

REPORT TO AUDIT COMMITTEE – 16 SEPTEMBER 2021

SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO) ANNUAL COMPLAINTS PERFORMANCE REPORT

1 Reason for Report/Summary

- 1.1 The Committee is being asked to review and approve the publication of Aberdeenshire Council's Annual Complaints Performance Report.

2 Recommendations

The Audit Committee is recommended to:

- 2.1 Approve the publication of Aberdeenshire Council's Annual Complaints Performance Report (Appendix 1).**

3 Purpose and Decision-Making route

- 3.1 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.
- 3.2 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.
- 3.3 To meet SPSO requirements, Aberdeenshire Council is required to publish an Annual Complaints Performance Report on our website which addresses a number of required benchmarking indicators which are highlighted in the report.

4 Discussion

- 4.1 It should be noted that the council's benchmarking results will also feed into Audit Scotland, as the SPSO require to show our compliance to the national complaint framework and procedures.
- 4.2 Services use complaint reports, data, information and learning around complaint handling to shape and improve service delivery.

5 Council Priorities, Implications and Risk

- 5.1 The report helps inform all Council Priorities given it reports on complaints.
- 5.2 The table below shows whether risks and implications apply if the recommendation is agreed.

Subject	Yes	No	N/A
Financial			X
Staffing			X
Equalities			X
Fairer Scotland Duty			X
Town Centre First			X
Sustainability			X
Children and Young People's Rights and Wellbeing			X

- 5.3 An integrated impact assessment is not required because this report provides an overview of the complaints process and results. There will be no differential impact on people with protected characteristics, as a result of the report.

- 5.4 The following Risks have been identified as relevant to this matter on a Corporate Level:

- ACORP004: Business & organisational transformation – controlled through project management process and by Internal Audit.
- ACORP006: Reputation management – controlled through general policy & procedures and assured by external scrutiny bodies through the annual shared risk assessment and by Internal Audit.

[Corporate Risk Register](#)

6 Scheme of Governance

- 6.1 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.
- 6.2 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.

Ritchie Johnson, Director of Business Services

Report prepared by David Anderson (Customer Service Team Leader)
Date 11th August 2021

List of Appendices: Appendix 1 – Annual Complaints Performance Report

Aberdeenshire Council Complaints Performance Report 2020-2021

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Chief Executive's Foreword

Thank you for taking the time to read Aberdeenshire Council's eighth Annual Complaints Report. This report provides information on our performance in dealing with complaints from our customers between 1 April 2020 and 31 March 2021, as is required from all Local Authorities.

It would be remiss of me not to mention that the last year and a half has been a very demanding and challenging period for everyone around the world and here in Aberdeenshire for our service users, residents and employees. During this time, Aberdeenshire Council has continued to provide the highest possible quality of service to our customers and support our most vulnerable service users. This report details how we have performed in dealing with complaints along with the outcomes of investigations.

The first few months of the year saw a reduction in the volume of cases received into the council. This can be attributed to the beginning of the COVID-19 pandemic and the disruption to public services, as a result of national lockdowns. As we quickly adjusted to the situation, the number of complaints received rose steadily.

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, when we hear our services have fallen below the standards expected, it is disappointing to know that we may have let down the people who matter most, our customers and communities. The feedback we get from our communities is valuable and enables us to continuously review and identify where we can do things better. I am pleased to see service improvements as an outcome of a complaint, which on reflection, shows we are listening to our communities when they are not happy.

Our commitment and contribution to the Scottish Public Services Ombudsman (SPSO) framework continues and as in previous years, this report provides information based on the current key performance indicators which every Local Authority in Scotland reports on. The details of which are submitted to and collated by the Scottish Public Services Ombudsman (SPSO) annually. We also include information about how we compare to other Local Authorities similar to us, as we are always keen to benchmark and learn from others.

I hope you find this report useful.

Jim Savege
Chief Executive

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 (CHP) and the performance indicators below, adhere to the requirements set out by the SPSO's Model Complaints Handling Procedure.

Aberdeenshire Council defines a complaint as:

“Any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.”

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

- Stage one – Front line resolution: aiming to resolve complaints quickly and close to where we provided the service within 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.

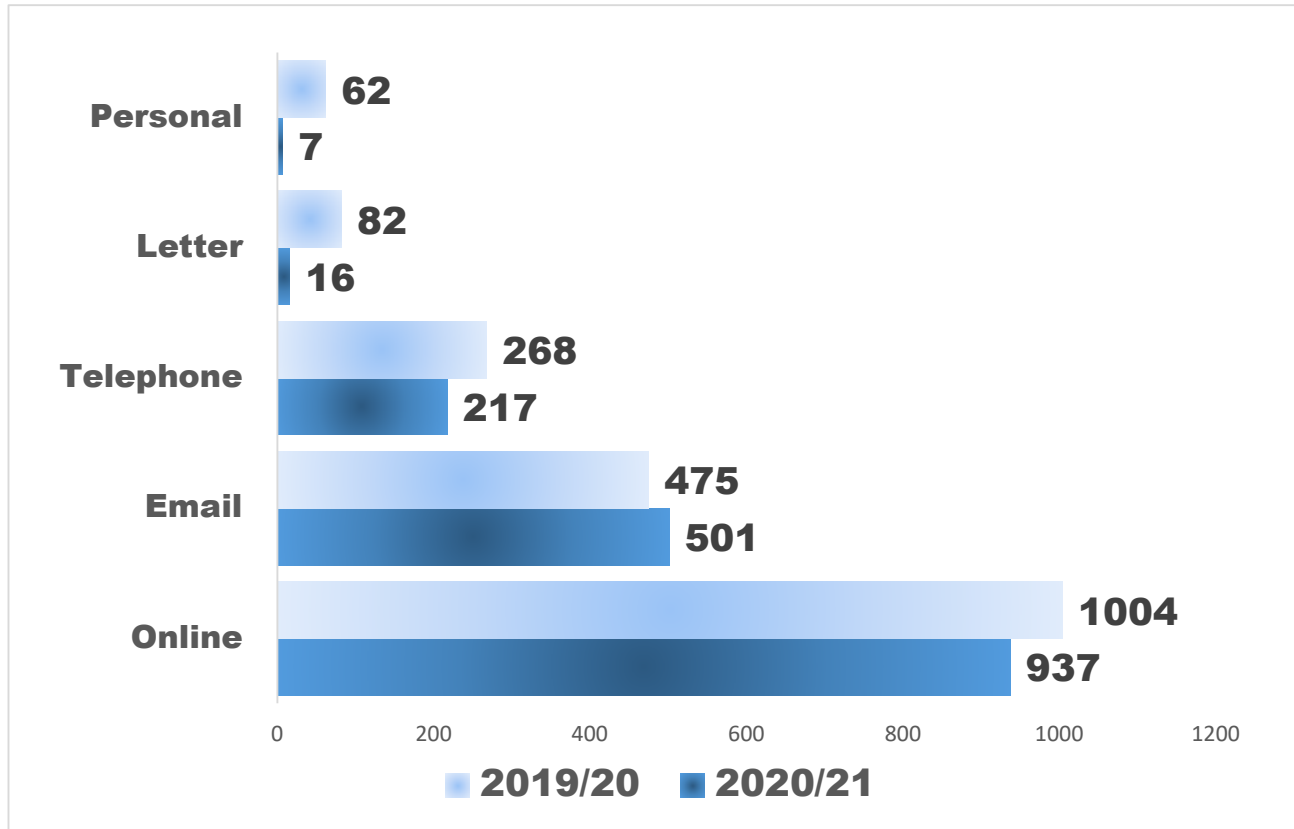
The following complaints management performance information outlines the council's annual performance for the year 1 April 2020 and 31 March 2021.

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.

How Customers Complained

In 2020-21, we closed **1678** complaints from customers who chose the following ways to contact us with a complaint:



In comparison with last year, we can clearly see that the Covid-19 pandemic and the lock down periods had a big effect on the way our residents have chosen to contact us.

The biggest change can be seen by the increase in customers choosing to use methods of contact such as the online form and email, and using less traditional methods of contact, such as complaining in person (as our Service Points and offices have been closed for large periods of time), by phone or by letter.

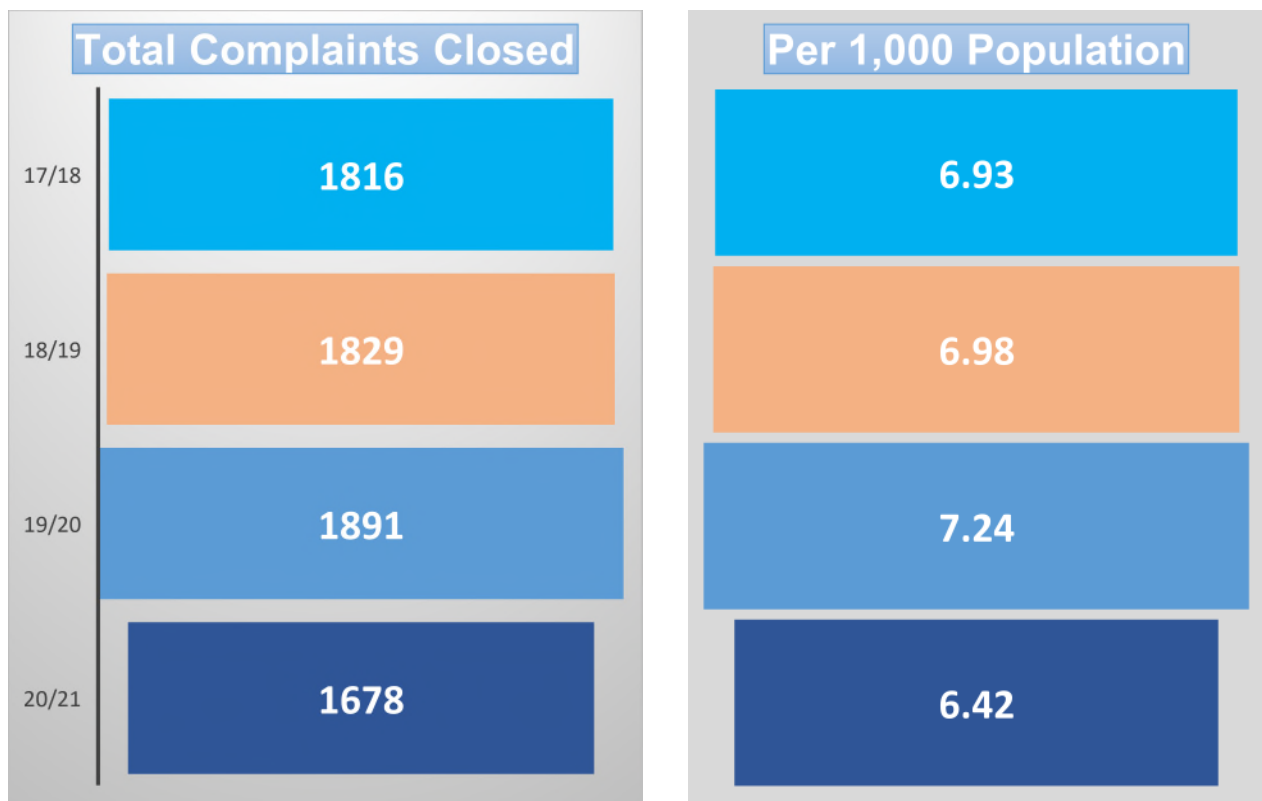
Indicator 1: Complaints received and closed per 1,000 population

This indicator records the total number of complaints received by Aberdeenshire Council in the period between 1 April 2020 and 31 March 2021. 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 **261,210** **

In 2020/21 we closed **1678** complaints for this period. This was 213 less than last year (19/20 - 1891). Although many services were reduced during the Covid-19 pandemic because of lock down, the complaints team and our services still managed to deal with a considerable volume of complaints under very different working conditions.

An average of **6.42** complaints were received per 1,000 residents.



** Population is taken from the National Records Office for Scotland Mid-2019 Population estimates. www.nrscotland.gov.uk/statistics-and-data

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.

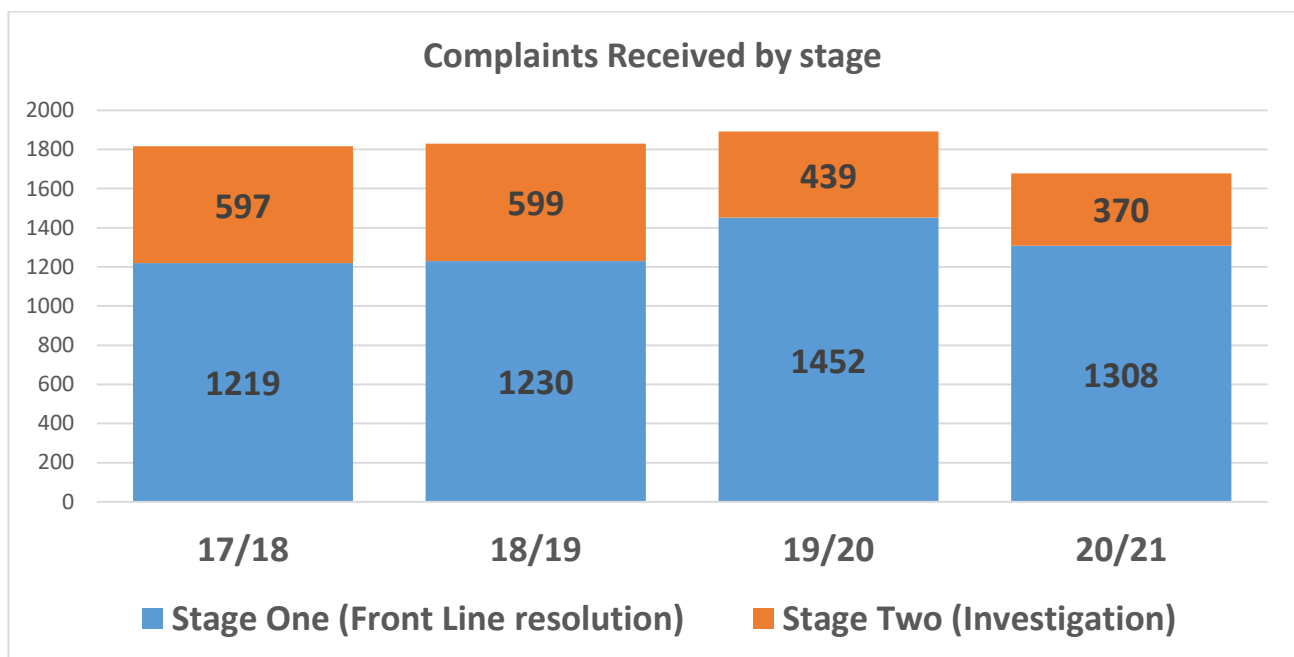
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
17/18	1219	597	53
18/19	1230	599	51
19/20	1452	439	40
20/21	1308 (-)	370 (-)	40 (-)

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.

78% of complaints were dealt with at Stage One at the customer’s first point of contact with a frontline member of staff. **22%** of the remaining complaints were resolved at Stage Two, the Investigation stage.

Compared to last year 19/20: **77%** dealt with at Stage One and **23%** dealt with at Stage Two.

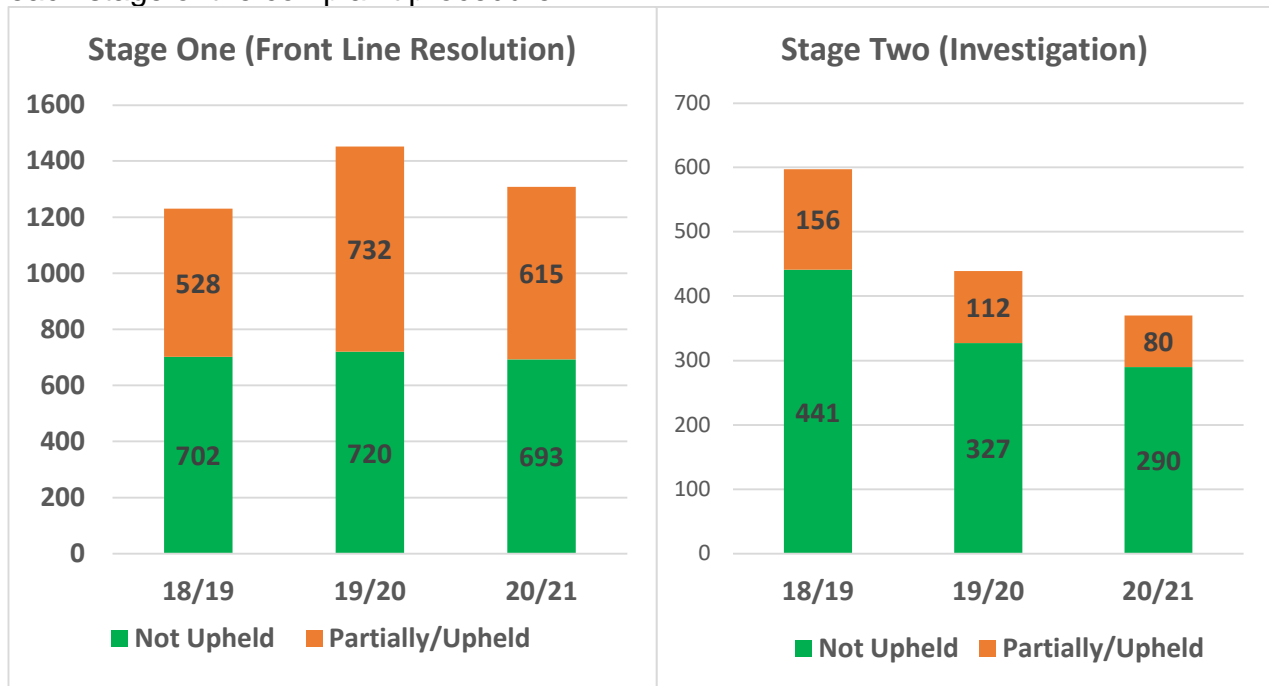
We aim to deal with and resolve as many complaints as is appropriate at Stage One of our procedure, as this better for our customers and service users – resolving complaints as quickly and as close to the first point of contact as possible. Over the financial year **2.4%** of customer complaints have escalated to the Ombudsman.



Indicator 3: Complaints upheld, partially upheld and not upheld

There is a requirement for a formal outcome to be recorded for each complaint. These outcomes are “upheld”, “partially upheld” or “not upheld”. If it were found that procedures had been followed or the service was provided as expected, a complaint would be recorded as “not upheld”. However, if this were not the case the complaint would be recorded as “upheld”. Where there are several points to a complaint and the decisions are a mixture of “upheld” and “not upheld”, the complaint is recorded as “partially upheld” overall.

The charts below show the number of complaints upheld, not upheld and partially upheld at each stage of the complaint procedure.



The figures for 2020-21 highlighted an increase in the number of complaints which were upheld during this financial year for Stage One complaints. Whereas Stage Two complaints has seen a decrease in upheld complaints for the third year in succession. 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.

Stage Two Escalated (Ombudsman)				
	Not Upheld	Partially Upheld	Upheld	Not Taken Further
18/19	2	0	2	47
19/20	0	1	2	37
20/21	1	0	3	31

With regards to the cases escalated to the Ombudsman 20/21, there were **40** cases in total 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. **3** were upheld with recommendations made and **1** was Not Upheld. You can find all of these cases and others from previous years at the following link on the SPSO’s page: [Decision Reports | SPSO](#)

On review the Ombudsman advised that for **31** cases (89%) they would not take these complaints any further as they could find no maladministration on our part, or that they were unable to achieve the outcome that the complainant was looking for.

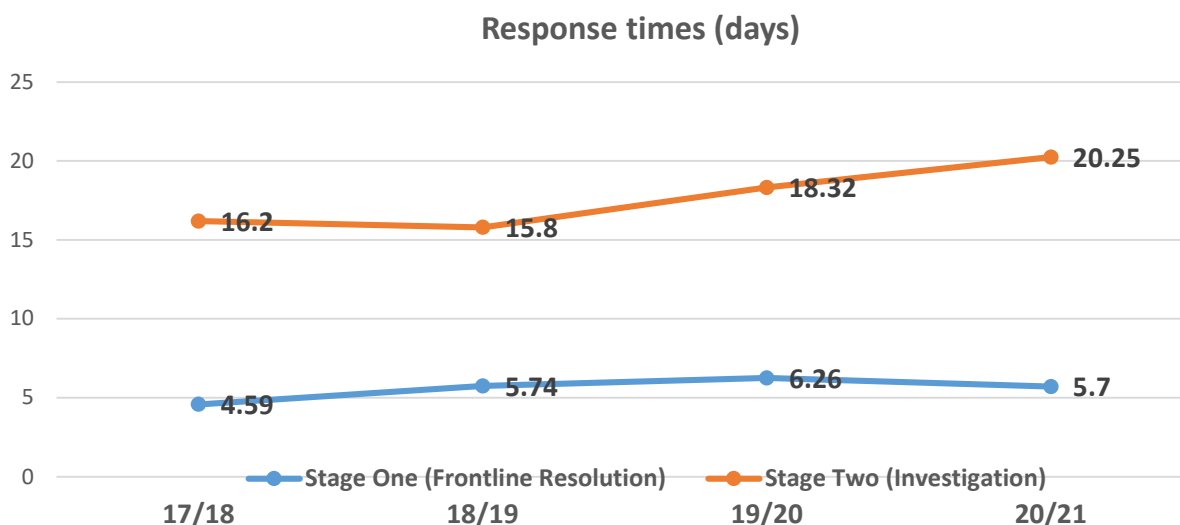
There are **5** cases we are waiting for the SPSO to decide upon from this last year.

Indicator 4: Average 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. Most complaints are resolved within the first 5 days, within the CHP’s 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.

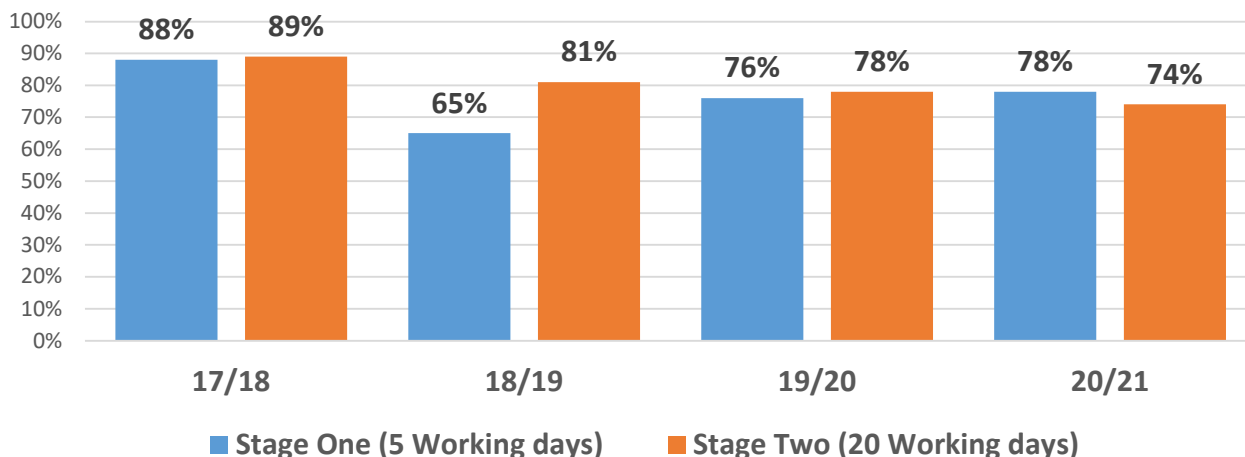
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
17/18	4.59	16.2	N/A
18/19	5.74	15.8	N/A
19/20	6.26	18.32	N/A
20/21	5.7	20.25	N/A



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.

The council have performed well in closing the majority of frontline Stage One complaints (78%). A slight increase of quicker responses on the year before. Investigations percentage dropped due to the work done by services affected by the COVID-19 pandemic.



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)
17/18	150	64
18/19	84	39
19/20	89	66
20/21	200	96

70% of all Stage One complaints (200 out of 285) were given an authorised extension as outwith the target timescale of 5 working days. There are a variety of legitimate reasons (e.g. pending home visits, meetings or repairs) that may have prevented these timescales being met without an extension being authorised.

100% of all Stage Two complaints (96 out of 96) were given an authorised extension as out with 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).

Why Customers Complained

Below is the breakdown of complaints, per Service Directorate along with a selection of reasons for complaints.

Complaints received by Directorate			
Directorate	2019/2020	2020/2021	Trend
Business Services	274	166	▼
Education & Children's Services	356	245	▼
Health and Social Care	57	42	▼
Infrastructure Services	1204	1225	▲
Total	1891	1678	▼

Top 10 Topics of complaint



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 reports on the number of complaints received and closed during the preceding 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 also received, to assist in service planning.

Case Studies

• **Case Study 1: Roads – Concerns about speeding – SPSO - 202006209**

The Scottish Public Services Ombudsman (SPSO) investigated a complaint brought to them by complainant, Miss A. They did not take the complaint forward nor did they offer any recommendations to the council.

Miss A was concerned about the speed of vehicles passing through Tarland and felt that the council were not taking her concerns seriously. The Roads Service explained that they had carried out a speed survey and that the results were shared with the Road Safety Unit and Police Scotland who had no concerns regarding the safety of the road.

The council explained how the survey was carried out and explained that none of the criteria required for traffic calming were met. In her complaint Miss A queried why some smaller villages and settlements had traffic calming measures but Tarland did not. It was explained to Miss A in the response that this was likely because these measures were introduced when the council followed a different policy.

While the SPSO acknowledged that the customer disagreed with the council's position (particularly regarding the average speed of vehicles), they also recognised that the council's investigation and response were reasonable and decided not to take the complaint forward to investigation.

• **Case Study 2: Planning – Planning application – SPSO - 202005237**

The Scottish Public Services Ombudsman (SPSO) investigated a complaint brought to them by a complainant, Mr B. They did not take the complaint forward nor did they offer any recommendations to the council.

Mr B was concerned about how Aberdeenshire Council dealt with a planning application (specifically an Environmental Impact Assessment) which he wished to be refused. Mr B maintained that information provided in the EIA was misleading. The council explained in the response that the decision to determine the application was made by Councillors, and that council officers had followed the regular process in producing the report and recommendations to be considered at committee. Upon progressing to the SPSO, the reviewer advised they would not take this complaint forward as the council response appeared reasonable. Specifically, they advised Mr B that the investigating officer "provided a clear response to your complaint which fully addressed [your] concerns and the reasons for their position." This was echoed by the planning advisor consulted by the SPSO.

Mr B remained unhappy with the decisions of the SPSO and the council and requested that the SPSO escalate and review this case. As such, the Ombudsman personally conducted a review and advised Mr B that there was no basis on which to overturn with the position expressed by the complaint reviewer regarding how Aberdeenshire Council handled the complaint.

• **Case Study 3: Education – Academy Covid 19 Procedures - SPSO – 20210873**

Mr C complained about the decision of X Academy to require pupils to wear masks during the Covid-19 pandemic. Mr C claimed that this amounted to abuse and requested that the council reverse this requirement.

In the response the council explained that they were bound to follow the regulations and restrictions as set out by the Scottish Government. They also advised that the matter had been discussed with Mr C's daughter with a view to establishing any grounds for a possible mask exemption, however Mr C's daughter expressed that she was happy to wear a mask. Mr C was also advised of the process by which the school would look to introduce a specific risk assessment for his daughter if required.

Upon progressing to the SPSO the reviewer advised that they were content with the response of the council, that the position of the authority had been clearly explained regarding the legislation and guidance set down by other authorities such as the NHS and Scottish Government.

This is a good example of where the council have followed procedure and also taken into consideration feedback from the complainant, in this case offering to introduce a specific risk assessment for his daughter if required.

• **Case Study 4: Waste - Household Waste and Recycling Centre – SPSO - 20210810**

Mr D submitted a complaint regarding rules being introduced which prevented large vehicles and trailers from accessing Aberdeenshire's Household Waste and Recycling Centres (HWRCs.) Mr D felt the reasons these rules were introduced were "spurious" and that he had been discriminated against and unfairly left without a way of legitimately disposing of large amounts of garden waste, as he could no longer use his motorhome to pull a large trailer.

The reasons the rules were introduced were explained to Mr D in his frontline response, then subsequently highlighted again in the stage two response that was provided. Mr D was also provided with alternatives and suggestions of other ways of accessing the sites and disposing/reducing waste without pulling a large trailer with a similarly large vehicle.

Upon taking his complaint to the SPSO, Mr D was advised by the reviewer that they would not be taking his complaint forward to investigation. The SPSO explained that the council had taken a decision they were entitled to make and had clearly explained their reasons for this. Additionally, they highlighted that the Council had provided alternative solutions for Mr D, and also that owning a trailer is not a protected characteristic with which to claim discrimination. The SPSO concluded that while the Mr D disagreed with the council's decision, this was not in itself proof of maladministration.

• **Case Study 5: Health & Social Care – Continuing Care – SPSO - 201903216**

Ms E an advocacy worker complained on behalf of their client (A) who was a single parent who provided the majority of the care for their child (B). B had significant support needs and required 2:1 and sometimes 3:1 care. A employed an additional carer through B's Self Directed Support (SDS) allowance. A submitted a complaint to the council in relation to the support that they provided to help A care for B and for A's opportunities for respite.

The SPSO took independent advice from a social worker. They found that while the initial support provision for B was reasonable, when their hours of support were reduced there was a lack of transparency or reasonable explanation in the documentation for how the council came to the decision. They felt this was unreasonable. There was also a lack of a Multi-Agency Action Planning Meetings (MAAPM) assessments until a considerable time after B moved into the council area. They found that the council failed to provide reasonable support to B. The SPSO upheld this aspect of the complaint.

Secondly, the SPSO found that more action should have been taken to look for appropriate respite care for B to allow A time away from their caring role. They found that it would have been reasonable for the council to have prioritised arranging further carer time. Overall, they found that the council failed to provide reasonable support to A as carer for B and upheld this aspect of the complaint.

This is a good example of where the SPSO provided recommendations to the council to act on and the council, whilst not agreeing with all of the decisions, put in place actions as learning from the complaint. The council apologised for the failing identified and explained how they would put things right in future. The council apologised and advised that they would ensure information was always checked for accuracy, ensure decisions to change care packages were transparent and justifiable and MAAPMs would be held on a regular basis with specified formal review dates.

• **Case Study 6: Education – Primary School – SPSO - 201903216**

Mrs F complained to the SPSO following the conclusion of the council's Complaints Handling Procedure and said that the council failed to take appropriate action in response to reports of bullying of their children (Child A and Child B) at primary school. Mrs F said that the reports of bullying were not investigated appropriately, and the council denied that many of them occurred.

The SPSO considered both Mrs F's and the council's records of events, the school incident book, copies of emails between Mrs F and the council, and the school's anti-bullying policies. They recognised that while the case was one that had been difficult for all involved, found that the council had not always appropriately logged incidents in the incident book in line with their policy. They also found that on some occasions, though the school investigated incidents, they did not communicate with Mrs F in line with her expectations regarding the investigations. Finally, the SPSO found that there appeared to have been several reports of incidents where there was no evidence they were investigated. Despite the council providing

evidence and information to the contrary and explaining the wider context of the issues experienced, the SPSO were unable to conclude that the council had acted in line with their anti-bullying policy, and they upheld this aspect of the complaint.

Mrs F also complained about the council's communication during the complaint process. Having reviewed the correspondence, the SPSO found that the council corresponded appropriately with Mrs F and handled the complaints in line with the complaints process. They did not uphold this aspect of Mrs F's complaint.

Following several recommendations made by the SPSO, the council were happy to take them on board as learning and apologised to Mrs F and both children, for the failure to appropriately investigate and record allegations and incidents of bullying.

To enable change to put things right in future the school advised that allegations and incidents of bullying would be investigated and recorded in line with council policies.

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.

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

<https://www.spsso.org.uk/local-authority-complaints-reporting>

Average Family Group statistics are provided below, to provide a benchmark to the performance of Aberdeenshire Council:

	Aberdeenshire 20/21	Family Group 19/20	Scottish Average 19/20
Complaints per 1,000 population	6.42	5.7	**See below
Complaint Outcomes			
Stage One – Partially & Upheld	47%	48%	**See below
Stage One – Not Upheld	53%	49%	**See below
Stage Two - Partially & Upheld	22%	38%	**See below
Stage Two – Not Upheld	78%	62%	**See below
Average Response Time (in days)			
Stage One (5 day target)	5.7	8.1	**5
Stage Two (20 day target)	20.25	24	**18
Performance Timescales			
Stage One	78%	66%	**81%
Stage Two	74%	67%	**74%

**At the time of compiling full Scottish figures were not available for 19/20 or 20/21 as many Local Authorities had not been able to report for Quarter 4 19/20 due to COVID-19 priorities.

However, Aberdeenshire Council continues to perform well when benchmarked against the average Family Group findings. Work continues through the LACHN group to identify opportunities for learning and improvement.

Revised Model Complaints Handling Procedure for Local Authorities

The SPSO published a revised Model Complaints Handling Procedure (MCHP) for Local Authorities on 31 January 2020 to be implemented by 1 April 2021. This was implemented by Aberdeenshire Council.

The SPSO consulted on the update and revision of the MCHPs across all sectors (except the NHS) through a survey in December 2018/2019. Following consultation, the MCHPs were revised to:

- standardise the core text across all of Scotland's public services – this will remove (and future-proof against) minor inconsistencies in how the MCHP operates within different sectors, whilst retaining individualised sector specific content where appropriate
- update the content in line with feedback from organisations under SPSO's jurisdiction (via the consultation survey, feedback on the draft, and individual feedback from contacts with SPSO)
- take account of issues identified from our casework, and
- acknowledge recent research and implement good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups

The MCHP for local authorities is available at <https://www.spsso.org.uk/the-model-complaints-handling-procedures>.

Complaint's performance indicators

The Model Complaints Handling Procedure (MCHP) requires organisations to report on and publish complaints performance information in line with complaints performance indicators published by the SPSO.

The SPSO is developing a new set of complaints performance indicators for each sector in consultation with the complaint handling networks. This will include a core set of performance indicators, which are consistent across all public services, with some additional performance indicators for those sectors which currently undertake benchmarking through their complaint handling network. This work is still in progress.

Contact Us

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

Email: feedback.team@aberdeenshire.gov.uk

Log on to: <https://online.aberdeenshire.gov.uk/haveyoursay/>

Phone: 01224 001846

In writing to:

Feedback Team

Aberdeenshire Council

Woodhill House

Westburn Road

Aberdeen

AB16 5GB