

ANGUS COUNCIL

SCRUTINY & AUDIT COMMITTEE – 15 JUNE 2023

**COMPLAINTS RAISED WITH SCOTTISH PUBLIC SERVICES OMBUDSMAN
1 APRIL 2022 – 31 MARCH 2023**

REPORT BY DIRECTOR 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 2022 – 31 March 2023.

1. RECOMMENDATION

It is recommended that the Committee notes the number of cases submitted to the SPSO in 2022/23.

2. ALIGNMENT TO THE COUNCIL PLAN

The contents of this report contribute to the achievement of the corporate priorities set out in the Angus Community Plan and Council Plan. This is achieved through the report providing the Scrutiny and Audit Committee with information and assurance about the approach to complaints made to the council and progressed to the SPSO.

3. INVESTIGATION REPORTS AND DECISION LETTERS – 1 APRIL 2022 – 31 MARCH 2023

This report provides details of all complaints received by the SPSO in respect of Angus Council between 1 April 2022 and 31 March 2023. The Council adopted the SPSO national complaints handling procedure in December 2012 (Report 703/12). This is a legal requirement. The purpose behind a national procedure is to ensure a consistent process of handling complaints across organisations, 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.

If an individual is unhappy at the way in which Angus Council responded/handled a complaint an appeal can be made to the SPSO, following a Stage 2 Council investigation.

The SPSO will carry out an early assessment of the information provided by the customer to establish whether the complaint is one that they would take forward. The law gives the SPSO the discretion to decide whether they should investigate a complaint brought to them. To help them decide whether an investigation by them is appropriate, they look at the complaint investigation carried out by Angus Council and the reasons the person complaining to them disagrees. If the response from Angus Council appears reasonable and suggests that an appropriate complaints investigation has taken place, the SPSO would not investigate. During the early investigations by the SPSO further information can be sought from the council before a decision is made on moving the case forward or not.

During the period 1 April 2022 – 31 March 2023 – 22 letters of complaint were received by the SPSO in relation to Angus Council.

Of the 22 complaints received:-

- 18 were not investigated by the SPSO – this means they have looked at the complaint, potentially sought additional information from the council and then deemed that the complaints procedure has been followed and no further action is required;
- 1 was withdrawn by the customer;
- 1 was closed by the SPSO as customer was non-cooperative; and
- 2 remain outstanding as the SPSO have not reached the final decision as to whether to investigate.

4. SPSO INVESTIGATION TRAINING

The SPSO run a half day Investigation Training Course aimed at Senior Officers who carry out the Stage 2 Investigations. The Complaints Investigations Skills Course helps staff to provide a high quality investigation response with good decision letters, meaningful apologies and appropriate remedies along with learning from complaints. In 2022/23, fifteen officers were trained and a further 15 planned for 2023/24.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. EQUALITY IMPACT ASSESSMENT

A screening Equality Impact Assessment has been done and is attached.

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 1

| No | Complaint | Ref | Date Letter | Service | Note | Code |
|----|--|-----------|---------------|-------------------------------|---|-----------------------|
| 1 | The way in which the Council used Government Funding to support businesses affected by covid | 202200370 | 27 April 2022 | | SPSO are not taking the complaint forward | Not Investigated |
| 2 | | 202110189 | 24 May 2022 | Housing | SPSO are not taking the complaint forward | Not investigated |
| 3 | Housing related | 202103006 | 27 May 2022 | Housing | SPSO are not taking the complaint forward | Not Investigated |
| 4 | Rodents in property/repairs | 202200168 | 7 June 2022 | Housing | SPSO are not taking complaint forward | Not Investigated |
| 5 | Planning permission issue | 202110722 | 13 June 2022 | Planning | SPSO are not taking complaint forward | Not Investigated |
| 6 | | 202103386 | 13 June 2022 | Housing | Complaint has been withdrawn by the complainant | Withdrawn by customer |
| 7 | Housing repairs | 202201843 | 14 June 2022 | Housing | SPSO are not taking complaint forward | Not Investigated |
| 8 | Withdrawal of face-to-face meeting at Primary School | 202201897 | 15 June 2022 | Education & Lifelong Learning | SPSO are not taking complaint forward | Not investigated |
| 9 | Failure to maintain drains | 202106001 | 20 July 2022 | Roads | | Outstanding |
| 10 | Flooding at Property | 202108135 | 21 July 2022 | Roads | SPSO not taking complaint forward | Not Investigated |
| 11 | Planning | 202104391 | 27 July 2022 | Planning | SPSO not taking complaint forward | Not investigated |
| 12 | Housing Issues | 202006146 | 2 August 2022 | Housing | SPSO closing case meantime as customer not co-operating to send in required information | Closed by SPSO |
| 13 | Housing Issues | 202200187 | | Housing | Closed SPSO not taking it forward | Not Investigated |
| 14 | Damage to a plant at graveside | 202200710 | | Parks | Closed SPSO not taking it forward | Not Investigated |

| No | Complaint | Ref | Date Letter | Service | Note | Code |
|----|---|-------------|------------------|--------------------------------|---|------------------|
| 15 | Incorrect installation of an oil boiler and oil tank | CU423117732 | 4 October 2022 | Planning | SPSO has now closed their file on this one | Not Investigated |
| 16 | Planning applications for on-shore farm based windfarms | 202204307 | 11 October 2022 | Planning | SPSO not taking complaint forward | Not Investigated |
| 17 | Closure of children's case | 202206546 | 14 November 2022 | Children, Families and Justice | | Outstanding |
| 18 | Leaked personal information | 202206365 | 15 November 2022 | Children, Families and Justice | SPSO not taking complaint forward | Not Investigated |
| 19 | Rights of Access through property | 202111958 | 23 November 2022 | Property | SPSO not taking complaint forward | Not Investigated |
| 20 | Various issues raised by Community Group | 202201569 | 30 November 2022 | Vibrant Communities | SPSO not taking complaint forward as customer hasn't replied to SPSO requests | Not Investigated |
| 21 | Reinstate windows | 202208185 | 2 February 2023 | Planning | SPSO not taking complaint forward | Not Investigated |
| 22 | Safety of Play Area | 202203462 | 13 October 2022 | Parks | Closed | Not Investigated |