

ABERDEEN CITY COUNCIL

COMMITTEE	Audit, Risk and Scrutiny
DATE	27 June 2017
REPORT TITLE	Scottish Public Services Ombudsman and Inspector of Crematoria Complaint Decisions
REPORT NUMBER	CG/17/060
LEAD OFFICER	Fraser Bell Head of Legal & Democratic Services
REPORT AUTHOR	Lucy McKenzie

1. PURPOSE OF REPORT:-

In order to provide assurance to Committee that complaints are being handled appropriately, this report provides information on all Scottish Public Services Ombudsman (SPSO) and Inspector of Crematoria decisions made in relation to Aberdeen City Council complaints since the last reporting cycle.

2. RECOMMENDATION(S)

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

3. BACKGROUND / MAIN ISSUES

A report detailing all Scottish Public Ombudsman and/or Inspector of Crematoria decisions relating to Aberdeen City Council complaints is submitted to Audit Risk and Scrutiny Committee each reporting cycle. This is to provide assurance that complaints are being handled appropriately. The last report on this matter was submitted to the 24 November 2016 Committee. There have been no further decisions until this reporting cycle.

Scottish Public Services Ombudsman (SPSO) Decisions

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.

Since the last reporting period, the SPSO have made 3 decisions relating to Aberdeen City Council complaints that were referred to the Ombudsman for consideration. 1 complaint was upheld and 2 complaints were not upheld. The upheld decision has been appealed by Aberdeen City Council and is currently under review by the Ombudsman. Whilst an outcome was anticipated before the time of this report, it has yet to be made. An update will therefore be reported in the next cycle. Details of the complaints and any subsequent recommendations are provided in Appendix A.

Inspector of Crematoria Decisions

The Inspector of Crematoria is responsible for providing appropriate oversight and scrutiny of practices within Scotland's crematoria and is also a point of contact for families who have any concerns about crematoria practices, anywhere in Scotland.

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

4. FINANCIAL IMPLICATIONS

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

5. LEGAL IMPLICATIONS

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

6. MANAGEMENT OF RISK

No risks have been identified in this report.

7. IMPACT SECTION

Economy

Complaints provide rich customer insight for the organisation to act upon to help transform service delivery. 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 leads to a reduction in time spent on handling and investigating repeat complaints, which can be a lengthy process for those involved.

People

The Aberdeen City Council complaints procedure can be easily accessed by all service users and by whichever means is easiest for the complainant. The outcomes of complaint decisions are fed back to the complainant and also to the 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 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. SPSO recommendations relating to complaints handling are fed back to the responding officers to help develop the key skills required for good complaints handling.

Place

There are no direct implications on 'Place' arising from the recommendations of this report.

Technology

There are no direct implications on 'Technology' arising from the recommendations of this report.

8. BACKGROUND PAPERS

N/A

9. APPENDICES (if applicable)

Appendix A – Complaint Details and Subsequent Recommendations

10. REPORT AUTHOR DETAILS

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Appendix A - Complaint Details and Subsequent Recommendations

Complaint Received Date	SPSO Decision Date	Complaints Investigated by the SPSO	Directorate	Decision	SPSO Recommendations	Date Implemented
4 July 2016	10 April 2017	1. Aberdeen City Council failed to take reasonable action in relation to the customer's complaints that the greenspace behind his home was being used by a school, contrary to the Council's Parks and Outdoor Areas Management Rules 2014.	Communities, Housing and Infrastructure	Upheld	1. The council should apologise to the complainant for failing to properly consider his complaint. 2. The Council should ensure activities taking place on the greenspace are in line with the 2014 rules.	Due 11 May 2017. (However, the council has appealed the decision and the outcome of the appeal has yet to be determined by the SPSO)
8 July 2016	28 February 2017	1. Aberdeen City Council has not reasonably responded to the customer's concerns about a lack of insulation in their property. 2. The council has not reasonably responded to the customer's reports of antisocial behaviour.	Communities, Housing and Infrastructure	Not upheld	Not applicable	
22 November 2016	19 April 2017	1. Aberdeen City Council unreasonably charged the complainant for repairs to his television aerial. 2. The council's handling of the complaint was unreasonable.	Communities, Housing and Infrastructure	Not upheld	Not applicable	