

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk and Scrutiny
DATE	9 th March 2016
DIRECTOR	Richard Ellis (interim)
TITLE OF REPORT	Scottish Public Services Ombudsman Complaint Recommendations
REPORT NUMBER	CG/16/040
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

This report provides details of all Scottish Public Services Ombudsman (SPSO) decisions received during 2015/16 Q1, Q2 and Q3 relating to Aberdeen City Council complaints and also the SPSO Local Authority 2014/15 annual statistics table.

2. RECOMMENDATION(S)

It is recommended that Committee notes the details of the report and recommends any additional actions as appropriate.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report.

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.

During 2015/16 Q1, Q2 and Q3, the SPSO has made decisions relating to 10 Aberdeen City Council complaints that were referred to the Ombudsman for consideration. 5 complaints were not upheld, 3 complaints were partially upheld and 2 complaints were upheld.

Details of the complaints and any subsequent recommendations are provided in Appendix A, B and C. All recommendations have been implemented by Aberdeen City Council within the timescales required by the SPSO.

In addition, Appendix D provides the recently published annual statistics for all Local Authority complaints received by the Ombudsman during 2014/15. The table details the volume of complaints referred to the SPSO for each Local Authority in Scotland, broken down into subject groups.

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. All SPSO decisions are therefore shared with the appropriate service(s).

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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Appendix A - Upheld Decisions

Complaint Received Date	SPSO Decision Date	Complaints Investigated by the SPSO	Directorate	SPSO Recommendations
29 January 2015	11 September 2015	The Council did not provide an effective repair to windows at his property within a reasonable timescale.	Communities, Housing and Infrastructure	<ol style="list-style-type: none"> 1. The council apologise for the failures identified in investigation. 2. The council remind appropriate staff to check responses to complaints make appropriate reference to all council actions relevant to the subject of the complaint. 3. The council remind appropriate staff that correspondence indicating the complaint process has been completed should not be provided to complainants whilst investigations are ongoing. 4. The council should provide the complainant with a goodwill payment equivalent to 4 weeks rent in recognition of the inconvenience suffered due to not providing an effective repair to windows at the property within a reasonable timescale.
9 January 2015	26 May 2015	<ol style="list-style-type: none"> 1. The council did not reasonably follow their recharge procedures, when the tenancy was terminated. 2. The final bill was, unreasonably, significantly higher than the estimate. 	Communities, Housing and Infrastructure	<ol style="list-style-type: none"> 1. Apologise for the failings identified. 2. Cancel the outstanding invoice. 3. Reflect on the failings identified and how to prevent them occurring again. 4. Review the rechargeable repairs appeals procedure and ensure that it refers to SPSO at the end of the process. 5. Provide SPSO with a copy of the standardised tool for estimating repair costs.

Appendix B - Partially Upheld Decisions

Complaint Received Date	SPSO Decision Date	Complaints Investigated	Directorate	SPSO Recommendations
15 September 2014	22 December 2015	<ol style="list-style-type: none"> 1. The school did not deal effectively with reported incidents of physical and verbal bullying (<i>not upheld</i>) 2. The Council failed to ensure that effective measures were taken at the school to protect the child in line with anti-bullying policies (<i>upheld</i>) 	Education and Children's Services	<ol style="list-style-type: none"> 1. The council should issue the complainant with a written apology for the issues identified during their investigation of the effectiveness of action taken by the School. 2. The council should update the SPSO on the outcome of the recommendations made to the School following the Council's investigation and how these have addressed the issues identified. 3. The council should consider the potential benefits of drawing the School's policy to the attention of parents reporting bullying incidents. 4. The council should review how the available electronic resources are used to record and track bullying incidents, including those reported by parents or sometime after the event itself.
23 July 2014	28 November 2015	<ol style="list-style-type: none"> 1. ASBIT failed to manage the customer's complaints about antisocial behaviour reasonably (<i>not upheld</i>) 2. ASBIT unreasonably withdrew their services (<i>not upheld</i>) 3. The council unreasonably failed to investigate the complaint in accordance with the Council's complaint procedure (<i>upheld</i>) 	Communities, Housing and Infrastructure	None

Complaint Received Date	SPSO Decision Date	Complaints Investigated	Directorate	SPSO Recommendations
25 June 2014	13 August 2015	<ol style="list-style-type: none"> 1. The school failed to provide adequate supervision during a school trip (<i>not upheld</i>) 2. The school did not give medication as instructed (<i>upheld</i>) 3. The school failed to keep a record of controlled drugs given to children (<i>upheld</i>) 4. The school gave controlled drugs that had been prescribed for another child (<i>upheld</i>) 5. The school unreasonably failed to consult with a psychiatrist before removing a child from school trip (<i>not upheld</i>) 6. The school failed to reasonably address the concerns raised (<i>upheld</i>) 	Education and Children's 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.

Appendix C - Not Upheld Decisions

Complaint Received Date	SPSO Decision Date	Complaints Investigated	Directorate	SPSO Recommendations
8 May 2015	22 December 2015	The council unreasonably told the complainant to pursue the sub-contractor's insurers for compensation in relation to alleged poor workmanship.	Communities, Housing and Infrastructure	The complaint was not upheld. However, some recommendations were made:- 1. The council should ensure that the complainant has been provided with the relevant contact information for the contractors and ensure that the complainant is aware of how to submit a claim. 2. The council should consider how they can improve ease of access for tenants in making such claims against contractors in the future (e.g. updating relevant leaflets, correspondence and / or paperwork) 3. The council should provide the Ombudsman with evidence to demonstrate what process they follow to ensure they are content with the standard of work carried out by the contractors.
13 June 2014	25 June 2015	The council unreasonably failed to carry out successful repairs to prevent leaks in the communal roof of the building where the complainant lives.	Communities, Housing and Infrastructure	None
3 June 2014	5 June 2015	The council unreasonably removed items from a cemetery gravestone.	Communities, Housing and Infrastructure	None
21 January 2015	26 May 2015	The failure of the council to ensure that the complainant was rehoused due to their disability.	Communities, Housing and Infrastructure	None
17 February 2015	19 May 2015	The unreasonable length of time that the complainant has been on the housing transfer list.	Communities, Housing and Infrastructure	None

