

**ANGUS COUNCIL**

**SCRUTINY & AUDIT COMMITTEE – 23 JUNE 2015**

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN – ANGUS COUNCIL**

**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 2014 – 31 March 2015.

**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 2014 – 31 MARCH 2015**

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 October 2014 and 31 March 2015. 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. 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.

During the period 1 October 2014 to 31 March 2015 in total two letters of complaint were received by the SPSO in relation to Angus Council. Both complaints were not upheld and brief details of these complaints and the decisions reached are detailed in **Appendix 1**.

On 25 November 2014 Report No 482/14 detailed complaints from 1 April – 30 September 2014. At this time it was advised that there were two live complaints and one complaint ongoing from April 2013-March 2014 period. Complaints 7 and 10 have been investigated and closed with complaint 7 being upheld and Complaint 10 not upheld. A brief description of the above outcomes are detailed in **Appendix 2** to this Report. The Committee is asked to consider the actions taken in respect of the case which was upheld and whether the actions are sufficient to prevent further complaints in these areas.

**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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## COMPLAINTS RECEIVED 1 OCTOBER 2014 TO 31 MARCH 2015

<b>Complaint 1</b>	Ref 201403861
<b>Date Complaint Received</b>	15 October 2014
<b>Complaint</b>	Council unreasonably transferred ownership of family plot to sister's partner with whom the family no longer has contact
<b>Date decision received</b>	15 October 2014
<b>Decision</b>	<b>Not Upheld</b> Cannot challenge the Council decision on the Regulations of Burial Grounds

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<b>Complaint 2</b>	Ref 201403133
<b>Date Complaint Received</b>	7 November 2014
<b>Complaint</b>	Dissatisfied with Council's process in tendering for the lease of the Traill Pavilion, Montrose
<b>Date decision received</b>	7 November 2014
<b>Decision</b>	<b>Not Upheld</b> Cannot challenge discretionary decisions that Council are entitled to take without evidence of maladministration

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<b>Total Number of Complaints Oct 2014 – 31 March 2015</b>	<b>2</b>
<b>NOT UPHELD</b>	<b>2</b>
<b>UPHELD</b>	<b>0</b>
<b>ONGOING</b>	<b>0</b>

## COMPLAINTS RECEIVED 1 APRIL – 30 SEPTEMBER 2014 - UPDATE

<b>Complaint 7</b>	Ref 201401420
<b>Date Complaint Received</b>	18 June 2014
<b>Complaint</b>	The Council provided inadequate social care to complainant's spouse.
<b>Date decision received</b>	<b>Upheld</b>
<b>Decision</b>	As the Council previously apologised to the complainant no further apology was needed but pointed out that the complainant was not signposted to SPSO.

**What action has the Council taken and what has the Council learned?**

A reminder has been issued to all relevant staff in the section to ensure that the standard paragraph is contained in all stage 2 investigation outcome letters.

<b>Complaint 10</b>	Ref 201402995
<b>Date Complaint Received</b>	12 September 2014
<b>Complaint</b>	<ol style="list-style-type: none"> <li>1. The Council's handling of the complainant's application for housing was poor; and</li> <li>2. the Council unreasonably failed to provide complainant with relevant advice.</li> </ol>
<b>Date decision received</b>	<b>Not Upheld</b>
<b>Decision</b>	SPSO recommended that a letter of apology be sent to the complainant as complainant was not signposted to SPSO.

## COMPLAINTS RECEIVED APRIL 2013 - MARCH 2014 - UPDATE

All three complaints are closed. Two of the complaints were upheld and the recommendations from the SPSO have been carried out. The third complaint has now been investigated and the complaint was not upheld with no recommendations.