

PERTH AND KINROSS COUNCIL**Scrutiny Committee - 11 June 2014****COUNCIL COMPLAINTS REPORT FOR APRIL 2013 – MARCH 2014****Report by Head of Legal Services****PURPOSE OF REPORT**

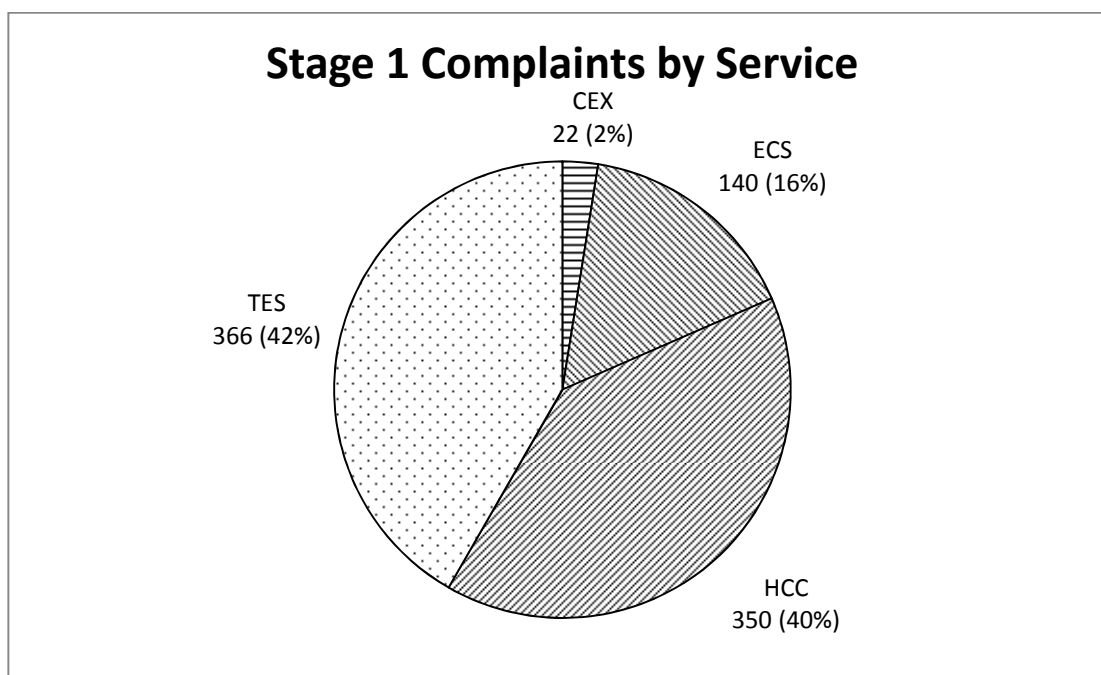
This report outlines the performance of the new Council Complaints Handling Procedure during the first year of its operation – April 2013 to March 2014.

1. BACKGROUND / MAIN ISSUES

- 1.1 This report presents the Council's complaints performance figures from the first year of operation of the new Complaints Handling Procedure (CHP). This procedure was developed in conjunction with the Scottish Public Services Ombudsman (SPSO) and is now in operation within all 32 Scottish Local Authorities.
- 1.2 The CHP provides two opportunities to deal with complaints internally: a Front Line Resolution stage (Stage 1) and an Investigation stage (Stage 2). There is also the possibility of a third stage for Social Work complaints as required by the social work complaints statutory process. Please note that this report does not include either Social Work or Children's Services' complaints.
- 1.3 As well as developing the new complaints procedure, new recording and reporting systems have been set up. Performance measures have also been agreed with the SPSO and the other Scottish Local Authorities. The expectation is that this will allow Local Authorities to benchmark and identify emerging trends.
- 1.4 There have been no major problems with the operation of the new system. Individual Services are now responsible for issuing their own complaint investigation findings so some degree of Service customisation has developed. However, review by the Corporate Complaints Team ensures an overall consistency of approach within the overall requirements of the CHP.
- 1.5 Development work continues in regard to management information and is progressing as fast as possible within the limitations of the available resources.
- 1.6 A Local Authority Complaints Handlers network has been established in conjunction with the SPSO and a Knowledge Hub website has been set up for all Local Authorities to share good practice and common queries. This group aims to develop a framework for evaluating complaints data from each Local Authority during 2014-15. This should ensure that the results of any benchmarking undertaken are worthwhile and contribute to improvements in the quality of service provided to the public.

2. FRONT LINE RESOLUTION (FLR) COMPLAINTS (STAGE 1)

- 2.1 A total of 1,758 complaints, were recorded during the period 1 April 2013 to 31 March 2014. This figure includes 880 missed bin complaints. The missed bin complaints will be considered separately as it is felt that their inclusion with the other complaints would be unrepresentative.
- 2.2 Prior to the introduction of the new complaints procedure, each Service had its own approach to the recording of such complaints so no comparison can be made with figures from previous years.
- 2.3 Excluding the missed bin complaints, there were 878 FLR complaints. The chart below shows the number and percentage of complaints received by Service.



- 2.4 The target for complaint responses at this stage is 5 working days with an extension to 10 working days available. The table below shows the number and percentage of complaints which were responded to within five, six to ten and over ten working days by Service.

Service	0–5 working days		6–10 working days		Over 10 working days	
	No	%	No	%	No	%
CEX	8	36	7	32	7	32
ECS	73	52	36	26	31	22
HCC	248	71	46	13	56	16
TES	221	61	45	12	100	27
Total	550	63	134	15	194	22

- 2.5 Overall, 63% of Stage 1 complaints were responded to within the target of 5 working days and 78% were responded to within the 10 working days allowed.

The 5 day response time, as set by the SPSO, is proving challenging, however, it is encouraging to achieve an 78% FLR response rate for the CHP's first year of operation.

- 2.6 The main reasons for the delay in responses are complexity of the complaint and availability of the employee best suited to respond to a complaint. Incorrect recording has also introduced some inaccuracy to the information.
- 2.7 To try to further improve the number of complaints being responded to within a target of up to 10 working days, further training is being provided by both Service personnel and the Corporate Complaints Team. This training covers all aspects of the Stage 1 process from recording the complaint, how best to respond to the complainant and when and how to record the complaint.
- 2.8 The table below shows the number and percentage of missed bin complaints that were responded to within five, six to ten and over ten working days by Service.

TES	0–5 working days		6–10 working days		Over 10 working days	
	No	%	No	%	No	%
Missed Bins	858	97	7	1	15	2

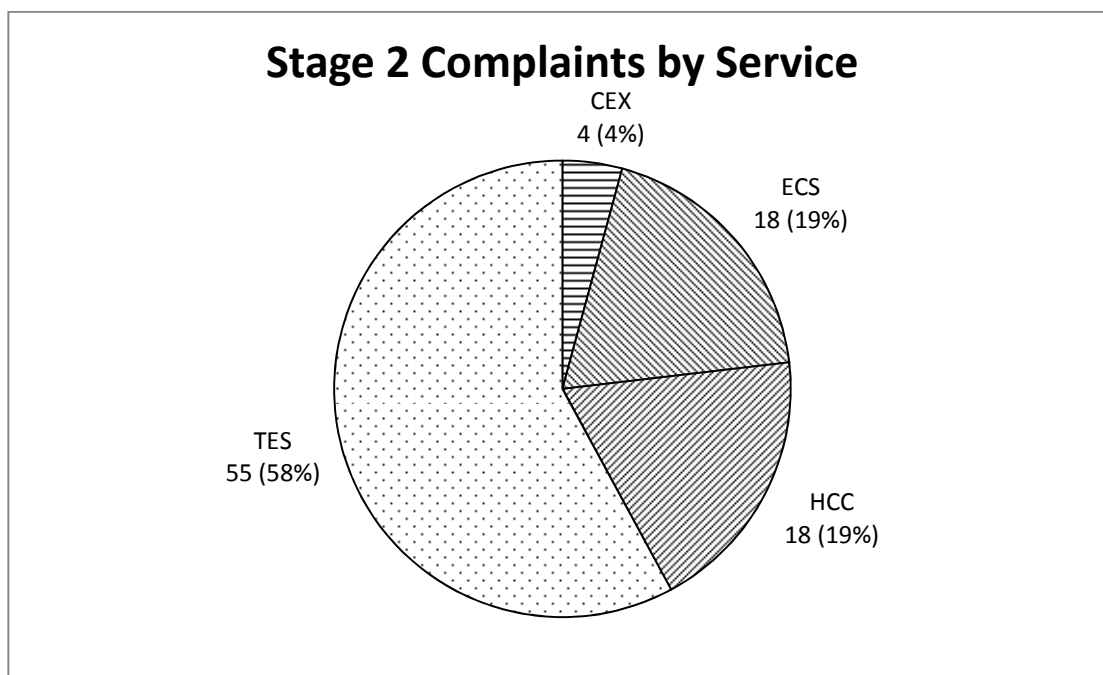
- 2.9 Overall, 97% of missed bin complaints were responded to within the target of 5 working days and 98% were responded to within the 10 working days allowed. This is a response level that compliments both the Council and the Environment Service.
- 2.10 If the missed bin complaints are taken into consideration, 80% of all Stage 1 complaints were responded to within the target of 5 working days and 88% were responded to within the 10 working days allowed.

This is clearly a good response especially as this is the first year of operation of the CHP.

3. INVESTIGATION COMPLAINTS (STAGE 2)

- 3.1 A total of 95 complaints were recorded at Stage 2 during the period April 2013 to March 2014. This compares to 133 at the comparable stage in the previous financial year, which is a decrease of 29%. Only 6% of Stage 1 complaints were escalated to Stage 2 and this improvement may be due to the effective early resolution of complaints by staff at Stage 1, thereby preventing costly and resource intensive investigations at Stage 2.

- 3.2 The chart on below shows the number and percentage of complaints received by Service.



- 3.3 In conjunction with the SPSO a set of standard complaint categories was devised for all 32 Local Authorities. The table below shows the number and percentage of Stage 2 complaints within these categories.

Category	Number of Complaints	Percentage of Complaints
Service Provision	41	43%
Policy & Procedure	29	31%
Employees	15	16%
Communication	5	5%
Other	5	5%
TOTAL	95	100%

With the change in categorisation introduced in the new CHP, it is not possible to compare these figures with those from previous years.

- 3.4 The Council's complaints procedure specifies that Stage 2 complaints should be acknowledged within 3 working days and should receive a response within 20 working days of receipt. The table below shows the Council's responsiveness to Stage 2 complaints. Note that two investigations are currently on-going.

Time Scale	CEX		ECS		HCC		TES		TOTAL	
	No.	%	No.	%	No.	%	No.	%	No.	%
Acknowledged within 3 WD	3	75	17	94	17	94	53	96	90	95
Response within 20 WD	2	50	4	24	7	39	24	44	37	40
Response within 21-25 WD	0	0	3	18	3	17	3	6	9	10
Response within 26-30 WD	1	25	1	6	3	17	8	15	13	14
Response over 30 WD	1	25	9	52	5	27	19	35	34	36
TOTAL	4		17		18		54		93	

- 3.5 The rate of response for acknowledgements is very good and has remained consistently high over a number of years.
- 3.6 The rate of response within 20 days is low and indeed is lower than when there was only a 15 day response. However, there are a number of reasons for this including in order of importance: -
- complexity of the complaint
 - agreeing the scope with the complainant within a reasonable timeframe
 - difficulty in obtaining information from those involved in an investigation
 - access to staff/records
 - pressures of work and capacity issues.
- 3.7 Although this is a rather disappointing level of response, research from the SPSO, and anecdotal evidence from our complainants tells us that people place greater importance on the thoroughness and quality of an investigation and are less concerned about the time taken to complete it.

Indeed the SPSO stated in their 2012-2013 annual report that:

“We have been clear and consistent in our message internally and externally that, put bluntly, if we have to decide between timescales for delivering what we do and the quality of what we do, we will not sacrifice the quality of our decision-making”.

4 OUTCOME OF COMPLETED STAGE 2 INVESTIGATIONS

- 4.1 The table below show the number of complaints by Service and details the number of complaint points considered and the outcomes. It should be noted that a single complaint can have multiple points for investigation.

	Complaints	Complaint Points Investigated	Complaint Points			
			Upheld	Partially Upheld	No Conclusion	Not Upheld
CEX	4	19	5	0	1	13
ECS	18	78	2	5	7	64
HCC	18	63	0	4	3	56
TES	55	167	24	17	11	115
Total	95	327	31	26	22	248

The majority of complaint points (76%) were not upheld and 17% were either upheld or partially upheld.

It was not possible to reach a conclusion for the remaining 7% of complaint points. The most common reason for not reaching a conclusion is contradictory subjective evidence and/or a lack of any other supporting evidence which is an important part of a robust investigation.

- 4.2 The table below shows the category of the complaints that were Upheld or Partially Upheld by Service.

Issues/Service	CEX	ECS	HCC	TES	Total	%
Service Provision	1	2	1	12	16	28
Policy & Procedure	3	2		12	17	30
Employees	-	3		9	12	21
Communication	1	-	3	8	12	21
Other	-	-	-		0	0
Total	5	7	4	41	57	100

- 4.3 A total of 44 recommendations were made by Investigating Officers and considered by Services. These included:

- reviewing and updating procedures;
- suggesting staff training;

- adoption of a road gulley;
- closer working between service teams;
- Noting in the report the authors of Reports of Handling.

4.4 Work is in progress to monitor the implementation of these recommendations.

5. SPSO

- 5.1 A report will be presented to the Committee in October detailing the SPSO's dealings with the Council following the receipt of the annual statistics from the SPSO.
- 5.2 The Corporate Complaints Team is the designated contact for any enquiries from the SPSO. During the period 1 April 2013 to 31 March 2014 the SPSO made over 60 requests for information to this team. The time spent responding to these requests has increased and this will be dealt with in more detail in the report mentioned above.

6 PROPOSALS

- 6.1 The Corporate Complaints Group proposes to review the complaints procedure over the next six months to ensure that it continues to work effectively.
- 6.2 It is proposed that as part of this review a questionnaire will be issued to complainants to obtain an informed view of their experiences during the life of their complaint. Consultation will also take place with Officers who undertake complaint investigations to identify any areas for improvement in our processes.
- 6.3 Further training for staff is also planned. A focus of the training will be the key roles and responsibilities of our staff in trying to effectively resolve complaints for our customers at the Front Line Resolution stage.
- 6.4 An SPSO requirement of the new CHP is the publication of information about the operation and performance of the Council's complaints procedure. It is proposed to start publishing this information on a quarterly basis during 2014-15.

7. CONCLUSION AND RECOMMENDATIONS

This is the first report in regard to the new Councils Complaints Handling Procedure.

It is recommended that the Scrutiny Committee:

- (i) Consider and comment on this report;
- (ii) Notes that further work is to be carried out to further improve the operation and performance of the complaints procedure over the next six months; and
- (iii) Notes the intended publication of quarterly performance information for the Complaints Handling Procedure during 2014/2015.

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Approved

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

The undernoted table should be completed for all reports. Where the answer is 'yes', the relevant section(s) should also be completed. Where the answer is 'no', the relevant section(s) should be marked 'not available (n/a)'.

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

1. Strategic Implications

Community Plan / Single Outcome Agreement - N/A

Corporate Plan - N/A

2. Resource Implications

Financial - N/A

Workforce - N/A

Asset Management (land, property, IT) – N/A

3. Assessments

Equality Impact Assessment – N/A

Strategic Environmental Assessment – N/A

Sustainability – N/A

Legal and Governance – N/A

Risk – N/A

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 – N/A

5. Communication

None

2. BACKGROUND PAPERS

None

3. APPENDICES

None