage staff in complaints handling and ensure they are fully informed of outcomes. Complaint information can be used to inform changes in working practices and training provision for staff to improve their experience as well as that of the customer. SPSO recommendations relating to complaints handling are fed back to the responding officers to help develop the key skills required for good complaints handling.

Improving our use of Resources –

The organisation should look to solve the core issue which led to the complaint and learn from the outcome of complaints so to reduce the potential for more / similar complaints. This should lead to a reduction in repeat complaints and complaints investigation and handling time which can be a lengthy process for those involved.

Corporate -

This recommendation supports the Shaping Aberdeen 'triple aim' triangle in terms of improving the staff experience, improving the customer experience and improving the use of resources in delivering outcomes.

This requirement to share learning from complaints supports the Single Outcome Agreement; providing joined up working across the organisation that will provide overall, an excellent customer experience.

It supports the smarter priorities of 'Smarter Governance – Participation'. Specifically;

"Smarter Governance – Participation: acknowledging the role that citizens can play in the evolution of the city.

Priority: we will encourage citizens to participate in the development, design and decision making of services to promote, civic pride, active citizenship and resilience.

Outcome: Citizens feel they can influence their communities through engagement in the development, design and decision making of services.”

Senior management should review the information gathered from complaints regularly and lessons learnt from complaints should be fed back into individual service improvement plans.

Public –
N/A

7. MANAGEMENT OF RISK

No risks have been identified in this report.

8. BACKGROUND PAPERS

N/A

9. REPORT AUTHOR DETAILS

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2014/15 - Aberdeen City Council SPSO Investigation Recommendations

Complaint Received Date	Complaint Description	Upheld / Partially Upheld	Directorate (as they are now)	Service (as they are now)	SPSO Recommendations
15 April 2014	Customer dissatisfied with the way in which his complaint regarding the sale of food past its use-by-date was handled.	Partially Upheld	Communities, Housing and Infrastructure	Planning and Sustainable Development	<ol style="list-style-type: none"> 1. The council should issue a formal apology for the failure to address the complainant's email of 25 April 2014 fully. 2. The council should review their practices of the timing informing parties of the decision taken by the Council with regard to complaints about food safety issues.
25 June 2014	Complainant alleges that a school has failed in their duty of care.	Partially Upheld	Education and Children's Services	Education Services	<ol style="list-style-type: none"> 1. The council should issue the complainant and their family with an apology for the failure to keep an accurate record of the medications administered during the trip. 2. The council should provide evidence of how the arrangements for medication on trips have been improved to avoid a recurrence of such failings in future. 3. The council should consider whether there are merits in consulting other professionals involved in a pupils care when completing person specific risk assessments and report back to the ombudsman. 4. The council should apologise to the complainant for failing to address their concerns appropriately in response to their complaints. 5 The council should ensure all relevant staff are aware of the need to provide a full response to complaints in line with the complaints handling procedure.

Complaint Received Date	Complaint Description	Upheld / Partially Upheld	Directorate (as they are now)	Service (as they are now)	SPSO Recommendations
9 July 2014	Complainant not satisfied with the level of garden maintenance.	Upheld	Communities, Housing and Infrastructure	Public Infrastructure and Environment	<p>1. The council should issue a letter of apology to the customer for failing to carry out remedial work. This SPSO decision was appealed, and rejected by the SPSO who then added a further recommendation:</p> <p>2. The council should take steps to ensure that maintenance work that is agreed to is recorded appropriately and that, once the work is complete, this too is recorded and dated on worksheets as appropriate.</p>
11 July 2014	Lack of acknowledgment or response to 2 emails sent to planning querying planning approval.	Upheld	Communities, Housing and Infrastructure	Planning and Sustainable Development	<p>1. The council should apologise for the failings identified in the investigation.</p> <p>2. The council should remind staff that the model CHP requires them to clearly communicate the outcome (decision) of an investigation to the customer (e.g. upheld or not upheld)</p> <p>3. The council should demonstrate to the SPSO that action has been taken to resolve the discrepancy between the response time stated in the PEC and the one stated in the automated acknowledgement email.</p>
18 Sept 2014	Bathroom was unfit for needs of disability.	Upheld	Communities, Housing and Infrastructure	Land and Property Assets	<p>1. The council should issue a further apology for the complaints handling failings identified.</p> <p>2. The council should provide a copy of my decision letter to the member of staff who responded to this complaint on behalf of the Council.</p>

Complaint Received Date	Complaint Description	Upheld / Partially Upheld	Directorate (as they are now)	Service (as they are now)	SPSO Recommendations
9 Jan 2015	Complainant disputes charges raised after moving out of property as he said he had not been made aware that this could happen and he states agreement was obtained from housing officer before doing a lot of the decorating work. He said he first wrote in about this in November and has not had any response.	Upheld	Communities, Housing and Infrastructure	Communities and Housing	<ol style="list-style-type: none"> 1. The council should apologise for the failings identified in this letter. 2. The council should cancel the outstanding invoice. 3. The council should reflect on the failings identified and how to prevent them occurring again. 4. The council should review the rechargeable repairs appeals procedure and ensure that it refers to SPSO at the end of the process. 5. The council should provide the SPSO with a copy of the standardised tool for estimating repair costs.
29 Jan 2015	Delayed repair to window causing uninhabitable temperatures causing him to leave property and wants a rent rebate.	Upheld	Communities, Housing and Infrastructure	Land and Property Assets	<ol style="list-style-type: none"> 1. The council should apologise to the customer for the failings identified in the investigation. 2. The council should remind appropriate staff that responses to complaints make reference to all council actions relevant to the subject of the complaint. 3. The council should remind appropriate staff that correspondence indicating that the complaints process has been completed should not be provided to complainants while investigations are still ongoing. 4. The council should provide customer with a goodwill payment equivalent to 4 weeks of rent in recognition of the inconvenience suffered due to not providing an effective repair to the window in the property within a reasonable timescale.

2014/15 - SPSO Aberdeen City Council Recommendations at Enquiry Stage

Complaint Received Date	Complaint Description	Upheld / Partially Upheld	Directorate (as they are now)	Service (as they are now)	SPSO Recommendations
12 Sept 2014	Displeasure by treatment when downsizing.	N/A	Communities, Housing and Infrastructure	Land and Property Asset	1. The council should make an ex gratia payment to the complainant of £355.35 in recognition of the council failing to carry out checks at her home for three years and for the lengthy delay she experienced in getting work done to her new home.
26 Jan 2015	Inadequate service from Gas Call who never seem to fix complainant's boiler. Also lack of action by ACC employee caused an unnecessary day in the house waiting for workman who never came.	N/A	Communities, Housing and Infrastructure	Land and Property Assets	<p>1. The council should arrange for an independent inspection to be carried out on the boiler in an effort to identify whether it is in fact fit for purpose and functioning appropriately</p> <p>2. In recognition of the time and trouble experienced by the complainant the council should consider making a payment to them as a good will gesture.</p>