

COMMITTEE	Audit, Risk and Scrutiny
DATE	22 February 2018
REPORT TITLE	Scottish Public Services Ombudsman Decisions, Inspector of Crematoria Complaint Decisions and Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) authorisations
REPORT NUMBER	CG/18/003
LEAD OFFICER	Fraser Bell
REPORT AUTHOR	Lucy McKenzie

1. PURPOSE OF REPORT

- 1.1 This report provides information on all Scottish Public Services Ombudsman (SPSO), Inspector of Crematoria decisions and Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) authorisations made in relation to Aberdeen City Council since the last reporting cycle, to provide assurance to Committee that the handling of complaints, Scottish Welfare Fund applications and surveillance is being undertaken appropriately.

2. RECOMMENDATION(S)

- 2.1 It is recommended that Committee notes the details of the report.

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 23 November 2017 Committee.
- 3.2 Further to the Surveillance Commissioner's inspection in 2017 and in accordance with the Scottish Government's Code of Practice on covert surveillance, this report will now also include information about RIPSA related activities. This is to ensure that elected members are aware of and review the Council's use of RIPSA and set the Policy.

Scottish Public Services Ombudsman (SPSO) Complaint Decisions

- 3.3 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

- 3.4 There are 2 SPSO decisions relating to Aberdeen City Council complaints to notify the Committee of. Both complaints were not upheld by the SPSO. Please refer to Appendix A for further information.

Scottish Public Services Ombudsman (SPSO) Scottish Welfare Fund Review Decisions

- 3.5 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
- 3.6 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.

Inspector of Crematoria Decisions

- 3.7 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.

Regulation of Investigatory Powers (Scotland) Act (RIPSA) Authorisations

- 3.8 The Regulation of Investigatory Powers (Scotland) Act 2000 (RIPSA) regulates the use by public authorities of covert surveillance; directed surveillance, and the use and conduct of covert human intelligence sources.
- 3.9 There have been no authorisations in relation to RIPSA in quarter 2 of 2017/18.
- 3.10 There have also been no further updates since September 2017 when this Committee considered a report on the Office of the Surveillance Commissioner's Inspection of the Council's RIPSA activities.
- 3.11 Within the next coming weeks, a bulletin will be sent out to all those who have been on RIPSA training, advising them of any changes in case law and procedure where this is considered relevant. Further, a meeting with Authorising Officers will also be set as this required to be rescheduled from December 2017 due to annual leave commitments.

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

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
6 February 2017	6 October 2017	<ol style="list-style-type: none"> 1. The council failed to reasonably respond to your request to repair issues with damp in your property in line with their obligations. 2. The council did not respond reasonably to your complaint, in line with their obligations. 	Communities, Housing and Infrastructure	Complaint Not Upheld	None	Not applicable
19 December 2016	24 November 2017	<ol style="list-style-type: none"> 3. Aberdeen City Council unreasonably refused to accept an application under the high hedges act 2013 because they do not consider the vegetation on question to constitute a hedge. 4. The Council unreasonably failed to handle the complaint in line with their obligations. 	Communities, Housing and Infrastructure	Complaint Not Upheld	None	Not applicable