

Aberdeenshire Council Complaints Performance Report 2021-2022

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Chief Executive's Foreword

I am pleased to present Aberdeenshire Council's ninth Annual Complaints Report, which provides information on our performance in handling complaints from our customers between 1 April 2021 and 31 March 2022, as is required from all Local Authorities.

Aberdeenshire Council is committed to providing high quality services for our residents, customers, businesses, visitors to the area and supporting our most vulnerable service users. This report details how we have performed in dealing with complaints along with the outcomes of investigations.

We want to make it as easy as possible for our customers to access our complaints procedure through our website, by email, over the phone or in person. We appreciate that it can be disappointing and frustrating when expectations are not met and when we hear our services have fallen below the standards expected. We aim to resolve things as quickly as possible where we can, explain when and why, if we cannot and help to support complainants with resolutions and apologies where appropriate.

We strive to be thorough, transparent, objective and fair in our approach to complaints. We welcome and value complaints from our customers and this feedback is valuable. It enables us to review and identify where we can do things better and continue to improve service delivery.

Our commitment and contribution to the Scottish Public Services Ombudsman (SPSO) framework continues and as in previous years, this report provides information based on the current key performance indicators which every Local Authority in Scotland reports on. The details of which are submitted to and collated by the Scottish Public Services Ombudsman (SPSO) annually. We also include information about how we compare to other Local Authorities similar to us, as we are always keen to benchmark and learn from others.

It has been another challenging year, coming out of the pandemic and I thank all the staff in my organisation for doing what they do best, going the extra distance to provide the best possible services and support to the people of Aberdeenshire Council.

Jim Savege
Chief Executive

Our Complaints Performance

Aberdeenshire Council publishes its performance of complaints handling to provide assurance in relation to our performance, to deliver continuous improvement, and to assist in benchmarking between local authorities.

Audit Scotland monitor the reporting of complaints in conjunction with the Scottish Public Services Ombudsman (SPSO) and in line with the principles of the Best Value arrangements.

The council's Complaints Procedure (CHP) and the performance indicators below, adhere to the requirements set out by the SPSO's Model Complaints Handling Procedure.

Aberdeenshire Council defines a complaint as:

“Any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.”

The council aims to resolve complaints quickly and close to where the service is provided:

- Stage one – Front line resolution: aiming to resolve complaints quickly and close to where we provided the service within five working days.
- Investigation stage (Stage two) deals with two types of complaints: those that have not been resolved at Stage one and those that are complex and require detailed investigation.
- After the council has fully investigated the complaint, and if the customer is still not satisfied with the decision or the way the council dealt with the complaint, the complaint can then be referred onto the SPSO.

We publish complaints performance information quarterly and annually.

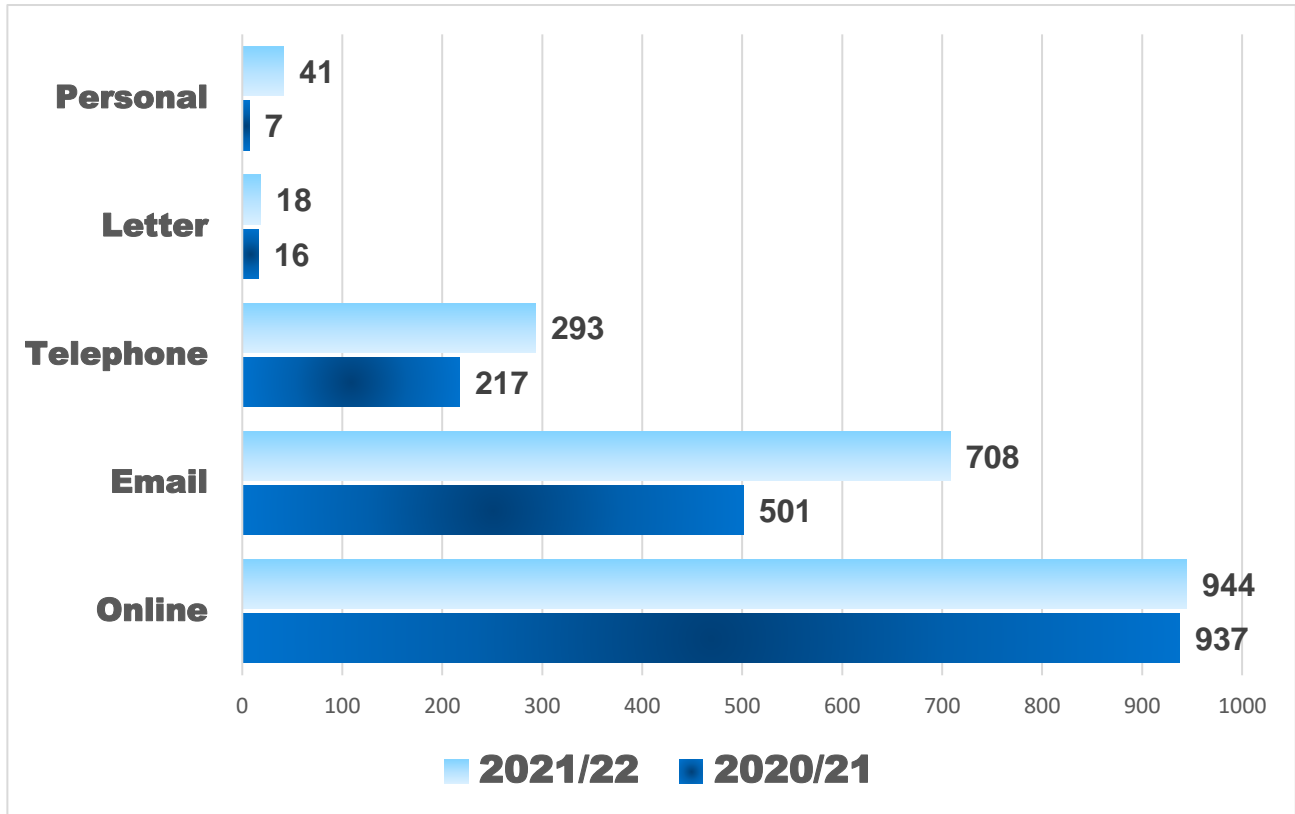
The following complaints management performance information outlines the council's annual performance for the year 1 April 2021 to 31 March 2022.

Complaints are a key way for local authorities to learn about services that are not working well and to use that feedback to make improvements. Our Service Management teams analyse complaint report information along with SPSO recommendations to ensure that they are incorporated into service business plans. Customer feedback is an opportunity to encourage organisational learning, so repeat failings no longer occur.

There is also evidence that, as well as providing accountability and other clear benefits for service users, getting things right early saves money for the public purse. Incorporating complaint analysis findings into our day-to-day business activities ensures that the services we provide are high quality, continually improving, efficient, and responsive to our residents' and service user's needs.

How Customers Complained

In 2021-22, we closed **2004** complaints from customers who chose the following ways to contact us with a complaint:



In comparison with previous years, we note that the Covid-19 pandemic and post pandemic, has had an effect on the way our residents have chosen to contact us.

Customers continue to use methods of contact such as the online form and email (+207), and are using less traditional methods of contact, such as complaining in person (at our Service Points as offices have been closed for large periods of time), by phone or by letter.

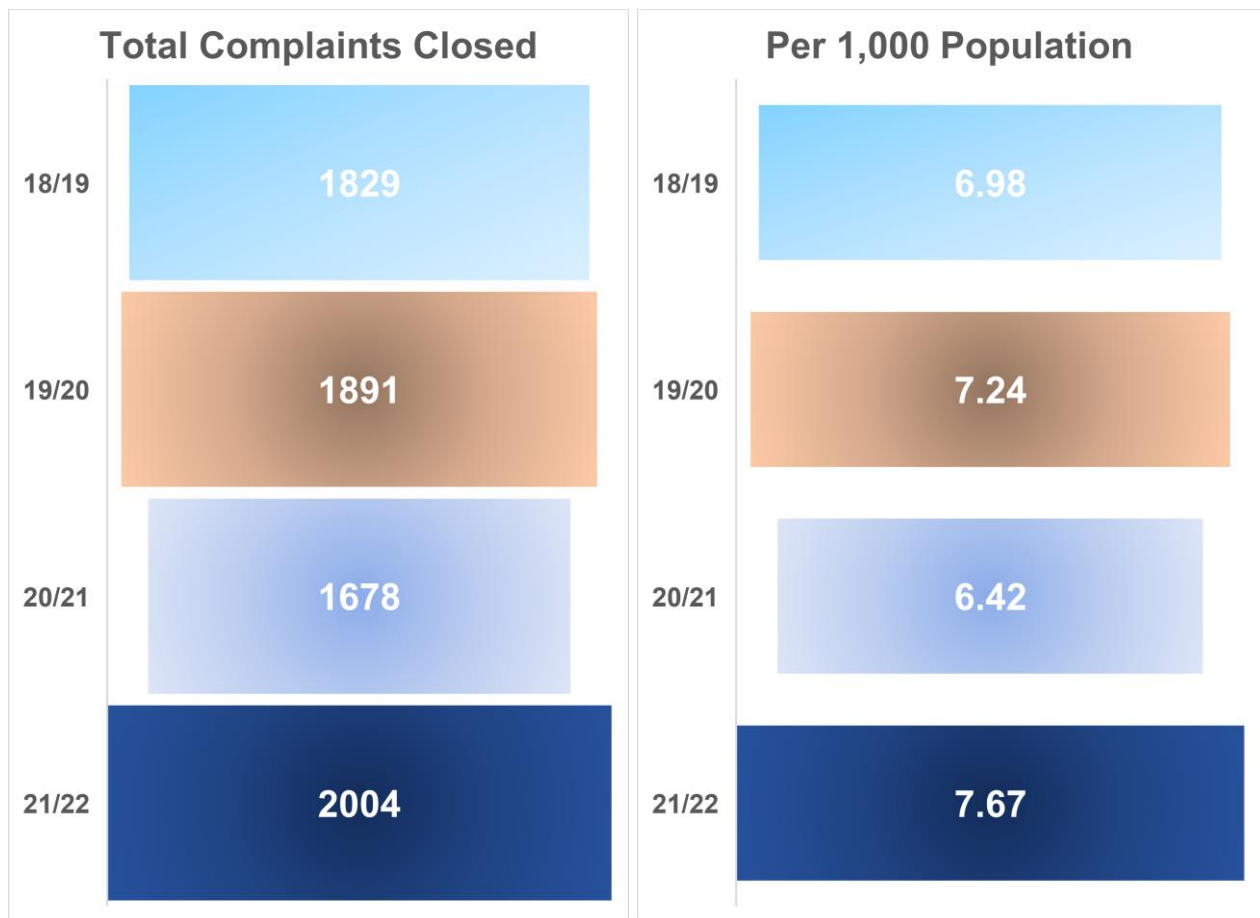
Indicator 1: Complaints received and closed per 1,000 population

This indicator records the total number of complaints received by Aberdeenshire Council in the period between 1 April 2020 and 31 March 2021. To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1000 of population is used.

The population of Aberdeenshire is **260,780** **

In 2021/22 we closed **2004** complaints for this period. This was 326 more than last year (20/21 - 1678), as customers and services resumed normal life following the Covid-19 pandemic.

An average of **7.67** complaints were received per 1,000 residents.



** Population is taken from the National Records Office for Scotland Mid-2020 Population estimates. www.nrscotland.gov.uk/statistics-and-data

Indicator 2: Closed complaints

This indicator provides information on the number of complaints closed at Stage One and Stage Two as a percentage of all complaints closed.

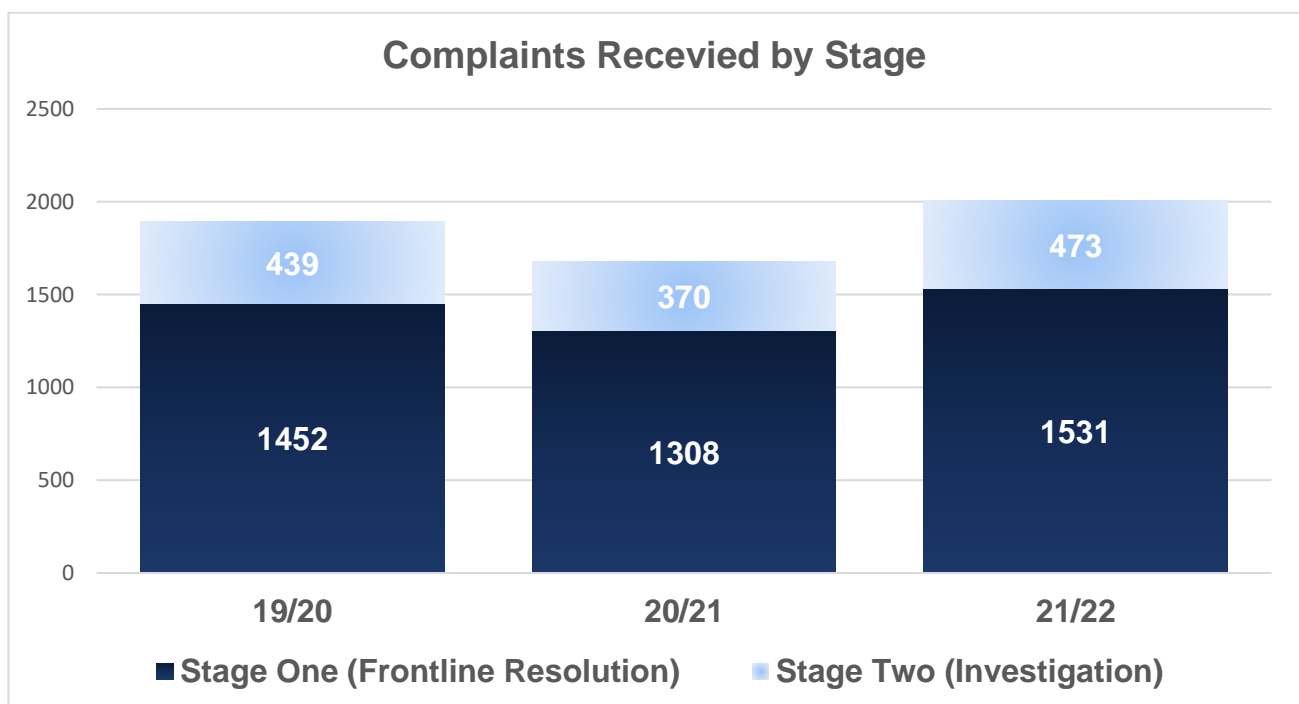
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
19/20	1452	439	40
20/21	1308	370	40
21/22	1531	473	45

The term “closed” refers to any complaint where a response has been sent to the customer and at the time no further action is required.

76% of complaints were dealt with at Stage One at the customer’s first point of contact with a frontline member of staff. **24%** of the remaining complaints were resolved at Stage Two, the Investigation stage.

Compared to last year 20/21: **78%** dealt with at Stage One and **22%** dealt with at Stage Two.

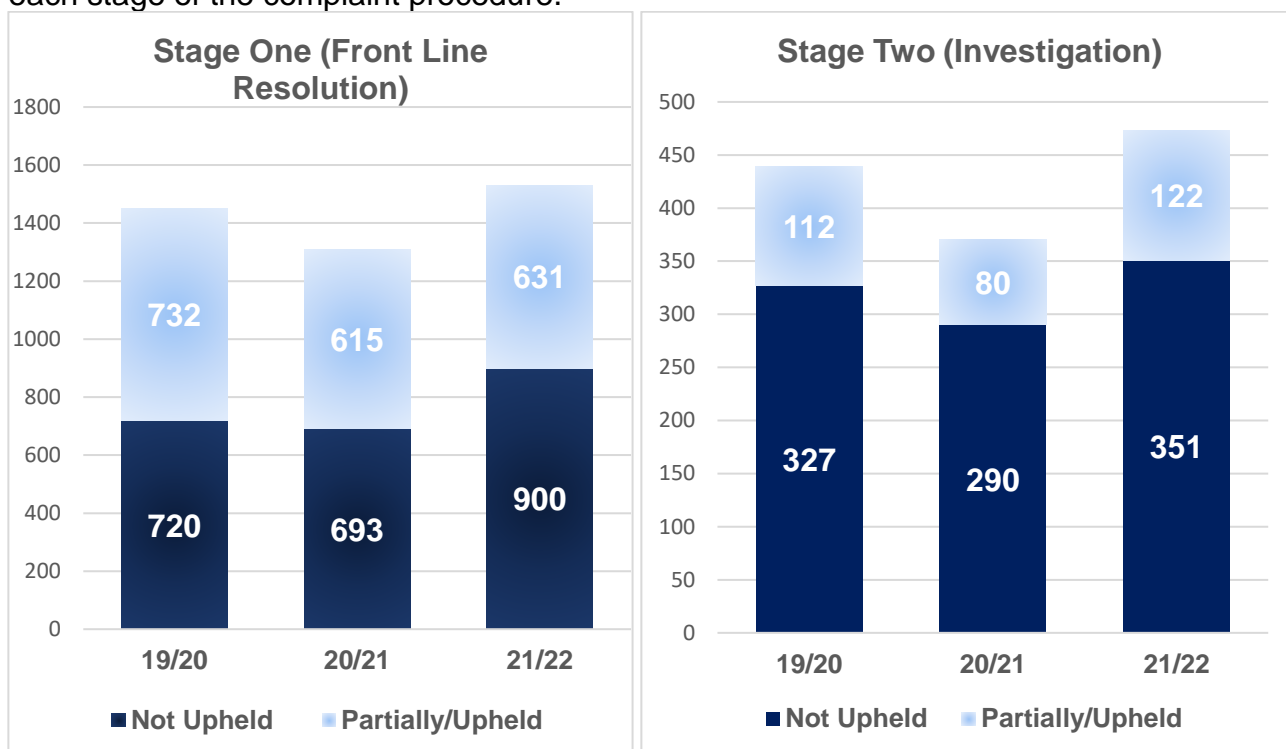
We aim to deal with and resolve as many complaints as is appropriate at Stage One of our procedure, as this better for our customers and service users – resolving complaints as quickly and as close to the first point of contact as possible. Over the financial year **2.24%** of customer complaints have escalated to the Ombudsman.



Indicator 3: Complaints upheld, partially upheld and not upheld

There is a requirement for a formal outcome to be recorded for each complaint. These outcomes are “upheld,” “partially upheld” or “not upheld.” If it were found that procedures had been followed or the service was provided as expected, a complaint would be recorded as “not upheld.” However, if this were not the case the complaint would be recorded as “upheld.” Where there are several points to a complaint and the decisions are a mixture of “upheld” and “not upheld,” the complaint is recorded as “partially upheld” overall.

The charts below show the number of complaints upheld, not upheld and partially upheld at each stage of the complaint procedure.



The figures for 2021/22 highlighted a slight increase in the number of complaints which were upheld during this financial year for Stage One complaints. Stage Two complaints also saw an increase in upheld complaints, but this also equates to the rise in complaints received. In handling complaints, Aberdeenshire Council seeks to solve problems as close to the frontline provision of service as possible and within a short timeframe. The increase in upheld Stage One complaints indicates that services are acknowledging failures and resolving complaints early, without complaints either being escalated or reaching a level of seriousness or complexity where a Stage Two complaint response is required.

Stage Two Escalated (Ombudsman)

	Not Upheld	Partially Upheld	Upheld	Not Taken Further
19/20	0	1	2	37
20/21	1	0	3	31
21/22	0	1	0	44

With regards to the cases escalated to the Ombudsman 21/22, there were **45** cases in total brought to the Ombudsman where complainants asked them to review our handling of their complaint and/or our decision following the completion of our Complaints Handling Procedure, as they remained dissatisfied. Only **1** complaint was Partially Upheld with recommendations. You can find all of these cases and others from previous years at the following link on the SPSO's page: [Decision Reports | SPSO](#)

On review the Ombudsman advised that for **44** cases (98%) they would not take these complaints any further as they could find no maladministration on our part, or that they were unable to achieve the outcome that the complainant was looking for.

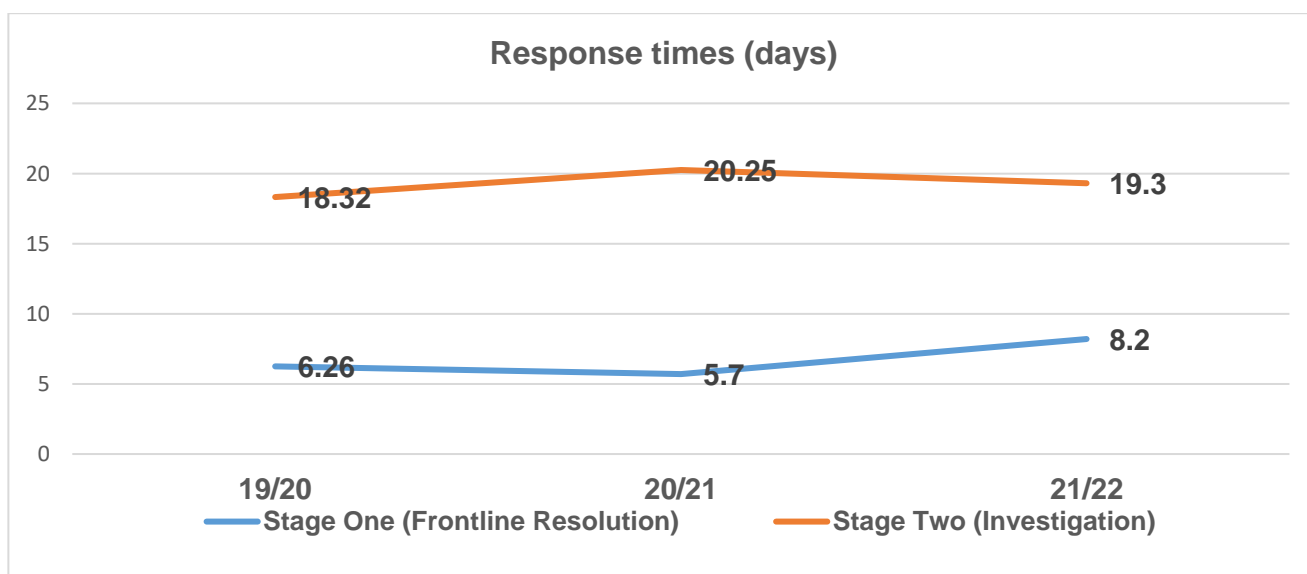
There are **5** cases we are waiting for the SPSO to decide upon from this last year.

Indicator 4: Average Times

- We aim to respond to and close stage one complaints within 5 working days.
- We aim to respond to and close stage two complaints within 20 working days.

Indicator 4 represents the average time in working days to close complaints at Stage One and Stage Two. Most complaints are resolved within the first 5 days, within the CHP's aims. Service areas where this is not the case are those where the nature of the complaints tend to be more complex and therefore take longer to investigate and come to an agreeable resolution.

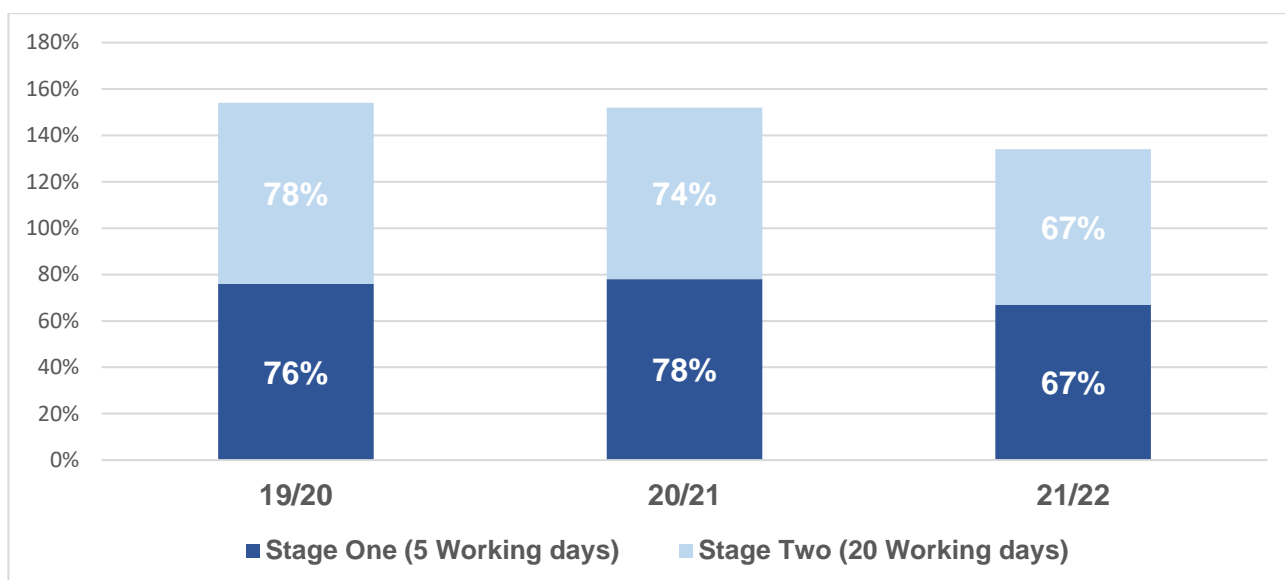
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
19/20	6.26	18.32	N/A
20/21	5.7	20.25	N/A
21/22	8.2	19.3	N/A



Indicator 5: Performance against timescales

This is the number and percentage of complaints at each stage which were closed in full within the set timescales of 5 and 20 working days.

The council have performed well in closing 67% of both Stage One and Stage Two complaints within timescales. A slight decrease on the years before due to resourcing, an increase in complaints received and a follow on from the COVID-19 pandemic.



Indicator 6: Number of cases where an extension has been authorised

An extension to the timescales is authorised in certain circumstances. This is the number and percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised.

	Stage One (5 Working days)	Stage Two (20 Working days)
19/20	89	66
20/21	200	96
21/22	400	155

26% of Stage One complaints (400 out of 1531) were given an authorised extension as outwith the target timescale of 5 working days. There are a variety of legitimate reasons (e.g., pending home visits, meetings or repairs) that may have prevented these timescales being met without an extension being authorised.

32.8% of Stage Two complaints (155 out of 473) were given an authorised extension as out with the target response time of 20 working days. Extensions in these cases are more likely to relate to the seriousness of the allegations, complexity in investigation, and a commitment of time and resources (interviewing staff, customers, witnesses, experts etc).

Why Customers Complained

Below is the breakdown of complaints, per Service Directorate along with a selection of reasons for complaints.

Complaints received by Directorate	2020/2021	2021/2022	Trend
Business Services	166	192	▲
Education & Children's Services	204	303	▲
Health and Social Care	42	87	▲
Infrastructure Services	1225	1319	▲
Live Life	41	103	▲
Total	1678	2004	▲

Top 10 Topics of Complaint	2020/2021	Top 10 Topics of Complaint	2021/2022
Refuse and Collections	327	Refuse and Collections	253
Asset Management and Repairs	197	Roads and Footpaths	219
Roads and Footpaths	112	Recycling Booking Procedure	165
Winter Maintenance	90	Asset Management and Repairs	158
Parks and Opens Spaces	81	Primary Schools	101
Primary Schools	64	Parks and Opens Spaces	92
Staff Behaviour	61	Staff Behaviour	92
Council house refurbishment contracts	46	Swimming pools and Leisure Centres	79
Council Tax	34	Council Tax	60
Swimming pools and Leisure Centres	30	Council house refurbishment contracts	50

Learning from complaints

Managers review complaints that are upheld or partially upheld to determine if change or improvement would prevent re-occurrence. When a complaint is upheld or partially upheld, the remedies offered will fall into one or more of the following four categories:

- Redress – Putting things right where they have gone wrong, admitting where mistakes have been made
- Reimbursement – Covering vouched actual costs incurred as a direct result of mistakes made by the council
- Reinforcement – Recognising that a correct council policy/procedure has not been followed or we have fallen short of what could be expected. Training and instructing staff to prevent re-occurrence
- Revision – Reviewing current practice to amend and improve working practices

Case Studies

• **Case Study 1: Health & Social Care– Procedure/Care standards SPSO – 202008832**

Mr A complained that his son was found at home by service provider staff with a small electronic monitoring device in his mouth. This had been fitted to the back of his son's bed by a contractor conducting work on behalf of the Council to install a wider monitoring / assessment system of service users' care needs. Mr A complained that his son could have choked on the device and was unaware bed sensors were being fitted as part of the project. He complained to the Council about their failure to manage the project, to control their contractor and to ensure that the equipment being installed was fit for purpose. The Council investigated Mr A's concerns; however, he remained dissatisfied with their response and raised the matter with the SPSO. Mr A said he had lost faith in the Council's capability to ensure the future welfare of his son and would like an independent investigation carried out. His resolution was that he wanted evidence of the remedial actions taken by the Council to ensure that such a serious incident does not happen again in the future.

The SPSO said they would not take the complaint forward but asked the council to meet with Mr A to remedy the situation.

The H & SC partnership met with Mr A and it went well. Mr A said he had initially been sceptical of the suggested approach, but said the apology he received from the service had been sincere, mistakes / failings had been acknowledged, and there was a clear commitment to improving things going forward. Mr A said that face to face discussions, albeit virtually, had been far more constructive than the written responses he had received, and wished he could have had the opportunity to speak to both managers sooner so as to avoid escalation to the SPSO. While he still has his own view on assisted technology and the role it will play in his son's future care, he said he felt that he had been listened to and some confidence had been restored in his relationship with the service.

• **Case Study 2: Housing – Planning application – SPSO - 202100843**

Ms B complained to the council in regard to concerns that her neighbours were using a shared path incorrectly, as it should only be used infrequently to assist with items which cannot be taken through their property. The matter had caused Ms B great distress and she wished for the matter to be resolved. Ms B felt the service had handled her concerns badly, provided her with wrong information and the situation had escalated instead of being resolved. Ms B wanted an apology from the council, her neighbours to be advised of the issues they were causing, and for her to be reimbursed for CCTV cameras she had purchased after she was told the neighbours could go into her garden and use the shared path any time they wanted. She also wanted improvements put in place to protect vulnerable tenants and training for housing staff.

The Council provided a full response at the Investigation stage of their Complaints Procedure addressing all the complaints and points of resolution. Ms B remained dissatisfied and raised the matter with the SPSO.

The SPSO advised that on basis of the evidence provided, they considered the Council's response to her complaint appeared reasonable and would not take the matter further. They said that the Council had provided a clear response, explained the steps they took to investigate and the reasons they did not agree with her position. The SPSO said that they could see from the Council's response that they had taken her complaint seriously and addressed a number of concerns which she had raised. This included the appointment of a Mediation Officer in an attempt to resolve the differences between Ms B and her neighbours. The Council also explained that the Housing Officer was present with the police, where advice was given regarding what is expected from acceptable behaviour.

In addition, based on the information available, it had been determined that the noise coming from Ms B's neighbour's home was similar to that associated with normal behaviour especially if children were present. The Council provided Ms B with a copy of her current tenancy agreement which allows for her neighbour to use the shared pathway for transporting items which cannot easily be taken through their house.

The SPSO said that while they recognised that Ms B remained unhappy and disagreed with the Council's decision, they did not consider her disagreement casted doubt on the accuracy of the Council's response. They said the Council response was sympathetic to her needs; addressed the concerns she raised; and advised what actions Ms B should take if she continued to have problems with her neighbours. As such, they had no reason to doubt the Council's position, which continued to appear reasonable.

• **Case Study 3: Education – Composite classes at Primary school - SPSO – 20210550**

Mr C complained about the organisation of classes at the Primary School his son attended. Specifically, that his year group had been split between two composite classes. He had several concerns about the impact of this arrangement on the primary 5 children, particularly around those who have been allocated in the younger class being at a disadvantage. He said his son, who is in the younger composite class, has been negatively affected in terms of his learning, mental wellbeing and general happiness as a result of the class organisation.

Upon progressing to the SPSO the reviewer advised that they considered the Council's response to his complaint appeared reasonable and that they were content with the response of the council. The Council provided a clear response which addressed his concerns and clearly explained their position. The reviewer appreciated Mr C remained unhappy with the Council's decision to have composite classes, but that this is a decision that the Council are allowed to make and the SPSO could not instruct the Council to change their position on this or to refrain from having composite classes in the future. That it was for the Council to make decisions about class composition, as well as the appropriate class for individual pupils, and they were unable to take a view of the merits of those decisions. As such, they advised they would not be taking his complaint further.

A good example of the SPSO finding that the Council had clearly explained their position on this matter and they did not see any evidence that they erred in making/ or implementing their decisions.

• **Case Study 4: Roads – Potholes and gully cleaning – SPSO - 202111134**

Mr D complained to the Council about the service provided in relation to pothole repair and gully maintenance in his local area. He also raised concerns about the accuracy of information provided to him in response to enquiries he made about this matter.

Upon taking his complaint to the SPSO, Mr D was advised by the reviewer that they would not be taking his complaint forward to investigation. The SPSO explained that the council had taken decisions they were entitled to make and had clearly explained their reasons for this. The SPSO said they would not be able to make the Council carry out one repair ahead of another if they have assessed the issue and reached a conclusion on what the priority of the repair is. They also advised that they considered the Council's response to his complaint about gully cleaning appeared reasonable and had provided a clear response explaining their position.

The SPSO concluded that while they recognised Mr D remained unhappy and disagreed with the Council's position, his disagreement alone did not cause them to doubt the accuracy of the Council's response, which appeared reasonable and his disagreement was not in itself proof of maladministration.

• **Case Study 5: Health & Social Care – Blue Badge – SPSO - 202106202**

Ms E complained about the Council's decision not to grant her a blue badge. Following an independent mobility assessment, the Council advised Ms E did not meet the eligibility criteria for a blue badge. Ms E appealed this decision and a further review was conducted. This concurred with the original assessment that she did not qualify for a blue badge. Ms E remained dissatisfied and asked the SPSO to review.

On reviewing Ms E's complaint, the SPSO said that they recognised that she strongly disagreed with the Council's decision. They explained that they were not a route of appeal for decisions such as whether she was eligible for a blue badge, but could give careful consideration to the evidence of her assessment and the appeal assessment, to determine if there was any maladministration. The SPSO concluded that the assessors based their decision on a combination of observations and information they had gathered from her and there did not appear to be any aspects of the assessment that were missed. On the basis of the evidence provided, they considered the Council's response to Ms E's complaint appeared reasonable. They said the Council provided a clear response to her complaints and explained the reasons they do not agree with her position.

The SPSO said that while they acknowledged Ms E's disagreement with this, they did not consider the reasons she gave as disagreement casted doubt on the accuracy of the Council's response, as disagreement in itself is not evidence of maladministration or failure to follow process.

Scottish Public Services Ombudsman/Benchmarking

Complaints benchmarking with other authorities in Family Groups is ongoing and meetings have been held with the Local Authority Complaint Handlers Network (LACHN) and the Improvement Service regarding this.

Links to all Annual Complaints Reports for Local Authorities in Scotland can be accessed via the SPSO Valuing Complaints Website which can be found at the following link:

<https://www.spsso.org.uk/local-authority-complaints-reporting>

Average Family Group statistics are provided below, to provide a benchmark to the performance of Aberdeenshire Council:

	Aberdeenshire 21/22	Family Group 20/21	Scottish Average 21/22
Complaints per 1,000 population	7.67	4.7	**See below
Complaint Outcomes			
Stage One – Partially & Upheld	41%	48%	**See below
Stage One – Not Upheld	59%	49%	**See below
Stage Two - Partially & Upheld	26%	38%	**See below
Stage Two – Not Upheld	74%	62%	**See below
Average Response Time (in days)			
Stage One (5-day target)	8.2	6.3	**See below
Stage Two (20-day target)	19.3	21.8	**See below
Performance Timescales			
Stage One	67%	72%	**See below
Stage Two	67%	69%	**See below

**At the time of compiling full Scottish figures were not available for 21/22 as many Local Authorities had not reported yet Annually or for Quarter 4 21/22. However, Aberdeenshire Council continues to compare well when benchmarked against the average Family Group findings using last year's figure for the Family Group 20/21. Work continues through the LACHN group to identify opportunities for learning and improvement.

You can also find the data regarding volumes and types of complaints the SPSO received and dealt with for 2021/22 here: [Statistics 2021-22 | SPSO](#)

Contact Us

If you would like to find out more about our complaint's procedure, or about our annual report, or provide any feedback on this, please contact us.

Email: feedback.team@aberdeenshire.gov.uk

Log on to: <https://online.aberdeenshire.gov.uk/haveyoursay/>

Phone: 01224 001846

In writing to:
Feedback Team
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB