

**PERTH AND KINROSS COUNCIL****Scrutiny Committee****7 February 2018****COUNCIL COMPLAINTS PERFORMANCE REPORT FOR 2016/17****Report by Head of Legal & Governance Services****PURPOSE OF REPORT**

To provide the Scrutiny Committee with assurance that the Council has an adequate and effective Complaints Handling Procedure (CHP) in place.

To satisfy public performance reporting requirements in accordance with the Scottish Public Services Ombudsman's performance measures for Local Authorities.

**1. EXECUTIVE SUMMARY**

- 1.1 The Council's Complaints Handling Procedure is appropriate and effective; performance is within acceptable limits and in line with the Scottish Public Services Ombudsman's (SPSO's) requirements.
- 1.2 The subject matter of complaints does not identify any particular trend or pattern that indicates a particular risk within any specific service or illustrate a corporate issue or concern.
- 1.3 The number of Stage 1 or FLR complaints received in the year increased by 12%, but the increase is not attributable to any particular area. It is believed that the increase is partly due to greater staff awareness of the Council's Complaint Handling Procedure (CHP) as a result of training, and partly as a result of work to improve its accessibility.
- 1.4 Stage 1 complaints offer the opportunity for issues of dissatisfaction to be resolved shortly after they've been expressed; 92% of complaints received by the Council were resolved at this stage of the Council's CHP, which indicates that it is working well.
- 1.5 Data gathered through the CHP, and provided by the SPSO, shows that :-
  - 92 % of complaints received were resolved at Stage 1 of the CHP
  - 8% of complaints were resolved at Stage 2 of the CHP
  - 30 complaints which had completed the Council's CHP were passed to the SPSO by complainants for consideration. This represents 1% of complaints received by the Council.
  - The SPSO investigated 6 of these complaints, of which 3 were fully or partially upheld. This represents 0.1% of all complaints received in the year.

- 1.6 66% of Stage 1 complaints were processed within the 5 day timescale as compared with 48% in 2015-16. This improvement is believed to reflect increasing staff confidence in the complaints process, and is particularly encouraging in view of the increase in the number of complaints.
- 1.7 The average processing time for a Stage 1 complaint was 6.4 days; in 2015/16 the comparable figure was 5.8 days. This reflects both the increased number and the complex nature of some complaints that are now successfully resolved at Stage 1 of the process. Staff who respond to Stage 1 complaints are routinely reminded by Service complaints co-ordinators to advise complainants of the reason for delays in responding, and to advise them of expected timescales for doing so.
- 1.8 60% of Stage 2 complaints were processed within the 20 day timescale as compared with 58% in 2015-16. The average processing time was 21 days, in line with the processing time for 2015/16. Once again, staff who respond to Stage 2 complaints are reminded regularly that they should let complainants know of the reasons for any delays, and advise them of likely timescales for their response.
- 1.9 Until recently at Stage 2, single complaint points could be classed as “upheld”, “partially upheld”, or “not upheld” and the overall complaint would be classed as “upheld” if any point within it was upheld or partially upheld. The SPSO has now indicated that single points of complaint should only be classified as “upheld” or “not upheld” and the overall complaint should be classed as “partially upheld” when it has a mix of “upheld” and “not upheld” points.
- 1.10 All employees who respond to complaints are being made aware of the [Apologies \(Scotland\) Act 2016](#), which came into force in February 2016. This legislation aims to encourage early and full apologies whenever appropriate, by providing that the apology can’t be used to attribute blame in subsequent litigation. It is hoped that this will further increase the number of complaints being successfully resolved, particularly at Stage 1 of the CHP.
- 1.11 The SPSO has indicated that, in future, single points of complaint should only be classified as “upheld” or “not upheld”. Stage 2 Complaints, which routinely contain multiple points, are currently classed as “upheld” if any point within them is partially or fully upheld. In future, Stage 2 responses where there is a mix of “upheld” and “not upheld” points will be considered as “partially upheld”.
- 1.12 Work on a standard feedback survey for use at both stages of the complaints process is ongoing at a national level with the SPSO and other local authorities; it’s hoped that this will improve response rates in comparison with the survey for Stage 2 complaints which is currently in use.

## **2. BACKGROUND**

- 2.1 The CHP was introduced on 1 April 2013 and is based on the model developed by the SPSO in conjunction with all Scottish local authorities. It

seeks to resolve as many complaints as possible at the point of delivery and reflects the Council's commitment to valuing complaints as a means of identifying areas for service improvement.

- 2.2 The CHP is a 2 stage procedure. If an individual remains dissatisfied at the conclusion of Stage 2 of the CHP, he or she can refer the complaint to the SPSO.
- 2.3 The CHP did not cover Social Work complaints in 2016/17, as there was a separate statutory complaints procedure for these. Accordingly, these complaints are not included in this report. However, following a change in legislation in April 2017, these complaints are now processed under the CHP and will therefore be reported from 2017/18 onwards.
- 2.4 As the CHP seeks to resolve complaints at the point of service delivery, individual Services are responsible for responding to complaints and issuing their own findings to Stage 1 complaints. To ensure consistency across the organisation in relation to Stage 2 complaints, the Corporate Complaints Team conducts a quality assurance review of each complaint scope and final response before it is issued.
- 2.5 Good practice is shared through the Local Authority Complaints Handlers Network, established in conjunction with the SPSO, which meets regularly. All Service complaint co-ordinators are given the opportunity to attend, as well as a representative from the Corporate Complaints team. The Corporate Complaints team also holds regular meetings with Service representatives.
- 2.6 National recording and reporting systems have been established and performance indicators have now been agreed. These performance indicators allow Local Authorities to benchmark, identify, and address emerging trends.
- 2.7 Further information on the Complaints Handling Procedure can be found [here](#).

### **3. PERFORMANCE INDICATORS**

- 3.1 The SPSO, in conjunction with local authorities, has developed eight high-level performance indicators against which local authorities should assess and monitor their complaints handling performance. The Council is required to publish complaints performance information using these indicators. The Council's figures for these indicators for 2016/17 are shown in Appendix 1.
- 3.2 A complaint is defined as "an expression of dissatisfaction by one or more members of the public about the local authority's action or lack of action, or about the standard of service provided by or on behalf of the local authority".
- 3.3 Missed bins were previously considered to satisfy the definition of a complaint, and were included in previous years' reports. However, it has become clear that the majority of bin collections categorised as "missed" are in fact routine requests for service. Additionally, data comparison at Local Authority Complaints Handlers Network meetings indicates that almost no other

Scottish local authorities report “missed bins” as complaints, and they have therefore been excluded from this report.

- 3.4 The Corporate Complaints Team and Services will undertake an exercise using the SPSO’S Complaints Improvements Framework in 2018 as part of our commitment to improvement.

#### **4. SPSO INFORMATION**

- 4.1 The Scottish Public Services Ombudsman Act 2002 and the Public Services Reform (Scotland) Act 2010 give the Scottish Public Services Ombudsman (SPSO) the authority, in defined circumstances, to investigate complaints about Scottish public authorities, including local authorities.
- 4.2 The SPSO reports on complaints in two different ways. If a complaint which has been investigated is of national significance, a report is laid before the Scottish Parliament. All other complaints are reported by decision letters sent to public authorities and published on the SPSO website; they can be found at <http://www.spsos.org.uk/our-findings> The SPSO did not lay any reports before the Scottish Parliament in relation to Perth and Kinross Council during 2016/17.
- 4.3 The SPSO received a total of 46 complaints in respect of the Council in 2016/17. Of these cases, 30 had been dealt with under the CHP. The SPSO could not consider the other 16 complaints as these were premature (they had not been considered at either or both stages of the CHP). Of the 30 complaints the SPSO could consider, the following determinations were made:
- 10 were not duly made or were withdrawn
  - 8 sought an outcome which was not achievable
  - 1 was outwith SPSO jurisdiction
  - 5 were not investigated on the grounds of proportionality.
- 4.4 The remaining 6 were fully investigated with the following outcomes:-
- 1 complaint was fully upheld – 1 recommendation
  - 2 complaints were partially upheld – 2 recommendations for each
  - 3 complaints were not upheld
- 4.5 The upheld rate of 50% for Perth and Kinross Council compares with a rate of 60% for all local authorities.
- 4.6 A summary of the SPSO’s determinations in relation to the Council in the year 2016/17 is shown in Appendix 3.
- 4.7 A note of the recommendations made by the SPSO is shown in Appendix 4.
- 4.8 The SPSO also publishes summarised information about complaints received about local authorities. Information on complaints investigated by the SPSO in

2016/17 is shown in Appendix 5. This information is also available on the [Statistics](#) page of the SPSO's website.

## **5. CUSTOMER FEEDBACK**

- 5.1 Work with the SPSO to develop a standard Complaints Handling Customer Feedback Survey, to be used by all local authorities, is ongoing at a national level. It's hoped that this survey will generate increased response rates.

## **6. PROPOSALS**

- 6.1 The Corporate Complaints Group will continue to review the CHP throughout the year to ensure that the process and procedure remains adequate and fit for purpose.
- 6.2 The Corporate Complaints Group will continue to provide a range of training for staff who deal with complaints to support them to effectively resolve matters, at as early a stage in the CHP as possible.
- 6.3 The Corporate Complaints Group will continue to work on improving the accessibility of the Council's CHP, and the consistency and quality of complaint responses.

## **7. CONCLUSION AND RECOMMENDATIONS**

- 7.1 This is the third report in regard to the Council's Complaints Handling Procedure.
- 7.2 It is recommended that the Scrutiny Committee:
- (i) Consider and comment on this report
  - (ii) Note that the performance of the CHP will continue to be monitored and reviewed throughout the year.

### **Author(s)**

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### **Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	16 January 2018

## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

<b>Strategic Implications</b>	<b>Yes / None</b>
Community Plan / Single Outcome Agreement	<b>No</b>
Corporate Plan	<b>No</b>
<b>Resource Implications</b>	
Financial	<b>No</b>
Workforce	<b>No</b>
Asset Management (land, property, IST)	<b>No</b>
<b>Assessments</b>	
Equality Impact Assessment	<b>No</b>
Strategic Environmental Assessment	<b>No</b>
Sustainability (community, economic, environmental)	<b>No</b>
Legal and Governance	<b>No</b>
Risk	<b>No</b>
<b>Consultation</b>	
Internal	<b>Yes</b>
External	<b>No</b>
<b>Communication</b>	
Communications Plan	<b>No</b>

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

1.1 Not applicable.

#### Corporate Plan

1.2 Not applicable.

### 2. Resource Implications

#### Financial

2.1 Not applicable.

#### Workforce

2.2 Not applicable.

#### Asset Management (land, property, IT)

2.3 Not applicable.

### **3. Assessments**

#### Equality Impact Assessment

3.1 Not applicable.

#### Strategic Environmental Assessment

3.2 Not applicable.

#### Sustainability

3.3 Not applicable.

#### Legal and Governance

3.4 Not applicable.

#### Risk

3.5 Not applicable.

### **4. Consultation**

#### Internal

4.1 This report has been reviewed by the Policy and Governance Group and the Corporate Complaints Group. Both comprise representatives from all Services.

#### External

4.2 Not applicable.

### **5. Communication**

None

## **2. BACKGROUND PAPERS**

None

## **3. APPENDICES**

Appendix 1 – Performance Indicators

Appendix 2 - What was complained about?

Appendix 3 – SPSO decision letters

Appendix 4 - Recommendations made by the SPSO in 2015/16

Appendix 5 – Local Authority Complaints received by the SPSO in 2015/16