

Aberdeenshire Council Complaints Performance Report 2023-2024

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Chief Executive's Foreword

I am pleased to present Aberdeenshire Council's eleventh Annual Complaints Report, which provides information on our performance in handling complaints from our customers between 1 April 2023 and 31 March 2024, as is required from all Local Authorities in Scotland.

Aberdeenshire Council has always been committed to delivering high-quality services to our residents, businesses, and communities. Over the years, we have continually strived to improve our processes and respond effectively to the feedback we receive from our customers and stakeholders, whilst managing ongoing financial pressures. The Complaints Performance Report from 2023 - 2024 reflects our ongoing dedication to transparency, accountability and improvement.

Our aim has always been to not only resolve issues promptly but also to learn from each complaint to prevent future occurrences, in line with our commitment and contribution to the Scottish Public Services Ombudsman (SPSO) framework. The data presented in this report highlights both our achievements and the areas where we need to improve. The nature of the complaints received has provided valuable insight into areas requiring attention and improvement, guiding our continuous development.

The data is 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.

As we move forward, a thank you to all our residents who have taken the time to provide us with their feedback. Their input is invaluable in helping us create a better Aberdeenshire for everyone. I also thank all staff across the organisation for doing their best and being committed to supporting our residents, providing them with a high standard of service delivery.

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.

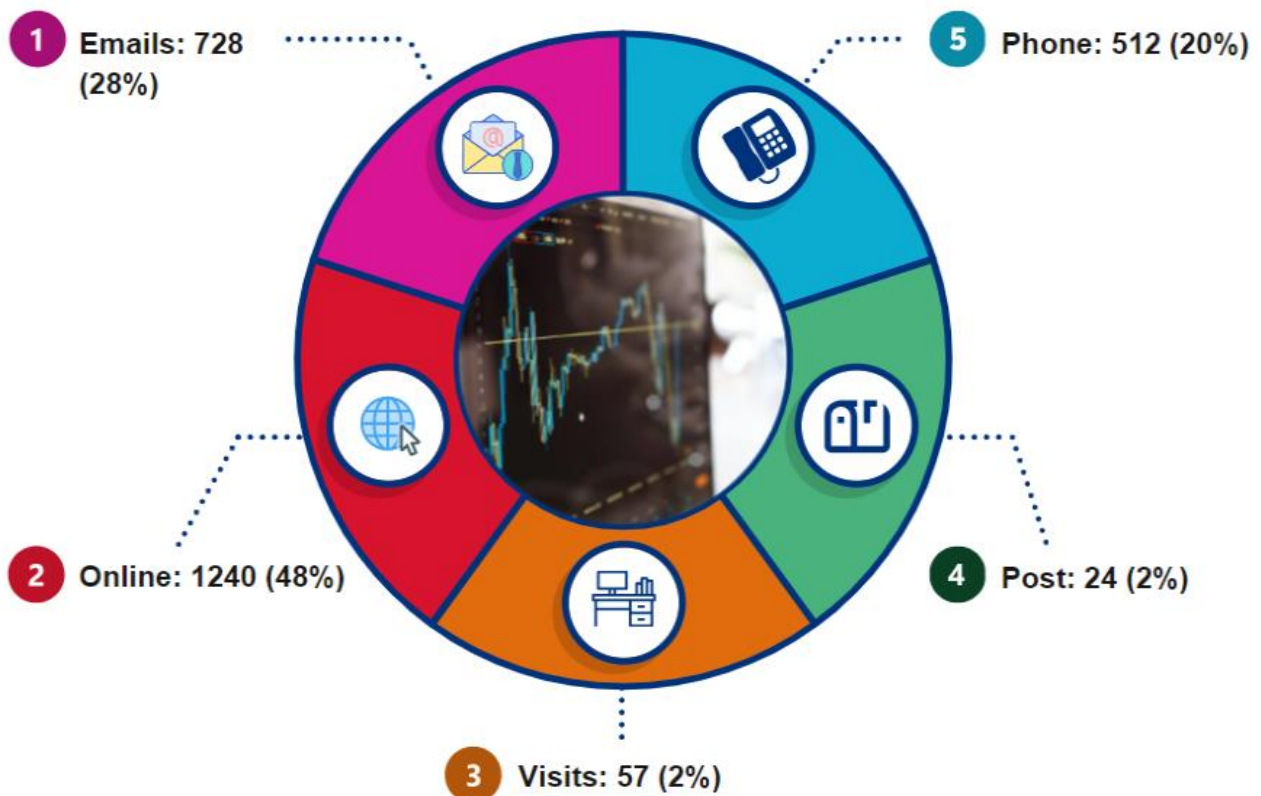
The council's Complaints Procedure (CHP) and the performance indicators below, adhere to the requirements set out by the SPSO's Model Complaints Handling Procedure.

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 2023 to 31 March 2024.

How Customers Complained

In 2023-24, we closed **2561** complaints from customers who chose the following ways to contact us with a complaint:



Complaints closed per 1,000 population and closed at each stage

Total number of complaints closed by Aberdeenshire Council. To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1,000 of population is used. The population of Aberdeenshire is **262,690****

** Population is taken from the National Records Office for Scotland Mid-2021 Population estimates, updated July 2022. www.nrscotland.gov.uk/statistics-and-data

| Period | Total closed | Change from previous year | Average Complaints Per 1,000 Residents | Closed At Stage One | % at Stage One | Closed At Stage Two | % at Stage Two | Escalated to Ombudsman |
|-----------|--------------|---------------------------|--|---------------------|----------------|---------------------|----------------|------------------------|
| 2023 - 24 | 2561 | +465 | 9.7 | 2178 | 85% | 383 | 15% | 50 |
| 2022 - 23 | 2096 | +92 | 8.0 | 1710 | 82% | 386 | 18% | 53 |
| 2021 - 22 | 2004 | +326 | 7.67 | 1531 | 76% | 473 | 24% | 45 |
| 2020 - 21 | 1678 | -213 | 6.42 | 1308 | 78% | 370 | 22% | 40 |
| 2019 - 20 | 1891 | +62 | 7.24 | 1452 | 77% | 439 | 23% | 40 |

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. A split of anything above 70%/30% is the aspiration. We do well with in this area as can be seen by the consistent percentages.

Over the financial year only **1.95%** of complaints were brought to the Ombudsman by complainants.

Cases escalated to the Ombudsman 23/24.

There were **50** 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** was Upheld with recommendations, **1** Partially Upheld and **2** were Not Upheld. You can find all of these cases and others from previous years at the following link on the SPSO's page: [Decision Reports | SPSO](#).

| Not Upheld | Upheld | Partially upheld | Not Taken Further | Total Closed |
|------------|--------|------------------|-------------------|--------------|
| 2 | 1 | 1 | 40 | 44 |
| 4.55% | 2.27% | 2.27% | 90.91% | |

On review the Ombudsman advised that out of the **44** cases investigated, for **40** cases (91%) 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 due to the council already undertaking the appropriate action. This is another area where we consistently do well due to good investigations, clear explanations, apologies and resolutions where appropriate. There are **6** cases awaiting the SPSO to decide upon from this last year.

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.

| Period | Not Upheld | Upheld | Partially upheld |
|---------------------------|--------------|--------------|------------------|
| 2023 – 24: Stage 1 | 48.6% | 42.1% | 9.43% |
| Stage 2 | 65.3% | 16% | 18% |
| 2022 – 23: Stage 1 | 55.8.8% | 36.8% | 7.4% |
| Stage 2 | 73.1% | 16% | 10.1% |
| 2021 – 22: Stage 1 | 58.8% | 41.2% | 0% |
| Stage 2 | 74.2% | 25.8% | 0% |
| 2020 – 21: Stage 1 | 53% | 40.6% | 6.4% |
| Stage 2 | 78.4% | 18.2% | 3.4% |
| 2019 – 20: Stage 1 | 49.6% | 44.4% | 6% |
| Stage 2 | 74.9% | 16.1% | 9% |

The figures for 2023/24 highlighted a slight increase in the number of complaints which were upheld during this financial year for Stage One complaints. Stage Two complaints saw the same percentage in upheld complaints as the year before. 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 any service failure 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.

Average Times/Within timescales/Extensions to timescales given

- 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.

The average time in working days to close complaints at Stage One and Stage Two is shown below. Most complaints are resolved at Stage One (Front Line resolution). 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.

We saw an increase in the average time to resolve front line complaints. Mainly due to the increase in complaints being logged at this stage, in order to try and resolve things as close to the point of service for customers. There was also an overall increase in complaints received due to the changes to Waste collections.

We also saw an increase in the time taken to resolve Investigation complaints. This came down to the increased workload for services, conflicting priorities and reduction in resource.

| Period | Stage1 Frontline Resolution Average days | Within 5 Working days | Extension given | Stage2 Investigation Average days | Within 20 Working days | Extension given |
|------------------|--|-----------------------|-----------------|-----------------------------------|------------------------|-----------------|
| 2023 - 24 | 11 days | 51.6% | 1055 | 24.7 days | 70.5% | 113 |
| 2022 - 23 | 8.1 | 67% | 558 | 18.88 | 78% | 85 |
| 2021 - 22 | 8.2 | 67% | 400 | 19.3 | 67% | 155 |
| 2020 - 21 | 5.7 | 78% | 200 | 20.25 | 74% | 96 |
| 2019 - 20 | 6.26 | 76% | 89 | 18.32 | 78% | 66 |

48.4% of all Stage One complaints (1055 out of 2178) were given an authorised extension out-with the target timescale of 5 working days. There are a variety of reasons for services requiring an extension to timescales for example: pending meetings with customers, repairs required, more information required, increase in complaints received.

29.5% of all Stage Two complaints (113 out of 383) were given an authorised extension 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. This also includes arranging meetings and interviewing employees/customers, requiring more information from complainants, arranging meetings with complainants/employees.

Why Customers Complained

Below is the breakdown of complaints, per Service Directorate along with the top ten topics of complaints.

| Complaints received by Directorate | 2022/2023 | 2023/2024 | Trend |
|---------------------------------------|-------------|-------------|-------|
| Business Services | 228 | 236 | ▲ |
| Education & Children's Services | 258 | 260 | - |
| Health & Social Care | 62 | 79 | ▲ |
| Environment & Infrastructure Services | 1420 | 1864 | ▲ |
| Live Life Aberdeenshire | 128 | 122 | ▼ |
| Total | 2096 | 2561 | |

| Top 10 Topics of Complaint | 2022/2023 | Top 10 Topics of Complaint | 2023/2024 |
|-----------------------------|-----------|---|-----------|
| Refuse and Collections | 406 | Refuse and Collections | 827 |
| Roads and Footpaths | 295 | Asset Management and Repairs | 264 |
| Recycling Booking Procedure | 211 | Road works (potholes, diversions, surface dressing) | 189 |

| | | | |
|---------------------------------------|-----|--|-----|
| Asset Management and Repairs | 151 | Parks & Opens Spaces/Grass cutting/Maintenance | 110 |
| Primary Schools | 114 | Property and Facilities Management | 107 |
| Parks and Opens Spaces | 112 | Primary Schools | 94 |
| Staff Behaviour | 110 | Swimming pools and Leisure Centres | 91 |
| Swimming pools and Leisure Centres | 75 | Tenancy Services | 89 |
| Council Tax | 70 | Staff behaviour | 78 |
| Council house refurbishment contracts | 61 | Council Tax | 59 |

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 practice
The corporate Feedback Team will continue to support Services to ensure:-
 - Responses are provided to complainants within agreed timescales;
 - The content of responses is appropriate and meet SPSO guidelines;
 - Improvements are implemented following SPSO recommendations.

Case Studies

Case Study 1: Housing – Tenancy - SPSO – 202205420

B complained that the tenancy provided by the council had been in a poor state of repair for several years. They stated that their heating had only worked for a few months during this period, there was water ingress due to damaged guttering and there was mould on the ceiling due to a leak from the upstairs neighbour. B stated that this affected their health such that they had a severe chest infection and problems with breathing.

Further reports were made throughout the next year and B was decanted into another property while repair works were carried out. B said the council had accepted responsibility for the failures in repair but had not made an offer of compensation.

The SPSO assessed B's complaint and following an extensive investigation, determined that the council's response to their complaint was reasonable. This was because:

1. The council explained the steps they took to investigate the complaint.
2. The council provided a clear response to the issues B raised.
3. The council had taken remedial action and it was just that the complainant disagreed with these decisions.

In conclusion the SPSO said that they did not consider that there was any requirement for compensation under the right to repair scheme and to seek legal advice should they wish to seek compensation through the courts. They also said that due to the points noted above they decided that B's complaint would not be considered further.

Case Study 2: Planning – Handling of application – SPSO - 202110015

C complained that the council had unreasonably failed to follow their own enforcement process and relevant planning guidance in response to an alleged breach of planning condition(s) in respect of two sites.

In responding to the complaint, the council acknowledged that breaches at the sites had occurred and highlighted the discretionary nature of planning enforcement. As such, the council considered resolution of the breaches through informal negotiation had, in the first instance, been an appropriate approach rather than formal enforcement action.

The case went to the SPSO and they took independent advice from a planning adviser. They found that council's approach to securing compliance with the planning conditions was in line with their usual enforcement process and national guidance, with no evidence of undue delay or inaction on the council's part at the time of our investigation. They also found that the council's decision to engage in negotiations to remedy the planning breaches, rather than to pursue formal enforcement action, was a decision that they were entitled to take. For these reasons, the SPSO did not uphold C's complaint.

However, the SPSO did draw the council's attention to their own Enforcement Charter which sets out the principles for effective enforcement action, specifically that: negotiation to remedy a breach should be pursued provided an appropriate solution can be achieved in a timely manner. As some of the breaches had not been remedied at the time of this investigation, the SPSO suggested that the council may wish to consider setting a timescale by which formal enforcement action would be taken.

Case Study 3: Children's Services - SPSO – 202203881

D had been in contact with the council's social work service to raise concerns about their grandchild's welfare. They had also made contact with their grandchild's school and these actions resulted in the parents E, stopping their child from seeing D for a number of weeks and missing their planned summer holiday with them. They specifically complained that:

- Calls were not returned by the social worker after a meeting.

- D considered they had been given false information by social work.
- When D asked for confidentiality from the school and the social worker when they reported the concern, the social worker told the parents that they had raised the concerns causing difficulties in their relationship.
- Social work only accepting the parents' account and did not consider the views of other relevant people.

As a result of bringing the complaint to the SPSO, D wanted a more accurate and truthful response from the social work service .

The case went to the SPSO and they took independent advice from an independent social worker. Following a detailed review and explanation to D, the SPSO concluded that, on the whole, the council's response to D's complaint was reasonable. This was because:

1. The council explained the steps they took to investigate the complaint.
2. The council provided a clear response to the issues D raised.
3. The council explained why they had taken a different position to D's.

In conclusion the SPSO said that they would not consider the complaint further and were satisfied with the council's position based on their investigation and response.

Case Study 4: Waste – SPSO - 202303722

F contacted the Council's Recycling and Waste team to express their disagreement with the Council's decision to introduce a new orange bin for recycling and to move to three-weekly bin collections. The Council responded to F and addressed the issues they had raised.

F replied further and expressed their continued dissatisfaction that the Council did not seem to take on board their suggestions. F's primary concern was that the Waste collection should be built around the needs of households, not the council budget or sustainability goals. F said they needed a simple, frequent and suitable waste collection. The Council provided a final response to F and referred them to the SPSO as the final stage for complaints about public services in Scotland, should they remain dissatisfied.

F complained to the SPSO and told them that the Council's Enhanced Recycling Waste Strategy was an inferior waste collection system and had reduced the frequency of general waste collections and introduced a new orange recycling bin. F also said that the responses to the public consultation on the Strategy were low and therefore the outcome did not reflect the desires of the people in the area.

The SPSO explained what legislation sets out the complaints they can and cannot investigate and how they determine whether to take a complaint forward.

Following a review, the SPSO explained that in respect of the Council's waste strategy, any action was limited. They explained that it was not their role to say what the strategy should be, that was the role of the Council and they have a significant amount of discretion to make decisions about local waste collections. The SPSO said their role is to assess whether the Council have followed their usual process, and whether there is evidence of administrative or procedural fault or failure in the process by which a decision was

reached. Disagreement with a decision taken by the Council is not evidence of an administrative or a procedural failing.

The SPSO concluded that they would not take F’s complaint any further as they considered the Council clearly explained their reasoning behind the changes to the waste collection scheme, why they were introduced and reasonably referred to national guidance and provided positive feedback relating to the council’s complaint handling.

Scottish Public Services Ombudsman/Benchmarking

Complaints benchmarking with other authorities in Family Groups is ongoing and meetings are 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>

You can also find the data regarding volumes and types of complaints the SPSO received and dealt with for 2023/24 here: [Statistics 2023 - 24 | SPSO](#)

Average Family Group statistics are provided below, to provide a benchmark to the performance of Aberdeenshire Council: ***Data correct to 19 July 2024 16/32 LA’s returned*

| | Aberdeenshire 23/24 | Family Group 23/24 | Scottish Average 23/24 |
|---|--------------------------------|-----------------------------------|-----------------------------------|
| Complaints per 1,000 population | 9.6 | 7.5 | 9.91 |
| Complaints Outcome | | | |
| Stage One – Partially & Upheld | 51% | 54 % | 41% |
| Stage One – Not Upheld | 49% | 46% | 59% |
| Stage Two - Partially & Upheld | 35% | 45% | 44% |
| Stage Two – Not Upheld | 65% | 55% | 56% |
| Average Response Time (in days) | | | |
| Stage One (5-day target) | 11 | 9.3 | 6.8 |
| Stage Two (20-day target) | 24 | 28 | 25 |
| Closed Within timescale | | | |
| Stage One | 52% | 64% | 63% |
| Stage Two | 71% | 61% | 60% |

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/>

In writing to:

Feedback Team

Aberdeenshire Council

Woodhill House

Westburn Road

Aberdeen

AB16 5GB