

ABERDEEN CITY COUNCIL

COMMITTEE	Audit Risk and Scrutiny
DATE	25 th September 2018
REPORT TITLE	Scottish Public Services Ombudsman Decisions and Inspector of Crematoria Complaint Decisions
REPORT NUMBER	CUS/18/081
DIRECTOR	Andy MacDonald
REPORT AUTHOR	Lucy McKenzie
TERMS OF REFERENCE	6.9

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 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.

3. BACKGROUND

- 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 June 2018 Committee.

Scottish Public Services Ombudsman (SPSO) Complaint Decisions

- 3.2 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

- 3.3 There are five SPSO decision relating to Aberdeen City Council complaints to notify the Committee of. Two complaints were not upheld, two complaints upheld, and one complaint partially upheld by the SPSO. The SPSO made recommendations in relation to four of the complaints investigated. Please refer to Appendix A for further information.
- 3.4 All complaints are now managed centrally by a corporate Customer Feedback Team to support and monitor compliance with the statutory requirements of the CHP. The complaints detailed in this report were dealt with by the council prior to implementation.

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 two types of grants – Crisis Grants and Community Care Grants. Further information is available at <https://www.aberdeencity.gov.uk/services/benefits-and-advice/apply-scottish-welfare-fund>
- 3.6 Since the last reporting period, the SPSO has carried out two Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions. On both occasions, the SPSO made the decision to not change the Council's original decision and provided positive feedback.

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.

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

	Risk	Low (L), Medium (M), High (H)	Mitigation
Financial	Each time a complaint escalates it is more costly to the council than the previous stage due to the effort involved, therefore financially it is in the council's best interest to resolve complaints early in the process. There is also a risk that the council may be required to undertake additional actions as a result of an SPSO decision, including financial compensation.	L	The complaint handling procedure encourages resolution at first point of contact whenever possible. The financial benefits of early resolution is highlighted to responding officers in training.
Legal	There are no legal risks associated with this report.	N/A	Not applicable
Employee	Staff morale may be lowered as a result of a negative outcome of a SPSO decision.	L	Whilst it is not pleasant to receive a complaint, officers are encouraged to view complaints in a positive light, as a learning point going forwards.
Customer	There is a risk to the council's relationship with customers if a complaint or a Scottish Welfare Fund application is not handled correctly.	L	Support in complaint handling is available to responding officers through a variety of methods. In addition, all Stage 2 responses are also quality assured to ensure that responses are appropriate. Officers responsible for Scottish Welfare Fund applications receive comprehensive training to ensure they have the necessary knowledge to undertake assessments.

Environment	There are no environmental risks associated with this report	N/A	Not applicable
Technology	There are no technological risks associated with this report.	N/A	Not applicable
Reputational	Compliance with the Complaints Handling Procedure is audited by Audit Scotland. Non-compliance carries reputational risk. Customer perception of the council could also be negatively impacted if complaints and Scottish Welfare Fund applications are not handled correctly.	L	There is a centralised Customer Feedback Team responsible for ensuring that complaints are being handled consistently and appropriately across the council.

7. OUTCOMES

Local Outcome Improvement Plan Themes	
	Impact of Report
Prosperous People	The report provides assurances that people are supported appropriately when and if necessary.

Design Principles of Target Operating Model	
	Impact of Report
Customer Service Design	The report supports a focus on the delivery of customer centric services through the scrutiny of service delivery to customers. The organisation should look to solve the core issue which led to the complaint and learn from the outcome so to reduce the potential for more / similar complaints. This leads to an improvement in customer service delivery and a reduction in time spent on handling and investigating repeat complaints, which can be a lengthy process for those involved.
Organisational Design	The report focuses on complaints outcomes which provide rich customer insight for the organisation to act upon to help transform service delivery.
Governance	The report ensures transparency around complaint

	and Scottish Welfare Fund application handling and provides assurances that informed decisions are being made.
Workforce	The outcomes of SPSO decisions are fed back to the relevant staff. This includes both upheld and not upheld decisions to engage staff and ensure they are fully informed of outcomes. The 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.
Process Design	Processes may be redesigned as a result of lessons learnt from a complaint or an SPSO decision to better meet the needs of customers.
Technology	Complaints data can help to inform decisions around the use of technology as it provides insight into the customer experience of accessing services digitally.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Equality & Human Rights Impact Assessment	Not required
Privacy Impact Assessment	Not required
Duty of Due Regard / Fairer Scotland Duty	Not applicable.

9. BACKGROUND PAPERS

N/A

10. APPENDICES (if applicable)

Appendix A – Complaint Details and Subsequent SPSO Recommendations
Appendix B - Scottish Welfare Fund SPSO Review Decisions

11. REPORT AUTHOR CONTACT DETAILS

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Appendix A - Complaint Details and Subsequent Recommendations

Complaint Received Date	SPSO Decision Date	Complaints Investigated by the SPSO	Directorate	SPSO Decision	SPSO Recommendations	Date Implemented
16 June 2016	31 March 2017	<ol style="list-style-type: none"> 1) The Council unreasonably failed to notify the complainant in advance of the repairs that required to be carried out in the communal area of their property (not upheld) 2) The Council unreasonably delayed in issuing invoices for the repair work (upheld). 3) The council unreasonably failed to provide a breakdown of costs in respect of the invoices (not upheld). 4) The Council unreasonably failed to notify the complainant that their next step would be to instruct a debt collection agency to pursue the sums owed in respect of the outstanding invoices (not upheld). 	Communities, Housing and Infrastructure	Complaint partially upheld	<ol style="list-style-type: none"> 1) The Council should issue an apology for the delay in issuing a repair invoice. 2) Where possible, the Council should provide a breakdown of costs on invoices. 3) The Council should nominate a key contact for communication about any matters relating to communal parts of the building and provide the complainant with contact details. 	April 2017

8 September 2017	26 February 2018	<ol style="list-style-type: none"> 1) The Council unreasonably charged for a replacement front door (upheld) 2) The council's response to the complaint was unreasonable (upheld) 	Communities, Housing and Infrastructure	Complaint Upheld	<ol style="list-style-type: none"> 1) The Council should cancel the invoice and instruct the debt recovery agency to take no further action. 2) The Council should apologise to the complainant for unreasonably charging for a replacement front door. 3) The Council should apologise for the unreasonable handling of the complaint. 4) The Council should acknowledge that they had the power/discretion to consider waiving the charge. 5) Housing staff should make a note of phone calls querying invoices and retain evidence that they told the caller to contact the repair team with details of the dispute, so the issues can be investigated. 6) Housing staff should make a record of their consideration of such cases, including requests for discretion to be applied, and the rationale for the conclusion(s) reached. 7) Housing staff should advise tenants or their representatives how to ask for the application of discretion for elderly and infirm people, advise what evidence is needed to support any such claim, and explain how their request will be considered. 8) Housing staff should advise tenants or their representatives under which procedure their dissatisfaction is being handled, i.e. whether under an invoice dispute process, or the CHP. 	April 2018
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					<p>9) Housing staff should respond to all key points of complaint. If handled under the CHP, this should happen in line with the CHP, including confirmation with the complainant.</p> <p>10) Housing staff should not ignore such emails but should provide an appropriate response.</p>	
18 April 2017	13 April 2018	The Council unreasonably failed to provide client with self-directed support	Children's Social Work	Complaint Not Upheld	<p>1) A further letter of apology should be sent to the client.</p> <p>2) Children's Social Work service should reflect on this complaint regarding the management of user's expectations and communicating decisions.</p>	April 2018
26 October 2017	8 June 2018	The council unreasonably charged the complainant for communal front door and entry system repairs.	Communities, Housing and Infrastructure	Complaint Not Upheld	Not applicable	Not applicable
14 June 2017	31 July 2018	The Council's handling of the customer's complaint of statutory nuisance has been unreasonable.	Communities, Housing and Infrastructure	Complaint Upheld	<p>1) The Council should apologise to the complainant for failing to adopt or explain a reasonable interpretation of the Environmental Protection Act in relation to your reports of noise, resulting in an unjustifiable delay in investigation.</p> <p>2) The Council should accept that they must investigate any complaint of statutory nuisance to establish whether a nuisance exists, and an apology should be sent to the complainant.</p>	August 2018

Appendix B – Scottish Welfare Fund SPSO Review Decisions

Crisis Grant Application Received Date	Application Type	Aberdeen City Council 1st Tier Review Decision Date	SPSO 2nd Tier Review Decision Date	SPSO Decision	Additional SPSO Feedback	Date Implemented
4 June 2018	Crisis Grant	4 June 2018	6 June 2018	Aberdeen City Council decision upheld		Not applicable
6 August 2018	Crisis Grant	6 August 2018	10 August 2018	Aberdeen City Council decision upheld	The SPSO noted that the decision-making notes and letters were all of a high standard and were clear and comprehensive. The original decision letter particularly was well contracted and tailored to the applicant's particular circumstances and clearly explained the reason for the decision.	Not applicable