

COMMITTEE	Audit, Risk and Scrutiny
DATE	23 November 2017
REPORT TITLE	Scottish Public Services Ombudsman and Inspector of Crematoria Complaint Decisions
REPORT NUMBER	CG/17/126
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**1. PURPOSE OF REPORT**

- 1.1 This report provides information on all Scottish Public Services Ombudsman (SPSO) and Inspector of Crematoria decisions made in relation to Aberdeen City Council since the last reporting cycle, together with details of the SPSO Local Authority 2016-17 annual statistics tables 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 and recommends any additional actions as appropriate.

**3. BACKGROUND / MAIN ISSUES**

- 3.1 A report detailing all Scottish Public Services Ombudsman (SPSO) and/or Inspector of Crematoria 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 26 September 2017 Committee.

**3.2 Scottish Public Services Ombudsman (SPSO) Complaint Decisions**

- 3.2.1 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)
- 3.2.2 Since the last reporting period, the SPSO have made 2 decisions relating to Aberdeen City Council complaints referred to the Ombudsman for consideration. Both complaints were not upheld. One of the decisions relates to a complaint which was previously determined by the SPSO as upheld. Aberdeen City Council requested a review based on the provision of new and relevant information. The

SPSO changed their original decision and the complaint is now not upheld. Please refer to Appendix A for further information.

- 3.2.3 The SPSO have recently presented their 2016-17 annual complaint statistic tables which are detailed in Appendix B to this report. The information demonstrates how many complaints the SPSO received about Aberdeen City Council. It should be noted that the statistical information contained in the tables do not necessarily match the information held by the council as complainants may contact the SPSO without the council's knowledge.
- 3.2.4 Table 1 shows complaints received by main subject area, both about Aberdeen City Council and overall in the sector for the past two financial years. Table 2 shows the outcomes of 'determined' complaints for the same period. Determined complaints are those that the SPSO have looked at and for which they have closed their file. The SPSO will have given the complainant a decision by letter or public report, or will have explained why they didn't investigate their complaint. The SPSO does not normally investigate 'premature' complaints where the complainant has not completed the Aberdeen City Council complaints process in the first instance.
- 3.2.5 As demonstrated in Table 1 there has been an overall reduction in the number of complainants approaching the SPSO regarding Aberdeen City Council. The issues were similar to previous years with Housing and Social Work at the top of the list. The data in Table 2 demonstrates a reduction in the number of occasions the SPSO have felt it appropriate to investigate Aberdeen City Council complaints (4 complaints in 2016-17 compared to 11 complaints in 2015-16). Of those that were investigated by the SPSO, less complaints were upheld/partially upheld than in 2015-16 (50% compared to 54.5%). Action to further improve complaint handling across the council will continue throughout 2017-18.
- 3.2.6 The number of Aberdeen City Council complaints as a percentage of the Sector totals were 4.6% in 2015-16 and 4% in 2016-17. For context the population of Aberdeen City is 4.2% of the Scottish total.

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

- 3.3.1 The Scottish Welfare Fund is delivered by Local Councils across Scotland and offers 2 types of grants – Crisis Grants and Community Care Grants. Further information is available at [http://www.aberdeencity.gov.uk/council\\_tax\\_benefits/crisis\\_community\\_care\\_grants.asp](http://www.aberdeencity.gov.uk/council_tax_benefits/crisis_community_care_grants.asp)
- 3.3.2 Since the last reporting period, the SPSO have not carried out any Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions.
- 3.3.3 The 2016-17 annual SPSO Second Tier Review statistic tables are detailed in Appendix C to this report. As background, there were 12,925 claims in total handled by Aberdeen City Council in 2016/17. The SPSO received 3 review requests from Aberdeen City Council applicants (2 Crisis Grants and 1 Community Care Grant). The overall upheld rate (cases where the SPSO change the council's decision are

recorded as upheld) was 50% for Crisis Grant reviews and 0% for Community Care Grants reviews. The national average was 32% for Crisis Grants reviews and 43% for Community Care Grant reviews. As the number of SPSO reviews were very low, the comparison with the overall average is not particularly meaningful but will help set a baseline for future years.

3.3.4 The second table provides details of cases that did not progress to full decision. This could be due to the applicant contacting the SPSO prematurely before completing a first tier review or if out of jurisdiction.

3.3.5 The final two tables provide information around what suggestions for improvements were highlighted by the SPSO. This may occur where the SPSO have changed the council's decision or where they consider the original decision should stand. Findings that are material to the decision are those which cause the SPSO to disagree with the overall decision.

#### 3.4 **Inspector of Crematoria Decisions**

3.4.1 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**

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**

6.1 No risks have been identified in this report.

### 7. **IMPACT SECTION**

#### **Economy**

7.1 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**

- 7.2 Aberdeen City Council complaint and review procedures 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**

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

### **Technology**

- 7.4 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 SPSO Recommendations  
Appendix B – SPSO Annual Complaints Statistics 2016-17 compared to 2015-16  
Appendix C – SPSO Scottish Welfare Fund Annual Statistics 2016-17

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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 (original decision)  16 October 2017 (revised decision)	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	Complaint Not Upheld  (Aberdeen City Council requested a review of the original upheld decision which the SPSO has now changed to not upheld)	The council should apologise to the complainant for failing to properly consider his complaint.	7 November 2017
13 January 2017	3 November 2017	1. The council unreasonably delayed repairs to a leak in the customer's roof  2. The council are unreasonably holding the customer liable for the cost of repairs required to the property	Communities, Housing and Infrastructure	Complaints Not Upheld	None	Not applicable

## Appendix B – SPSO Annual Complaints Statistics 2016-17 compared to 2015-16

TABLE 1  
Complaints Received by Subject 2016-17

Subject Group	Aberdeen City Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	33	1	54.1%	388	1	25.4%
Social Work	7	2	11.5%	219	2	14.3%
Roads & Transport	6	3	9.8%	112	7	7.3%
Finance	5	4=	8.2%	120	6	7.9%
Legal & Admin	5	4=	8.2%	73	8	4.8%
Education	2	6	3.3%	144	4	9.4%
Planning	1	7=	1.6%	160	3	10.5%
Environmental Health & Cleansing	1	7=	1.6%	124	5	8.1%
Recreation & Leisure	1	7=	1.6%	29	10	1.9%
Building Control	0	-	0.0%	34	9	2.2%
Land & Property	0	-	0.0%	19	11	1.2%
Welfare Fund - Community Care Grants	0	-	0.0%	14	12	0.9%
Other	0	-	0.0%	8	13=	0.5%
Valuation Joint Boards	0	-	0.0%	7	13=	0.5%
National Park Authorities	0	-	0.0%	6	15	0.4%
Economic Development	0	-	0.0%	5	16=	0.3%
Personnel	0	-	0.0%	5	16=	0.3%
Welfare Fund - Crisis Grants	0	-	0.0%	5	16=	0.3%
Consumer Protection	0	-	0.0%	4	16=	0.3%
Fire & Police Boards	0	-	0.0%	4	16=	0.3%
Subject Unknown or Out Of Jurisdiction	0	-	0.0%	48	-	3.1%
<b>Total</b>	<b>61</b>		<b>100.0%</b>	<b>1528</b>		<b>100.0%</b>

Complaints as % of Sector

4.0%

100.0%

TABLE 1  
Complaints Received by Subject 2015-16

Subject Group	Aberdeen City Council	Rank	Complaints as % of total	Sector Total	Rank	Complaints as % of total
Housing	42	1	52.5%	423	1	24.6%
Social Work	11	2	13.8%	231	2	13.4%
Finance	4	3=	5.0%	179	3	10.4%
Planning	4	3=	5.0%	172	5	10.0%
Roads & Transport	4	3=	5.0%	120	7	7.0%
Legal & Admin	3	6	3.8%	61	8	3.5%
Education	2	7=	2.5%	173	4	10.0%
Environmental Health & Cleansing	2	7=	2.5%	126	6	7.3%
Building Control	1	9=	1.3%	54	9	3.1%
Recreation & Leisure	1	9=	1.3%	32	10	1.9%
Land & Property	1	9=	1.3%	20	12	1.2%
Other	1	9=	1.3%	17	13	1.0%
Personnel	1	9=	1.3%	9	15=	0.5%
Welfare Fund - Community Care Grants	0	-	0.0%	31	11	1.8%
Economic Development	0	-	0.0%	11	14	0.6%
Welfare Fund - Crisis Grants	0	-	0.0%	9	15=	0.5%
National Park Authorities	0	-	0.0%	6	17=	0.3%
Valuation Joint Boards	0	-	0.0%	6	17=	0.3%
Fire & Police Boards	0	-	0.0%	5	19	0.3%
Consumer Protection	0	-	0.0%	4	20	0.2%
Subject Unknown or Out Of Jurisdiction	3	-	3.8%	33	-	1.9%
<b>Total</b>	<b>80</b>		<b>100.0%</b>	<b>1,722</b>		<b>100.0%</b>

Complaints as % of Sector

4.6%

100.0%

**TABLE 2**  
**Local Authority Complaints Determined 2016-17 compared to 2015-16**

Stage	Outcome Group	2016-17	
		Aberdeen City Council	Sector Total
Advice	Not duly made or withdrawn	8	279
	Out of jurisdiction (non-discretionary)	0	3
	Outcome not achievable	0	1
	Premature	15	467
	<b>Total</b>	<b>23</b>	<b>750</b>
Early Resolution	Not duly made or withdrawn	1	43
	Out of jurisdiction (discretionary)	5	82
	Out of jurisdiction (non-discretionary)	1	111
	Outcome not achievable	5	115
	Premature	3	57
	Proportionality	5	132
	Resolved	3	20
	<b>Total</b>	<b>23</b>	<b>560</b>
Investigation	Fully upheld	0	52
	Some upheld	2	42
	Not upheld	2	60
	Not duly made or withdrawn	0	1
	Resolved	0	1
	<b>Total</b>	<b>4</b>	<b>156</b>
<b>Total Complaints</b>		<b>50</b>	<b>1,466</b>

Stage	Outcome Group	2015-16	
		Aberdeen City Council	Sector Total
Advice	Not duly made or withdrawn	15	321
	Out of jurisdiction (discretionary)	0	6
	Out of jurisdiction (non-discretionary)	0	5
	Outcome not achievable	0	6
	Premature	25	606
	Resolved	0	0
	<b>Total</b>	<b>40</b>	<b>944</b>
Early Resolution 1	Not duly made or withdrawn	2	54
	Out of jurisdiction (discretionary)	6	104
	Out of jurisdiction (non-discretionary)	12	196
	Outcome not achievable	9	185
	Premature	5	58
	Resolved	2	29
<b>Total</b>	<b>36</b>	<b>626</b>	
Early Resolution 2	Fully upheld	2	27
	Some upheld	0	20
	Not upheld	3	37
	Not duly made or withdrawn	0	1
	Resolved	1	1
	<b>Total</b>	<b>6</b>	<b>86</b>
Investigation 1	Fully upheld	1	23
	Some upheld	3	36
	Not upheld	1	40
	Not duly made or withdrawn	0	4
	Resolved	0	4
	<b>Total</b>	<b>5</b>	<b>107</b>
Investigation 2	Fully upheld	0	1
	Some upheld	0	0
	Not upheld	0	0
	<b>Total</b>	<b>0</b>	<b>1</b>
<b>Total Complaints</b>		<b>87</b>	<b>1,764</b>

**Highlights**

	2016-17	
	Aberdeen City Council	Sector Total
Total Premature Complaints	18	524
Premature Rate	36.0%	35.7%
Fit for SPSO Total (Investigations)	4	156
Total Cases Upheld / Some Upheld	2	94
Uphold Rate (total upheld / total fit for SPSO)	50.0%	60.3%

	2015-16	
	Aberdeen City Council	Sector Total
Total Premature Complaints	30	664
Premature Rate	34.5%	37.6%
Fit for SPSO Total (ER2, Inv1 & Inv2)	11	194
Total Cases Upheld / Some Upheld	6	107
Uphold Rate (total upheld / total fit for SPSO)	54.5%	55.2%

## Appendix C – SPSO Scottish Welfare Fund Annual Statistics 2016-17

Authority	<b>Aberdeen City Council</b>
Total enquiries	27

<b>Aberdeen City Council – Cases closed pre-decision</b>			
<b>Outcome</b>	<b>Community Care</b>	<b>Crisis</b>	<b>Total</b>
Advice only	4	9	13
Not duly made or withdrawn	0	1	1
Out of jurisdiction	2	0	2
Premature	2	6	8
Resolved	0	0	0
<b>Total</b>	<b>8</b>	<b>16</b>	<b>24</b>

<b>Application type</b>	<b>Total decisions</b>	<b>Not upheld</b>	<b>Upheld</b>	<b>Uphold rate</b>	<b>National average uphold rate</b>
<b>Crisis</b>	2	1	1	50%	32%
<b>Community Care</b>	1	1	0	0%	43%
<b>Total</b>	<b>3</b>				

Authority	<b>Aberdeen City Council</b>
Total findings	3

<b>Subject</b>	<b>Findings: material to decision</b>	
	<b>%</b>	<b>Total</b>
Communication issues - verbal	0%	0
Guidance not followed correctly	100%	1
Incorrect information	0%	0
Incorrect interpretation of information	0%	0
Insufficient information / Inquisitorial failure	0%	0
New information provided	0%	0
Other	0%	0
<b>Total</b>		<b>1</b>

<b>Subject</b>	<b>Feedback: not material to decision</b>	
	<b>%</b>	<b>Total</b>
Communication issues - verbal	50%	1
Communication issues - written	50%	1
Guidance not followed correctly	0%	0
Incorrect information	0%	0
Incorrect interpretation of information	0%	0
Insufficient information / Inquisitorial failure	0%	0
Other	0%	0
<b>Total</b>		<b>2</b>