

ABERDEEN CITY COUNCIL

COMMITTEE	Audit Risk and Scrutiny
DATE	23 March 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Scottish Public Services Ombudsman Decisions and Inspector of Cremations Complaint Decisions
REPORT NUMBER	CUS/23/208
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Jacqui McKenzie
REPORT AUTHOR	Lucy McKenzie
TERMS OF REFERENCE	6.4

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
- 3.4 The SPSO publish all decision reports on their website at www.spsso.org.uk/decision-report-search
- 3.5 There are no SPSO decision relating to Aberdeen City Council complaints to notify Committee of.

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
- 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
- 3.8 There have been three SPSO Second Tier Reviews in relation to Aberdeen City Council Scottish Welfare Fund application decisions since the last reporting period. Two decisions were upheld, and one was not upheld. A reconsideration of the not upheld decision was requested by Aberdeen City Council. The SPSO made a partial reconsideration around the award duration and agreed with the council's original assessment of the award period. The SPSO provided feedback which has been shared with all decision makers within the Scottish Welfare Fund team, as learning for future applications. Further information is detailed in Appendix A.

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.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	Low (L) Medium (M) High (H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	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
Compliance	The (SPSO) is the regulatory body for public services in Scotland. If we are non-compliant in our handling of a complaint or	Support in complaint handling is available to responding officers through a variety of methods. In addition, all Stage	L	Yes

	<p>Scottish Welfare Fund application then there is risk that this is highlighted by the SPSO.</p>	<p>2 responses are also quality assured to ensure that responses are appropriate. Officers responsible for Scottish Welfare Fund applications receive full training to ensure they have the necessary knowledge to undertake assessments.</p>		
Operational	<p>Staff morale may be lowered as a result of a negative outcome of a SPSO decision.</p>	<p>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.</p>	L	Yes
Financial	<p>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,</p>	<p>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.</p>	L	Yes

	including financial compensation.			
Reputational	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.	There is a centralised Customer Feedback Team 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.	L	Yes
Environment / Climate	There are no environment / climate risks associated with this report.	N/A	N/A	Yes

7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
Impact of Report	
Aberdeen City Council Policy Statement	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.
Aberdeen City Local Outcome Improvement Plan	
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.
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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 Scottish Welfare Fund Decisions

11. REPORT AUTHOR CONTACT DETAILS

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Appendix A – SPSO Scottish Welfare Fund Decisions

Application Received Date	Application Type	Aberdeen City Council 1 st Tier Review Decision Date	SPSO 2 nd Tier Review Decision Date	SPSO Decision	SPSO Feedback
18 October 2022	Crisis Grant	19 October 2022	20 October 2022	Aberdeen City Council decision upheld (Council's decision unchanged)	<ol style="list-style-type: none"> 1) Normally only 3 awards are available in a rolling 12 month period unless the circumstances of the crisis are considered exceptional. The decision maker should explain with reference to previous applications why the current application is not exceptional. 2) Applicants should not be asked for evidence if it is already evident that the application will not succeed even with that evidence in place
29 October 2022	Crisis Grant	1 November 2022	8 November 2022	Aberdeen City Council decision not upheld (Council's decision changed) Following a reconsideration request by the Council, the SPSO made a partial reconsideration around the award and agreed with the council's original assessment of the award period.	<ol style="list-style-type: none"> 1) It is appropriate to ensure that the award meets the need of specific dietary requirements and cost of living increases. 2) The decision letter should reflect that applicants are not limited to the number of times they can apply for the fund.

30 January 2023	Crisis Grant	2 February 2023	7 February 2023	Aberdeen City Council decision upheld (Council's decision unchanged)	1) The decision maker did not reference in their notes that the application was within 28 days of the previous application, nor an assessment regarding whether there had been a relevant change of circumstances. The applicant should have been made aware of the 28 day rule as they are applying frequently.
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