

ANGUS COUNCIL

SCRUTINY & AUDIT COMMITTEE – 22 JUNE 2017

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN
1 OCTOBER 2016 – 31 MARCH 2017**

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 2016 – 31 March 2017.

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 OCTOBER 2016 – 31 MARCH 2017

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 October 2016 and 31 March 2017. Members are advised that report No 419/16 notified members of the number and outcome of complaints received between 1 April and 30 September 2016. The Council adopted the SPSO national complaints handling procedure in December 2012 (Report 703/12). The purpose behind a national 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 services.

During the period 1 October 2016 to 31 March 2017 in total five letters of complaint were received by the SPSO in relation to Angus Council. All five complaints were not pursued although the SPSO made enquiries regarding one complaint. Brief details of these complaints are detailed in **Appendix 1**.

On 19 April 2016 Report No 163/16 detailed complaints from 1 October 2015 – 31 March 2016. At that time it was advised that there was one live complaint. This complaint has been determined and the outcome is reported to this Committee. A brief description of this complaint is detailed in **Appendix 2** to this Report.

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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Appendices:

Appendix 1: Complaints Received 1 October 2016 to 31 March 2017

Appendix 2: Complaints Received 1 October 2015 to 31 March 2016 - Update

COMPLAINTS RECEIVED 1 OCTOBER 2016 TO 31 MARCH 2017

Complaint 4 201605148
Date Complaint Received 14 November 2016
Complaint Council acted unreasonably in relation to the concerns raised about the welfare of person.
Date decision received 14 November 2016
Decision The matter was dealt with under Social Work Complaints Review Committee and in these circumstances it would not be appropriate for SPSO to investigate.

Complaint 5 201605581
Date Complaint Received 12 December 2016
Complaint Work to a pavement outside complainant's property in 1995/6 was carried out and partially covered air vents to property. Complainant believes this has caused dampness in property.
Date decision received 12 December 2016
Decision SPSO do not determine complaints which amount to disagreement over the question of liability and cannot challenge decision made by the Council's insurers.

Complaint 6 201604686
Date Complaint Received 8 February 2017
Complaint Council failed to comply with Land Reform Act regarding a sign in direct contradiction of the Scottish Government's guidance on the clarity of signs.
Date decision received 8 February 2017
Decision SPSO reviewed the documents provided and found no evidence of maladministration in the Council making their decision and will not consider the matter further.

Complaint 7	201606420
Date Complaint Received	24 February 2017
Complaint	Refusal to allow grandson to attend an Out of School Club – SPSO received copies of the Service Level Agreement to decide whether they can deal with this complaint.
Date decision received	17 March 2017
Decision	Wording in the SLA advised the Club were providing this service for the Council. On further investigation it was ascertained that the Club were not performing a service for the Council but that the Council had provided funding to develop/improve the service run by the Club. As the complaint is against the operations of a third party benefitting from a Service Level Agreement with the Council, the SPSO cannot investigate this complaint.

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

The Council is to look at other Service Level Agreements to ensure that a similar situation like this does not occur again.

Complaint 8	201609086
Date Complaint Received	21 March 2017
Complaint	Council unreasonably failed to take appropriate action following Complaints Review Committee (CRC)
Date decision received	21 March 2017
Decision	Further investigation by SPSO would not serve any purpose or provide complainant with an outcome or any explanations over and above the ones already achieved by complainants own efforts.

Total Number of Complaints 1 October 2016 – 31 March 2017	5
NOT UPHELD	5
UPHELD	0
ONGOING	0
Total Number of Complaints 1 April 2016 – 30 September 2016	3
NOT UPHELD	3
UPHELD	0
ONGOING	0
Total Number of Complaints for 1 April 2016 – 31 March 2017	
NOT UPHELD	8
UPHELD	0
ONGOING	0

COMPLAINTS RECEIVED 1 OCTOBER 2015 TO 31 MARCH 2016 - UPDATE

Complaint 6	Ref 201506082
Date Complaint Received	23 March 2016
Complaint	Council did not: <ol style="list-style-type: none"> (1) respond reasonably or take reasonable action when complainant made phone calls and sent emails reporting neighbour nuisance; (2) take reasonable action in respect of same; and (3) respond reasonably to complaint.
Date decision received	23 February 2017
Decision	Complaints 1 and 3 were upheld Recommendation to complaint 1: To provide this office with an outline of the steps they will take to ensure messages via their ACCESSLine are handled better in the future; Recommendation to complaint 3: Feedback the findings of SPSO investigation to relevant staff.

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

We agreed with the decision and following a multi-service meeting, put in place an action plan to comply with the recommendations as follows:

Complaint 1 Recommendation:

- Action 1 – We have re-recorded the message on the ACCESSLINE answerphone to ensure the required customer details are clear.
- Action 2 - If a message is played back and cannot be heard properly, staff are to ask another member of the team to listen to it to see if they can help clarify the message details.
- Action 3 - Future plans are to introduce a new system whereby the customer will not have the option to leave a message, the customer will be placed in a queue and the operator will call the customer back. Timescale - End of 2017.

Complaint 2 Not upheld. We do however have a number of actions we are taking on a self-assessment basis.

- Action 1 - We will provide training for ACCESSLINE staff on how to identify calls from customers who may have mental health issues.
Timescale: Within 6 months
- Action 2. – We will Involve Community Planning Partnership, Community Mental Health Team and Health & Social Care Partnership in the early stages of future investigations.
Timescale: Immediate
- Action 3 – We are reviewing the ASB Strategy.
Timescale: Immediate
- Action 4 – Community Housing Team Manager had a meeting with the member of staff involved in the case to discuss and improve staff skills when dealing with cases with possible mental health issues.
Timescale: Immediate

Complaint 3 Recommendation.

- Action 1- We have relayed to staff the importance of dealing with complaints on time following the complaints procedure.
Timescale: Immediate
- Action 2- We will implement a new system in which complaints will be handled through a Customer Service Portal. This will enable all Service Requests to be fully audited as all information will be held in one place.
Timescale: July 2017
- Action 3 – The complaint response letter template should have the details for the Ombudsman displayed.
Timescale; Immediate
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