

Aberdeenshire Council Complaints Performance Report 2022-2023

Contents

3 - Chief Executive's Introduction

4 - Our Complaints Performance

5 - How Customers Complained

6 - Indicator 1 - Complaints Received Per 1,000 of Population

7 - Indicator 2 - Closed Complaints

8 - Indicator 3 - Complaints Upheld, Partially Upheld and Not Upheld

9 - Indicator 4 - Average Times

10 - Indicator 5 - Performance against Timescales

10 - Indicator 6 - Cases Where an Extension Is Authorised

11 - Why Customers Complained

11 – Learning from Complaints

12 – Case Studies

15 – Scottish Public Service Ombudsman/Benchmarking

16 – Contact Us

Chief Executive's Foreword

I am pleased to present Aberdeenshire Council's tenth Annual Complaints Report, which provides information on our performance in handling complaints from our customers between 1 April 2022 and 31 March 2023, 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 managing complaints and the outcomes of investigations undertaken.

Our priority is to ensure that our customers can access our complaints procedure with ease, whether through our website, email, phone, or in-person. We understand the disappointment and frustration that can arise when expectations are not met, and we acknowledge instances where our services have fallen short of the standards we aspire to uphold. Our aim is swift resolution whenever possible, transparent explanations when resolution isn't immediate, and offering support and apologies where appropriate.

When handling complaints, we aim to be thorough, transparent, fair, and objective. We value the feedback and complaints from our customers because they help us understand what needs improvement. This information helps us to review and identify where we can do things better to continually 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.

Navigating another challenging year, with ongoing financial pressures demands resilience. I thank all staff across the organisation for doing their best and going the extra mile to give the people of Aberdeenshire Council the finest services and support.

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.

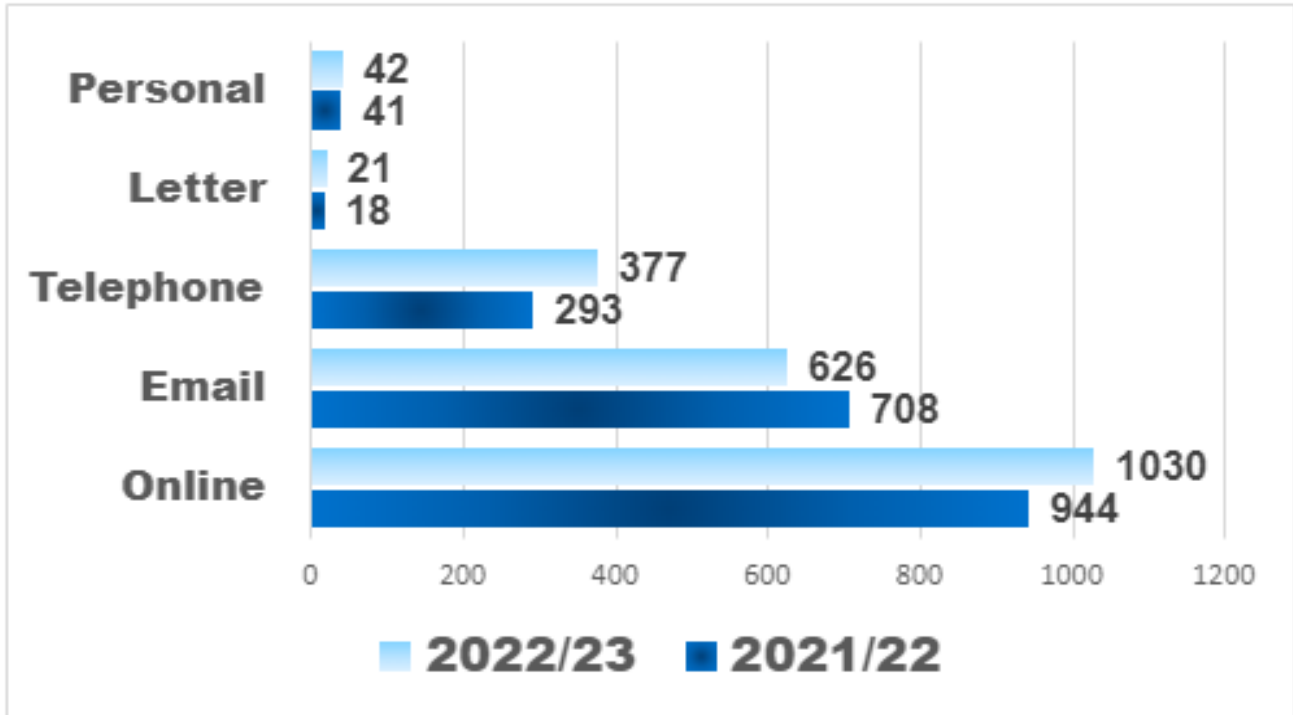
The following complaints management performance information outlines the council's annual performance for the year 1 April 2022 and 31 March 2023.

Complaints are important 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 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 2022-23, we closed **2096** complaints from customers who chose the following ways to contact us with a complaint:



In comparison with previous years, and in particular over the last five years, customers continue to use methods of contact such as the online form and email to contact us (22/23 – 79%; 17/18 – 66%) and are using less traditional methods of contact, such as complaining in person at our Service Points (22/23 – 2%; 17/18 - 3%), by phone (22/23 – 2%; 17/18 - 3%), or by letter (22/23 – 1%; 17/18 - 6%).

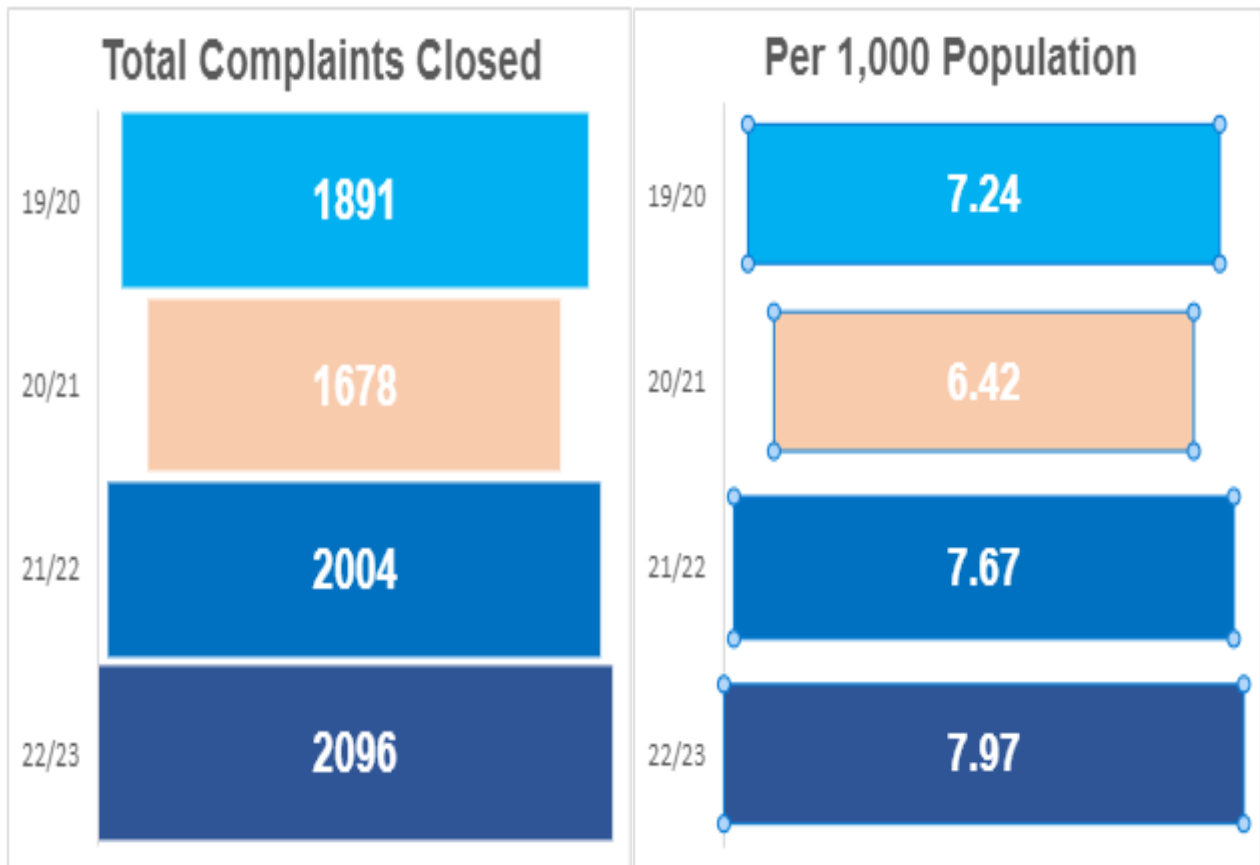
Indicator 1: Complaints received and closed per 1,000 population

This indicator records the total number of complaints received by Aberdeenshire Council in the period between 1 April 2022 and 31 March 2023. 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 **262,690** **

In 2022/23 we closed **2096** complaints for this period. This was 92 more than last year (21/22 - 2004).

An average of **7.97** complaints were received per 1,000 residents.



** Population is taken from the National Records Office for Scotland Mid-2021 Population estimates, updated July 2022. 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.

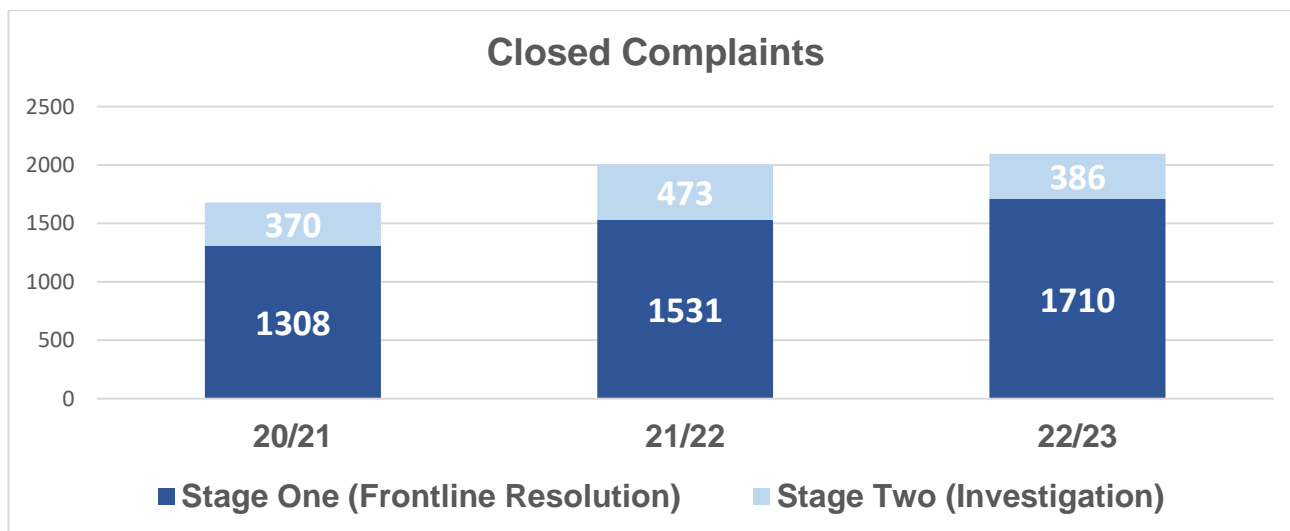
	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
20/21	1308	370	40
21/22	1531	473	45
22/23	1710	386	53

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.

82% of complaints were dealt with at Stage One, at the customer’s first point of contact with a frontline member of staff. **18%** of the remaining complaints were resolved at Stage Two, the Investigation stage.

Compared to last year 21/22: **76%** dealt with at Stage One and **24%** dealt with at Stage Two.

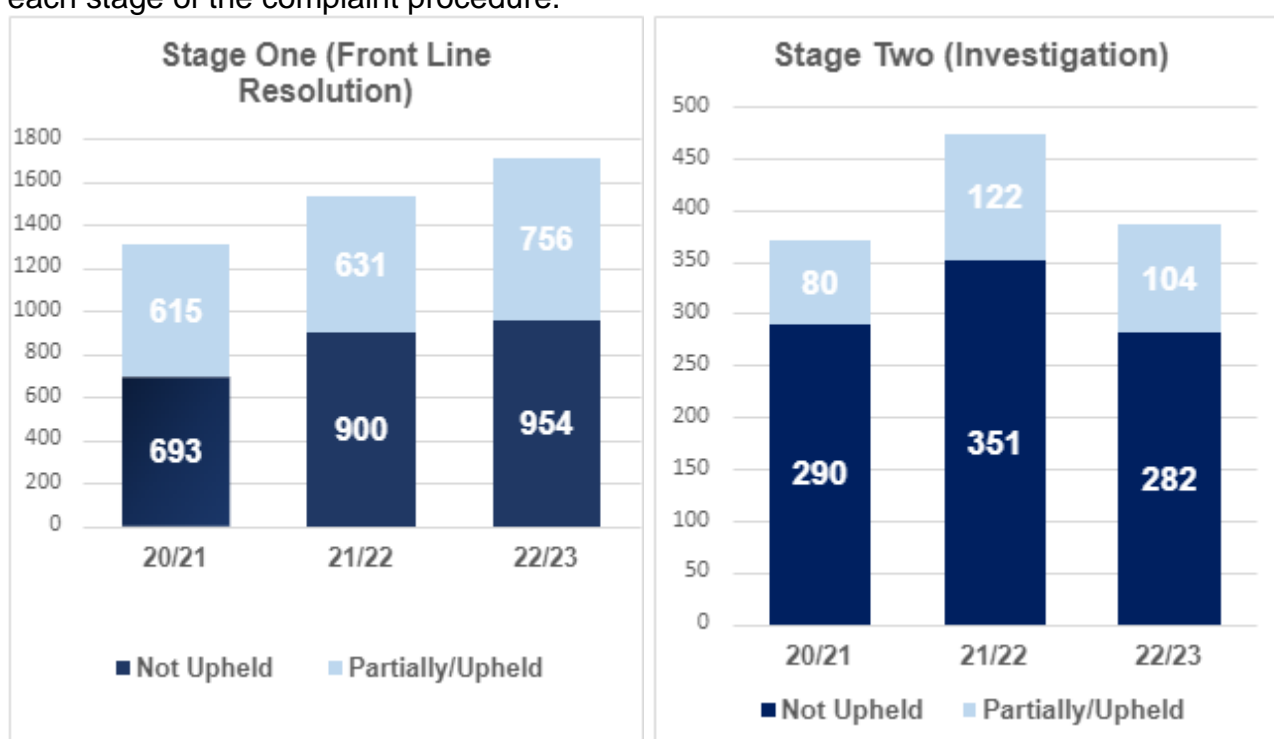
We aim to deal with and resolve as many complaints as is appropriate at Stage One of our procedure, as this better for our customers and service users – resolving complaints as quickly and as close to the first point of contact as possible. Over the financial year **2.52%** of customer complaints have been 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 2022/23 highlighted a slight increase in the number of complaints which were upheld during this financial year for Stage One complaints. Stage Two complaints saw a slight reduction in upheld complaints. 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
20/21	1	0	3	31

21/22	0	1	0	44
22/23	2	0	2	41

With regards to the cases escalated to the Ombudsman 22/23, there were **53** 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 **2** were Upheld with recommendations 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](#).

On review the Ombudsman advised that out of the **45** cases investigated, for **41** 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.

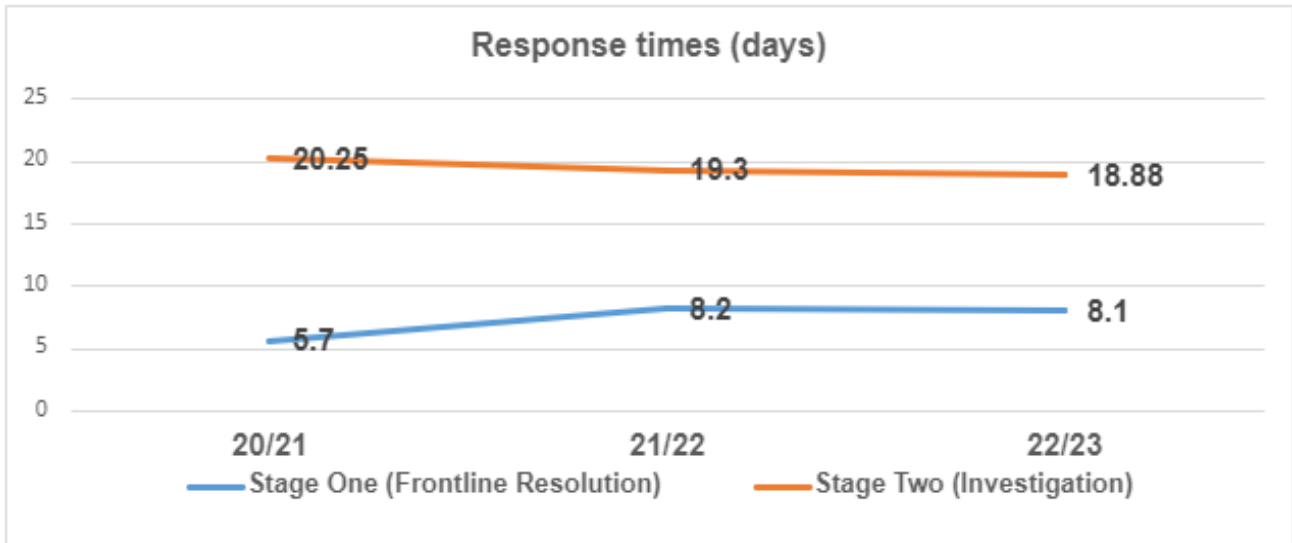
There are **8** cases awaiting the SPSO to decide upon from this last year.

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.

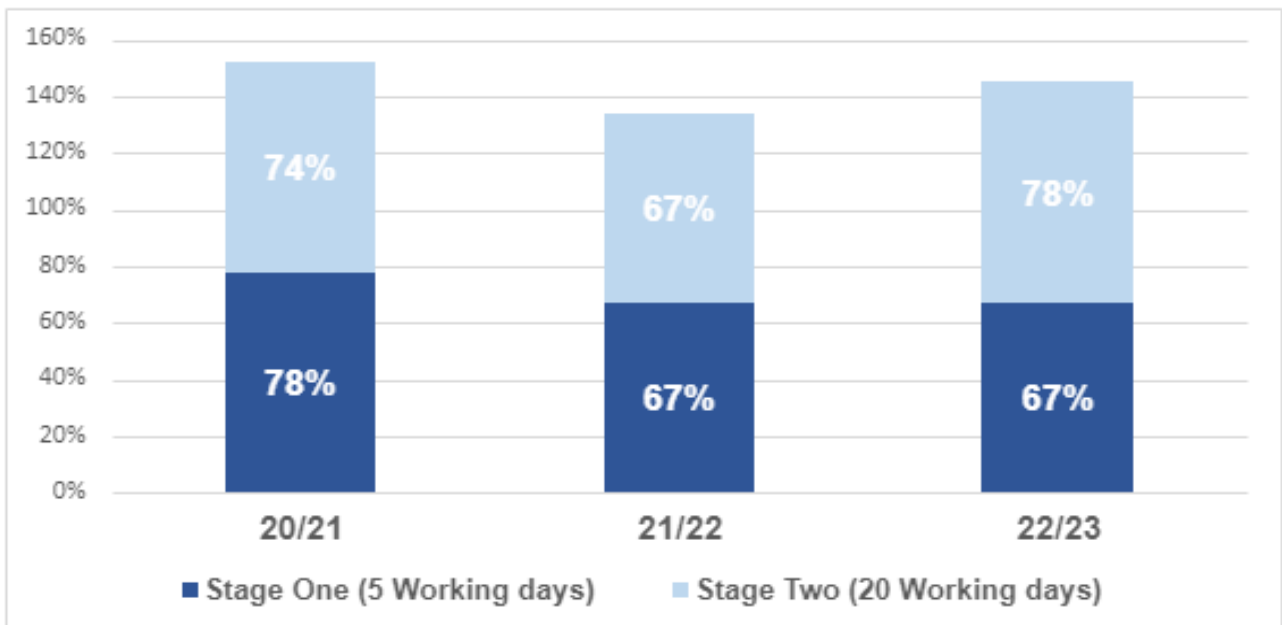
Indicator 4 represents the average time in working days to close complaints at Stage One and Stage Two. Most complaints are resolved at Stage One (Front Line resolution). Service areas where this is not the case are those where the nature of the complaints tend to be more complex and therefore take longer to investigate and come to an agreeable resolution. While 67% of Stage One complaints were resolved within 5 working days, 558 complaints were granted an extended response timescale (see Indicator 6), resulting in a higher average resolution timescale overall.

	Stage One (Frontline Resolution)	Stage Two (Investigation)	Stage Two Escalated (Ombudsman)
20/21	5.7	20.25	N/A
21/22	8.2	19.3	N/A
22/23	8.1	18.88	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.



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)

20/21	200	96
21/22	400	155
22/23	558	85

33% of all Stage One complaints (558 out of 1710) were given an authorised extension out with 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.

22% of all Stage Two complaints (85 out of 386) 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 (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	2021/2022	2022/2023	Trend
Business Services	192	228	▲
Education & Children's Services	303	386	▲
Health and Social Care	87	62	▼
Infrastructure Services	1319	1420	▲
Total	2004	2096	▲

Top 10 Topics of Complaint	2021/2022	Top 10 Topics of Complaint	2022/2023
Refuse and Collections	253	Refuse and Collections	406
Roads and Footpaths	219	Asset Management and Repairs	295
Recycling Booking Procedure	165	Staff Behaviour	211
Asset Management and Repairs	158	Roads and Footpaths/Road works	151
Primary Schools	101	Swimming pools and Leisure Centres	114
Parks and Opens Spaces	92	Tenancy Services	112
Staff Behaviour	92	Primary Schools	110
Swimming pools and Leisure Centres	79	Parks & Opens Spaces/Grass cutting/Maintenance	75
Council Tax	60	Property and Facilities Management	70
Council house refurbishment contracts	50	Council Tax	61

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: Tenancy Services - SPSO – 202008887

Ms A had complained to the Council about the way in which they had handled their reports about anti-social behaviour by their neighbours, and later, having been offered a housing transfer to remove them from the situation, Ms A complained about the way this had been managed due to concerns about it not being fair.

The Council investigated and responded to Ms A's complaints, however Ms A and their advocates continued to complain to the Council about matters which were considered closed following the local complaint investigation. Having brought their complaints to the SPSO, they found the steps taken by the Council to resolve Ms A's complaint to be reasonable and, on recognising Ms A's vulnerabilities and it being unlikely the dispute between the neighbours would be resolved, the SPSO found the subsequent handling of Ms A's housing transfer also to be reasonable.

During the SPSO's investigation it was noted the Council had invoked our Unacceptable Actions Policy in principle in relation to one of Ms A's advocates. However, as they had indicated they would not be contacting the Council again, the advocate was not formally notified they were being managed in line with this policy. The SPSO gave feedback to the Council on this matter, reminding that complainants and their advocates should be informed when their behaviour is considered unhelpful and challenging to ensure they

have the opportunity to engage more meaningfully. Overall, the SPSO found the actions taken by the Council to be reasonable and they did not uphold Ms A's complaints.

The SPSO acknowledged that this was a complex case involving multiple parties with several different complaints being made over an extended period of time. They found the complaint file to be well organised and there was evidence of different departments and agencies collaborating well with a view to resolving Ms A's complaints.

Case Study 2: Planning – Handling of application – SPSO - 202007523

C submitted objections to an application for the erection of a house close to the boundary of their property on the grounds of overlooking. The council produced a report of handling which included their responses to C's concerns. The application was approved subject to conditions including a condition relating to the interests of C's residential amenity. When the development was begun, C was concerned that the overlooking issue remained. C contacted the council advising of their concerns and the council requested the relevant condition to require a fence to be erected along part of the boundary line. C raised complaints with the council highlighting specific concerns with the report. The council responded advising that they considered the report had given reasonable consideration to the matters raised.

The SPSO took independent advice from a planning adviser. C complained that the report contained material errors and grossly understated the extent to which their property would be overlooked. The SPSO found that certain key information was not included in the council's assessment of the potential for overlooking, that insufficient attention was given to the height difference between the two properties and the close proximity of C's property to the proposed house, and that the assessment of the existing vegetation and trees was inaccurate and that these could be considered a material error in the report. The SPSO said that available evidence should have highlighted to the council that there would be significant overlooking from the proposed house and that measures should have been taken to mitigate this, either through conditions to retain the natural screening, or changes to the positioning of the proposed house. The SPSO found that the requirement to build a fence was unlikely to address all the overlooking issues and that overlooking from the proposed house was foreseeable and that the report failed to recognise this or to include measures to mitigate the impact on C's residential amenity. The SPSO upheld C's complaints.

The SPSO made the following recommendations to the council:

Apologise to C that the Report of Handling contained material errors and failed to recognise the extent to which the proposed house would overlook C's property.

Contact C with a view to discussing and implementing further measures to mitigate the overlooking from the proposed house.

That the council review this case with their planning service and consider ways of improving the scrutiny of reports prior to their sign off.

Case Study 3: Education – Secondary school - SPSO – 202109163

D's child (A) was a pupil at a school in the council's area. D said that A experienced bullying and an assault by another pupil at the school, resulting in changes to A's behaviour, anxiety and distress to the extent that A could no longer attend. Following

discussions with the council, it was agreed that D could apply for A to attend a new school, outside of their local area.

D complained about school one's handling of A's support needs and their response to A's disclosure about the alleged assault and events stemming from this. D also complained about the council's failure to arrange transport for A to the new school.

D raised a number of complaints with the council regarding their concerns, including that the council had unreasonably contacted Police Scotland regarding the actions of D's partner (B). D did not consider that the council responded reasonably to the points that they raised.

The SPSO accepted the council's position that MAAP (Multi-agency assurance panel) meetings would not have been required over the relevant period. The SPSO found that there was clear evidence of the school assessing A's needs and putting in place reasonable measures to support them. They did not uphold this aspect of D's complaint.

Overall, the SPSO found that the school appropriately recorded A's disclosure of assault, instigated the involvement of relevant third parties to ensure that the matter was investigated properly, communicated and collaborated well with A and their family to arrange support for A and to explain why there were limitations to the action that they were able to take. Given the circumstances the school had to work with, the SPSO were satisfied that they proposed a range of supports that gave A options for safe places to go should they feel threatened. Overall, the SPSO found that the school's support plans were reasonable and appropriate. They did not uphold this aspect of D's complaint.

The SPSO found that the available evidence supported the council's account of events related to the contacting of Police Scotland in connection with B's actions and that the school's actions on the day reflected the situation as it unfolded. They did not uphold D's complaint in this respect.

Whilst the SPSO said they had no cause to doubt D's recollection of events, they found that there was no evidence to support D's recollection that the council had agreed that door-to-door transport for A to the new school was required or would be provided. They advised they were satisfied that the council considered A's specific circumstances in reaching their decision on the request for transportation. They did not uphold this aspect of D's complaint.

Overall, the SPSO found that the council took D's complaints seriously, conducted reasonable investigations, responded fully to the points D raised and that these responses were supported by the council's policies and the contemporaneous records that they held. Lastly, as the council had accepted and apologised to D for a delay in responding to the complaint, the SPSO on balance, upheld D's complaint about the council's complaints handling.

Case Study 4: Children's Services and family support – SPSO - 202108990

B complained that the council failed to provide support to them and their child (A), who had a severe and debilitating mental illness, and that the council unreasonably failed to respond to all their concerns.

The SPSO took independent advice from a social work adviser. In relation to the council's failure to provide support to B and A, and found that there were unreasonable delays by the council at each stage of this case. The SPSO found that there appeared to be a lack of appropriate management oversight of the case, and a lack of follow up to ensure the best possible outcome for A was met.

In relation to the council's failure to respond to all of B's concerns, the SPSO found that the council's complaint response lacked detail and clarity as to what went wrong and how this could have been avoided. In particular there should have been a clearer acknowledgement and explanation as to why their own guidelines on timescales were not adhered to. They said that the council failed to fully acknowledge the impact on B, A and their family from those delays and that if the council considered it was not possible or appropriate to issue a joint response on behalf of the council and other partnership organisations, the reason(s) why should have been explained to B and B should have been signposted accordingly. Therefore, the SPOS upheld the complaint.

The SPSO made recommendations to the council including:

Apologise to B for the failings in providing support to B and A and identified areas of improvement in the council's complaint handling monitoring and governance system to enable learning from the complaint.

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 2022/23 here: [Statistics 2022-23 | SPSO](#)

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

	Aberdeenshire 22/23	Family Group 22/23	Scottish Average 22/23
Complaints per 1,000 population	7.97	5.8	11.45
Complaint Outcomes			
Stage One – Partially & Upheld	44%	62%	73%
Stage One – Not Upheld	56%	38%	27%

Stage Two - Partially & Upheld	27%	37%	41%
Stage Two – Not Upheld	73%	63%	59%
Average Response Time (in days)			
Stage One (5-day target)	8.1	6.4	9.1
Stage Two (20-day target)	18.88	25.21	20.91
Closed Within timescale			
Stage One	67%	74%	74%
Stage Two	78%	58%	70%

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