

PERTH AND KINROSS COUNCIL

Scrutiny Committee

27 November 2019

COUNCIL COMPLAINTS PERFORMANCE REPORT FOR 2018-19

Report by Head of Legal and Governance Service (Report No. 19/349)

PURPOSE OF REPORT

To provide assurance that the Council has an adequate and effective Complaints Handling Procedure ("CHP") in place and to advise the Committee of work undertaken to improve our performance in relation to the Council's handling of complaints.

To satisfy public performance reporting requirements in accordance with the Scottish Public Services Ombudsman's ("SPSO") performance measures for local authorities.

1. EXECUTIVE SUMMARY

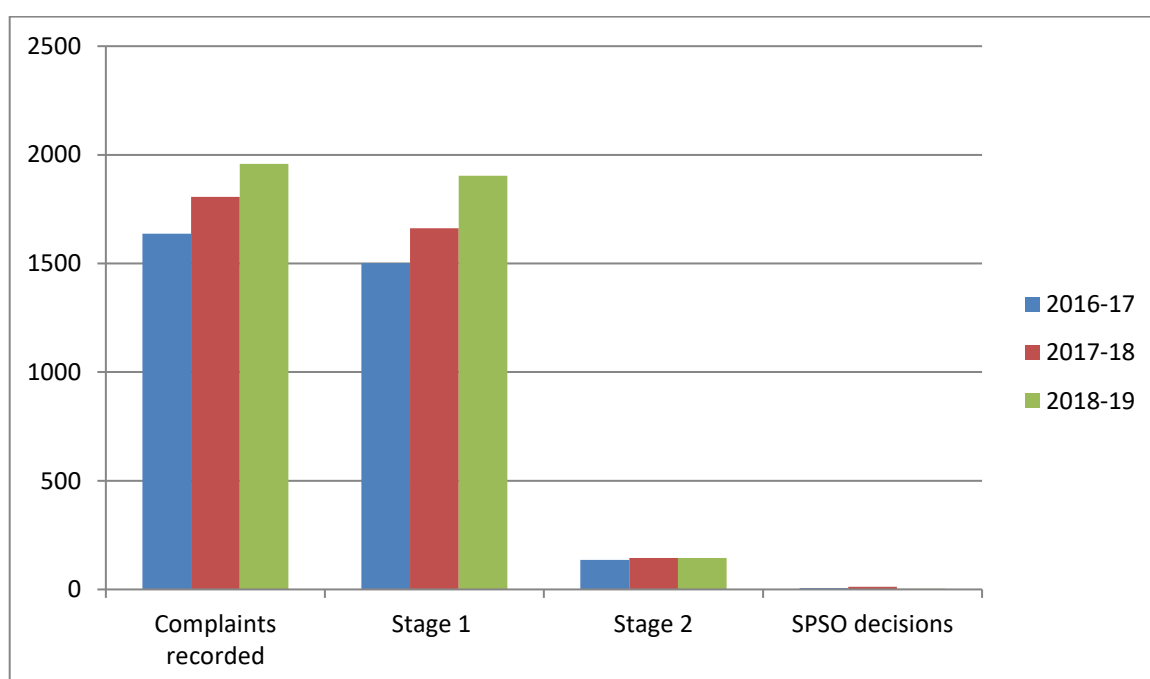
- 1.1 The Council's Complaints Handling Procedure (CHP) is appropriate and effective; its performance is within acceptable limits and is in line with the Scottish Public Services Ombudsman's (SPSO) requirements.
- 1.2 There were 1948 complaints recorded during 2018-19 representing an increase of 7.8% on complaints recorded during 2017-18.
- 1.3 The increase in the number of complaints is not a cause of concern and is believed to be indicative of services being clearer as to when customer dissatisfaction should be recorded as a complaint. It should be noted that there was no corresponding increase in the number of complaints escalating to Stage 2 which also demonstrates that staff are more confident and able to resolve complaints at the front line as per the intention and ambition of the complaints handling policy and procedure.
- 1.4 A large number (132) of Stage 1 complaints considered during 2018/19 were in relation to chargeable Garden Waste permits; however, given that the council issued 36,648 Garden Waste Permits for 2018/19, the complaint rate therefore represents only 0.3% of the total and does not flag any cause for concern as regards our policy decision or operational service delivery in this area.
- 1.5 The CHP provides for escalation of any complaint to Stage 2 of the CHP if the complainant remains dissatisfied after receiving a response to their Stage 1 response.
- 1.6 In some cases, the complexity or sensitivity of the complaint is such that it is considered at Stage 2 of the CHP in the first instance.

1.7 Where an individual remains dissatisfied with the outcome at Stage 2 then they have recourse to the Scottish Public Services Ombudsman.

1.8 In summary, of the 1948 complaints recorded in 2018/19

- 1903 complaints were processed under Stage 1 in the first instance
- 1903 (95%) complaints were resolved at Stage 1
- 100 (5%) complaints were escalated from of Stage 1 to Stage 2
- 45 complaints were processed as Stage 2 in the first instance due to their complexity/sensitivity
- 145 complaints (representing 7% of complaints recorded) were considered under Stage 2
- SPSO issued decision notices in relation to 4 complaints
- SPSO did not uphold 2 complaints
- SPSO partially upheld 2 complaints

1.9 Figures for the 2 previous years are indicated on the chart below. Due to the processing timescales for the SPSO, the decisions issued do not necessarily correlate with complaints recorded in the period 2018/19.



1.10 The target timescales for resolving complaints are:-

- Stage 1 complaints - 5 working days
- Stage 2 complaints – 20 working days

1.11 Where cases are complex however it is open to the Council to agree extended timescales, as long as complainants are advised of this.

1.12 Of the 1803 Stage 1 complaints:

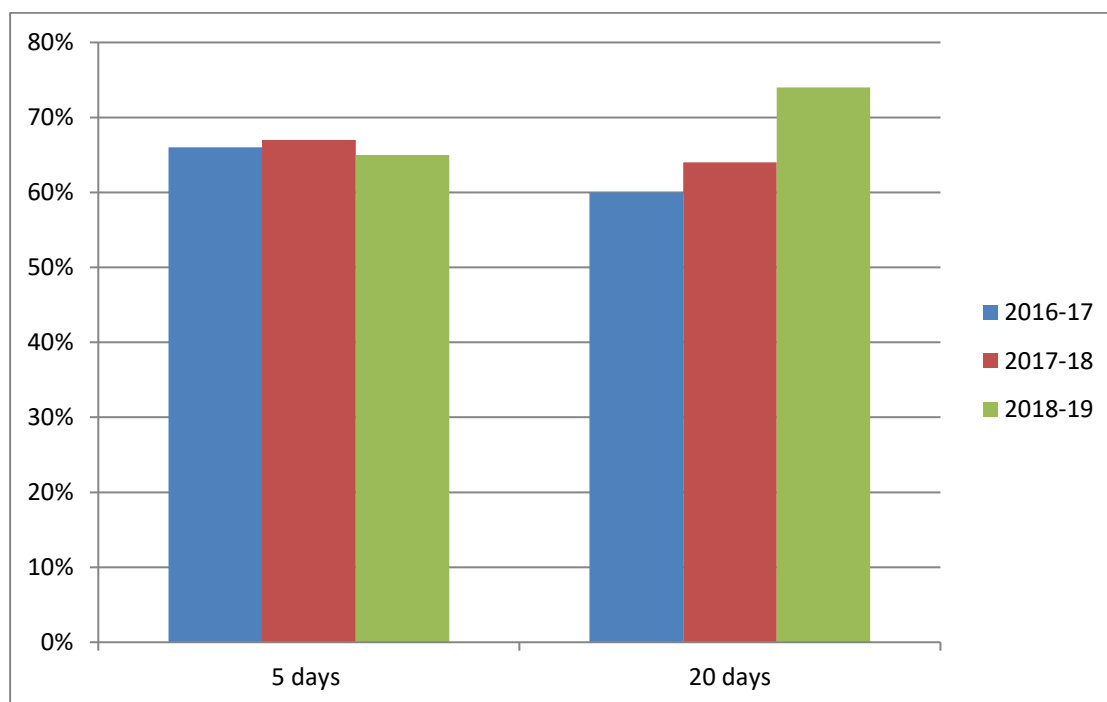
- 1170 were responded to within 5 working days (65%)
- 633 were responded to within extended timescale (35%)

- Average processing time 5.6 days

1.13 Of the 145 Stage 2 complaints:

- 108 were responded to within 20 working days (74%)
- 37 were responded to within extended timescale (26%)
- Average processing time 20 days

1.14 A comparison chart for the previous 2 years is set out below:



2. SPSO PERFORMANCE INFORMATION

2.1 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.

2.2 The SPSO, in conjunction with all Scottish local authorities, has developed eight high-level performance indicators, against which authorities assess and monitor their complaints handling performance. The Council's figures for these indicators for 2017/18 are shown in **Appendix 1**.

2.3 Information on complaints in relation to each complaint category is provided in **Appendix 2**. Following Service re-design, systems currently used to record and report complaints are currently unable to provide statistics in the format required to report on a Service basis.

2.4 The SPSO reports on complaints in two different ways:-

- If it considers that a complaint which it has considered is of national significance an Investigation Report is laid before the Scottish Parliament.

- Decision Reports are issued in relation to other complaints considered by the Ombudsman; these are published on the [SPSO's website](#) .
- 2.5 The SPSO did not lay any Investigation Reports about Perth and Kinross Council before the Scottish Parliament in 2018/19.
- 2.6 The SPSO issued 4 Decision Reports about complaints considered by Perth and Kinross Council during 2018/19. However, they were asked to consider 48 complaints.
- 2.7 44 complaints were not considered for the following reasons-
- 7 were not duly made, were withdrawn or resolved
 - 6 were made prematurely (that is before they had completed the Council's CHP)
 - 7 were outwith the SPSO's jurisdiction or sought an outcome which was not achievable
 - In 24 cases the SPSO considered that it was not proportionate to carry out an investigation
- 2.8 Details of the SPSO's determinations are available in **Appendix 3**.
- 2.9 Of the 4 cases, the SPSO did not uphold the complaint in 2 cases and partially upheld the complaint in the other 2 cases. Recommendations, detailed in **Appendix 4**, were made in the case of one complaint which was not upheld and both complaints which were partially upheld.
- 2.10 A summary of the subject area of complaints considered by the SPSO in respect of the Council and across the sector is shown in **Appendix 5**.

3. CONTINUOUS IMPROVEMENT

- 3.1 Complaints are valued by the Council as a way of identifying areas where improvements to services and processes can be made. Services are encouraged to record all expressions of dissatisfaction about the authority's actions or lack of action and standards of service, as complaints within the CHP. As staff have become more skilled and confident in identifying complaints, we have seen slight increases in the number of recorded complaints year on year. The Corporate Complaints team and Service Complaints Co-ordinators have continued to work to ensure the accessibility of the CHP, through staff training and publicity materials.
- 3.2 The Council also recognises that in some cases the level and frequency of complaints and/or the attitude and behaviour directed towards staff from a small number of individuals is inappropriate and unacceptable. To support staff and to manage the expectation of the public, the Managing Unreasonable Demands Policy was developed and approved by the Strategic Policy & Resources Committee in April 2019. This provides staff with the effective tools to ensure that the Council's limited resources are used appropriately. Use of this policy is monitored by the Corporate Complaints Team, who provide guidance to colleagues on circumstances when its use is

appropriate. The register recording this policy's use is maintained by the Corporate Complaints team.

- 3.3 Given the steady increase in the volume of CHP work and bearing in mind limited resource and capacity, the Corporate Complaints Team and Service representatives are working with the Council's IT Department to identify a suitable new system for recording and reporting on complaints.
- 3.4 The Corporate Complaints Team provides a quality assurance role in relation to all Stage 2 scoping letters and responses. The team also liaises with the SPSO when responses or evidence of compliance with recommendations are required. In some more complex cases, the corporate team will also carry out Stage 2 investigations.
- 3.5 The Corporate Complaints Team are responsible for the collation and reporting of the complaints handling and SPSO performance data. All of this information is used to support better service delivery and more efficient and effective internal systems and processes.
- 3.6 Representatives from the Corporate Complaints Team and Services continue to work with the Local Authority Complaints Handlers Network in order to share best practice and benchmark complaints performance
- 3.7 A standardised Customer Satisfaction Survey, to be used by all local authorities, was agreed in September 2019 and will be issued to all complainants receiving a response to a Stage 2 complaint from November 2019 onwards. The response rate to the Council's existing Customer Satisfaction Survey remains too low to allow for meaningful analysis and consideration is being given to how this can be improved when the new survey is launched.
- 3.8 The Council has recently been consulted on revision to the Model CHP, produced by the SPSO, on which its procedure is based. It is expected that this will lead to approval for changes to the existing Complaints Handling Procedure being sought during 2019/20.

4. CONCLUSION AND RECOMMENDATION(S)

- 4.1 The Council has an appropriate and effective Complaints Handling Procedure and will work to ensure that revisions are made in line with forthcoming SPSO recommendations.
- 4.2 Performance statistics from 2018/19 demonstrate that our complaints handling is acceptable and effective.
- 4.3 Performance information and the subject matter of complaints received is considered and monitored to identify any particular trends, issues or service areas which require focussed improvement efforts.
- 4.4 No such areas have been identified from CHP information for 2018/19
- 4.5 It is recommended that the Scrutiny Committee:-

- (i) Consider and comment on this report
- (ii) Note that the performance of the Complaints Handling Procedure will continue to be monitored and reviewed throughout the year.

Author(s)

Name	Designation	Contact Details
Donald Henderson	Information Governance Manager	01738 475000

Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	13 November 2019

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.

All Council Services can offer a telephone translation facility.

1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	None
Corporate Plan	None
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	None
Risk	None
Consultation	
Internal	Yes
External	None
Communication	
Communications Plan	None

1. Strategic Implications

1.1 Not applicable

2. Resource Implications

2.1 Not applicable

3. Assessments

3.1 Not applicable

4. ConsultationInternal

4.1 Service Complaints Co-ordinators were consulted in the preparation of this report.

5. Communication

5.1 Not applicable

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 - SPSO Performance Indicators

Appendix 2 - What was complained about?

Appendix 3 – SPSO information

Appendix 4 - Recommendations made by the SPSO

Appendix 5 - Local Authority complaints received by the SPSO