

ANGUS COUNCIL

SCRUTINY & AUDIT COMMITTEE – 24 NOVEMBER 2015

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN
1 APRIL 2015 – 30 SEPTEMBER 2015**

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 April – 30 September 2015.

1. RECOMMENDATIONS

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 APRIL – 30 SEPTEMBER 2015

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 April 2015 and 30 September 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. Members will note that all three complaints which were upheld related to a delay in dealing with the initial complaint. All three complaints related to a similar issue in connection with three separate customers and was a result of failure to obtain specialist legal advice. 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 April to 30 September in total nine letters of complaint were received by the SPSO in relation to Angus Council. Six complaints were not upheld and three complaints were upheld (complaints 2, 3 and 4). **Appendix 1** to this report provides brief details of the complaints and the decisions reached. The Committee is asked to consider the actions taken in respect of the three cases which were 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.

REPORT AUTHOR: Sheona C Hunter
EMAIL DETAILS: LEGDEM@angus.gov.uk

Appendix:

Complaints Received 1 April 2015 to 30 September 2015

COMPLAINTS RECEIVED 1 APRIL 2015 TO 30 SEPTEMBER 2015

Complaint 1	Ref 201407559
Date Complaint Received	13 April 2015
Complaint	Council's decision to refuse community care grant application
Date decision received	27 April 2015
Decision	Not Upheld SPSO are not entitled to question the decision taken by the Council unless evidence of failure on relevant processes and procedures

Complaint 2	Ref 201402575
Date Complaint Received	5 May 2015
Complaint	Unreasonable delay in dealing with complaint to Council on 19 May 2014
Date decision received	11 June 2015
Decision	Upheld SPSO made two recommendations that the Council:- <ol style="list-style-type: none"> 1. apologise for the unreasonable delay in responding to the complaint; and 2. provide a response to the complaint

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

Arrangement have now been implemented to ensure that the delay in obtaining specialist legal advice is not repeated.

Complaint 3	Ref 201407897
Date Complaint Received	5 May 2015
Complaint	Unreasonable delay in dealing with complaint to Council on 19 May 2014
Date decision received	11 June 2015
Decision	Upheld SPSO made two recommendations that the Council:- <ol style="list-style-type: none"> 1. apologise for the unreasonable delay in responding to the complaint; and 2. provide a response to the complaint

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

As per 2 above.

Complaint 4 Ref 201407898
Date Complaint Received 5 May 2015
Complaint Unreasonable delay in dealing with complaint to Council on 19 May 2014
Date decision received 11 June 2015
Decision **Upheld**
SPSO made two recommendations that the Council:-
1. apologise for the unreasonable delay in responding to the complaint; and
2. provide a response to the complaint

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

As per 2 above

Complaint 5 Ref 201500725
Date Complaint Received 13 May 2015
Complaint Rejection of compensation claim caused by subsidence on road which caused damage to car
Date decision received 13 May 2015
Decision **Not Upheld**
SPSO cannot deal with complaints for compensation

Complaint 6 Ref 201407886
Date Complaint Received 9 June 2015
Complaint Council's approval of inaccurate drawings in relation to a planning application
Date decision received 9 June 2015
Decision **Not Upheld**
SPSO will not consider complaint further as the inaccurate representation of the wall in the drawings is a minor inaccuracy given that the other measurements and relative positions in the drawings are accurate.

Complaint 7 Ref 201500568
Date Complaint Received 12 June 2015
Complaint Council's failure to provide adequate additional support for learning or for special need to a child
Date decision received 12 June 2015
Decision **Not Upheld**
SPSO contacted Schools and Learning Division who are investigating the matter to try and agree a way forward. Complaint may be re-opened if the matter is not resolved

Complaint 8 Ref 201407380
Date Complaint Received 24 June 2015
Complaint Ongoing issues with the Inglis Memorial Hall, Edzell
Date decision received 8 July 2015
Decision **Not Upheld**
Error in Council's letter was unfortunate but in the context of all of the other information available to SPSO they are satisfied that it did not represent evidence of maladministration.

Complaint 9 Ref 201405356
Date Complaint Received 19 August 2015
Complaint Care arrangements for child when complainant and husband were taken into hospital in an emergency. Dissatisfied with social workers and actions taken by child's head teacher.
Date decision received 19 August 2015
Decision **Not Upheld**
As complaint was dealt with through Complaints Review Committee (CRC) it is not for SPSO to look again at complaints made to the Council either by looking at evidence or challenging the findings of recommendations made by the CRC.

Total Number of Complaints 1 April 2015 – 3 September 2015	9
NOT UPHELD	6
UPHELD	3
ONGOING	0