

# PERTH AND KINROSS COUNCIL

## SCRUTINY COMMITTEE

15 September 2021

### COUNCIL COMPLAINTS PERFORMANCE REPORT FOR 2019-20 AND 2020-21

Report by Head of Legal and Governance Services  
(Report No. 21/163)

#### 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 This report covers the years 2019-20 and 2020-21.
- 1.2 The preparation of the report for 2019-20 was delayed due to coronavirus pandemic measures and associated workload and resource issues. It was considered appropriate to present this report covering the information for the two-year period.
- 1.3 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.
- 1.4 There were 1923 complaints recorded during 2019-20 representing an increase of 7.8% on complaints recorded during 2018-19.
- 1.5 There were 1328 complaints recorded during 2020-21 representing a decrease of 32% on the previous year.
- 1.6 It should be noted that the number of complaints recorded in a year is greater than the number of those complaints actually processed, i.e. completed, within the year.
- 1.7 The increase in the number of complaints in 2019-20 was not considered a cause of concern and was believed to be indicative of employees being clearer about 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 that year, which demonstrated that staff were more confident and able to resolve complaints at the front line in line with the intention and ambition of the complaints handling policy and procedure.

- 1.8 The decrease in the number of complaints in 2020-21 reflected a more general decrease in routine interactions with public.
- 1.9 The average response times for the year were impacted by the Council's decision in the first quarter of the year to stop processing complaints temporarily, but non-availability of staff throughout the year because of coronavirus also affected response times adversely.
- 1.10 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. 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.
- 1.11 Where an individual remains dissatisfied with the outcome at Stage 2 then they have recourse to the Scottish Public Services Ombudsman.
- 1.12 In summary, of the 1923 complaints recorded in 2019-20
- 1678 complaints were processed under Stage 1
  - 1592 (95%) complaints were resolved at Stage 1
  - On average, Stage 1 complaints were responded to in 5.5 days
  - 86 (5%) complaints were escalated from of Stage 1 to Stage 2
  - 55 complaints were processed as Stage 2 in the first instance
  - On average, Stage 2 complaints were responded to in 20.9 days
  
  - SPSO issued decision notices in relation to 2 complaints
  - SPSO upheld 1 complaint
  - SPSO did not uphold 1 complaint
- 1.13 Similarly, of the 1328 complaints recorded in 2020-21
- 1250 complaints were processed under Stage 1
  - 1207 (97%) complaints were resolved at Stage 1
  - On average, Stage 1 complaints were responded to in 6.7 days
  - 43 (3%) complaints were escalated from of Stage 1 to Stage 2
  - 33 complaints were processed as Stage 2 in the first instance
  - On average, Stage 2 complaints were responded to in 28.4 days
  - SPSO issued decision notices in relation to 4 complaints
  - SPSO upheld 3 complaints
  - SPSO partially upheld 1 complaint

## 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 six quantitative performance indicators, against which authorities assess and monitor their complaints handling performance. The Council's figures for these indicators for 2019-20 and 2020-21 are shown in Appendix 1.
- 2.3 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.
- 2.4 The SPSO did not lay any report regarding the Council before Parliament in 2019-20 but laid one Investigation Report about the Council before the Parliament in 2020-21 (case ref. 201905582).
- 2.5 The number of complaints about the Council that were investigated by the SPSO is actually very small compared to the number referred to them by complainants: -

<b>SPSO Action</b>	<b>2019-20</b>	<b>2020-21</b>
Provision of advice	21	8
Early resolution	29	25
Investigation	2	4
Total	52	37

- 2.6 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 3.
- 2.7 The complete SPSO statistics are available on their [website](#).

## 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 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.
- 3.4 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.
- 3.5 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.
- 3.6 Following consultation, the SPSO introduced a new model CHP for local authorities. This was implemented as the Council's CHP in April 2021.
- 3.7 The Corporate Complaints Team and the Service Complaints Co-ordinators have worked with IT to create a new case management system for complaints. This was also implemented in April 2021 to take account of the revised CHP.

#### **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 2019-20 and 2020-21 demonstrate that our complaints handling is 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 2019-20.

## 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)**

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**Approved**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Karen Donaldson	Chief Operating Officer, Corporate & Democratic Services	17 August 2021

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**ANNEX****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>Yes</b>
External	<b>None</b>
<b>Communication</b>	
Communications Plan	<b>None</b>

**1. Strategic Implications**

1.1 Not applicable.

**2. Resource Implications**

2.1 Not applicable.

**3. Assessments**

3.1 Not applicable.

**4. Consultation**

4.1 Internal: 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 - Recommendations made by the SPSO
- Appendix 3 - Local Authority complaints received by the SPSO

## Recommendations made by the SPSO

The SPSO expects organisations to learn from complaints and routinely makes recommendations about how the processes and procedures can be improved, even in cases where complaints are not upheld.

### Case ref: 201805111 (2019-20)

<b>Complaint</b>	<b>Decision</b>
The council unreasonably invoiced for a larger amount for care home costs than had been previously advised	Upheld
<b>Recommendations</b>	<b>Actions</b>
The council should reconsider their decision not to reduce the care home costs in light of the failings identified in this investigation.	Balance of costs written off and apology issued.

### Case ref: 201900916 (2020-21)

<b>Complaint</b>	<b>Decision</b>
The Council unreasonably failed to share information regarding the school	Upheld
<b>Recommendations</b>	<b>Actions</b>
<ol style="list-style-type: none"> <li>1. Apologise for unreasonably failing to appropriately share concerns they held about the school.</li> <li>2. When there are concerns about an independent school that could reasonably be anticipated to impact a child's placement, then appropriate information about these concerns should be shared with relevant parties, including the child's parents.</li> </ol>	<ol style="list-style-type: none"> <li>a) Apology issued</li> <li>b) A range of reflective discussions were undertaken to consider the issues arising from this complaint and agreement reached about standard practice to routinely share information about identified concerns and clear recording of the reasons for decisions taken not to share.</li> </ol>



<b>Complaint</b>	<b>Decision</b>
The Council failed to investigate the complaint to a reasonable standard	Upheld
<b>Recommendations</b>	<b>Actions</b>
<ol style="list-style-type: none"> <li>1. Apologise for the failings that we have identified</li> <li>2. Ensure staff dealing with complaints are familiar with the Council's Complaint Handling Procedure, understanding the importance of communication and the need to demonstrate thorough investigation of the points raised.</li> </ol>	<ol style="list-style-type: none"> <li>a) Apology issued</li> <li>b) Appropriate reminder and training material circulated to all relevant staff</li> </ol>

**Case Ref: 201902140 (2020-21)**

<b>Complaint</b>	<b>Decision</b>
The Council failed to provide the appropriate support regarding the adoption placement	Upheld
<b>Recommendations</b>	<b>Actions</b>
The right of the adopter to request an assessment for an adoption support plan / formal review should be recognised.	The Council introduced a formal process where the Reviewing Officer will ensure there is an up-to-date review of the child's circumstances and an update of the Child's Plan at the first coordination meeting. This will include detail about a support plan for the child and the adopter. The Perth and Kinross Fostering & Permanence Panel will also consider (and formally record) potential risks and vulnerabilities and what support will be in place for both the child and adopter/s.

<b>Complaint</b>	<b>Decision</b>
The Council failed to take appropriate cognisance of the disruption report	Upheld
<b>Recommendations</b>	<b>Actions</b>
<p>The council should ensure that:</p> <ul style="list-style-type: none"> <li>• A child's plan (or adoption support plan) includes details of difficulties that may well emerge within the adoptive placement and strategies for the support of the child and of the adoptive parents should be built in from the outset of the new placement; and</li> <li>• That where possible placements are ended in a planned way unless there is significant unexpected risk to the child</li> </ul>	<p>Learning from this complaint was the focus of a team development day and a Fostering and Permanence Panel Development day.</p> <p>The Transition policy now contains detail regarding the preparation of and content of the Child's plan.</p> <p>Updated operational guidance on Adoption Disruption has been revised and details the process on how best to manage planned endings and adoption breakdown</p>
<b>Complaint</b>	<b>Decision</b>
The Council's handling of the complaint was unreasonable	Upheld
<b>Recommendations</b>	<b>Actions</b>
The council should ensure that complaints are dealt with promptly and staff should be familiar with how to respond to a complaint under the appropriate procedure	The Council's complaints process has been revisited and all staff reminded of their responsibilities to respond within relevant timescales.

**Case ref: 201902495 (2020-21)**

<b>Complaint</b>	<b>Decision</b>
The Council did not deal with the leaking pipe beside the property Appropriately	Upheld

<b>Recommendations</b>	<b>Actions</b>
<ol style="list-style-type: none"> <li>1. Apologise for the failings identified</li> <li>2. A clear specification of works should be provided to contractors acting on behalf of the Council and where appropriate inspections should be performed to ensure work is carried out to an appropriate standard. Any inspection should be documented.</li> </ol>	<ol style="list-style-type: none"> <li>a) Apology issued</li> <li>b) Relevant procedure revised and documented. Refresher sessions undertaken with Co-ordinators and Inspectors. All inspection information now appropriately recorded.</li> </ol>
<b>Complaint</b>	<b>Decision</b>
The Council did not handle the correspondence and complaints appropriately	Upheld
<b>Recommendations</b>	<b>Actions</b>
<ol style="list-style-type: none"> <li>1. Apologise for the failings identified</li> <li>2. Where resolution is not possible, an investigation should provide a customer with a full, objective and proportionate response that represents the Council's final position.</li> </ol>	<ol style="list-style-type: none"> <li>a) Apology issued</li> <li>b) Relevant officers reminded of need to record complete details of the investigation undertaking, including all related correspondence.</li> </ol>

**Case ref: 201905582 (2020-21)**

<b>Complaint</b>	<b>Decision</b>
The review of the care package was not conducted reasonably	Upheld
<b>Recommendations</b>	<b>Actions</b>
<ol style="list-style-type: none"> <li>1. Apologise for the failure to conduct the review of the care package reasonably</li> <li>2. Review whether the 2 to 1 care allowance within the current care package adequately meets his social needs. (The review should include provision for the complainant to make representations in relation to this matter.)</li> <li>3. Inform the complainant of the outcome of this review and provide a clear rationale for the decision.</li> </ol>	<ol style="list-style-type: none"> <li>a) Apology issued</li> <li>b) Review completed. Procedural changes implemented and training given.</li> <li>c) Completed</li> </ol>

### Local Authority complaints by subject received by the SPSO

Subject	2019-20		2020-21	
	PKC	All	PKC	All
Building Control	0	15	0	6
Consumer Protection	0	4	1 (3%)	4 (1%)
Economic Development	N/A	N/A	0	4
Education	12 (21%)	171 (8%)	3 (10%)	109 (11%)
Environmental Health & Cleansing	2 (4%)	93 (7%)	1 (3%)	62 (6%)
Finance	4 (7%)	94 (7%)	1 (3%)	68 (7%)
Fire & Police Boards	0	1	0	3
Housing	11 (19%)	271 (20%)	9 (30%)	232 (24%)
Land & Property	2 (4%)	11 (1%)	1 (3%)	12 (1%)
Legal & Admin	1 (2%)	66 (5%)	0	54
National Park Authorities	0	1	0	2
Other	0	10	0	9
Personnel	0	6	0	4
Planning	11 (19%)	135 (10%)	6 (20%)	115 (12%)
Recreation & Leisure	0	22	0	13
Roads & Transport	4 (7%)	111 (8%)	2 (8%)	63 (6%)
Social Work	7 (12%)	199 (15%)	5 (17%)	135 (14%)
Subject unknown or Out of Jurisdiction	0	2	1 (3%)	48 (5%)
Valuation Joint Boards	0	5	0	2
Welfare Fund - Community Care Grants	0	2	0	3
Welfare Fund - Crisis Grants	3 (5%)	108 (8%)	0	3 (1%)
<b>Total</b>	<b>57</b>	<b>1,327</b>	<b>30</b>	<b>951</b>