

Aberdeenshire Council Complaints Performance Report 2017-2018

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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 fifth annual Complaints Report. This report provides information on customer complaints handled between 1 April 2017 and 31 March 2018.

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

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 2017 and 31 March 2018.

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 fall again this year in some service areas of the council with the Waste service leading the way. On review, this was down to organisational change enhancing the performance of the service.

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 2017-18, we received **1816** complaints from customers who chose the following ways to contact us with a complaint:

64 In person (2016/17: 27)

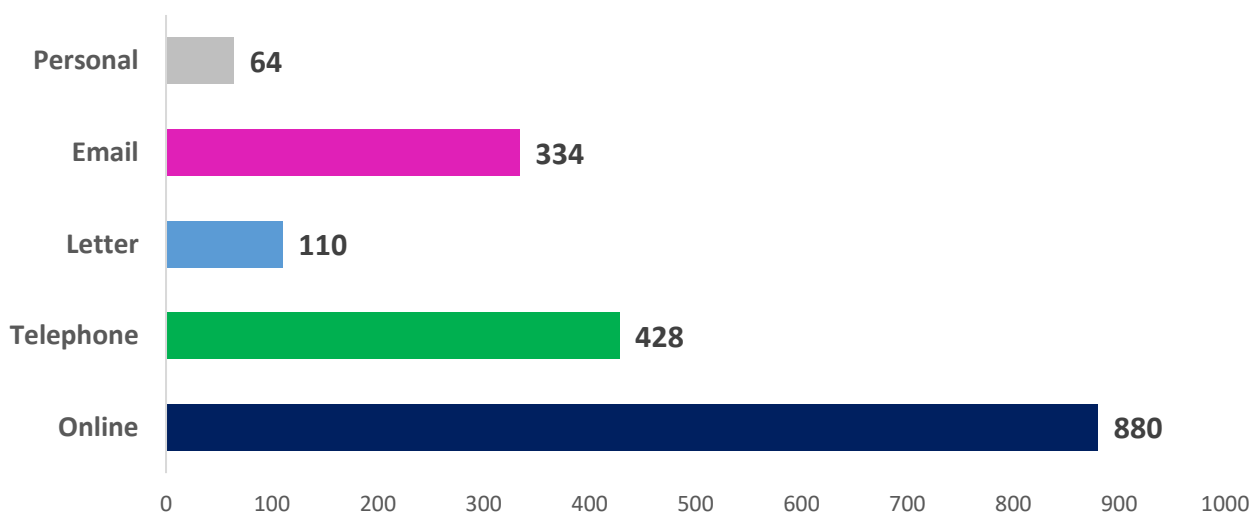
334 Email (2016/17: 376)

110 Letter (2016/17: 135)

428 Telephone (2016/17: 623)

880 Online Form (2016/17: 580)

In comparison with last year, there has been a change in the way our residents have chosen to contact us. The biggest change can be seen by the increase in the use of the online form, less by phone and email pretty consistent.



Indicator 1: Complaints received per 1,000 population

This indicator records the total number of complaints received by Aberdeenshire Council in the period between 1 April 2017 and 31 March 2018. To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1000 of population is used.

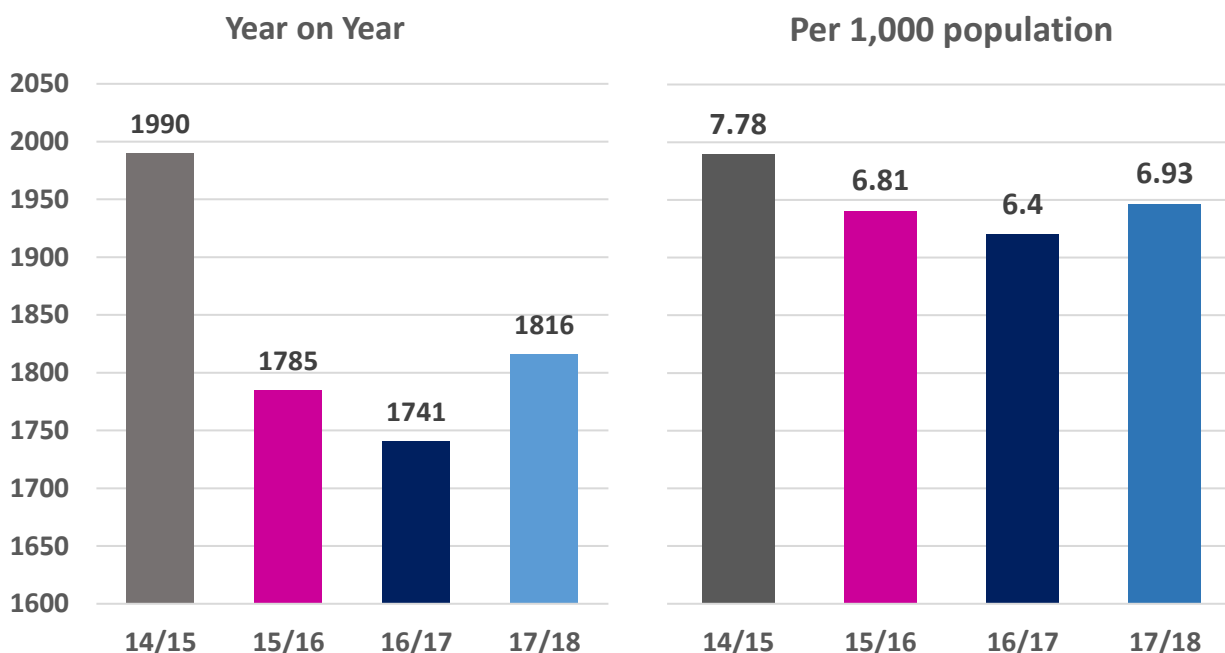
The population of Aberdeenshire is **261,800** **

In 2017/18 we handled **1816** complaints for this period. This was 75 more than last year (16/17 - 1741)

This means that an average of **6.93** complaints were received per 1,000 residents.

	Total Complaints Received	Per 1,000 Population
14/15	1990	7.78
15/16	1785	6.81
16/17	1741	6.4
17/18	1816	6.93

** Population is taken from the National Records Office for Scotland mid 2017 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.

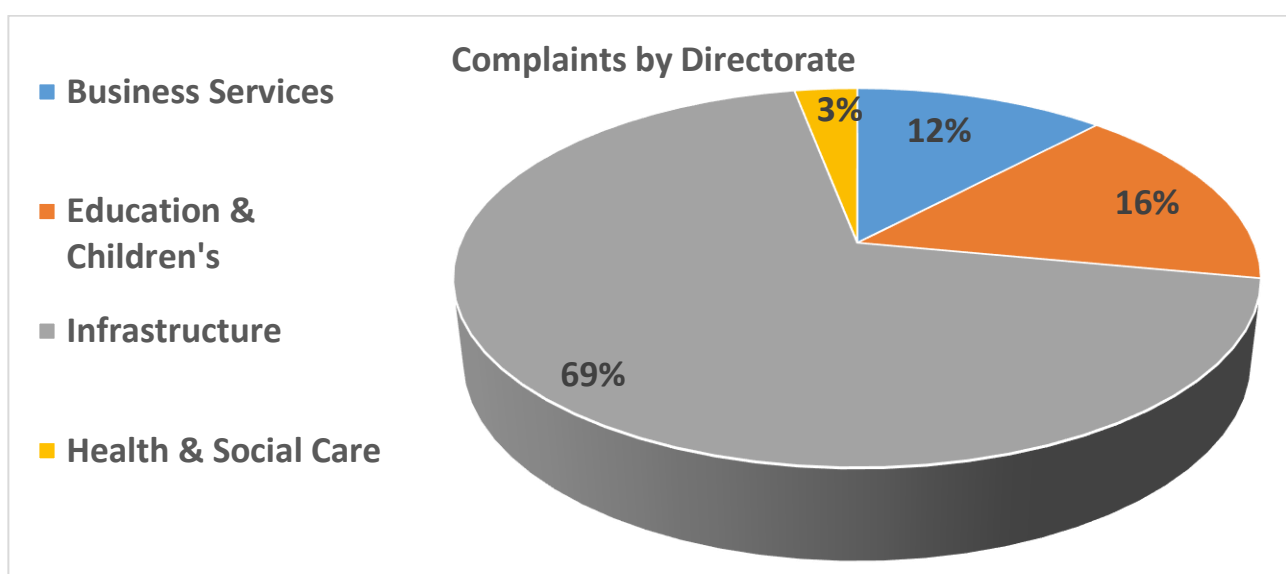
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
14/15	1236	754	23
15/16	1046	739	48
16/17	1061	680	30
17/18	1219 (+)	597 (-)	53 (+)

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.

Compared to last year 16/17: 61% dealt with at Stage One and 39% 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 service as possible. Over the financial year only **2.92%** of customer complaints have escalated to the Ombudsman.



Indicator 3: Complaints upheld, partially upheld and not upheld

This indicator measures the outcome (upheld, partially upheld or not upheld) recorded for each complaint following our investigation and a response having been given to the complainant.

Stage One (Front Line Resolution)			
	Not Upheld	Partially Upheld	Upheld
14/15	805	111	320
15/16	692	79	275
16/17	676	81	304
17/18	821 (+)	74 (-)	324 (+)
Stage Two (Investigation)			
	Not Upheld	Partially Upheld	Upheld
14/15	527	93	134
15/16	531	76	132
16/17	473	75	132
17/18	410 (-)	56 (-)	131 (-)
Stage Two Escalated (Ombudsman)			
	Not Upheld	Partially Upheld	Upheld
14/15	7	0	2
15/16	6	3	2
16/17	3	1	7
17/18	4 (+)	4 (+)	0 (-)

In addition to the above **8** cases that escalated to the Ombudsman 17/18, there were a further **45** 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 their 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.

Therefore a total of **53** cases were decided upon last year. As of March 2018 the Ombudsman informed us they were considering two further cases opened by them that month.

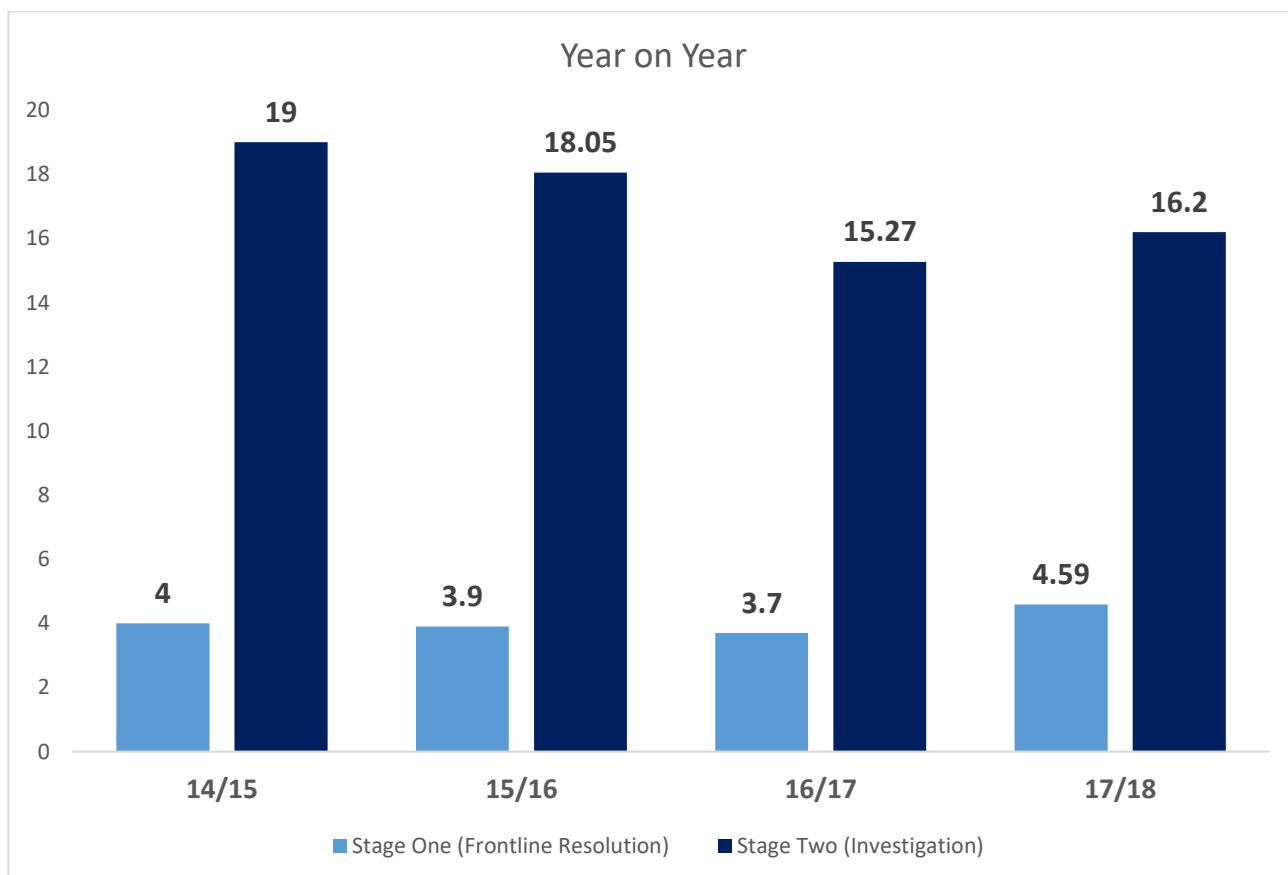
Indicator 4: Average Times

- 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. The average number of days taken to respond to complaints is below the SPSO's five and 20 day timescales.

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)
14/15	4	19	N/A
15/16	3.90	18.05	N/A
16/17	3.70	15.27	N/A
17/18	4.59	16.2	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 (88%). A slight increase and for quicker responses on the year before.

	Stage One (5 Working days)	Stage Two (20 Working days)
14/15	1031 (83%)	669 (89%)
15/16	911 (87%)	670 (91%)
16/17	904 (85%)	610 (90%)
17/18	1069 (88%)	533 (89%)

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)
14/15	204	86
15/16	135	69
16/17	157	70
17/18	150	64

This is another area where the council have performed well.

Stage One 150 out of 1219 complaints (only 12%) extended passed 5 days and 64 out of 597 Stage Two complaints (only 11%) extended passed 20 working days. A total of 214 required extensions out of 1816 complaints, equating to 12% of complaints. A slight decrease on the last year.

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 - the way in which their complaint was handled - from the complaint itself and the complaint outcomes they had hoped for.

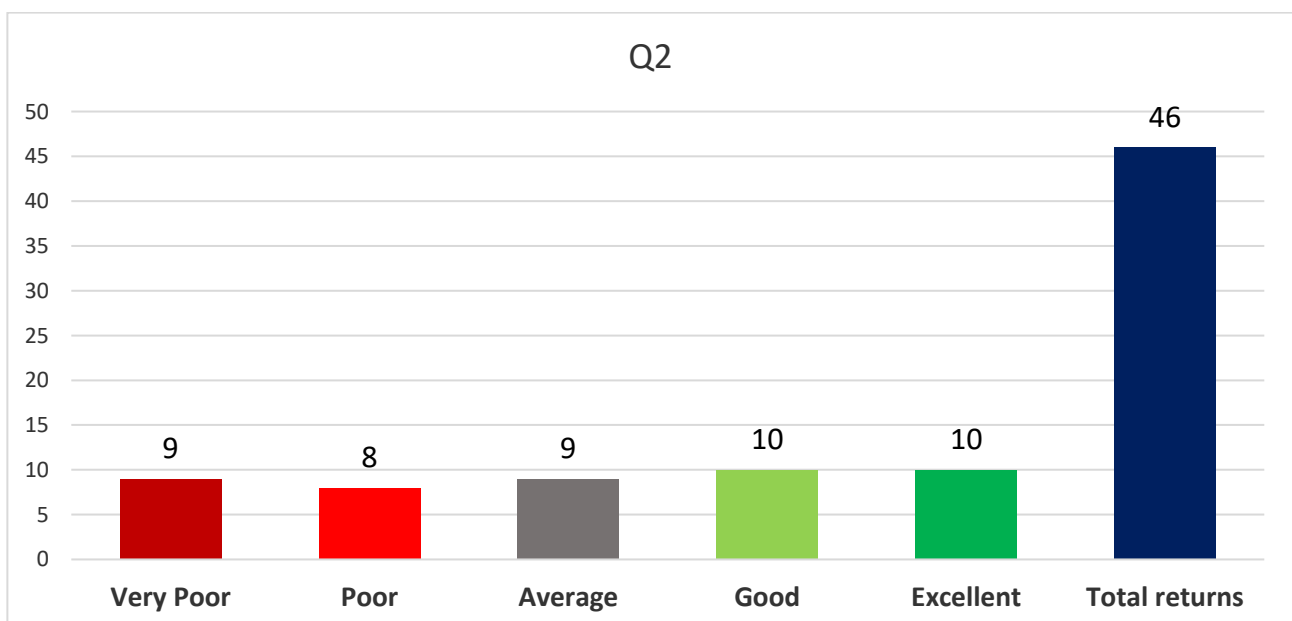
We also continue to find that, although we ask complainants to rate their experience with the way in which their complaint was handled, as opposed to the nature or outcome of their complaint itself, this is not always understood or adhered to, and this reflects in some of the comments and results.

From the survey feedback it can also be true to suggest that this is the same for the positive feedback, as the respondents have often received the outcomes or responses that they desired.

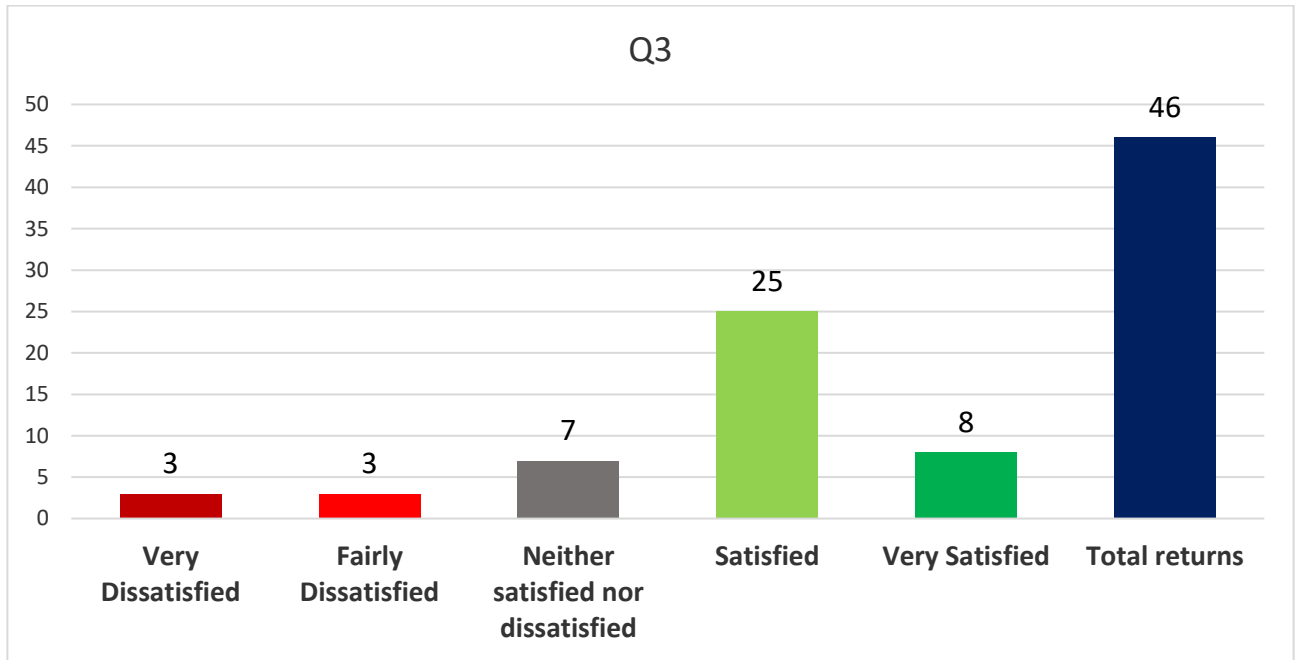
Q1: Before you contacted us, were you aware that the council had a formal complaints procedure? Yes/No answers.

Total Survey Returns: 46
31 said - Yes they were aware of the procedure
15 said - No they were not aware

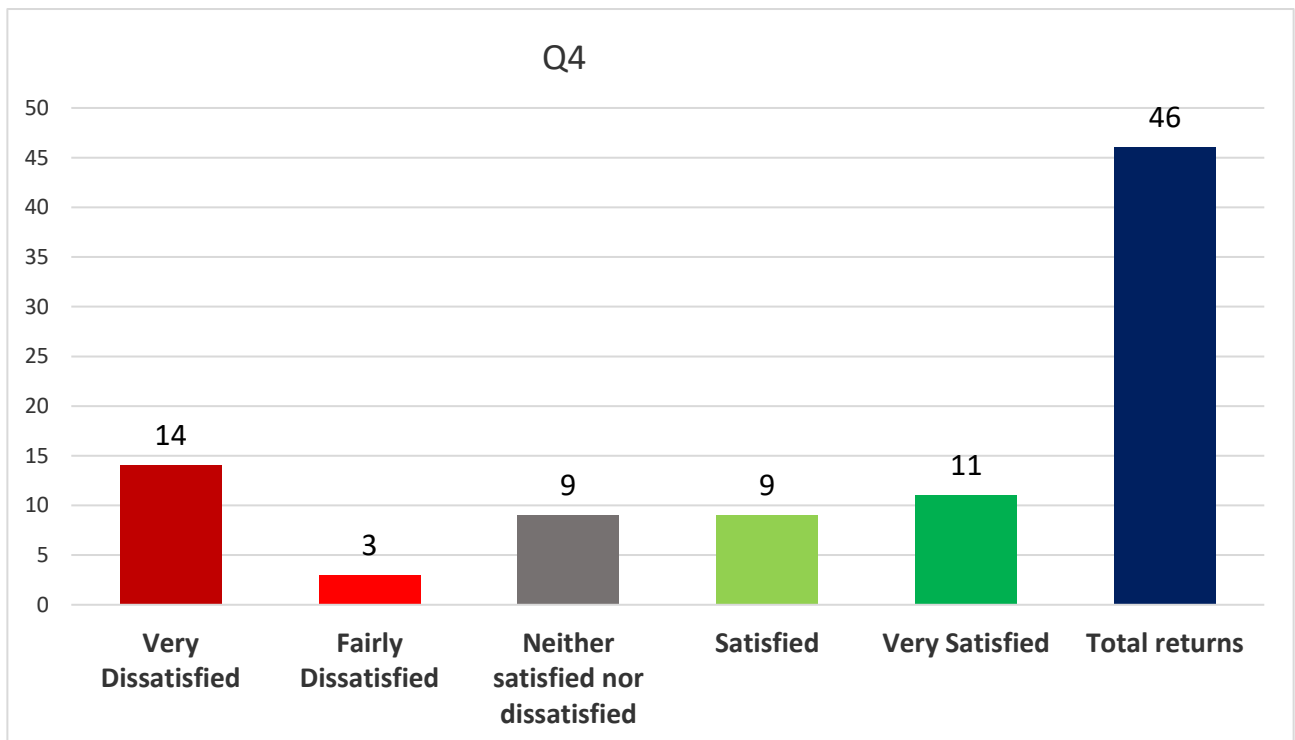
Q2: Aberdeenshire Council is committed to providing excellent customer services, how would you rate your overall experience of the complaints procedure?



Q3: Were you satisfied with how easy it was to make a complaint?



Q4: How satisfied were you with the service provided by the Officer in any correspondence you may have had with them?



Q5: Can you suggest any improvements we could make to this service/Customer comments?

"I am more than aware of the sort of constraints that local councils are under, and would willingly pay more council tax if it made things better. I hate having to put in so many reports, but if the Council is not told about matters, no improvement can be expected."

"Train staff to properly receive and record complaints"

"Happy with service in this occasion, it's very good!"

"Take complaints seriously. The response does not in any way address the complaint that was made. It is wholly just a ticking the box exercise"

"Complaint dealt with in a timely and professional manner."

"They took an extremely long time to get back in touch and clearly didn't take on board fully our issues but instead made excuses for their staff's inappropriate behaviour."

"Easy to access complaints form with multiple drop down box to pick, quick and easy to use"

"I was kept up to date with how my complaint was being dealt with. I had the opportunity to contact him and discuss the nature of the complaint further"

"The problem was resolved very quickly after I had made my formal complaint. This was greatly appreciated."

"The Officer's response (on two occasions) was excellent"

"Wasn't expecting a reply, but very pleased with the response time and outcome."

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.

How We Report on Complaints Performance and Trends to Senior Managers and Staff?

Monthly reports are sent to Senior Management which detail top level and service specific information on complaints handled by services. These reports contain complaints performance information and analysis of reasons for complaints where appropriate. Service Managers use the information from these reports to identify and share any learning from complaints, and to inform their service planning process.

Quarterly reports on Key Performance Indicators are sent to services, and also provide a top level update to the Elected Members Policy and Resources Committee.

Case Studies

• **Case Study 1: Housing – Failure to respond or action a complaint – SPSO - 201608566**

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

Mr D complained that the Council unreasonably failed and/or delayed in taking action against a neighbouring council tenant who was allegedly operating a car repair and sales business from their premises in breach of their tenancy agreement and council regulations.

The Housing Officer kept good written accounts of visits and discussions with the Tenant, which were crucial in the Ombudsman not upholding the complaint.

The SPSO advised that on the basis of the evidence they had seen, which they noted as being detailed, they concluded that the Council had taken appropriate steps to investigate concerns brought to their attention. The SPSO noted that they had liaised with multiple partner agencies in order to investigate the complaint fully. This highlights an example of good working practice by the Service working constructively with partners to achieve customer satisfaction by dealing proactively with complaints.

In his closing remarks the SPSO said that the Council had taken a view that the Tenant was not operating a business from the property, and that it was for them to decide whether there was sufficient evidence to constitute a breach of tenancy. The SPSO said that he would only be able to question that decision if he found evidence of maladministration in the decision making process, which he had not.

The handling of this complaint demonstrates good partnership working and highlights the importance of good recordkeeping. It serves as a good example of where the Service fully investigated a complaint, followed the correct procedures and sought further advice where necessary in order to address the concerns raised by Mr D.

• **Case Study 2: Planning – Planning Application – SPSO - 201706329**

The Scottish Public Services Ombudsman (SPSO) investigated a complaint brought to them by a complainant, Mrs A. They did not uphold Mrs A's complaint.

This is a good example of where the Council carried out a thorough investigation of a complaint and, following a review by the SPSO, they confirmed that they were satisfied with the Council's response and would not be taking the case any further.

Mrs A wrote to the Council to complain about a planning application to erect a 16m Mast and Associated Equipment in her neighbourhood. Her concerns related to:

- how Aberdeenshire Council considered the proposal

- how it would consider similar proposals in the future
- visual impact
- property value loss
- reduction in Council Tax

Following investigation, the Council provided a full response which addressed the complainant's concerns. The Council also fully explained the legislative changes that came into effect from 31 July 2017.

Upon receipt of the Council's final response, the complainant remained dissatisfied and took their complaint to the SPSO.

The complaint the complainant asked the SPSO to look at were:

- how the Council dealt with the application, which was subsequently approved
- changes to planning legislation regarding telecommunication companies which were not publicised to people like herself who are affected by the legislation
- the quality of information contained within the planning application and why the application was approved.

Following their review, the SPSO in their decision letter to the complainant, advised that a thorough response had been sent from Aberdeenshire Council to the complainant. The Council had taken time to consider relevant policies within the Local Development Plan prior to a decision being made, and were right to cite the recent changes in legislation (certain developments no longer require planning permission, including new ground based masts up to 25 metres in height) to the complainant. Whilst the application in question did have permitted development rights, and despite this, the Council's Report of Handling gave a clear indication that the Council had considered the application in sufficient depth. The complainant lodged her objections to the development and these had been acknowledged and responded to in the Report of Handling.

In conclusion, the SPSO noted that the decision on the planning application was a discretionary decision and, from the information available, could find no evidence of procedural failure in the way this matter was handled.

• **Case Study 3: Planning – Scope of Transport statement for a planning application - SPSO – 201707540**

Mr B wrote to the Council to complain that he was unreasonably requested to provide a full Transport Statement when he sought to apply for planning permission to develop a business and apply for a Change of Use from Class 1 to Class 3.

Following investigation, the Council provided a full response which addressed the complainant's concerns advising:

- The Roads Officer had indicated that “it is likely that it was suggested that some form of justification statement would be required outlining the reasoning for the shortfall of parking. This could be a brief description explaining that there were numerous available car parking spaces within a short walk from the premises.”
- The reference to a ‘Transport Statement’ by the Planning Officer may have been interpreted by whomever made the decision to commission the Report as a significant piece of work when this was never envisaged. The Planning Service accepted a small degree of responsibility in this and apologised for any confusion, but given the involvement of an experienced agent and use of established consultants, the opportunity to question the proportionality of the information being prepared for the development proposed could easily have been taken by either of these parties. The first the Planning Service were aware of this Report (Transport Statement) was when it was submitted with the planning application.
- Once the pre-application advice was provided, the responsibility for the scope of the Statement that was prepared was with the agent who commissioned it and / or consultant who wrote it.

Upon receipt of the Council’s final response, the complainant remained dissatisfied and took their complaint to the Scottish Public Services Ombudsman (SPSO).

Upon conclusion of their, investigation the SPSO advised the complainant:

- It had been acknowledged by the Council that the Transport Statement provided with the application had been more extensive that would normally be required for this type of development. This email exchange supported the view that no further contact was made with the Planning Service following receipt of the pre-application advice until the formal submission of the planning application.
- There was no suggestion in the email exchange between the agent and the consultants that the request for supporting information was seen to be excessive to the planning proposal or that this should be queried.
- The consultant issued correspondence to state that the quote they provided was to undertake and produce a statement that they deemed to be appropriate to support this planning application.
- It was considered that the Council was correct in stating that it was the responsibility of the party preparing the Transport Statement to agree the scope with the Council.
- It would be useful, however, if the Council would ensure, when advising applicants of the need for a Transport Statement that they state that they, or their agent, should discuss and agree the scope of the Transport Statement with the relevant Council Officers.

• **Case Study 4: Education – Primary School – SPSO - 201701232**

Ms C complained to the council that the Head Teacher of her son's primary school had failed to follow correct procedures when they contacted social services regarding concerns about her son. She also did not consider that the Head Teacher had communicated with her appropriately when they informed her of her son's potential exclusion from school during what she considered to be an informal meeting with the class teacher.

The council met with Ms C to discuss her complaint and confirmed in their initial response that the Head Teacher had acted appropriately in contacting social services following a disclosure made to a member of staff. The council confirmed that, in order to protect and maintain confidentiality, they were unable to discuss the nature of the disclosure with her. With regards to the meeting informing Ms C of the possibility of exclusion should her son's behaviour not improve, they confirmed that the meeting was in keeping with previous interactions she had with the school and was therefore appropriate and in line with their procedures. Ms C was not satisfied and brought her complaint to the Scottish Public Services Ombudsman (SPSO).

The SPSO concluded that, based on the records taken at the time regarding the disclosures made by Ms C's son, the Head Teacher had acted appropriately in contacting social services to discuss the concerns. They found that the Head Teacher acted in line with child protection policy and, given the nature of the disclosures made, was correct in not sharing the details with Ms C. In relation to the separate and unrelated matter of the potential exclusion of her son, it was clear that the school had complied with relevant policies regarding the management of pupil behaviour and that the communication with Ms C was appropriate in the circumstances.

As a result the SPSO concluded the council had acted appropriately and did not uphold these aspects of the complaint.

• **Case Study 5: Education – Primary School – SPSO - 201606618**

Ms Z complained about her daughter's (Miss A) primary school. Miss A had recognised issues at primary school, particularly with her emotional literacy and communication skills. She also reacted badly when she made mistakes. Her Head Teacher had discussed these issues with Ms Z and steps were agreed to help Miss A. However, her problems continued and the Head Teacher referred the matter to social work in terms of the Scottish Government's 'Getting It Right For Every Child' (GIRFEC) procedures.

Ms Z complained to the council that the Head Teacher discriminated against her and that the council were unreasonable in the way they dealt with her complaint.

The Scottish Public Services Ombudsman (SPSO) investigated the complaint brought to them by Ms Z and made further enquiries of the council. They found that GIRFEC procedures are the national approach to improve outcomes for, and to support the wellbeing of, children by offering the right help at the right time. The child is the focus for all organisations involved and the approach encourages early intervention by professionals, for instance, by Social Care who could provide help to avoid crisis situations at a later date. Miss A had some problems which were not being resolved, although her school had involved Ms Z in their efforts to help her. Accordingly, the Head Teacher approached Social Care in line with GIRFEC guidance.

While Ms Z considered this to be unreasonable, the SPSO found no evidence of this. They did not uphold her complaint. Although Ms Z also complained about the way the council later considered her complaint, she was unhappy with the merits of the decision rather than the way the decision on her complaint had been made.

Therefore the SPSO did not uphold this complaint.

• **Case Study 6: Health & Social Care– Continuing Care – SPSO - 201604586**

This is a good example of where the council acknowledged a failing and put actions in place to resolve matters to ensure a good outcome for a complainant.

As a result the Scottish Public Services Ombudsman (SPSO) confirmed that they were satisfied with the Council's response and would not be taking the case any further.

Ms M, who works for an advocacy and support agency, complained on behalf of her client (Ms A). Ms A said that the council delayed in awarding free personal care to her mother when she moved into a care home. Ms A was also unhappy with the way the council dealt with her subsequent complaint.

Following discussions with the SPSO, the council acknowledged that they had missed an opportunity to join up their different services so that they could provide Ms A's mother with a comprehensive service. The council apologised for this failure and agreed to reimburse the full free personal care contribution being claimed by Ms A as a resolution.

As Ms A was happy with this outcome, the SPSO closed the case as resolved.

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 with regards to this.

Our complaints data for the last three years has been submitted to these organisations in order to assist in the development of a benchmarking process.

Work continues to be ongoing to identify opportunities for learning and develop guidelines for the performance indicators, using the Local Government Benchmarking Framework family groupings. No benchmarking statistics are available for 2017/18 but it is hoped they will be introduced for the next financial year.

Contact Us

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

Phone: 01346 58 58 63

Email: feedback.team@aberdeenshire.gov.uk

In writing to:

Feedback Team

Aberdeenshire Council

Woodhill House

Westburn Road

Aberdeen AB16 5GB

Log on to: www.aberdeenshire.gov.uk/feedback