

ABERDEEN CITY COUNCIL

COMMITTEE	Audit Risk and Scrutiny
DATE	14 February 2019
REPORT TITLE	Scottish Public Services Ombudsman Decisions and Inspector of Crematoria Complaint Decisions
REPORT NUMBER	CUS/19/027
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 4 December 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 two SPSO decision relating to Aberdeen City Council complaints to notify the Committee of. Both complaints were upheld by the SPSO and recommendations were made. 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 three Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions. On one occasion, the SPSO made the decision to change the Council's original decision. The council's decision remained unchanged in relation to the other two reviews.

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,	L	The complaint handling procedure encourages resolution at first point of contact whenever possible. The financial benefits of

	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.		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.
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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
14 August 2017	24 October 2018	Despite an agreement in 2011 to provide the complainant's daughter with respite care, the Council have failed unreasonably to do so.	Education and Children's Services	Complaint upheld	<ol style="list-style-type: none"> 1) Apologise to the complainant for failing to take all reasonable action to meet her daughter's care needs. 2) Evidence of a reflective discussion into the circumstances leading to this complaint and the details of any action subsequently taken (bearing in mind the Carers (Scotland) Act 2016). 3) Respite care should be provided for the complainant's daughter in terms of her assessment. 	<p>24 October 2018</p> <p>14 November 2018</p> <p>Response submitted to SPSO 24 January 2019</p>
3 October 2017	1 October 2018	A Mental Health Officer unreasonably refused to correct misquotes in a report.	Aberdeen Health and Social Care Partnership	Complaint Upheld	<ol style="list-style-type: none"> 1) Apologise to the complainant for a failure to properly investigate and respond to their concerns. 2) Staff should be made aware of and conduct interviews with good interviewing practice. 3) Staff investigating complaints at stage 2 of the CHP to be sufficiently trained in good investigative practice. 	<p>31 October 2018</p> <p>13 October 2018</p> <p>13 October 2018</p>

Appendix B – Scottish Welfare Fund SPSO Review Decisions

Crisis Grant Application Received Date	Application Type	Aberdeen City Council 1 st Tier Review Decision Date	SPSO 2 nd Tier Review Decision Date	SPSO Decision	Additional SPSO Feedback	Date Implemented
23 October 2018	Crisis Grant	5 November 2018	7 November 2018	Aberdeen City Council decision changed	The first-tier decision did not take into account the applicant's additional dietary needs. The SPSO took the applicant's request at face value on this occasion and instructed an additional payment award.	7 November 2018
9 November 2018	Crisis Grant	9 November 2018	12 November 2018	Aberdeen City Council decision upheld		
7 January 2019	Crisis Grant	8 January 2019	10 January 2019	Aberdeen City Council decision upheld		