

ANGUS COUNCIL

SCRUTINY & AUDIT COMMITTEE – 19 APRIL 2016

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN
1 OCTOBER 2015 – 31 MARCH 2016**

SHEONA C HUNTER, HEAD OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT

This report provides information about complaints made to the Scottish Public Services Ombudsman (SPSO) in respect of Angus Council during the period 1 October 2015 – 31 March 2016.

1. RECOMMENDATION(S)

It is recommended that the Committee:

- (i) notes the findings of the SPSO; and
- (ii) agrees that the actions taken in respect of the SPSO recommendations are appropriate.

2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/COPORATE PLAN

This report supports services in the delivery of all outcomes contained within the Angus Community Plan and Single Outcome Agreement 2013 – 2016.

3. INVESTIGATION REPORTS AND DECISION LETTERS – 1 OCTOBER – 31 MARCH 2016

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 October 2015 and 31 March 2016. The SPSO has required the Council to comply with a national complaints handling procedure which was adopted by Angus Council in December 2012 (Report 703/12). The purpose behind a single procedure is to enable councils to compare the number and type of complaints with other local authorities but also to enable councils to learn from complaints and to use them to drive improvement within our service.

Attached at **Appendix 1** is a list detailing all complaints received during this period and for those which were upheld, a section on the lessons learned from the complaint. During the period 1 October 2015 to 31 March 2016 in total six letters of complaint were received by the SPSO in relation to Angus Council. Five complaints were not upheld and one complaint is ongoing. **Appendix 1** to this report provides brief details of the complaints and the decisions reached and comparative figures of complaints received during the period 1 April 2015 – 31 March 2016. A further report will be submitted once the SPSO issues its annual review of all complaints across the local authority sector. That further report will inform members of the number of complaints made against each local authority according to listed services.

4. RISKS

This report does not require any specific risks to be addressed.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Appendix:

Complaints Received 1 October 2015 to 31 March 2016

COMPLAINTS RECEIVED 1 OCTOBER 2015 TO 31 MARCH 2016

Complaint 1	No reference
Date Complaint Received	9 October 2015
Complaint	Delay in allocating and dealing with complaint
Date decision received	9 October 2015
Decision	Not Upheld SPSO did not take complaint forward as it had not completed the Council's Complaints Handling Procedure. Complaint is being investigated after correspondence with SPSO.

Complaint 2	Ref 201504387
Date Complaint Received	12 November 2015
Complaint	The Council did not follow protocols when a child needed to go to the toilet during a class at Carnoustie Leisure Centre.
Date decision received	12 November 2015
Decision	Not Upheld SPSO did not take complaint forward because there is no reliable way for them to establish what happened and that the area is not covered by CCTV. The council advised all coaches and leisure staff have been reminded about the procedure when children need to go to the toilet.

Complaint 3	Ref 201504901
Date Complaint Received	24 November 2015
Complaint	Complainer's property was damaged by a leak from the property above, which is a Council owned flat. The Council decided not to pay compensation for damage to the complainer's home.
Date decision received	24 November 2015
Decision	Not Upheld SPSO cannot decide whether compensation is payable, nor how much, nor is it for the SPSO to establish negligence or legal liability. They can only investigate complaints about the administrative handling of a claim.

Complaint 4 Ref 201503172
Date Complaint Received 7 March 2016
Complaint Length of time it had taken the Council to process a planning application. The application was registered on 27 May 2015 and was not approved until 3 November 2015.
Date decision received 7 March 2016
Decision **Not Upheld**
The Scottish Public Services Ombudsman Act 2002 states the SPSO must not investigate any matter in respect of which the person aggrieved has or had an alternative right of appeal unless satisfied that it is not reasonable to expect the person aggrieved to resort or have resorted to the right or remedy. The Town and County Planning (Scotland) Act 1997 provides the procedure for appeals.

Complaint 5 Ref 201506084
Date Complaint Received 15 March 2016
Complaint Council refused to replace bollards outside complainer's property which were removed in error.
Date decision received 15 March 2016
Decision **Not Upheld**
The Scottish Public Services Ombudsman Act 2002 Section 7(1) states that SPSO is not entitled to question the merits of a decision taken without maladministration by a body in the exercise of a discretion vested in that authority. This means that the SPSO cannot consider complaints about any discretionary decisions that organisations make simply because someone disagrees with them.

Complaint 6 Ref 201506082
Date Complaint Received 23 March 2016
Complaint Council did not:

- respond reasonably or take reasonable action when complainant made phone calls and sent emails reporting neighbour nuisance;
- take reasonable action in respect of same; and
- respond reasonably to complaint.

Date decision received
Decision **Ongoing**

Total Number of Complaints 1 October 2015 – 31 March 2016	6
NOT UPHELD	5
UPHELD	0
ONGOING	1
Total Number of Complaints 1 April 2015 – 30 September 2015	9
NOT UPHELD	6
UPHELD	3
ONGOING	0
Total Number of Complaints for year 2015-2016	15
NOT UPHELD	11
UPHELD	3
ONGOING	1