

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Audit Risk and Scrutiny
<b>DATE</b>	13 December 2022
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Scottish Public Services Ombudsman Decisions and Inspector of Cremations Complaint Decisions
<b>REPORT NUMBER</b>	CUS/22/208
<b>DIRECTOR</b>	Andy MacDonald
<b>CHIEF OFFICER</b>	Jacqui McKenzie
<b>REPORT AUTHOR</b>	Lucy McKenzie
<b>TERMS OF REFERENCE</b>	6.4

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### 1. PURPOSE OF REPORT

- 1.1 This report provides information on all Scottish Public Services Ombudsman (SPSO) and Inspector of Cremations 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. CURRENT SITUATION

- 3.1 A report detailing all Scottish Public Services Ombudsman (SPSO) and/or Inspector of Cremations 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.
- 3.2 The last report on this matter was submitted to the 27 September 2022 Committee.

### **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](http://www.aberdeencity.gov.uk/complaints)
- 3.4 The SPSO publish all decision reports on their website at [www.spsso.org.uk/decision-report-search](http://www.spsso.org.uk/decision-report-search)
- 3.5 There is one SPSO decision relating to Aberdeen City Council complaints to notify Committee of. The complaint was partially upheld. Further information is detailed in Appendix A.

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

- 3.6 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 [www.aberdeencity.gov.uk/services/benefits-and-advice/apply-scottish-welfare-fund](http://www.aberdeencity.gov.uk/services/benefits-and-advice/apply-scottish-welfare-fund)
- 3.7 From 12 October 2020, the Scottish Welfare Fund also administer the Scottish Government Self-Isolation Support Grants. Further information is available at [www.aberdeencity.gov.uk/services/coronavirus-covid-19/self-isolation-support-grants](http://www.aberdeencity.gov.uk/services/coronavirus-covid-19/self-isolation-support-grants)
- 3.8 There have been two SPSO Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions since the last reporting period. As a reconsideration of the decisions has been requested, they will be reported at the next committee cycle, once a final decision has been made.

### **Inspector of Cremations Decisions**

- 3.9 The Inspector of Cremations responds to complaints or queries from the public about cremations. There have been no decisions by the Inspector of Cremations 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. ENVIRONMENTAL IMPLICATIONS**

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

## 7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement.

<b>Category</b>	<b>Risks</b>	<b>Primary Controls/Control Actions to achieve Target Risk Level</b>	<b>Low (L) Medium (M) High (H)</b>  <small>*taking into account controls/control actions</small>	<b>*Does Target Risk Level Match Appetite Set?</b>
<b>Strategic Risk</b>	If we do not handle complaints or Scottish Welfare Fund (SWF) applications correctly then there is risk that we do not meet our strategic objectives.	Support in complaint handling is available to responding officers through a variety of methods and there is a centralised team in place to monitor compliance. The SWF team go through extensive training and ongoing guidance and support is available. Reviews are carried out by senior staff.	L	Yes
<b>Compliance</b>	The (SPSO) is the regulatory body for public services in Scotland. If we are non-compliant in our handling of a complaint or Scottish Welfare Fund application then there is risk that this is	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	L	Yes

	highlighted by the SPSO.	appropriate. Officers responsible for Scottish Welfare Fund applications receive full training to ensure they have the necessary knowledge to undertake assessments.		
<b>Operational</b>	Staff morale may be lowered as a result of a negative outcome of a SPSO decision.	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.	L	Yes
<b>Financial</b>	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.	The complaint handling procedure encourages frontline resolution whenever possible and there is guidance and training in place to support staff in effective complaint handling. The financial benefit of early resolution is highlighted to responding officers in training.	L	Yes
<b>Reputational</b>	Non-compliance carries reputational risk. Customer	There is a centralised Customer Feedback Team	L	Yes

	perception of the council could also be negatively impacted if complaints and Scottish Welfare Fund applications are not handled correctly.	responsible for ensuring that complaints are being handled consistently and appropriately across the council. Staff within the Scottish Welfare Fund Team receive comprehensive training to ensure applications are handled correctly and there is a robust procedure in place to review decision making when necessary.		
<b>Environment / Climate</b>	There are no environment / climate risks associated with this report.	N/A	N/A	Yes

## 7. OUTCOMES

<u><b>COUNCIL DELIVERY PLAN</b></u>	
<b>Impact of Report</b>	
<b>Aberdeen City Council Policy Statement</b>	Complaints are a vital part of organisational learning and improvement therefore enabling the Council to realise its aims across its policy statement. The report focuses on complaints outcomes which provide rich customer insight for the organisation to act upon to help transform service delivery.
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Place Stretch Outcomes	The Scottish Welfare Fund supports the delivery of the LOIP stretch outcome 13 as it can provide short term financial assistance to help with food costs which can relieve the pressure on use of food banks. It also works with partner agencies to identify citizens and signpost them for budget management, debt advice and benefit maximisation.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required
Other	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES (if applicable)

Appendix A – SPSO Complaint Decisions

## 11. REPORT AUTHOR CONTACT DETAILS

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## Appendix A – SPSO Complaint Decisions

Complaint Received Date	SPSO Decision Date	Complaints Investigated by the SPSO	Cluster	SPSO Decision	SPSO Recommendations	Date Implemented
21 July 2021	12 July 2022	<ol style="list-style-type: none"> <li>1) The Council failed to invite the complainant to a 72 hour LAC (not upheld)</li> <li>2) The Council failed to fulfil their obligations to care and plan for the complainant's two youngest children at the LAC review (not upheld)</li> <li>3) The Council failed to correctly follow the Section 25 Children (Scotland) Act 1995 placement process for the complainant's 2 youngest children (not upheld)</li> <li>4) The Council unreasonably carried out a face to face visit at the complainant's home (upheld)</li> <li>5) The Council failed to reasonably handle the complainant's complaints (not upheld)</li> </ol>	Integrated Children's and Family Services	<p>Complaint partially upheld</p> <p><a href="https://www.spsso.org.uk/decision-reports/2022/september/decision-report-202004290-202004290">https://www.spsso.org.uk/decision-reports/2022/september/decision-report-202004290-202004290</a></p>	<ol style="list-style-type: none"> <li>1) Apologise to complainant for not following relevant guidance and evidence this</li> <li>2) Feedback the findings of this investigation to relevant staff for reflection and learning, and to inform future practice.</li> </ol>	11 October 2022