

# PERTH AND KINROSS COUNCIL

## Scrutiny and Performance Committee

11 December 2023

### COUNCIL COMPLAINTS PERFORMANCE REPORT FOR 2022-23

Report by Strategic Lead - Legal and Governance  
(Report No. 23/370)

#### 1. PURPOSE

- 1.1 The purpose of this report is 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.
- 1.2 This report also satisfies public performance reporting requirements in accordance with the Scottish Public Services Ombudsman's (SPSO) performance measures for local authorities.

#### 2. RECOMMENDATIONS

- 2.1 It is recommended that the Scrutiny and Performance Committee:
  - (i) Considers and comments on this report; and
  - (ii) Notes that the performance of the Complaints Handling Procedure will continue to be monitored and reviewed throughout the year.

#### 3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:
  - Section 4: Background/Main Issues
  - Section 5: SPSO Performance
  - Section 6: Conclusion
  - Appendices 1-3

#### 4. BACKGROUND / MAIN ISSUES

- 4.1 This report covers the reporting period 2022-23.
- 4.2 The Council's [Complaints Handling Procedure](#) (CHP) is considered to be appropriate and effective; its performance is within acceptable limits and is in line with the Scottish Public Services Ombudsman's (SPSO) requirements for a complaints process. It is the same model which is in operation across all Scottish Local Authorities.

- 4.3 During 2022-2023 there were 1,944 complaints recorded and processed at Stage 1 and Stage 2 of the CHP. This is an increase of 9% on the previous year, and represents a return to pre-COVID figures
- 4.4 It should be noted that the number of complaints recorded in a year is greater than the number of those complaints processed and completed within the year, due to some cases being withdrawn or not being finalised within the reporting year. The number of complaints closed in 2022-23 was 1855.
- 4.5 The average response times for the year have increased marginally at Stage 1 when compared to 2021-22, with response times at Stage 2 improving. (See Appendix 1)
- 4.6 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 complaint. In some cases, the complexity or serious nature of the complaint is such that it is considered at Stage 2 of the CHP in the first instance.
- 4.7 Where an individual remains dissatisfied with the outcome at Stage 2 then they have recourse to the Scottish Public Services Ombudsman (SPSO).
- 4.8 In summary, of the 1,944 complaints recorded in 2022—2023:
- 1,673 (90.2%) complaints were handled and then closed at Stage 1
  - 134 (7%) of complaints were escalated from Stage 1 to Stage 2
  - 48 (2.6%) complaints were handled directly at Stage 2 in the first instance
  - The difference between the 1,944 complaints received and the 1855 complaints closed (1,673 +134+ 48) is due to 78 complaints being withdrawn and 11 not being completed in the reporting year.
  - On average, Stage 1 Complaints were responded to within 5.2 working days
  - On average, Stage 2 complaints were responded to in 26.5 working days.
  - The SPSO issued one decision notice for Perth & Kinross Council in relation to Stage 2 complaints which were referred to them for review in the period covered by this report. (See Section 5 and Appendix 2).
- 4.9 The Corporate Complaints Group, made up of staff who deal with complaints across the Services, continues to meet throughout the year. Monitoring of complaints activity, reporting and themes raised within complaints is undertaken both at a Corporate and Service level.
- 4.10 Towards the end of the 2022-23 reporting year, the Council introduced Customer Satisfaction Surveys in respect of complaints handling. The returns up to end of March 2023 were minimal and therefore it is proposed to report the outcomes of these surveys as part of the annual report for 2023-2024, when the number of completed surveys will have increased.

4.11 It should be noted that how the Council handles complaints is under review as part of the Transformation & Change programme. The aim of this workstream is to ensure that the Council has an efficient, consistent, and resilient process to investigate and resolve complaints as swiftly as possible. It is anticipated that this will conclude within the current year. It is not anticipated that this should impact negatively on the Council's overall performance.

## 5. SPSO PERFORMANCE INFORMATION

5.1 The Scottish Public Services Ombudsman Act 2002 and the Public Services Reform (Scotland) Act 2010 give the SPSO the authority, in defined circumstances, to investigate complaints about Scottish public authorities, including local authorities.

5.2 Since April 2017, this has included social work complaints and covers services delivered by the Health & Social Care Partnership on behalf of the Council.

5.3 The SPSO, in conjunction with all Scottish local authorities, has developed six quantitative performance indicators, against which authorities assess and monitor their complaints handling performance. The Council's figures for these indicators for 2022-23 are shown in Appendix 1.

5.4 The SPSO reports on complaint investigation decisions in two ways: -

- A Decision Report is issued for each complaint considered; these are published on the [SPSO's website](#).
- If a complaint is considered of national significance, an Investigation Report is laid before the Scottish Parliament.
- The SPSO did not lay any reports regarding the Council before Parliament in 2022-23.

5.5 In this reporting year, there was one complaint that was investigated by the SPSO and resulted in recommendations being made. (The details of this case are at Appendix 2).

<b>SPSO Action in relation to Referrals about PKC Complaints</b>	<b>2022-23</b>	<b>2021-22</b>	<b>2020-21</b>
Provision of advice	15	9	8
Early resolution	32	13	25
Investigation	1	0	4
<b>Total</b>	<b>48</b>	<b>22</b>	<b>37</b>

5.6 A summary of the subject area of complaints received by the SPSO (as opposed to determined) in respect of the Council and across the sector is shown in Appendix 3.

- 5.7 Of the 32 cases considered by the SPSO under early resolution, 17 of these were not progressed by the SPSO as they considered that the complaint responses appeared reasonable, and the complainants have not raised any issues that cast any doubt on that. This is evidence of good complaint handling. The other 15 were not taken forward for a variety of reasons such as being outwith jurisdiction, outwith time limits, or the public test not being met.
- 5.8 The complete SPSO statistics are available on their [website](#).

## **6. CONCLUSION**

- 6.1 The Council has an appropriate and effective Complaints Handling Procedure and will work to ensure that revisions are made in line with any further SPSO recommendations.
- 6.2 Performance statistics from 2022-2023 demonstrate that our complaints handling is appropriate and effective, although performance is slightly down on the previous year with regard to meeting timescales at Stage 1 and slightly improved at Stage 2 (Appendix 1).
- 6.3 Performance information and the subject matter of complaints received is considered and monitored to identify any trends, issues or service areas which require focussed improvement efforts.
- 6.4 The Corporate Complaints Group will review and identify areas where our performance can be improved with regard to meeting target timescales.

**Author(s)**

<b>Name</b>	<b>Designation</b>	<b>Contact Details</b>
Joy Mayglothling	Team Leader Corporate Complaints	<a href="mailto:Jmayglothling@pkc.gov.uk">Jmayglothling@pkc.gov.uk</a> 01738 476742

**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Karen Donaldson	Chief Operating Officer	22 November 2023

**APPENDICES**

- Appendix 1 - SPSO Performance Indicators
- Appendix 2 - Recommendations made by the SPSO
- Appendix 3 - Local Authority complaints received by the SPSO

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

### 3. Assessments

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

(i) Assessed as **not relevant** for the purposes of EqIA

3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

3.3 However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

#### Sustainability

3.4 Not applicable.

#### Legal and Governance

3.5 Not applicable.

#### Risk

3.6 Not applicable.

### 4. Consultation

#### Internal

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

#### External

4.2 Not applicable.

**5. Communication**

5.1 Not applicable.

**2. BACKGROUND PAPERS**

None.