

AUDIT COMMITTEE – 19 SEPTEMBER 2019

SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO) ANNUAL COMPLAINTS PERFORMANCE REPORT

1 Recommendations

The Audit Committee is recommended to:-

- 1.1 Recognise the purpose and value of the Scottish Public Service Ombudsman (SPSO) benchmarking requirements;**
- 1.2 Approve the publication of Aberdeenshire Council's annual report.**

2 Background

- 2.1 The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of a model complaints handling procedure across the public sector in Scotland.
- 2.2 The purpose of the local authority complaints handling model is to provide a standardised approach to dealing with customer complaints across all local authorities in Scotland, and in particular to introduce a consistent process for the customer and build customer confidence in complaint handling. The model also included a requirement for Scottish local authorities to publish outcome reports, based on SPSO performance indicators.

3 Benchmarking Report Requirements

- 3.1 To meet SPSO requirements, Aberdeenshire Council is required to publish a Complaints Performance report on our website which addresses a number of required benchmarking indicators, including:
 - Communication channel of complaint
 - Complaints received per 1,000 population
 - Complaints upheld, partially upheld and not upheld
 - Average response times
 - Performance against timescales
 - Cases where an extension is authorised
 - Customer satisfaction
 - Why customers complained (including case studies)
 - Learning from complaints

- 3.2 It should be noted that the Council's benchmarking results will also feed into Audit Scotland, as SPSO require to show our compliance to the national complaint framework and procedures.
- 3.3 The performance report to be published on the website is available in Appendix 1. All statistical information provided within the annual report is available to elected members via the Pentana quarterly reports.
- 3.4 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

4 Scheme of Governance

- 4.1 The Committee is able to consider this item in terms of Section G.1.3 of the List of Committee Powers in Part 2A of the Scheme of Governance, as it relates to the approval of a report ensuring compliance with the SPSO Act 2002.

5 Implications and Risk

- 5.1 An equality impact assessment is not required because this report provides an overview of the complaints process and results. There will be no differential impact as a result of the report, on people with protected characteristics.
- 5.2 There will be minimal staffing implications directly arising from the content of the report, as the Feedback Team already provide advice to services around complaint handling and using complaint data to improve service delivery.
- 5.3 The following Risks have been identified as relevant to this matter on a Corporate Level:
 - Reputation management – this is controlled through general policy & procedures and assured by external scrutiny bodies through the annual shared risk assessment and by Internal Audit
 - Business & organisational transformation – this is controlled through project management process and assured by Strategic Leadership Team through change reporting and by Internal Audit

Ritchie Johnson

Director of Business Services

Report prepared by Morag Esson, Service Manager (Customer Services)
14th August 2019

Aberdeenshire Council

Annual Complaints Performance Report 2018 – 2019

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Chief Executive's Foreword

Scotland's public sector has a duty to the people it serves, and part of that duty involves responding positively to complaints. This is Aberdeenshire Council's sixth annual Complaints Report and provides information on customer complaints handled between 1 April 2018 and 31 March 2019.

Aberdeenshire Council provides the highest possible quality of service to our customers and service users, and we recognise that there are times when things go wrong, or where their expectations are not met.

In this report you will find details of how we have performed in dealing with complaints along with the outcomes of investigations. I am pleased to see work practices modified as a result of a complaint, which I feel shows we are listening to the public when they are not happy.

We appreciate that we are not going to be able to resolve every complaint to the satisfaction of every complainant and not every complaint is upheld. However, we ensure that all complaints are addressed at either frontline stage or through a more detailed, thorough investigation within respective timescales.

We take our commitment to the Scottish Public Services Ombudsman (SPSO) framework seriously and I am confident that our customer service will continue to improve as a result of the complaints we receive.

Jim Savege
Chief Executive

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Our Complaints Performance

Aberdeenshire Council publishes its performance of complaints handling to provide assurance in relation to our performance, to deliver continuous improvement, and to assist in benchmarking between local authorities.

The reporting of complaints is monitored by Audit Scotland in conjunction with the Scottish Public Services Ombudsman (SPSO) and in line with the principles of the Best Value arrangements.

The council's Complaints Procedure and the performance indicators below adhere to the requirements set out by the SPSO's Model Complaints Handling Procedure.

The council aims to resolve complaints quickly and close to where the service is provided:

- Front Line stage (Stage One) complaints could mean immediate action to resolve the problem, or complaints which are resolved in no more than five working days.
- Investigation stage (Stage Two) deals with two types of complaints: those that have not been resolved at Stage One and those that are complex and require detailed investigation.
- After the council has fully investigated the complaint, and if the customer is still not satisfied with the decision or the way the council dealt with the complaint, the complaint can then be referred onto the SPSO.

We publish complaints performance information quarterly and annually.

The following complaints management performance information outlines the council's annual performance for the year 1 April 2018 and 31 March 2019.

Complaints are a key way for local authorities to learn about services that are not working well and to use that feedback to make improvements. Our Service Management teams analyse complaint report information along with SPSO recommendations to ensure that they are incorporated into service business plans. Customer feedback is an opportunity to encourage real organisational learning, so repeat failings no longer occur.

There is also evidence that, as well as providing accountability and other clear benefits for service users, getting things right early saves money for the public purse. Incorporating complaint analysis findings into our day to day business activities ensures that the services we provide are high quality, continually improving, efficient, and responsive to our residents and service user's needs.

We saw complaint numbers rise across three of the council's directorates, with a decline in complaints received against Infrastructure Services which was primarily due to a warmer winter.

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How Customers Complained

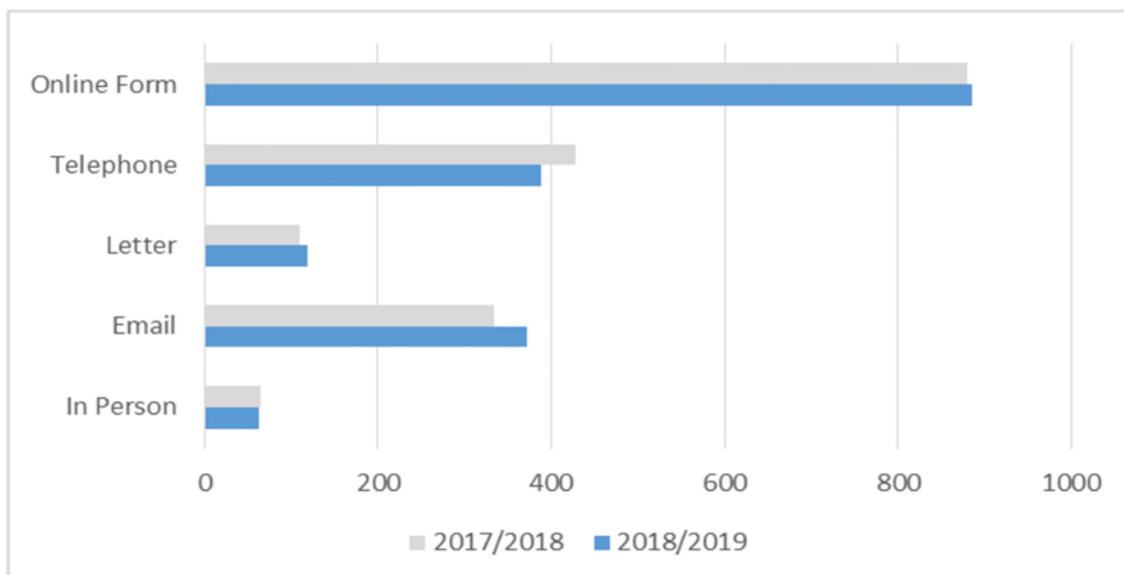
Customers can complain to, comment on or provide compliments about the council in a range of ways, including:

- In person at any of our Customer Service Points, Area Offices, Libraries and other council offices
- In person, to any council employee
- By telephone
- On-line
- By letter
- By e-mail

In 2018-19, we received 1829 complaints from customers who chose the following ways to contact us with a complaint:

- 63 In person (2017/18: 64)
- 372 Email (2017/18: 334)
- 119 Letter (2017/18: 110)
- 389 Telephone (2017/18: 428)
- 886 Online Form (2017/18: 880)

In comparison with last year, there has been little change in the way our residents have chosen to contact us. 69% of complaints are submitted electronically (email and online form) and complaints via telephone continue to fall, continuing the trend since 2015/2016.



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Indicator 1: Complaints Received per 1000 Population

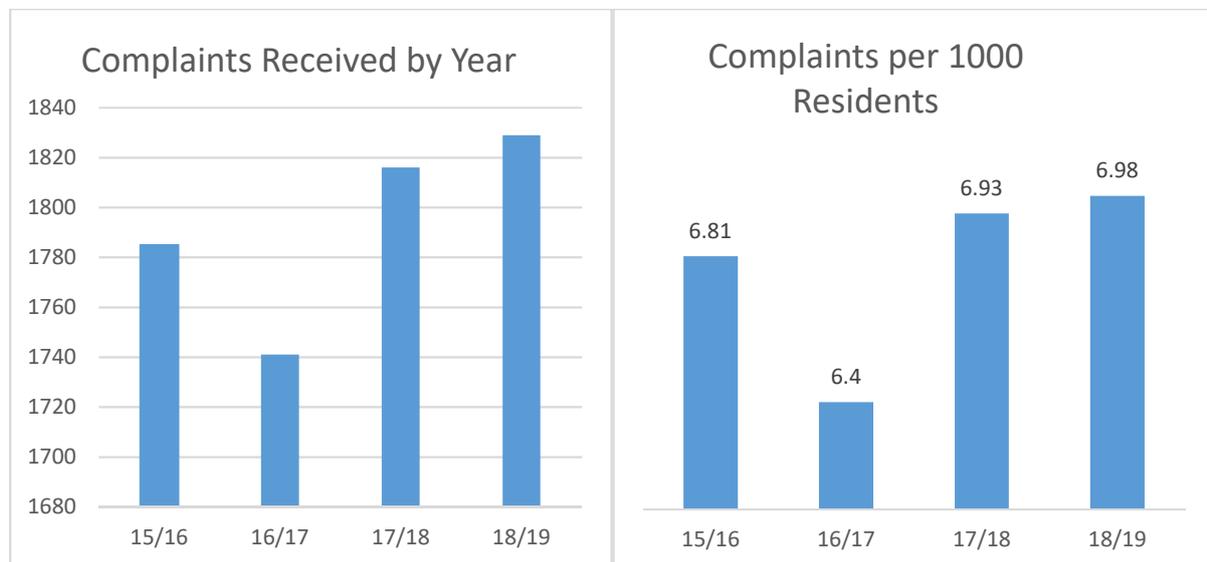
This indicator records the total number of complaints received by Aberdeenshire Council in the period between 1 April 2018 and 31 March 2019. To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1000 of population is used.

The population of Aberdeenshire is 261,800 **

In 2018/19 we handled 1829 complaints for this period. This was 13 more than last year (17/18 - 1816)

This means that an average of 6.98 complaints were received per 1,000 residents. The average number of complaints per 1000 population for similar local authorities in our family group was 5.9 complaints per 1000 population.

	Total Complaints Received	Per 1,000 Population
15/16	1785	6.81
16/17	1741	6.4
17/18	1816	6.93
18/19	1829	6.98



** Population is taken from the National Records Office for Scotland mid 2018 Population estimates.
www.nrscotland.gov.uk/statistics-and-data

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Indicator 2: Closed Complaints

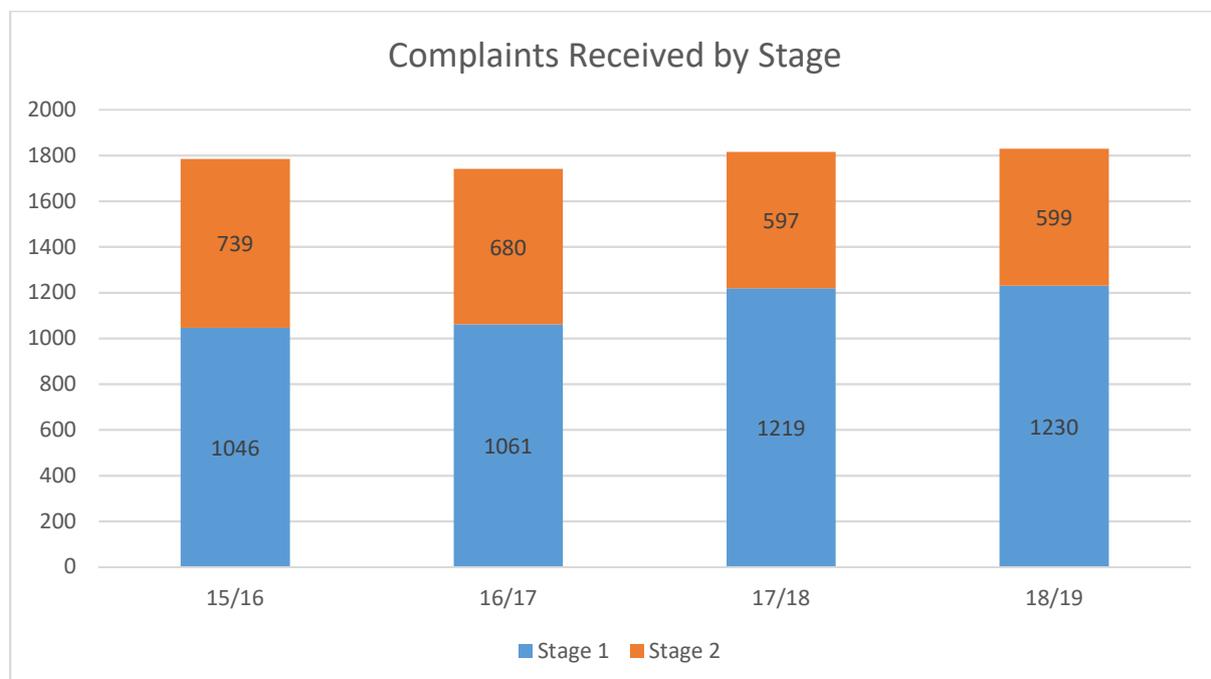
This indicator provides information on the number of complaints closed at Stage One and Stage Two as a percentage of all complaints closed.

	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
15/16	1046	739	48
16/17	1061	680	30
17/18	1219	597	53
18/19	1230 (+)	599 (+)	50 (-)

The term “closed” refers to any complaint where a response has been sent to the customer and at the time no further action is required.

67% of complaints were dealt with at Stage One at the customer’s first point of contact with a frontline member of staff. **33%** of the remaining complaints were resolved at Stage Two, the investigation stage. These percentages are the same as 2017/2018.

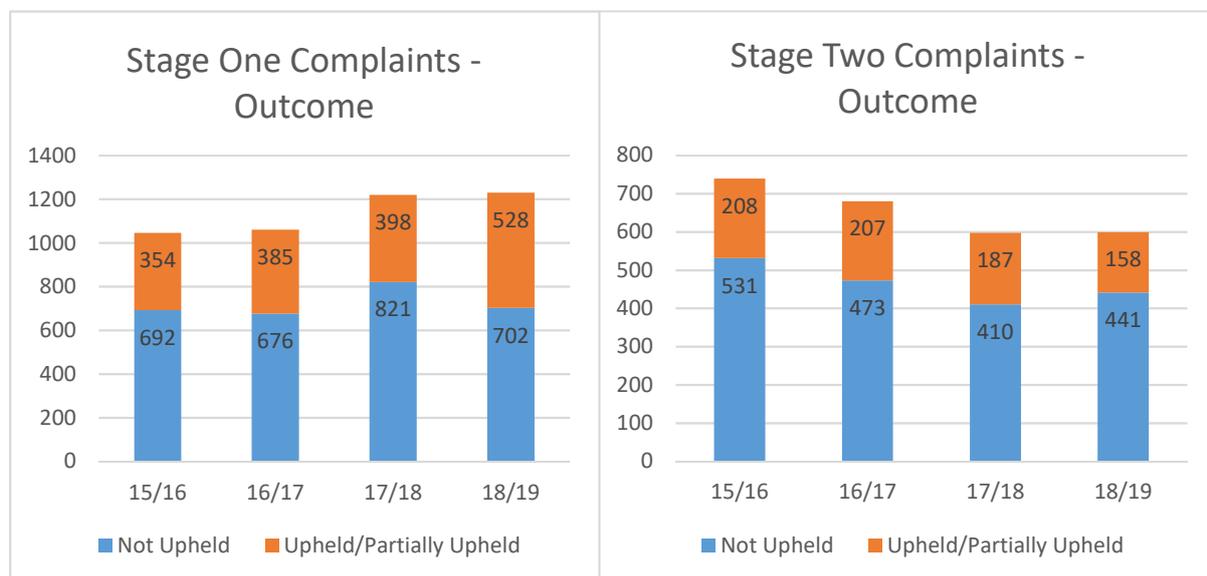
We aim to deal with and resolve as many complaints as is appropriate at Stage One of our procedure, as this better for our customers and service users – resolving complaints as quickly and as close to the first point of service as possible. Over the financial year only **2.73%** of customer complaints have escalated to the Ombudsman.



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Indicator 3: Complaint Outcomes – Upheld, Partially Upheld and Not Upheld

Stage One (Front Line Resolution)			
	Not Upheld	Partially Upheld	Upheld
15/16	692	79	275
16/17	676	81	304
17/18	821	74	324
18/19	702	63	465
Stage Two (Investigation)			
	Not Upheld	Partially Upheld	Upheld
15/16	531	76	132
16/17	473	75	132
17/18	410	56	131
18/19	441	38	120
Stage Two Escalated (Ombudsman)			
	Not Upheld	Partially Upheld	Upheld
15/16	6	3	2
16/17	3	1	7
17/18	4	4	0
18/19	2	0	2



In addition to the above 4 cases that escalated to the Ombudsman 18/19, there were a further 46 cases brought to the Ombudsman where complainants asked them to review our handling of their complaint and/or our decision following the completion of our Complaints Handling Procedure, as they remained dissatisfied.

On review, the Ombudsman advised that they would not take these complaints any further either because there was no maladministration on our part, or because the

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council would not have been able to achieve the outcome that the complainant was looking for.

Therefore a total of 50 cases were decided upon last year with 96% of cases (48 cases) being either Not Upheld or Not Taken Further.

The figures for 2018 – 2019 highlighted an increase in the number of complaints which were upheld during this financial year, particularly for Stage One complaints whereas Stage Two complaints has seen a decrease in upheld complaints. In handling complaints, Aberdeenshire Council seeks to recognise and solve problems as close to the frontline provision of service as possible and within a short timeframe. The increase in upheld Stage One complaints indicates that services are acknowledging failures and resolving complaints early, without complaints either being escalated or reaching a level of seriousness or complexity where a Stage Two complaint response is required.

Indicator 4: Average Response Times

- We aim to respond to and close Stage One complaints within 5 working days.
- We aim to respond to and close Stage Two complaints within 20 working days.

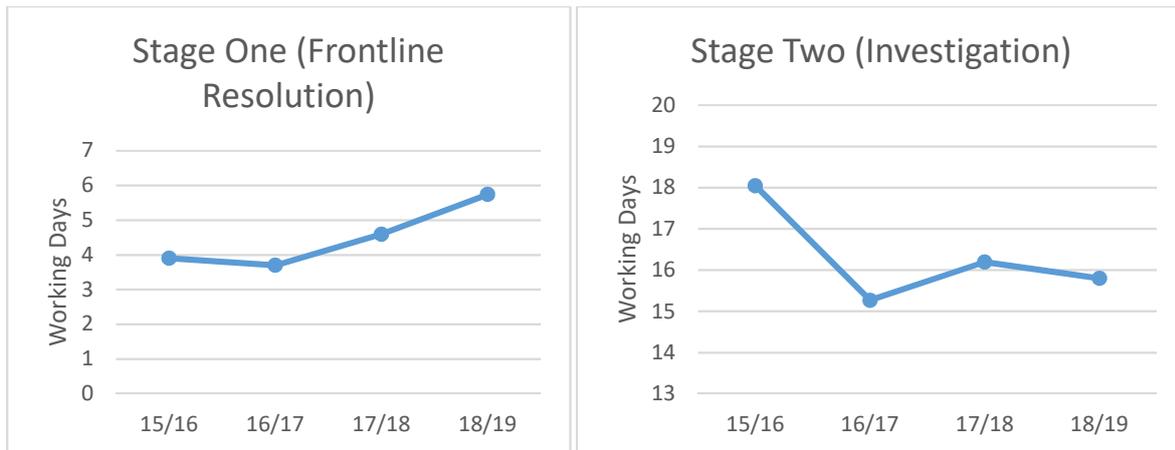
Indicator 4 represents the average time in working days to close complaints at Stage One and Stage Two. The average number of days taken to respond to complaints is above the SPSOs 5 day timescale for Stage One complaints, but below the 20 day timescale for Stage Two complaints

Most complaints are to be resolved within the first 5 days, as per the Complaint Handling Procedure's (CHP) aims. Service areas where this is not the case are those where the nature of the complaints tend to be more complex and therefore take longer to investigate and come to an agreeable resolution.

	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
15/16	3.90	18.05	N/A
16/17	3.70	15.27	N/A
17/18	4.59	16.2	N/A
18/19	5.74	15.8	N/A

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Response Times Comparison by Year:

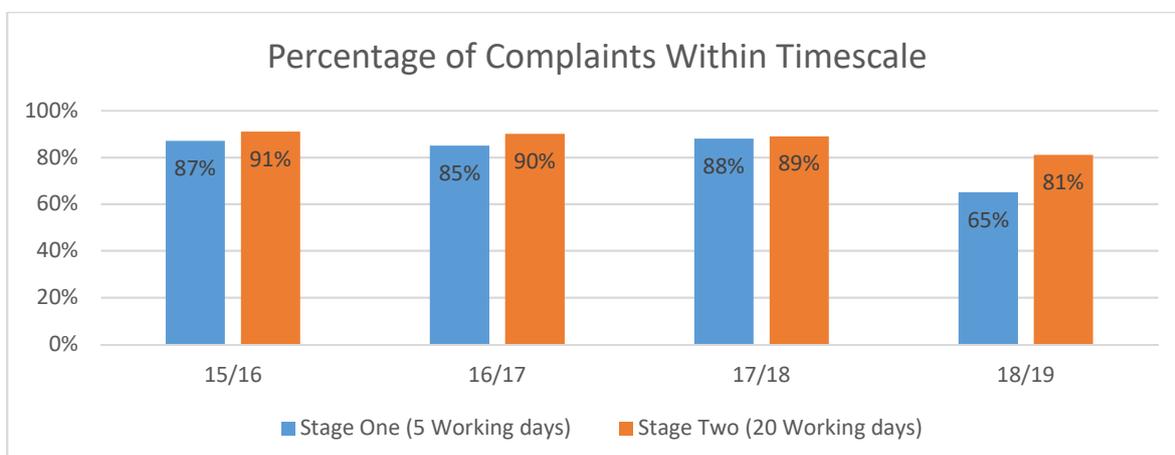


Indicator 5: Performance Against Timescales

This is the number and percentage of complaints at each stage which were closed in full, within the set timescales of 5 and 20 working days.

While the average response times for complaints remain broadly in line with desired timescales, the percentage of complaints closed by the council within these timescales has decreased markedly since last year due to a reduction in resource. The number of complaints received remained similar to the previous financial year, but the reduction in resource compromised the number of complaints being responded to within timescale.

	Stage One (5 Working days)	Stage Two (20 Working days)
15/16	911 (87%)	670 (91%)
16/17	904 (85%)	610 (90%)
17/18	1069 (88%)	533 (89%)
18/19	802 (65%)	484 (81%)



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Indicator 6: Number of Cases Where an Extension Has Been Authorised

An extension to the timescales is authorised in certain circumstances. This is the number and percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised.

	Stage One (5 Working days)	Stage Two (20 Working days)
15/16	135	69
16/17	157	70
17/18	150	64
18/19	84	39

A total of 123 complaints out of the total 1829 received authorised extensions, equating to 7% of all complaints.

7% of all Stage One complaints (84 out of 1230) were responded to outwith the target timescale of 5 working days. While we do not seek to grant extensions routinely, there are a variety of legitimate reasons (e.g. pending home visits, meetings or repairs) that may prevent these timescales being met without an extension being authorised.

7% of all Stage Two complaints (39 out of 599) were responded to outwith the target response time of 20 working days. Extensions in these cases are more likely to relate to the seriousness of the allegations, complexity in investigation, and a commitment of time and resources (interviewing staff, customers, witnesses, experts etc.)

Indicator 7: Customer Satisfaction

This indicator allows for an analysis of customer satisfaction with the complaints handling service provided.

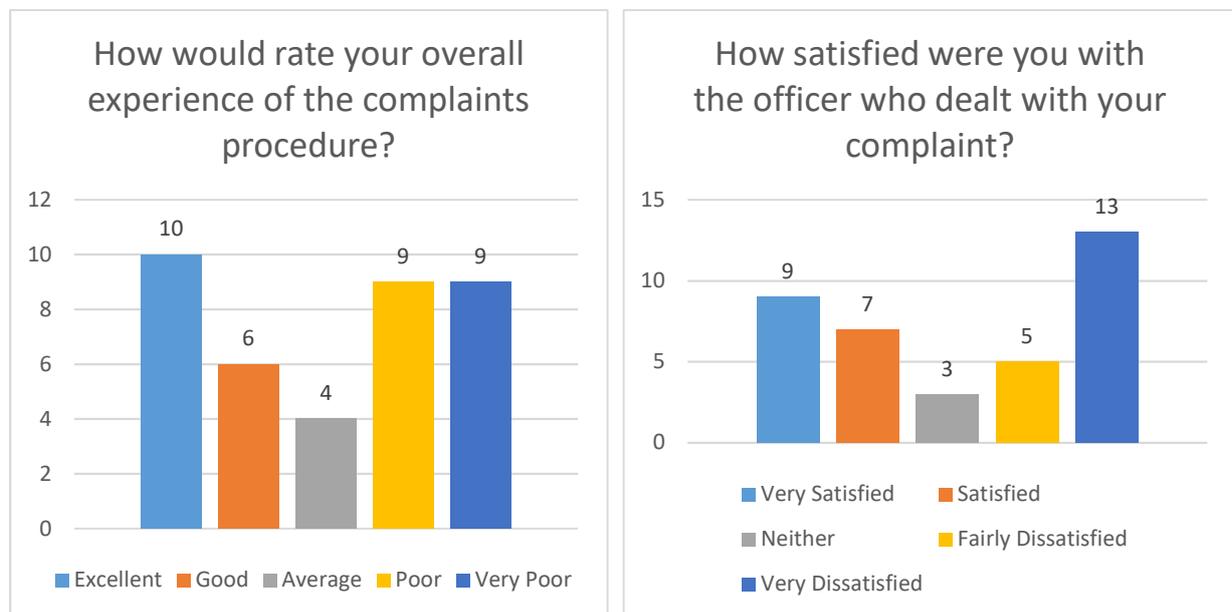
What we continue to find from this data is that, on analysis of the comments in conjunction with their individual complaints, it is clear that a large percentage of those who have given negative feedback have not received the outcome to their complaint that they expected or wanted. This may have led to negative feedback about the process, as they have not been able to separate the complaint experience (i.e.- the way in which their complaint was handled) from the complaint outcomes they had hoped for.

We also continue to find that, although we ask complainants to rate their experience with the way in which their complaint was handled, as opposed to the outcome of the complaint itself, this is not always understood or adhered to and this is reflected in some of the comments and results.

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Additionally the reverse can also be true, whereby receiving positive feedback around how the complaint was handled, is often due to customers obtaining the outcomes or responses they desired.

Total surveys returned for 2018/19 was 38 which is a reduction on last year (49). Generally, the satisfaction level of customers was influenced by their complaint outcome, with several repeat customers expressing dissatisfaction on more than one occasion. Customers whose complaints were upheld and redressed in a timely manner expressed higher levels of satisfaction, with customers who disagreed with the position of the council and the outcome of their complaint expressing low satisfaction levels.

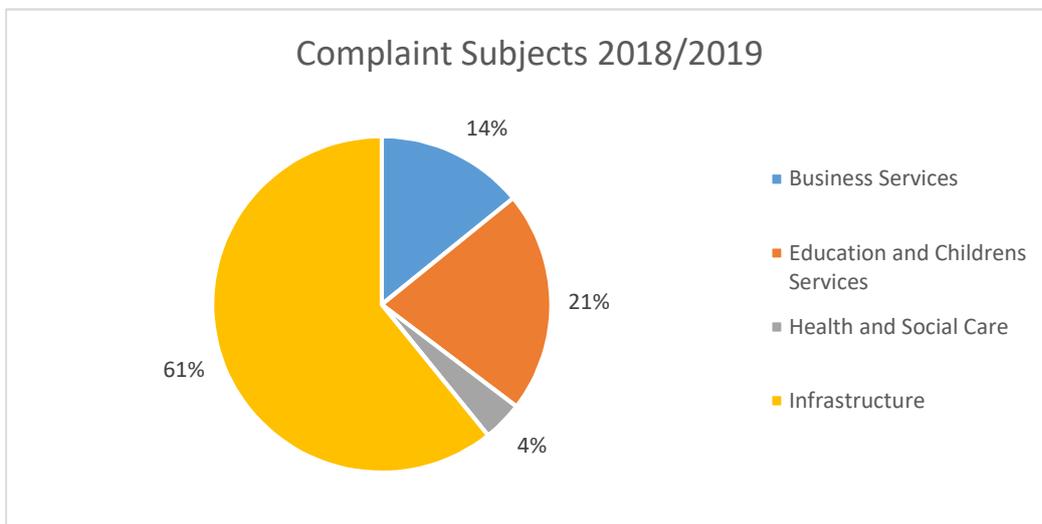


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Why Customers Complained

Please find below the breakdown of complaints, per Service Directorate along with a selection of reasons for complaints.

Complaints Received by Directorate			
Directorate	2017/2018	2018/2019	Trend
Business Services	215	258	▲
Education & Children's Services	303	389	▲
Health and Social Care	48	70	▲
Infrastructure Services	1250	1112	▼
Total	1816	1829	▲



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Indicator 8: Learning from Complaints

We take all complaints seriously and information gathered from complaints is indispensable in helping us to continuously improve our services. Since the implementation of the complaints procedure, we have made changes to our services and procedures as a result of complaints.

Learning Outcomes

Managers review complaints that are upheld or partially upheld to determine if change or improvement would prevent re-occurrence. When a complaint is upheld or partially upheld, the remedies offered will generally fall into one or more of the following four categories:

- Redress – Putting things right where they have gone wrong, admitting where mistakes have been made.
- Reimbursement – Covering vouched actual costs incurred as a direct result of mistakes made by the council.
- Reinforcement – Recognising that a correct council policy/procedure has not been followed or we have fallen short of what could be expected. Training and instructing staff to prevent re-occurrence.
- Revision – Reviewing current practice to amend and improve working practices.

In order to facilitate learning from complaints across the council, senior staff are given monthly reports on the number of complaints received and closed during the preceding

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month. These reports highlight average response times for complaints closed by each service and also a breakdown on the number of complaints logged, including political area. This allows senior managers to establish any trends and identify possible areas for improvement.

Furthermore, quarterly reports are provided to each individual service outlining their own trends and response figures for the preceding three months of the financial year. These reports include the numbers of comments and compliments received also, to assist in service planning.

Case Studies

Case Study 1: Education – Content of School Assembly – SPSO - 201801467

Mr A complained to Aberdeenshire Council regarding the content of a school Easter Assembly, which he considered anti-Semitic. Mr A alleged that during the primary school assembly, children were heard to shout “the Jews have killed Jesus” and that this was deeply offensive to his faith.

Following a phone call with the Head Teacher of the school, Mr A submitted a formal complaint to the Council and subsequently received a Stage 2 Complaint Response. In conducting this investigation, the Investigating Officer conducted interviews with staff, reviewed records and written documentation, audited the relevant teaching aids and material, and discussed the issue with a local Church Minister. While the complaint was Not Upheld, the council apologised for distress caused by the assembly, and outlined actions that the school would take in future religious and moral education and religious observation. After receiving this, Mr A approached the SPSO and expressed his view that the complaint response contained falsehoods.

Following their initial enquiries, the SPSO advised that they would not be taking the complaint forward. In their decision letter the SPSO wrote that they considered “that the council’s investigation of the complaint was thorough and their response reasonable.” While it was accepted that Mr A remained dissatisfied, there was no evidence of maladministration on the part of the council and it was considered that the authority had taken reasonable actions and that Mr A’s concerns had “been listened to, reflected on and taken seriously.”

While the SPSO recognised that that the Council had written documentation suggesting that verbal apology was provided to Mr A over the phone, and that the Investigating Officer reiterated this apology in the Stage 2 Complaint Response, Mr A felt that this was insufficient. The SPSO accepted that the apology from the Council was not as clear or explicit as it could have been, and published a further apology that the Council provided to the SPSO during their evidence gathering enquiries.

In light of the response of the Council, the SPSO determined that they would be unlikely to be able to achieve anything further for Mr A, and closed the case.

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Case Study 2: Housing – Homelessness Application - SPSO – 201801035

Mr B submitted a complaint to Aberdeenshire Council regarding his dissatisfaction at not being considered for the allocation of a two bedroom council property. Mr B explained that as he was the “fall back care” for his children a two bedroomed property would best suit the needs of his family. He also explained that he was unhappy with remarks allegedly made by a Housing Officer on his attendance at a local Housing Office that he considered discriminatory against non-nuclear families. At the time of his complaint, Mr B was residing in temporary accommodation following a homelessness application but had received an offer of a one bedroom council property.

In their complaint response Aberdeenshire Council explained that under their Housing Allocation Policy, a second bedroom would only be considered when there was documented evidence that the applicant had children in their care overnight for at least 50% of the year. It was explained that while Mr B had evidence from his former partner that he often looked after his children, this did not evidence that it accounted to over 50% of the year. Further, Mr B had not highlighted his children as a consideration in his homelessness application so the offer of a one bedroom property was considered reasonable and in line with policy. While the Council offered to provide support to Mr B in securing a private lease for a property with a second bedroom, they advised that as they had made an offer of accommodation in line with their policies and reflective of Mr B’s application, they would be ending their duty with regard to his homelessness.

Regarding the allegations of inappropriate comments from housing staff, the investigating officer was not able to substantiate Mr B’s claim. The Housing Officer in question denied the comments were made and the council response offered an apology for the distress caused to Mr B by his interactions with Housing staff and explained that with no evidence to either prove or disprove his allegations, they could not take further action.

As Mr B was unhappy that the offer of a two bedroom property was not forthcoming and approached the SPSO to consider his case. During the timeframe of the SPSO’s enquiries, Mr B met with Housing staff and was advised that should he be able to provide evidence of over 50% overnight care for his children before his notice to quit the temporary accommodation expired, this would be considered when reassessing his entitlement.

Upon receipt of a written confirmation of Mr B’s access to his children, Aberdeenshire Council withdrew the notice to quit the temporary accommodation and placed him on the list for 2 bedroom accommodation. Mr B was allocated a suitable property within 3 working days and considered his complaint resolved. The SPSO wrote to the council to advise that they would not take this case further forward given Mr B’s satisfaction and the lack of evidence of maladministration or inappropriate comments. They did however highlight a section of Aberdeenshire Council’s Housing Allocation Policy for future review.

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Case Study 3: Landscape – Burial Plots - SPSO – 201803618

Mrs C complained to the council regarding the location of a burial plot that she had purchased. Mrs C claimed that she bought the plot on the understanding that it was directly opposite the plot of her father but was disappointed to see that the alignment is off-centre. Mrs C alleged that the council had either misled her at the point of purchase or had subsequently moved, altered or renumbered the lairs. Furthermore, Mrs C felt that the Council had “drawn the matter out” in their responses.

As part of the council’s investigation into the complaint, Council Officer visited the cemetery, met Mrs C at the cemetery, inspected the lairs, re-measured the lairs along the row, inspected the burial map and discussed the matter with Burial Services. The council explained in their response to Mrs C that the burial map was not to scale, and was only indicative of the location of each lair. Furthermore, it was explained that the lairs radiate in an arc, rather than in parallel lines meaning that a lair that may have appeared to be only slightly off-centre on the map, may appear differently when viewed on the ground. As a result, the council did not uphold Mrs C’s complaint that the lairs were in the correct order and had not been altered, moved or renumbered.

However, Aberdeenshire Council’s response did recognise that the time taken to respond to correspondence from Mrs C was unacceptable and that emails had either been missed or had been responded to outside of desired timescales, or upon receiving a “chase-up” email. As a result, Aberdeenshire Council apologised for the delay and for the further frustration and distress that this caused.

Mrs C remained unhappy with the position of the Council and approached the SPSO to consider her case. Following their enquiries with the Council, they advised that they would not take the complaint forward. The SPSO wrote that they were satisfied that the council had undertaken a sufficient investigation and had explained their position. The SPSO determined that there was no evidence of maladministration but recognised that Mrs C continued to disagree with this. The SPSO also advised Mrs C that as the council had acknowledged their poor service in failing to respond timeously, and had apologised for this, they were unlikely to be able to deliver any further remedy or outcome and closed the case.

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Case Study 4: Health and Social Care – Substance Misuse Drop-in Session – SPSO – 20180653

Mr D submitted a complaint to Aberdeenshire Council following attendance at a Community Substance Misuse Service drop-in session. Mr D was unhappy that a fellow attendee at this group was a relative of the woman convicted of murdering a member of his family. After the session, Mr D approached the attendee and offered them a lift home. During the resulting journey, Mr D then revealed the unfortunate connection between the families that his fellow group member was previously unaware of. Mr D complained that the council should not have allowed that situation to occur, and should inform all group members of any conflicting issues or the possibility of encountering certain people ahead of time.

In their response to the complaint Aberdeenshire Health & Social Care Partnership advised that while the situation was unfortunate, and that they appreciated the distress that this caused both parties, Mr D's infrequent attendance at such drop-in sessions over a period of several months made such a coincidental meeting unforeseeable. The Investigating Officer also explained that for confidentiality reasons, the Partnership would not be in a position to divulge personal information about other customers likely to attend, or in attendance at such sessions. The Investigating Officer also outlined that Mr D's decision to approach his fellow attendee was a personal one, and that outwith the setting of a facilitated session, his actions and those of his fellow attendee, were not for the Partnership to comment on.

Having expressed his dissatisfaction with this response, Mr D then approached the SPSO to consider his complaint further. Following their enquiries, the SPSO advised that they felt that the Partnership had investigated to an appropriate standard. The SPSO expressed that they were satisfied that the Partnership could not have predicted the meeting at a drop in session and agreed that they could not divulge personal details to other members. The SPSO also advised that Mr D's actions in offering a lift to his fellow attendee, and the consequences, were not the responsibility of the Partnership.

As the SPSO found no evidence to suggest that the complaint was not dealt with properly, and the council had already apologised to Mr E for unfortunate situation that arose the SPSO closed the case and did not investigate further.

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Case Study 5: Planning – Permitted Development and Right of Way – SPSO – 201709206

Mr E submitted a complaint to Aberdeenshire Council regarding the handling of a planning application. Mr E explained that he was dissatisfied that the formation of garden steps and a hard surface area did not form part of the planning application for a garage and workshop on the applicant's land, and were instead considered permitted development. Mr E argued that the formation of these steps prevented disabled access to a path leading to the neighbouring church which was formerly accessible through the applicant's land. It was argued that Aberdeenshire Council had incorrectly interpreted the relevant planning legislation and had failed to uphold access right in accordance with Disability Equalities scheme and the Land Reform (Scotland) Act 2003.

In responding to the complaint brought forward by Mr E, Aberdeenshire Council explained their interpretation of Planning Legislation and why the formation of the steps constituted "Permitted Development." The response explained the powers of the council regarding these issues and also highlighted several pieces of legislation and policies that had been considered regarding the questions posed by Mr E. These included the Aberdeenshire Local Development Plan 2012, Occupiers Liability (Scotland) Act 1960, the Law Reform (Contributory Negligence) Act 1954, and The Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The Investigating Officer explained that there was no evidence that Council Officers had acted inappropriately or that their decisions and interpretations were incorrect.

Regarding Mr E's claim that the formation of steps reduced access to a Right of Way, the Investigating Officer clarified that the authority considered the path to be a pedestrian Right of Way only and highlighted the reasons for this. The response detailed that disabled access was provided by an alternative route, and that from an access perspective, Council Officers considered that steps with a handrail was preferable to a muddy, and potentially slippery, slope. The Investigating Officer detailed that the council had consulted with Access Officers across Scotland in a national forum, and that the applicant had consulted with ScotWays (The Scottish Rights of Way and Access Society). The Investigating Officer concluded that there was no evidence that the council had operated incorrectly or inappropriately but did offer to facilitate mediation or to write to the applicant on Mr E's behalf.

Mr E remained dissatisfied with the council's position and approached the SPSO to consider his complaint further. Following their enquiries the SPSO advised that they considered that the Council had carried out a thorough investigation and provided a detailed response. The SPSO explained that they had consulted with a planning adviser who had agreed that the Council had acted appropriately. The SPSO advised that they were closing the complaint on this basis and highlighted their view that the council response was of excellent standard.

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Case Study 6: Property and Facilities – Planned Upgrades – SPSO – 201806913

Ms F wrote to Aberdeenshire Council to complain about the state that her property had been left in during a series of upgrade works carried out by contractors working for the Property and Facilities Service. In her complaint Mrs F outlined that she was originally told that work to her council property would be finished within 2 weeks, but that 4 weeks later, the work was still unfinished. Ms F was unhappy that the contractor had advised that they should consider moving out for the spell of works as there would be periods without hot water, heating and toilet. As a result, Ms F's family had been staying with family. Ms F was also unhappy that her property was being used as a store room for materials to be used in works on other properties.

In the complaint response, the Investigating Officer apologised unreservedly for the delay in the works being completed. It was explained that the delays were caused by a labour issue on the part of the contractor, who also apologised for the delay. The response outlined that the contractor had been reminded of their obligations regarding provision of labour and also asserted that there was requirement for tenants to leave their property for the duration of the works and as such, no compensation or rent refund would be provided.

Following receipt of the complaint response, Ms F remained unhappy with the position of the council and approached the SPSO to consider her complaint. Upon their enquiries the SPSO reasserted that Ms F would consider the complaint closed and resolved if she received credit for 4 weeks rent, which accounted for the length of time that the works took place and Ms F and her young family were out of their home. Upon consideration by senior staff, Aberdeenshire Council agreed that this was reasonable and credited Mr F's rent account for just over 4 weeks rent. As Ms F considered her complaint resolved, the SPSO closed the complaint on this basis.

Appendix 1

Scottish Public Services Ombudsman/Benchmarking

Complaints benchmarking with other authorities in Family Groups is ongoing and meetings have been held with the Local Authority Complaint Handlers Network (LACHN) and the Improvement Service regarding this. Our complaints data for the last four years has been submitted to these organisations in order to assist in the development of a benchmarking process.

Links to all Annual Complaint Reports for Local Authorities in Scotland can be accessed via the SPSO Valuing Complaints website which can be found at the following link:

<http://www.valuingcomplaints.org.uk/local-authority-annual-complaints-reporting>

Average benchmarking statistics for 2018/19 are not yet available from the LACHN group, therefore our performance indicators have been benchmarked against the average Family Group statistics of 2017/18. Details are as follows:

Complaint Outcomes

	Aberdeenshire	Family Group Average (17/18)
Stage One – Upheld	43%	44.7%
Stage One – Not Upheld	57%	55.3%
Stage Two – Upheld	26.4%	36.9%
Stage Two – Not Upheld	73.6%	63.1%

Average Response Times (in days)

	Aberdeenshire	Family Group Average (17/18)
Stage One	5.74	8.6
Stage Two	15.8	18.2

Performance Timescales

	Aberdeenshire	Family Group Average (17/18)
Stage One	65%	64.5%
Stage Two	81%	79.4%

Aberdeenshire Council continues to perform well when benchmarked against the average Family Group findings, with only performance timescales slightly below average, which was due to resources available within the Feedback Team during 2018/19. Work continues through the LACHN group to identify opportunities for learning and improvement.

Appendix 1

Contact Us

If you would like to find out more about our complaint procedure, or about our annual report, or provide any feedback on this, please contact us.

Phone: 01224 435 990

Email: feedback.team@aberdeenshire.gov.uk

In writing to:

Feedback Team
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Log on to: <https://www.aberdeenshire.gov.uk/contact-us/have-your-say/>

