

# **Aberdeenshire Council Complaints Performance Report 2016-2017**

## **Contents**

3 - Chief Executive's Introduction

4 - Our Complaints Performance

5 - How Customers Complained

6 - Indicator 1 - Complaints Received Per 1,000 of Population

7 - Indicator 2 - Closed Complaints

8 - Indicator 3 - Complaints Upheld, Partially Upheld and Not Upheld

9 - Indicator 4 - Average Times

10 - Indicator 5 - Performance against Timescales

11 - Indicator 6 - Cases Where an Extension Is Authorised

12 - Indicator 7 - Customer Satisfaction

15 - Why Customers Complained

16 – Indicator 8 - Learning from Complaints

17 - Learning from Complaints – Case Studies

24 – Conclusion & Contact Us

## 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 fourth annual Complaints Report. This report provides information on customer complaints handled between 1 April 2016 and 31 March 2017.

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 2016 and 31 March 2017.

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 2016-17, we received **1741** complaints from customers who chose the following ways to contact us with a complaint:

**580** Online Form (2015/16: 547)

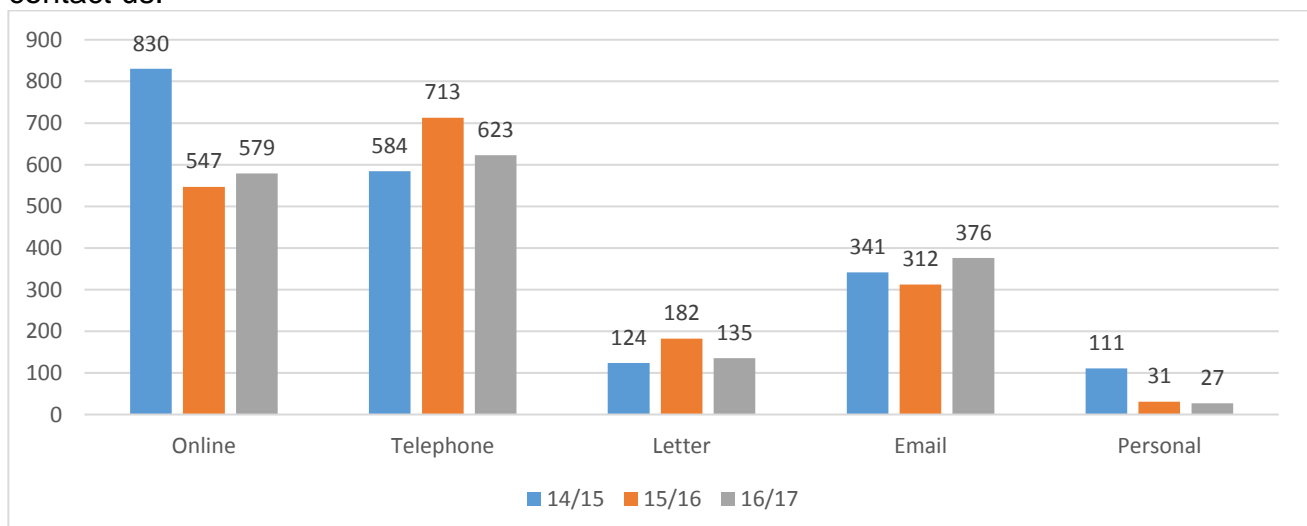
**623** Telephone (2015/16: 713)

**135** Letter (2015/16: 182)

**376** Email (2015/16: 312)

**27** In person (2015/16: 31)

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 and email, replacing the telephone and letter correspondence as the most favoured ways to contact us.



## 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 2016 and 31 March 2017. 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 **262,190** \*\*

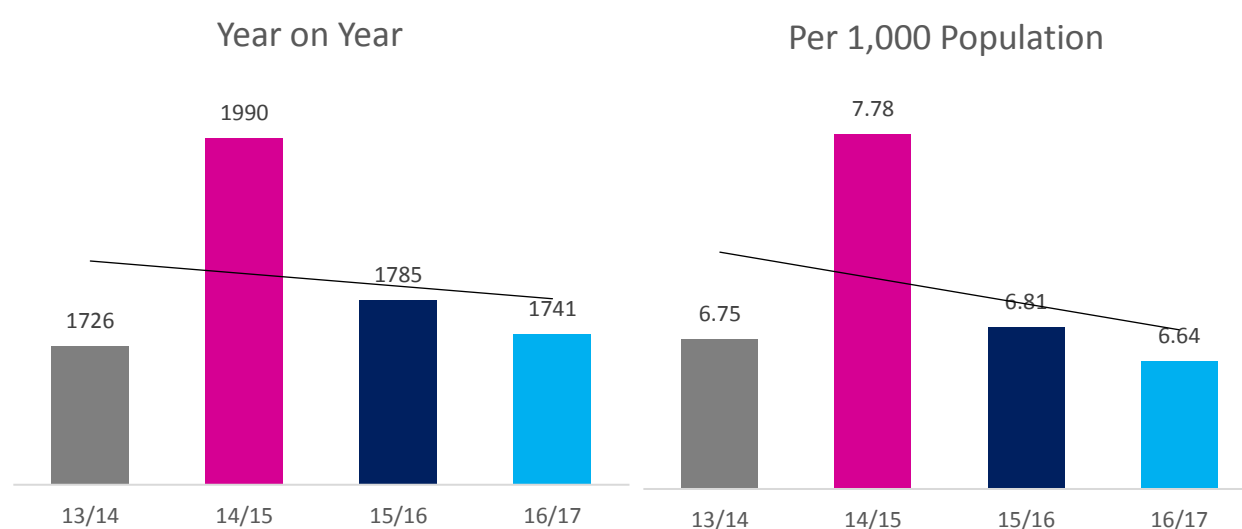
In 2016/17 we handled **1741** complaints for this period. This was 44 less than last year (15/16 - 1785)

This means that an average of **6.64** complaints were received per 1,000 residents.

This indicates that **1** in every **150** Aberdeenshire residents have registered a complaint about our services. (Improvement on last year - 15/16: 1 in every 146)

	Total Complaints Received	Per 1,000 Population
13/14	1726	6.75
14/15	1990	7.78
15/16	1785	6.81
<b>16/17</b>	<b>1741</b>	<b>6.64</b>

\*\* Population is taken from the National Records Office for Scotland mid 2016 Population estimates. [www.nrscotland.gov.uk/statistics-and-data](http://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.

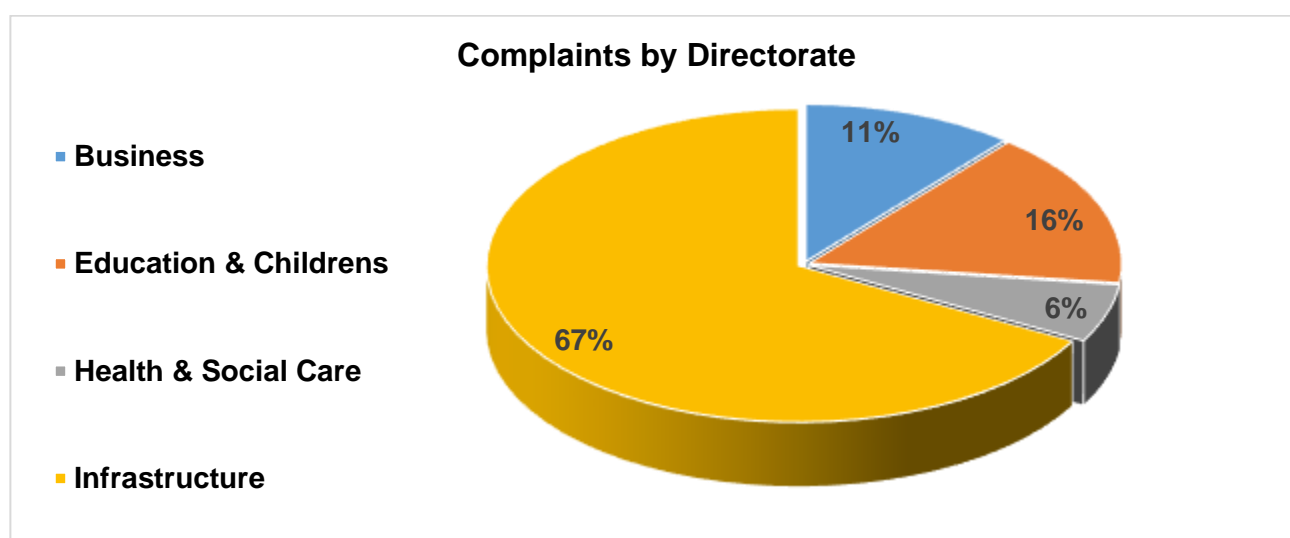
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
13/14	990	736	19
14/15	1236	754	23
15/16	1046	739	48
<b>16/17</b>	<b>1061 (+)</b>	<b>680 (-)</b>	<b>30 (-)</b>

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.

**61%** of complaints were dealt with at Stage One at the customer’s first point of contact with a frontline member of staff. **39%** of the remaining complaints were resolved at Stage Two, the Investigation stage.

Compared to last year 15/16: 59% dealt with at Stage One and 41% dealt with at Stage Two.

We aim to deal with and resolve as much 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 **1.72%** 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
13/14	704	102	184
14/15	805	111	320
15/16	692	79	275
<b>16/17</b>	<b>676 (-)</b>	<b>81 (+)</b>	<b>304 (+)</b>
Stage Two (Investigation)			
	Not Upheld	Partially Upheld	Upheld
13/14	425	173	138
14/15	527	93	134
15/16	531	76	132
<b>16/17</b>	<b>473 (-)</b>	<b>75 (-)</b>	<b>132</b>
Stage Two Escalated (Ombudsman)			
	Not Upheld	Partially Upheld	Upheld
13/14	11	5	3
14/15	7	0	2
15/16	6	3	2
<b>16/17</b>	<b>3 (-)</b>	<b>1 (-)</b>	<b>7 (+)</b>

In addition to the above **11** cases that escalated to the Ombudsman 16/17, there were a further **19** 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 **30** cases were decided upon last year. As of March 2017 the Ombudsman informed us they were considering two further cases opened by them in March 2017.



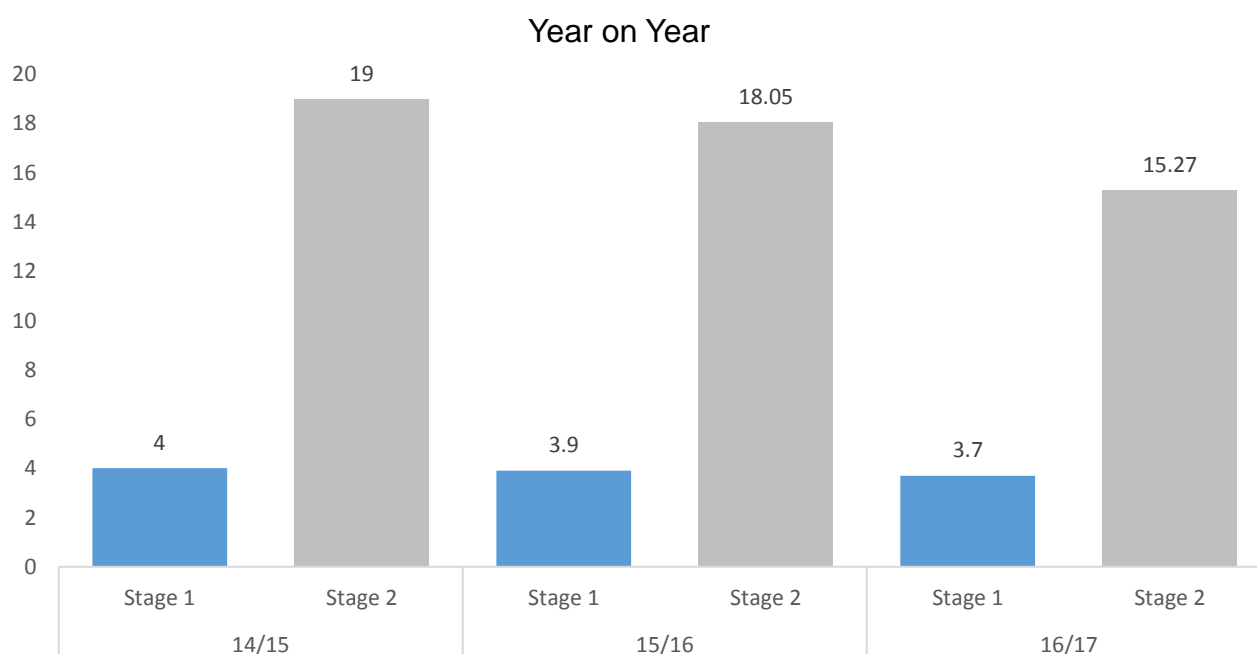
## Indicator 4: Average Times

- 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 three days, well 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)
13/14	4.25	19.75	N/A
14/15	4	19	N/A
15/16	3.90	18.05	N/A
<b>16/17</b>	<b>3.70</b>	<b>15.27</b>	<b>N/A</b>

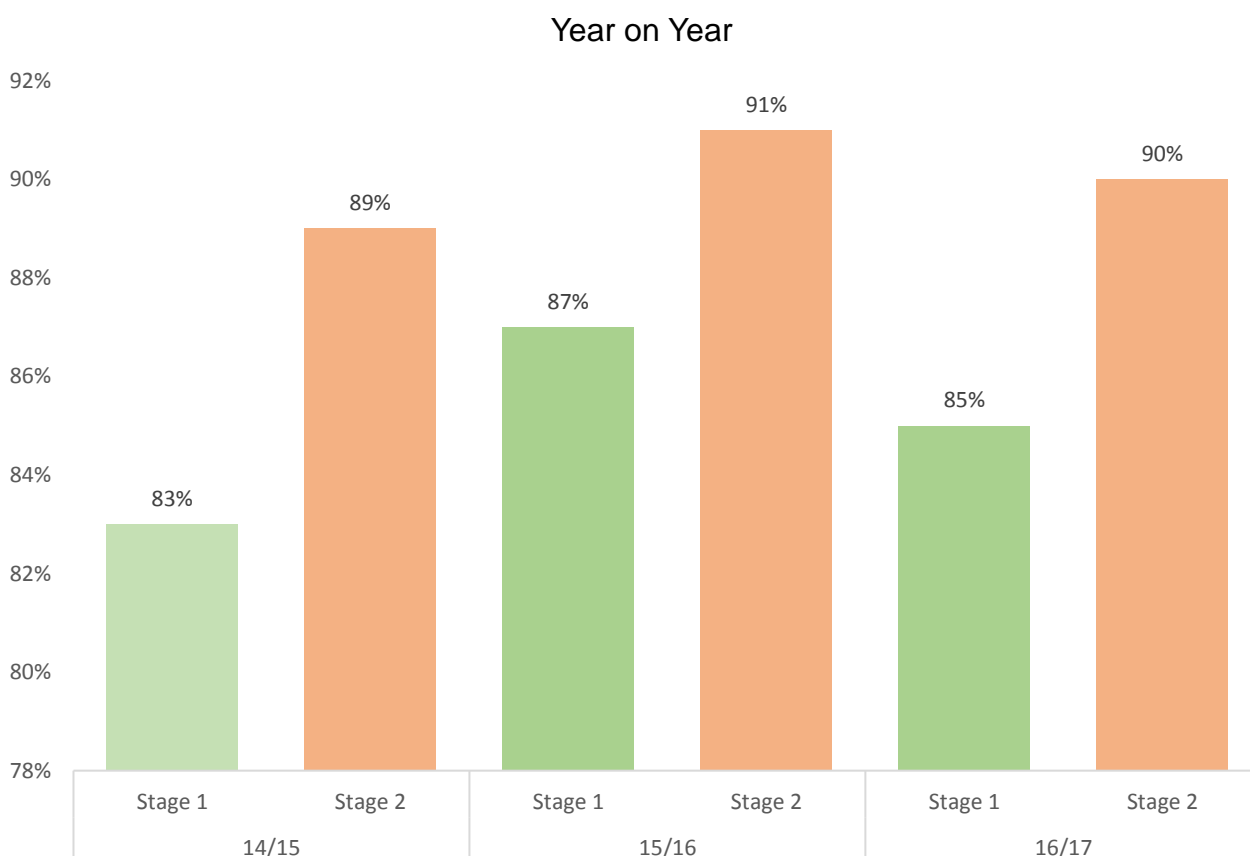


## Indicator 5: Performance against timescales

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 (85%) and Stage Two complaints (90%). A slight reduction on last year 15/16.

	Stage One (5 Working days)	Stage Two (20 Working days)
13/14	944 (95%)	642 (87%)
14/15	1031 (83%)	669 (89%)
15/16	911 (87%)	670 (91%)
<b>16/17</b>	<b>904 (85%)</b>	<b>610 (90%)</b>



## Indicator 6: Number of cases where an extension has been authorised

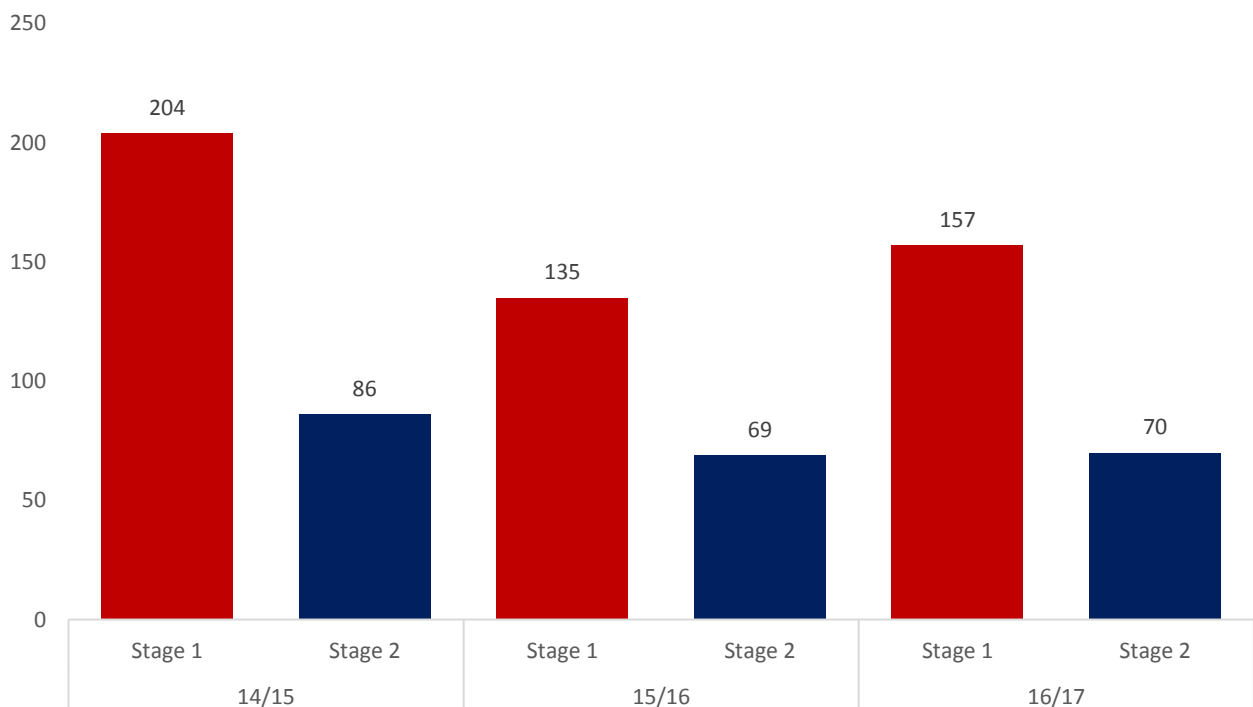
An extension to the timescales is authorised in certain circumstances. This is the number and percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised.

	Stage One (5 Working days)	Stage Two (20 Working days)
13/14	46	94
14/15	204	86
15/16	135	69
<b>16/17</b>	<b>157</b>	<b>70</b>

This is another area where the council have performed well.

Stage One 157 out of 1061 complaints (only 15%) extended passed 5 days and 70 out of 680 Stage Two complaints (only 10%) extended passed 20 working days. A total of 227 required extensions out of 1741 complaints, equating to 13% of complaints. A slight increase on the last year.

Year on Year



## Indicator 7: Customer Satisfaction

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

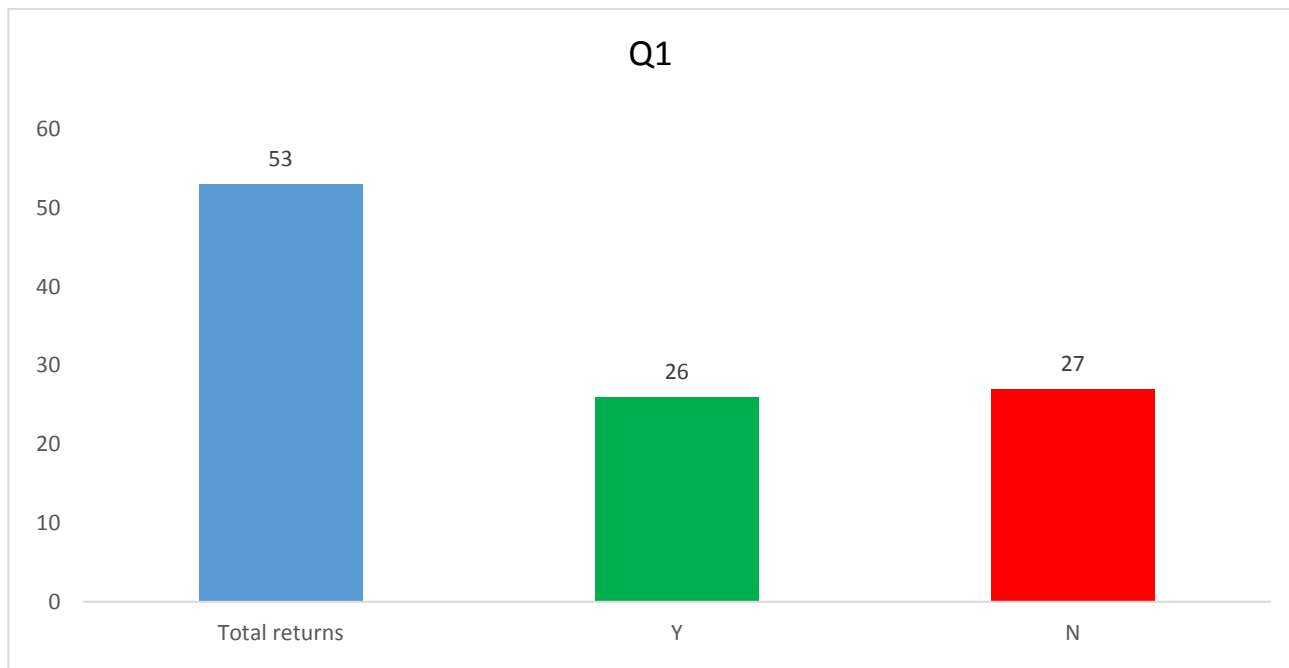
What we continue to find from this data is that, on analysis of the comments in conjunction with their individual complaints, it is clear that a large percentage of those who have given negative feedback have not received the outcome to their complaint that they expected or wanted. This may have led 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.

As you will see from the comments below, we have also found 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.

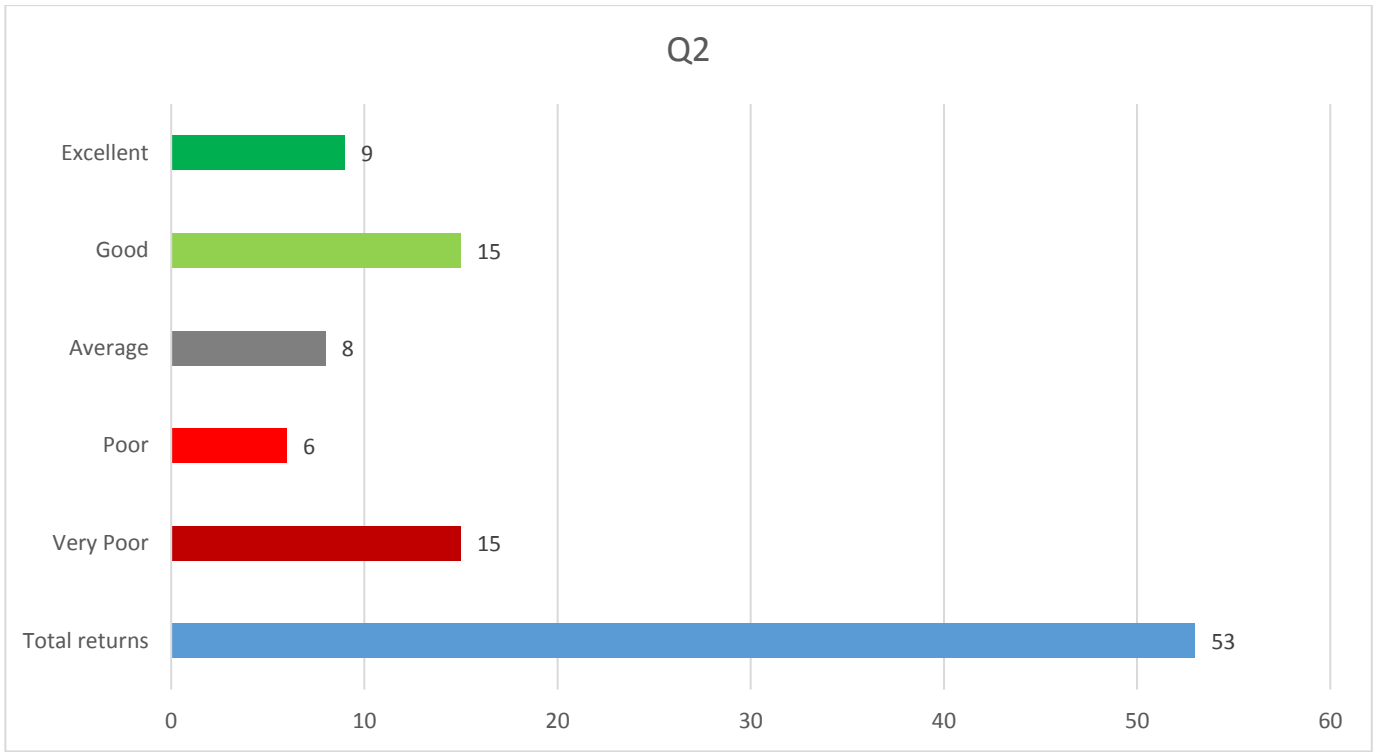
From the survey feedback it can also be true to suggest that this is the same for the positive feedback, as the respondents have often received the outcomes or responses that they desired.

We have however looked at every negative rating, and the complaint handling process for specific complaints to seek opportunities for learning and improving the process where it is appropriate to do so.

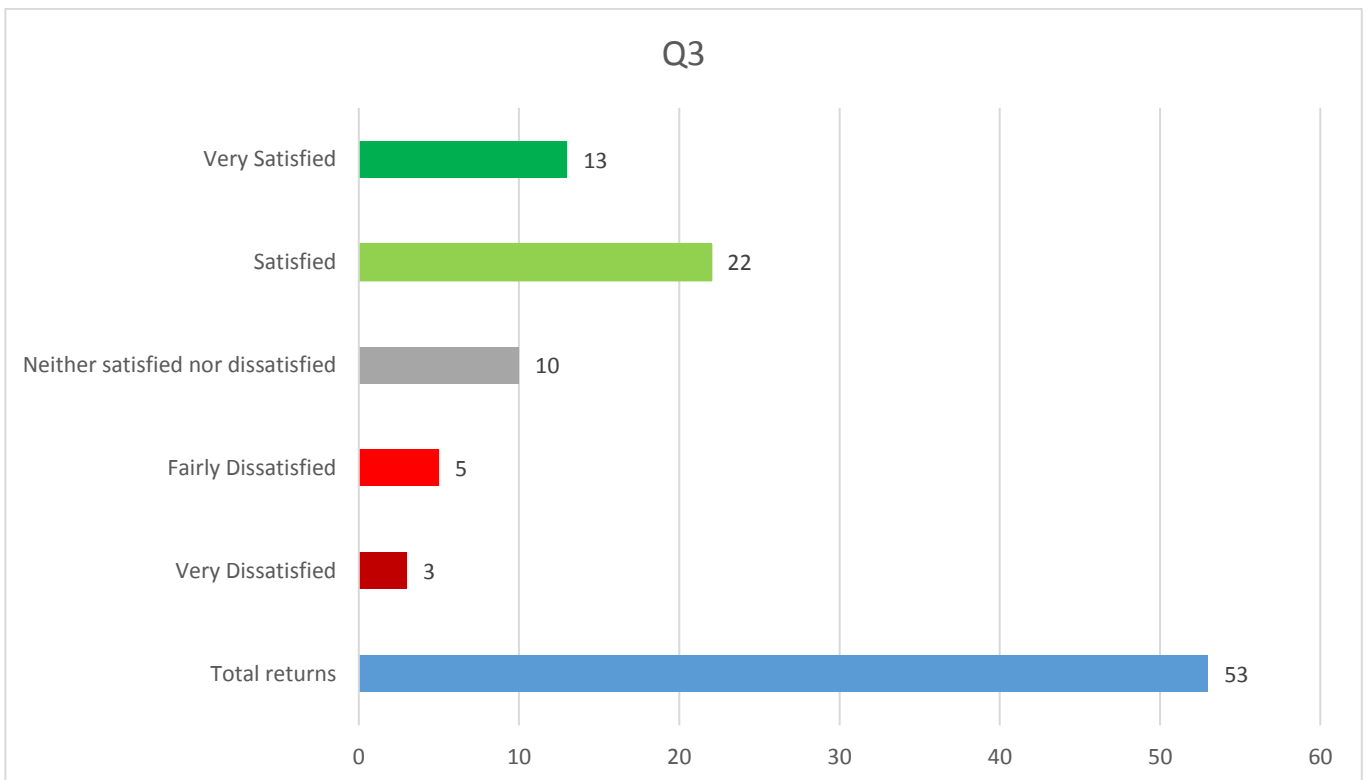
### Q1: Before you contacted us, were you aware that the council had a formal complaints procedure? Yes/No answers.



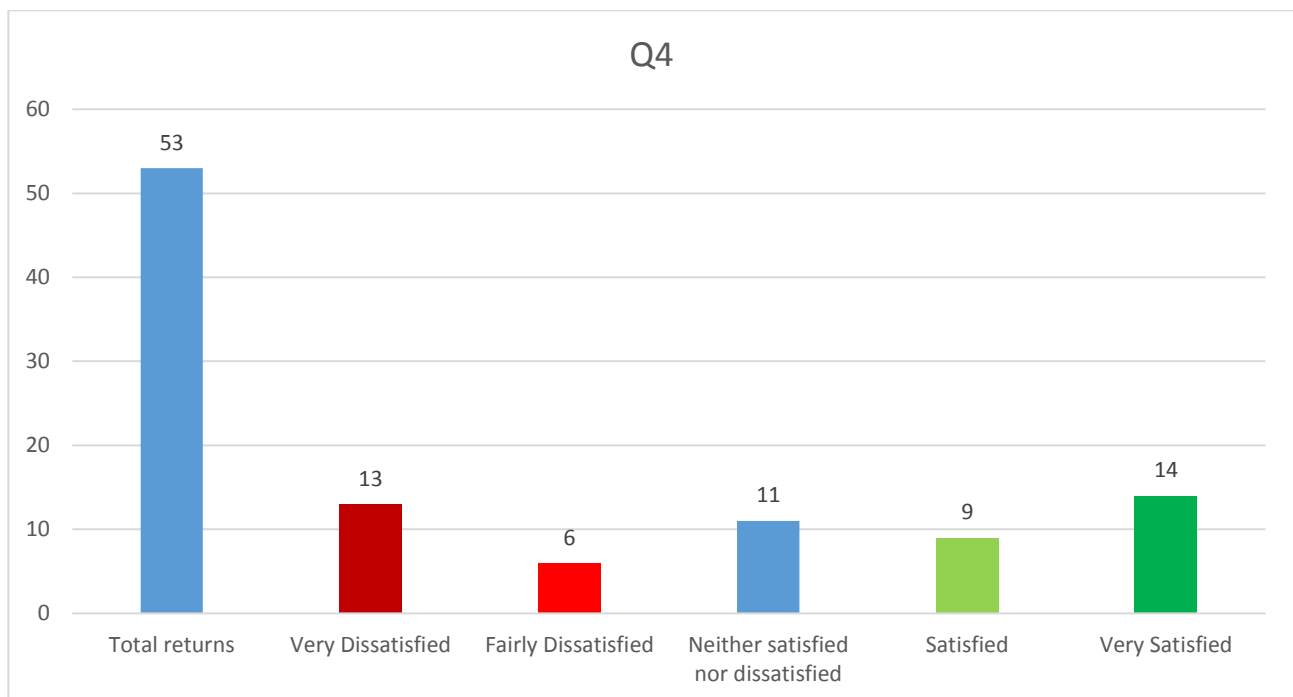
**Q2: Aberdeenshire Council is committed to providing excellent customer services, how would you rate your overall experience of the complaints procedure? (Please note: we are asking you to rate your experience with the way in which your complaint was handled and not about the complaint itself)**



**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?**

*“The process was good, the response time, the structure of the reply and the investigative process - all good.”*

*“Lies told on response, failure to answer all complaint and lack of accountability”*

*“The correct person came to my house to investigate the complaint and I got my repairs request sorted our promptly.”*

*“No attempt was made to investigate or to respond to the factual basis of the complaint. The response was contrived to protect the officers who were the subject of the complaint. As such the complaint procedure was a complete sham.”*

*“It would be easier if you could email call centre with photo attachments from the very start.”*

*“Was handled appropriately and feedback to myself was quickly responded to”*

*“Easy to find Councils Complaint Handling page and there was a prompt reply and updates. Happy with response”*

*“Responses are always reasonable. It is worth noting that there is a vast difference between acknowledgement and resolution of an issue. As stated, it is good to receive acknowledgement, it is even more satisfying to receive confirmation of resolution”*

## Why Customers Complained

This financial year, the highest volume of complaints we received related to:

- Complaints about the **Waste** service: **259** (2015/16: 403 so -144 complaints)

Most complaints regards:

- 1 - Missed Refuse & Recycling Collections
- 2 - Staff Behaviour including Driving
- 3 - Replacement of containers following collection

- Complaints about the **Housing** service: **454** (2015/16: 420 so +34 complaints)

Most complaints regards:

- 1 - Service standards
- 2 - Delay in providing a service
- 3 - Communication

- Complaints about **Education & Children's** service: **276** (2015/16: 238 so +38)

Most complaints regards:

- 1 - Disagreements with schools handling and communication of issues / complaints / procedures
- 2 - Swimming pools – service standards
- 3 - Resourcing and budgeting constraints

- Complaints about **Roads & Landscape Services**: **334** (2015/16: 270 so +64)

Most complaints regards:

- 1 - Roads & Footpaths - Policy & Service Standards
- 2 - Traffic Management & Road Safety – Service Standards
- 3 - Landscape Service - Parks & Open spaces - Service Standards

## **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 partly 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?**

Reports sent monthly 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.

Reports sent Quarterly to services for their Key Performance Indicators, and provide a Quarterly top level update to the Elected Members Policy and Resources Committee.



## Case Studies

- **Case Studies 1: Planning – Unauthorised developments: enforcement action – SPSO - 201600254**

The Scottish Public Services Ombudsman (SPSO) investigated a complaint brought to them by a complainant, Mrs A. They upheld Mrs A's complaint with recommendations.

Mrs A lived adjacent to a site on which unauthorised development (a residual bund) had taken place. Mrs A was unhappy that the development had caused her property to flood and complained to the council that they had failed to take appropriate enforcement action to address the flooding.

The SPSO found that the council had served three enforcement notices on the developer in relation to the site, and that each of these had been appealed. They also noted that the developer had submitted a further planning application to the council, which meant that all enforcement action was on hold pending the outcome of this application.

In response to the SPSO's enquiries, the council advised that they considered they had taken appropriate steps to take enforcement action against the developer. The SPSO took independent planning advice. The adviser considered that the council had taken reasonable steps in the first instance to ensure that the enforcement notices were served on the correct parties. However, the adviser was critical with the approach taken by the council in relation to the enforcement notices and did not consider that this approach would have been able to achieve the council's aim of preventing flooding to Mrs A's property.

While the adviser was critical of this aspect of the council's actions, the SPSO did not consider that this failing had altered the outcome of the case. This was because it was evident that the developer submitted a new planning application, which meant that all enforcement action would have been on hold anyway. Therefore the SPSO decided that, in the event that the developer's latest application was refused, the council should reconsider enforcement action with the benefit of hindsight over the detail required in preparing the enforcement notices. The SPSO made a recommendation in relation to this and decided on balance to uphold Mrs A's complaint.

The council accepted the SPSO's comments/recommendations and as a result apologised and shared the decision with the appropriate team. They used this to form part of a "lessons learnt" for the future and in particular should a further enforcement notice be served in respect of the unauthorised development.

- **Case Studies 2: Planning – Handling of Application (complaint by opponents) – SPSO – 201602276**

The Scottish Public Services Ombudsman (SPSO) investigated a complaint brought to them by a complainant, Mr C. They upheld Mr C's complaint with two recommendations.

Mr C complained about the council's handling of a planning application submitted by his neighbours. The council had granted planning permission, with an attached condition which stipulated that the recommendations in a tree report that had been produced for the neighbours were complied with. Some of the recommendations in the tree report related to trees that were on Mr C's property. As Mr C had refused his neighbours access to his trees, the planning condition could not be met. When Mr C's neighbours wrote to the council explaining this, the council stated that they considered the condition to have been fulfilled nevertheless.

The SPSO took independent planning advice. They found that it was unreasonable for the council to attach a planning condition that was unachievable to the planning application. They also found that rather than considering the condition to be fulfilled when they discovered it to be unachievable, the council should have asked the applicants to formally apply, under Section 42 of the Town and Country Planning (Scotland) Act 1997, for the condition to be varied or for the development to proceed without complying with the terms of the condition.

The SPSO noted that prior to their investigation the council had implemented new training and guidelines to reduce the possibility of a similar failing occurring again, and that they had accepted that the condition should not have been attached in the form that it was.

As a result of the recommendations the council apologised to Mr C. The council service also briefed all appropriate staff on the appropriate use of their Section 42 process map through further guidance at regular team meetings and briefings on how to discharge planning conditions contained in their Best Practice Manual. This manual was created to improve service delivery as a result of previous learning as a result of complaints handling and SPSO decisions.

### • **Case Studies 3: Planning – Planning Permission – SPSO - 201600620**

This is a good example of where the council carried out a thorough investigation of a complaint and following a review by the Scottish Public Services Ombudsman (SPSO) they confirmed that they were satisfied with the council's response and would not be taking the case any further.

The customer contacted the council to complain about the siting of a communal refuse store. They complained that they had not followed the correct procedures with regards to non-material variations and had concerns about health and safety with regards to the relocated bin store.

The council provided a full response following investigation and addressed all of the complainants concerns. They acknowledged where there had been failings and apologised where it was appropriate to do so. The council also explained clearly why decisions had been made and why they were unable to meet the expectations of the complainant.

Following the council's final response the complainants remained dissatisfied and took their complaint to the SPSO.

The complaint the complainants asked the SPSO to look at were that the council had unreasonably failed to follow the correct procedure with regard to nonmaterial variations and had acted unreasonably in their handling of the complaints brought to them.

Following their review the SPSO in their decision letter to the complainants advised, that they had looked carefully at the evidence they had of the actions taken by Aberdeenshire Council to look at their complaint. The evidence showed that the complaint was responded to and investigated. Aberdeenshire Council acknowledged their failure in this instance to follow the correct procedure with regard to non-material variations. They explained to the complainants why this happened and they apologised for their error. The council fully addressed their concerns about health and safety with regards to the relocated bin store, supporting their conclusion that it would not be a health and safety hazard. On the two occasions where the council had not met the timescales of the complaints process, they apologised for this. The council later provided a comprehensive response to the complaints on other points they had raised. Lastly, the council made contact with the developer's agent to discuss the possibility of relocating the bin store, although I understand that a meeting was not agreed to by the developer.

In conclusion the SPSO advised they had considered the council's actions carefully. They confirmed that the steps taken were what they would expect to be taken and the ones they would most likely recommend if they investigated the case. The SPSO considered the evidence demonstrated that these actions were undertaken appropriately and the council's response to your complaint was reasonable, pragmatic and proportionate in the circumstances.

• **Case Studies 4: Education – Primary School/Social Work referral– SPSO - 201508465**

The complainant's child made a disclosure to their class teacher about an incident they found upsetting within the family home. The class teacher spoke to the head teacher and the child was interviewed by the head teacher. The head teacher then contacted another member of the education department for advice and they suggested that social services be contacted. The head teacher said they were clear that they did not make a social services referral. However, the social work department contacted the father (Mr D) and arranged a meeting with both parents.

Mr D was unhappy about this and complained that the head teacher had not followed the correct Getting It Right For Every Child (GIRFEC) procedures. Mr D believed the head teacher should have spoken to him prior to contacting the social work department and they should have created a written assessment of the risk to the child. Mr D also complained the council's investigation into the matter had been rushed and unfair since they had refused to meet with him, despite meeting with the council staff involved.

The Scottish Public Services Ombudsman (SPSO) found there was no evidence that the head teacher had followed the appropriate GIRFEC procedures as set out in the council's guidance to staff. They found that the head teacher was unaware social services had recorded their contact with them as a referral. The SPSO considered it inappropriate that in this case the teachers did not know how the social work department recorded requests for advice in this specific case. The SPSO found the council's investigation had not identified the failure to follow council guidance, nor had it explained to Mr and Mrs D why they had been contacted directly by the social work department. As a result the SPSO considered the council's investigation into the complaint had not been conducted to an appropriate standard. They upheld the complaint with recommendations.

As a result of learning from this complaint and following the recommendation of the Ombudsman the council completed a number of actions whilst apologising to the parents. The actions taken were to:

- Provide further training for all staff at the Primary School
- Review and update Child Protection advice
- Provide individual feedback for relevant officers
- Work with Social Work colleagues to ensure recording and information sharing processes was consistent and robust

### • **Case Studies 5: Education – Communication/Staff Attitude – SPSO - 201604101**

Mr C complained on behalf of his former wife (Mrs B) and his son (Mr B) about a letter Mr B's head teacher sent to Mrs B, in relation to alleged disciplinary issues in the school. Mr C also complained about the council's investigation of and response to Mrs B's complaint.

The Scottish Public Services Ombudsman (SPSO) found that the head teacher's letter included very emotive language, rather than factual information about specific incidents. Such factual information could have helped to engage Mrs B with the school's concerns in light of the facts.

The SPSO also identified a number of failings with the council's investigation and response to Mrs B, and noted that the council failed to send us all relevant information in response to their enquiry. The council's investigating officer made a recommendation following their investigation but the council was not able to provide information on the investigating officer's meetings or findings, therefore we concluded that notes were either not taken or not retained. As a result the SPSO upheld Mr C's complaints.

Following the SPSO's decision and recommendations to the council, although the council disagreed with the decision, a review of the investigation of Mr C's complaint was conducted as a learning exercise and the council actioned the recommendations. The council apologised to Mr C and reviewed what training resources they had for communicating with the public and highlighted this to all employees of the council along with providing guidance for use.

### • **Case Studies 6: Housing – Homeless person issues – SPSO - 201604266**

Mr C complained on behalf of his constituent (Mr A) following the council's decision to deem Mr A intentionally homeless. Mr C asked the Scottish Public Services Ombudsman (SPSO) to review the complaint following the council's investigation and final response about the matter. He felt that the council had unreasonably assessed Mr A as being intentionally homeless. In their decision the SPSO found the council had followed and applied the relevant guidance and legislation appropriately. Therefore they did not uphold Mr C's complaint.

The learning from this complaint demonstrates that this was a good example of where a council service had fully investigated a complaint, followed the correct procedures and guidance and did their best to help address the Mr C's concerns following the Complaints Handling Procedure. Although the council were not able to achieve the outcomes the complainant and their advocate wanted, the investigation and response was clear in explaining the situation and what the council's position was and what should happen next.

• **Case Studies 7: Housing - Adaption grants/Communication – SPSO - 201605384**

Mrs A complained that the council had failed to follow their own statement of assistance when offering a disabled adaption grant for a change to Mrs A's property for her child; and that they had failed to provide her with an appropriate level of communication.

This was a protracted case with correspondence over a number months and the complaint was subsequently made following the original instigation of the disabled grant adaption process itself and following an appeal to the Adaption Grants sub-committee over a number of years.

The council made an official offer which was accepted by Mrs A, of both mandatory and discretionary funding contributing to the outstanding balance for the change to the property. However Mrs A was unhappy as she felt the work should be fully funded under a mandatory grant and that council communication was inadequate, which including delays to the process.

The council fully investigated and addressed Mrs A's concerns in a final response, explaining the situation fully and apologised where it was appropriate to do so, where Mrs A felt the council had been at fault. Following the completion of the council's Complaints Handling Procedure, Mrs A remained dissatisfied and took her complaint to the Scottish Public Services Ombudsman (SPSO).

Following their independent review and consideration of all of the evidence, the SPSO concluded that the council did not fail to follow their statement of assistance as Mrs A believed. They also advised that the decision to award a discretionary funding was appropriate.

With regards to the timescales and communication issues, the SPSO concluded that there was not an unreasonable delay nor was there an inappropriate level of communication. They were also happy to note that dialogue continued with the family from the council, to provide continued advice and support with the issues of funding.

This case study represents a good example of Aberdeenshire Council's commitment to ensuring that complaints are dealt with fully and as a result of these communications and complaints, remain focused to help and support the family to achieve a good outcome for their child, despite differing expectations.

• **Case Studies 8: Health & Social Care – Care plan/Communication - SPSO - 201605545**

There are often times when receiving a complaint from a service user or customer of Aberdeenshire Council that it is unclear as to what it is they are complaining about.

This is a good example which highlights the importance of the council asking for this information in order to help someone complain and achieve a resolution, while asking for their help to do so. The council may need to ask because the customer has not provided a clear explanation as to what it is specifically they are complaining about, what they want to

achieve by complaining (what outcome they are hoping for to resolve their complaint) or they have not provided any evidence for the council to investigate.

Many complaints received are often hear say, personal opinion (subjective), or one person's interpretation of events which differ from another's. Often a complaint received will be about an employee's behaviour which has come about as a direct result of that employee having had to impart difficult information or a decision to a service user and it is simply that the service user disagrees with information or decision given. This often results in a complaint about staff behaviour which they associate with their dissatisfaction of the decision.

Therefore in order for the council to help and for the complaints investigator to have a clear picture of what the complaint is about, the council have to ask for more information before processing a complaint following the Complaints Handling Procedure (CHP). This involves going back to a complainant and asking questions. This could be for any specific evidence they have that backs up something that was said, by whom or any action that may have been taken and by whom. This will include asking for specific dates and times of when events have occurred, if there were any witnesses who can corroborate and for any written documented evidence. The council may also ask what specific procedure or policy they believe the council have not followed and what they believe the service failure to be.

To manage expectations the council will always need to ask what it is the customer wants them to do to put it right, to resolve the complaint for them. This could be an apology, an explanation as to why something happened or some other form of redress.

The Scottish Public Services Ombudsman (SPSO) received a complaint from Mr A who said that the council had, unreasonably failed to compile and implement an adequate care plan for his late father and had, unreasonably failed to deal appropriately with his subsequent complaints about this.

The SPSO advised the Mr A they were unable to take any further action due to the Scottish Public Services Act 2002, as amended (the Act) stating that, they cannot usually investigate matters until the body complained about has had the opportunity to investigate and respond to the complaint(s). This is because it is usually more than likely that a mutually satisfactory resolution will be achieved if this is done at an early stage and by both parties involved. They noted that Mr A's complaint had not been through the council's CHP because the council had requested clarification of his complaints which he was unwilling or unable to provide. Although they advised that they accepted he considered his complaint was sufficiently clear and the council should be able to deal with it from the information he provided, the councils view clearly differed.

Following the SPSO's review of information between Mr A and the council, they were of the view that it was not unreasonable for the council to ask for clarification of his complaints. As these were the sorts of questions and clarifications that they would also seek if an initial view of the information was not sufficiently clear when submitting a complaint. Mr A was therefore encouraged to provide the information required in order to progress things through the council's CHP in the first instance. For whatever reason, he has never chosen to do so.

Aberdeenshire Council is committed to listening to our customers and using their feedback to change and improve the way we do things. We hope the case studies provided have given an insight into the many different types of complaints we get and how issues are resolved and how the learning is used to improve the service we provide.

## **Scottish Public Services Ombudsman/Benchmarking**

Complaints benchmarking with other authorities in Family Groups is currently taking place 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 2015-16 and 2016-17 has been submitted to these organisations in order to assist in the development of a benchmarking process.

Work is ongoing to identify opportunities for learning and develop guidelines for the performance indicators, using the Local Government Benchmarking Framework family groupings.

## **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.

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Woodhill House

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