

SPSO decision report

Case: 201909959, Aberdeenshire Council
Sector: Local Government
Subject: Policy / administration
Decision: some upheld, recommendations

Summary

C complained that the council failed to properly administer a grants administration process. C also complained that the council failed to handle their complaint properly, by appointing an individual who was directly involved in the complaint as the complaints officer.

The council said that C had previously been made a grant offer, which had been extended. They had then been offered a further extension, but C had not felt able to accept this. We found that the council had followed its procedures correctly. The decision on C's grant had been made by an officer operating under delegated authority. This was in line with the terms of reference for the project board which administered the grants. Therefore, we did not uphold this aspect of C's complaint.

In relation to complaints handling, the council said that they were entitled to appoint the investigating officer for C's complaint. In their view, the officer appointed had the greatest knowledge of the issues under investigation. We found that the council's explanation that the investigating officer was not named in C's complaint was irrelevant. The investigating officer was directly involved in the decision C was complaining about. C had raised this with the council, but it had not been addressed. We found that C's complaint had been handled unreasonably and upheld this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for appointing an investigating officer with a conflict of interest. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Apologise to C for failing to respond appropriately to their concerns about the appointment of the investigating officer. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

In relation to complaints handling, we recommended:

- The council ensure that investigating officers do not have a conflict of interest over the complaint they are investigating.
- The council should ensure that when considering concerns about an investigating officer, they do so in line with the appropriate complaints handling guidance.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.