

PERTH AND KINROSS COUNCIL

Strategic Policy & Resources Committee – 13 February 2013

NEW COMPLAINTS HANDLING PROCEDURE

Report by Head of Legal Services

This report presents the Council's proposed Complaints Handling Procedure for approval and provides an update on the progress towards implementation of the new procedure.

1. RECOMMENDATION(S)

The Strategic Policy & Resources Committee is asked to

1. Approve the complaints handling procedure described in Section 3
2. Approve the complaints procedure document for the public in Appendix 1
3. Approve the Compliance Assessment in Appendix 2
4. Note the progress made towards full implementation.

2. BACKGROUND

- 2.1 The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of a simplified and standardised complaints handling procedure to be adopted and implemented across the public sector. The Act built on the work of the Crerar and Sinclair reports that sought to improve the way complaints were handled in the public sector.
- 2.2 In March 2012 the SPSO published his [Local Authority Model Complaints Handling Procedure](#) (CHP). This was based on the [Complaints Handling Principles](#) published the previous year and described a two-stage process. This coincided with the publication of the Scrutiny Committee's review report 'Learning from Complaints and Customer Feedback' (Report No 12/148 refers) (see Section 6 of this report) which presented recommendations to further improve service delivery and increase customer satisfaction through effective complaints handling.
- 2.3 At that time, the Ombudsman outlined a clear intention for implementation of the two-stage CHP from March 2012; however, a degree of flexibility with this date was also intimated. The expectation is that all local authorities implement the model, or have demonstrable plans which evidence progress towards implementation, during 2012/13. This will be assessed by Audit Scotland with clear reasons provided from local authorities for any delays in implementation. Full implementation is expected by the SPSO from 2013/14 onwards. It

should be noted that the model CHP is fairly prescriptive and leaves little scope for individual authorities to tailor it to match their existing process or circumstances.

3. PROPOSED COUNCIL COMPLAINTS HANDLING PROCESS

- 3.1 The definition of a complaint set by the SPSO is “an expression of dissatisfaction about the council’s action or lack of action, or about the standard of service provided by us or on our behalf”.
- 3.2 All expressions of dissatisfaction should be captured by the complaints handling process, including some that were previously classed as ‘service requests’. Although these ‘service requests’ will continue to be dealt with in the same way as they are currently, they will be recorded as complaints and included in the regular complaints’ reports.
- 3.3 There will generally be two opportunities to deal with complaints internally; a Front Line Resolution stage and an Investigation stage, with the possibility of a third internal stage for Social Work complaints depending on the legislative requirements of the statutory social work complaints regime.
- 3.4 **Stage 1 - Front Line Resolution**
 - 3.4.1 There will be two main routes to make a complaint at the Front Line Resolution stage; either through the Customer Service Centre by phone, email or from the Council website, or directly to the relevant Council staff.
 - 3.4.2 The Customer Service Centre will be the main point of contact for complainants at the Front Line Resolution stage. Complaints made directly to the Customer Service Centre will be recorded and issued electronically to relevant Managers/Team Leaders/Headteachers to deal with. Services will provide the Customer Service Centre with the names of officers who they wish complaints to be sent to. Service Complaints Co-ordinators and the Corporate Complaints Team will have access to the information recorded by the Customer Service Centre. They will be able to monitor the number and type of complaints and will continue to provide advice to staff. Complaint literature including, posters and leaflets will direct all telephone, email or written communication to the Customer Service Centre.
 - 3.4.3 Employees as close to the point of service delivery as possible will be responsible for attempting to resolve complaints. If contact is made directly with an employee rather than the Customer Service Centre and they can’t resolve the complaint, they will pass the complaint as quickly as possible to their Manager/Team Leader/Headteacher to resolve. Employees are to be encouraged to record all complaints. A form will be available on **eric** to be used to record the complaint details, including the resolution. If the complaint was initially recorded by the

Customer Service Centre, however, then the manager who was sent the complaint details will be able to update the record with details of the resolution.

- 3.4.4 The process allows **five working days** to resolve, or put forward a resolution to, a complaint. In exceptional circumstances this can be extended to ten working days.

3.5 **Stage 2 - Investigation**

- 3.5.1 If a complainant remains dissatisfied after the Front Line Resolution stage they can escalate their complaint to the Investigation stage. A complaint can also be escalated to this stage at the outset if it is apparent that it is sufficiently serious to warrant immediate investigation.
- 3.5.2 A complainant will be informed by the person dealing with their complaint at the Front Line Resolution stage that the complaint can be escalated if they remain dissatisfied. This information will also be published on the Council website and contained in other publicly available material. The complainant will normally have one month from the Front Line Resolution to escalate the matter.
- 3.5.3 If the complaint was not recorded at the Front Line Resolution stage, it will be added to the central recording system. The relevant Service Complaints Co-ordinator will be notified of the complaint and will allocate an Investigating Officer to undertake the complaint investigation. The Investigating Officer will normally come from a different area of the Service to try to ensure objectivity and independence.
- 3.5.4 The Corporate Complaints Team will have a quality assurance role in relation to investigations but will also undertake complaint investigations, as necessary.
- 3.5.5 By the third day of the investigation, the Investigating Officer will submit the complaint details, the letter acknowledging the complaint and stating the scope of the investigation, and the Investigation Plan to the Corporate Complaints Team.
- 3.5.6 The Corporate Complaints Team will then have 2 working days to respond to the Investigating Officer with any suggestions or comments although the Investigating Officer will continue investigating the complaint during these 2 days unless informed otherwise.
- 3.5.7 By the sixteenth day of the investigation, the Investigating Officer will circulate the draft response for review to all the employees who were involved in the investigation, the Service Complaints Co-ordinator and the Corporate Complaints Team.

- 3.5.8 Taking account of comments received from the reviewing group, the Investigating Officer will then pass the draft response and all information about the complaint to the Head of Service for review and authorisation.
- 3.5.9 The Head of Service will review and sign the response or make changes in discussion with the Investigating Officer and, if required, the reviewing group.
- 3.5.10 The Council has **20 working days** to complete a complaint investigation and respond to the complainant. If it is not possible to complete the response within the 20 working day limit, the Investigating Officer will keep the complainant informed of the situation and the reasons for the delay on a regular basis.
- 3.5.11 All the information from the investigation and the response, including recommendations and subsequent actions, will be stored centrally as part of the electronic complaints record.

3.6 Social Work Complaints

- 3.6.1 The Council has a statutory responsibility to have a procedure for dealing with complaints related to Social Work. This procedure has to include the opportunity for the complaint to be reviewed by an independent panel. For the Council this is the Complaints Review Committee.
- 3.6.2 As a consequence, following a response being issued for a Social Work complaint, the complainant will be given the option of referring the matter to the Complaints Review Committee.
- 3.6.3 The legislation related to Social Work complaints is currently under review and it is anticipated that the new complaints handling procedure will be able to cater for any changes made.

3.7 SPSO

- 3.7.1 After a complaint has been considered at the Investigation stage or by the Complaints Review Committee, the complainant will have the option to refer the matter to the SPSO if they remain dissatisfied.

3.8 Reporting

- 3.8.1 Standard reports will be produced regularly covering complaints recorded at both stages. The content of reports will be tailored for managers, individual Heads of Service, Service Management Teams and the Executive Officer Team. An annual performance report will also be produced for consideration by the Scrutiny Committee as part of the Council's commitment to public performance reporting.

4. PROGRESS TOWARDS IMPLEMENTATION

- 4.1 Work commenced on the development of the Council's new Complaints Handling Procedure following the finalisation of the model CHP by the SPSO in March 2012.
- 4.2 The implementation of the Council's new CHP is planned for 1 April 2013 and an implementation plan has been drawn up to achieve that.
- 4.3 The Corporate Complaints Team and the Service Complaints Coordinators are undertaking the development and implementation of the new CHP as part of a Working Group.
- 4.4 The SPSO has produced several pieces of standard documentation to be used by local authorities with only minimal customisation. This includes a leaflet for the public and an e-learning module for employees. The Council's documents for the new CHP, both internal and external, are currently being finalised.
- 4.5 A mandatory e-Learning course is being prepared about the Council's new CHP for employees and will be ready by early March 2013. Staff will also be encouraged to use the SPSO's more general e-Learning module about complaints handling. Appropriate provision will be made for employees who do not have access to the Council's e-Learning facilities.
- 4.6 The SPSO has produced a standard set of categories to be used when recording complaints and for reporting purposes. However a final decision on what reporting categories are to be used is still awaited from the SPSO. The Council has been informed that this issue will be discussed at the Local Authority Complaint Handlers meeting to be held in January 2013. All 32 Scottish local authorities should then be reporting on the same categories which will enable straightforward comparisons to be made.
- 4.7 The management information requirements of Services are being established to ensure that the system can produce the necessary reports for all areas. This will include reports to identify areas for improvement, as recommended by the Scrutiny Committee (see section 6 of this report).
- 4.8 The on-line form for recording Front Line Resolution complaints has been developed and tested and, subject to minor changes, is now complete.
- 4.9 The Customer Service Centre is already able to record Front Line Resolution complaints and only needs details of the officers to whom the complaints are to be sent.

- 4.10 All staff will be provided with examples of what are complaints and what are not complaints.
- 4.11 Improvements are needed to the existing central computer system used for the investigation stage. This work has been scheduled by IT and will be completed prior to the implementation date.
- 4.12 Training for Investigating Officers has been arranged for January and February and new complaint training material is currently being finalised.
- 4.13 A Communication Plan has been devised by the Working Group to ensure all external and internal stakeholders are aware of the new procedure.
- 4.14 Representatives of the SPSO will speak at a Council event organised for 22 February 2013 in AK Bell Library.
- 4.15 The Complaints leaflet, poster and a document describing the new complaints procedure aimed at the public are all being finalised currently. The latest version of the latter document is attached as Appendix 1. This document will also be made available on the Council's website.

5. COMPLIANCE WITH SPSO REQUIREMENTS

- 5.1 The SPSO has asked the Council to provide him with a copy of its Complaints Handling Procedure and the Council's document describing the complaints procedure for the public by 30 January 2013. The Ombudsman recognises the constraints of Council Committee dates, however, and has indicated that the delay for approval at this Committee meeting is acceptable. As stated above, these documents are in the final stages of completion and will be ready for submission following the Committee meeting.
- 5.2 In addition the Ombudsman wants a completed self-assessment compliance form which is attached as Appendix 2. The assessment has been completed and at this stage there is only one area of non-compliance, which is simply a matter of timing.

6. RECOMMENDATIONS FROM THE SCRUTINY COMMITTEE

- 6.1 The new CHP directly addresses a number of the recommendations made by the Scrutiny Committee in the report "Learning from Complaints and Customer Feedback" published in March 2012 (Report 12/148 and Article 175 refers). In particular : -
- 6.2 Recommendation ii - Service requests which are an expression of dissatisfaction will be recorded and reported as complaints.

- 6.3 Recommendations iii & iv – there will be systematic reporting of all recorded complaints, resolution actions and recommendations.
- 6.4 Recommendation vi – all local authorities will be reporting common statistical information from their complaints handling procedures which will permit ready comparison between authorities.
- 6.5 Recommendation viii – this report describes the Council's response to the SPSO's requirements for a CHP.

7. CONSULTATION

- 7.1 All Services are involved in the development and execution of the new procedure and each Senior Management Team has been informed of the proposed changes.

8. RESOURCE IMPLICATIONS

- 8.1 Financial resource will be required to fund investigative and customer care training for the relevant officers within all Services and for the provision of customer and staff information guides. These costs will be contained within existing Service budget provision.
- 8.2 All existing investigating officers will require to attend refresher training (half-day) and all staff will need to complete the Complaints e-Learning module (20 minutes). Additional training and awareness sessions will be arranged for specific groups of staff as and when required.

9. COUNCIL CORPORATE PLAN OBJECTIVES 2009-2012

- 9.1 The recommendations in this report support the delivery of all five of the Council's corporate objectives.

10. EQUALITIES IMPACT ASSESSMENT (EqIA)

- 10.1 It has been assessed that equalities monitoring of complaints would be relevant to ensure that no group is being disadvantaged. This will be considered by the Corporate Complaint Team and the Service Complaints Co-ordinators following the implementation of the new CHP.

11. STRATEGIC ENVIRONMENTAL ASSESSMENT

- 11.1 Strategic Environmental Assessment (SEA) is a legal requirement under the Environmental Assessment (Scotland) Act 2005 that applies to all qualifying plans, programmes and strategies, including policies (PPS).
- 11.2 The matters presented in this report were considered under the Environmental Assessment (Scotland) Act 2005 and no further action is

required as it does not qualify as a PPS as defined by the Act and is therefore exempt.

12. CONCLUSION

The Council is on course to implement a complaints handling procedure to comply with the SPSO model procedure by 1 April 2013.

IAN INNES
HEAD of LEGAL SERVICES

Note: The Scottish Public Services Local Authority Model CHP document and other background papers can be accessed by using the following links;

[SPSO Complaints Handling Principles & Guidance on a model CHP](#)
[SPSO Local Authority Model CHP](#)

Contact Officer: Pamela Dickson, Ext 75527
Address of Service: Council Building, 2 High Street, PERTH, PH1 5PH
Date: 30January 2012

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 *Pamela Dickson*



Council Text Phone Number 01738 442573

Perth & Kinross Council Complaints Procedure

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Perth & Kinross Council is committed to providing high-quality services.

We value complaints and use information from them to help us improve our services

If something goes wrong or you are dissatisfied with the service you receive, please tell us. If this happens, please contact the person who deals with the service you want to complain about. They'll do their best to sort out the problem for you. If you are unsure who to contact, our Customer Service Centre can advise you on 01738 475583..

What is a complaint?

We regard 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.

Who can complain?

Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service. Please also read the section 'Getting help to make your complaint'.

What can I complain about?

You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- quality of service provided
- incorrect application or failure of a council policy
- treatment by or attitude of a member of staff
- failure to follow proper procedure

Your complaint may involve more than one Council Service or be about someone working on our behalf.

What can't I complain about?

There are some things we can't deal with through our complaints handling procedure. These include:

- A routine first time request for a service, for example a first time request for a housing repair or action on anti-social behaviour
- Requests for compensation from the Council
- Complaints concerning Councillors. Councillors must comply with a Code of Conduct approved by the Scottish Parliament. The Standards Commission for Scotland is responsible for promoting and enforcing the Code. Complaints regarding the conduct of a Councillor should be referred to:

Public Standards Commissioner for Scotland
39 Drumsheugh Gardens
Edinburgh
EH3 7SW
Telephone: 0300 011 0550
Email: info@ethicalstandards.org.uk

- Areas that are covered by a right of appeal. Here are some examples:
 - If you are dissatisfied with the level of priority you have been given when applying for a house, you have the right to appeal against the decision
 - If your planning application is refused, you have a right of appeal to Scottish Ministers within three months of the decision. **There is, however, no third party right of appeal**
 - If you believe your house is incorrectly valued for council tax, you can appeal to the Assessor
 - Complaints that constitute a disagreement with or refusal to accept legal matters which the Council is obliged to apply
 - A complaint where you or the Council has started legal proceedings or has taken court action
 - Complaints to do with planning applications that are still being considered, unless it concerns an aspect of service delivery
 - A complaint that has already been heard by a court or tribunal
 - Insurance claims
 - A request for information in terms of the freedom of Information (Scotland) Act 2002
 - A request for an explanation on the application of the law
 - Most commercial or contractual issues

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

How do I complain?

It is usually easier for us to resolve complaints if you make them quickly and directly to the Service responsible. Please talk to a member of our staff at the Service you are complaining about. They can then try to resolve any problems on the spot.

Alternatively, you can:

- Telephone the Customer Service Centre on 01738 475583
- Email us on customercomplaints@pkc.gov.uk
- Write to the Customer Service Centre at Pullar House, Kinnoull Street, Perth, PH1 5GD

When you contact us, tell us:

- your full name and address
- as much as you can about your concern
- what has gone wrong
- how you want us to resolve the matter.

How long do I have to make a complaint?

Normally, you must make your complaint within six months of:

- the issue you want to complain about, or
- finding out that you have a reason to complain, but no longer than 12 months after the issue itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

What happens when I have complained?

We will always tell you who is dealing with your complaint

Our complaints procedure has two steps.

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Stage one: Frontline Resolution

We aim to resolve complaints quickly, and as close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances.

If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next. We might suggest that you take your complaint to Stage 2.

Stage two: Investigation

Stage 2 deals with those complaints that have not have been resolved at Stage 1 and those that are complex or of a serious nature and require detailed investigation.

At Stage 2 we will:

- acknowledge receipt of your complaint within three working days
- discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- respond to the complaint as soon as possible and within 20 working days. If our investigation is going to take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

What if I'm still dissatisfied?

If you are still dissatisfied with our decision or with the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
- issues that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in Court.

The contact details for the SPSO are:

In Person: SPSO 4 Melville Street Edinburgh EH3 7NS	By Post: SPSO Freepost EH641 (CHECK THIS OUT) Edinburgh EH3 0BR
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Online contact www.spsso.org.uk/contact-us

Website www.spsso.org.uk

Mobile site: <http://m.spsso.org.uk>

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Care complaints

If your complaint relates to a care service we provide, you can choose whether to complain to us or to the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them direct:

The Care Inspectorate has several offices around Scotland. Please refer to:
<http://www.scswis.com/> (Online complaints form) or

Telephone: **0845 600 9527**

Fax :**01382 207 289**

Email: **enquiries@careinspectorate.com**

Getting help to make your complaint

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance. Their contact details are:

Scottish Independent Advocacy Alliance

Telephone: **0131 260 5380**

Fax: **0131 260 5381**

Website: **www.siaa.org.uk**

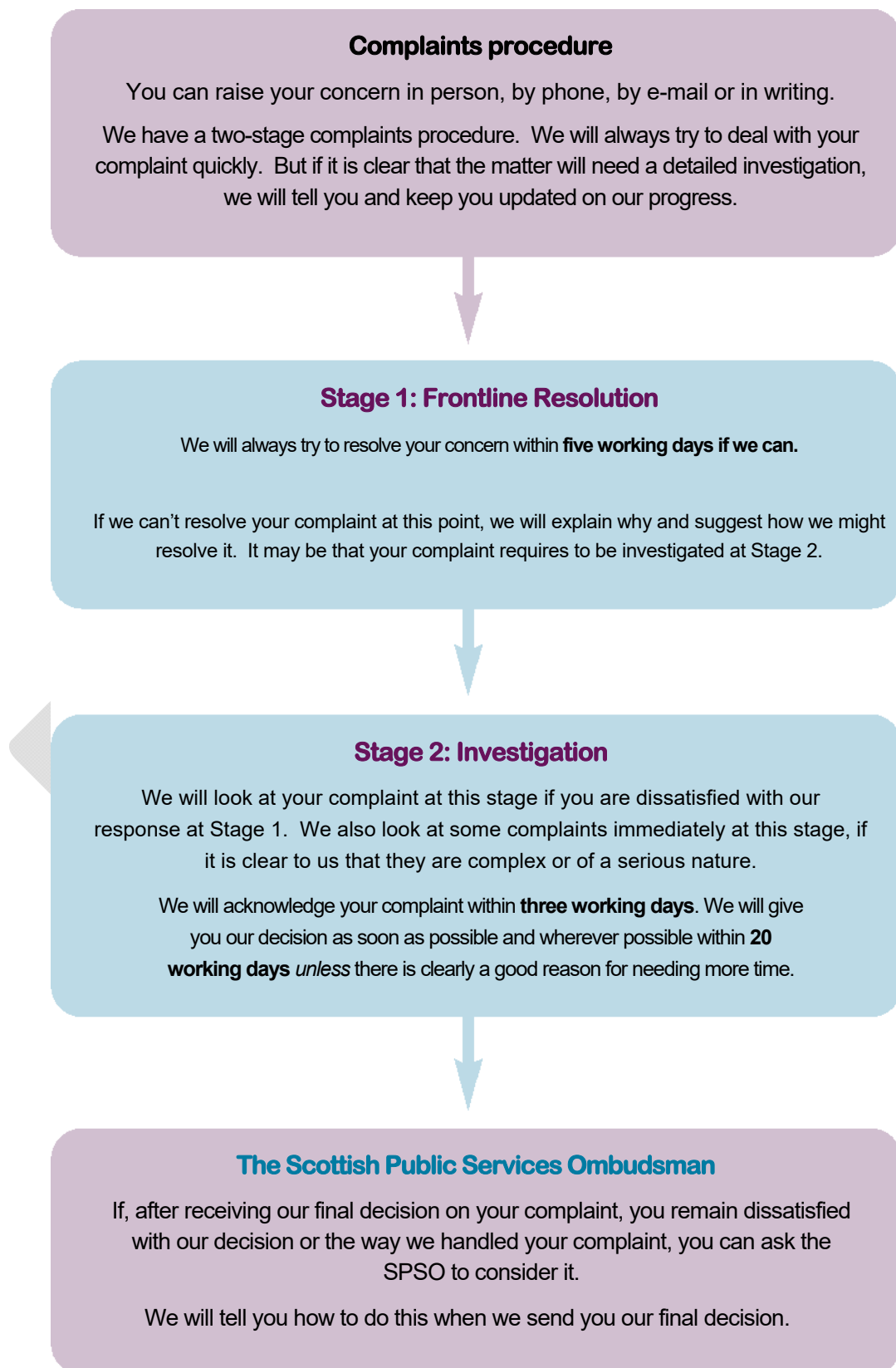
We are committed to making our services easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, tell us in person, contact us on (standard language box/text to go in here with Customer Service Centre as contact)

Our Contact details

Please contact us by the following means:

We need to put our details in here

Quick guide to our complaints procedure



SPSO Compliance Assessment – Perth & Kinross Council

Requirement of CHP	Met	Comment
Does the CHP adopt the text and layout of the published model CHP, subject to necessary amendments to reflect, for example, the organisational structure, operational processes and corporate style?	Yes	
Does the customer facing CHP adopt the text and layout of the published model customer facing CHP, subject to necessary amendments?	Yes	
Has the body confirmed it has implemented the CHP across all council services?	No	Due to be fully implemented by 1 April 2013
Does the CHP include an appropriate foreword from the Chief Executive?	Yes	
Does the CHP provide an appropriate definition of a complaint?	Yes	
Does the CHP explain the types of issues which may be considered as a complaint?	Yes	
Does the CHP explain the types of issues which may not be considered through the CHP?	Yes	
Does the CHP include appropriate guidance on handling anonymous complaints?	Yes	
Does the CHP include guidance in relation to customers who do not want to complain?	Yes	

Requirement of CHP	Met	Comment
Does the CHP clarify who can make a complaint?	Yes	
Does the CHP cover complaints involving more than one service or organisation?	Yes	
Does the CHP signpost to the relevant Social Work complaints procedure?	Yes	
Does the CHP explain how a customer may make a complaint?	Yes	
Does the CHP explain the issues to be considered on the receipt of a complaint?	Yes	
Does the CHP include the correct timeline at front line resolution?	Yes	
Does the CHP explain the basis for an extension to the time line at Frontline Resolution?	Yes	
Does the CHP explain the action to take in closing the complaint at the front line resolution stage	Yes	
Does the CHP explain when to escalate a complaint to the investigation stage?	Yes	
Does the CHP explain what to do when a complaint is received at the investigation stage?	Yes	
Does the CHP explain the requirement to acknowledge complaints within three working days at the investigation stage?	Yes	

Requirement of CHP	Met	Comment
Does the CHP explain the requirement to provide a full response to complaints within 20 working days at the investigation stage?	Yes	
Does the CHP explain the basis for an extension to the time line at the investigation stage?	Yes	
Does the CHP explain the required action when closing the complaint at the investigation stage?	Yes	
Does the CHP explain the requirement to provide information about the SPSO at the conclusion of the investigation?	Yes	
Does the CHP explain the roles and responsibilities of all staff involved in complaints handling?	Yes	
Does the CHP cover complaints about senior staff?	Yes	
Does the CHP include the requirement to record all appropriate details in relation to the complaint?	Yes	
Does the CHP commit to publishing complaints outcomes, trends and actions taken on a quarterly basis?	Yes	
Does the CHP include the requirement to learn from complaints?	Yes	
Does the CHP include the requirement to report performance in handling complaints annually?	Yes	

Requirement of CHP	Met	Comment
Does the CHP refer to legal requirements in relation to confidentiality issues?	Yes	
Does the CHP set a time limit of six months to consider the complaint, unless there are special circumstances for considering complaints beyond this time?	Yes	