

PERTH AND KINROSS COUNCIL

Scrutiny Committee

28 November 2018

COUNCIL COMPLAINTS PERFORMANCE REPORT FOR 2017-18

Head of Legal & Governance Services (Report No. 18/396)

PURPOSE OF REPORT

To provide assurance that the Council has an adequate and effective Complaints Handling Procedure (“CHP”) in place and details of work undertaken to improve the Council’s handling of complaints and to support staff in dealing with complaints.

To satisfy the public performance reporting requirements in accordance with the Scottish Public Services Ombudsman’s performance measures for local authorities.

1. EXECUTIVE SUMMARY

- 1.1 The Council’s [Complaints Handling Procedure](#) (CHP) is appropriate and effective; performance is within acceptable limits and is in line with the Scottish Public Services Ombudsman’s (SPSO) requirements.
- 1.2 There were 1807 complaints recorded in 2017-18 representing approximately a 10% increase on 2016-17 figures.
- 1.3 It should be noted however following a change in legislation, this is the first year that Social Work complaints have been processed and reported under the Council’s CHP.
- 1.4 There has also been an ongoing programme of training throughout 2017/18 to increase awareness of the Council’s CHP, both amongst the public and staff, including a Council-wide exercise using the SPSO’s Improvement Framework on Accessibility. It is not unusual for there to be an increase in recorded complaints as the public and staff become more aware and confident in respect of the CHP
- 1.5 Chargeable Garden Waste Permits were also introduced in 2017/18 and approximately 85 Stage 1 complaints were received about the implementation of this Council policy out of more than 36,500 permits sold, which represents 0.02%.
- 1.6 The CHP provides for escalation of any complaint to Stage 2 of the CHP if they remain dissatisfied after receiving a response to their Stage 1 complaint.

- 1.7 In a small number of cases (36 during 2017-18) the nature of the complaint (i.e. the complexity of the sensitivities of the case) are such that these are processed under Stage 2 procedures in the first instance.
- 1.8 Of the overall total, 92% of complaints were resolved at the Stage 1 process (94% of the total considered under Stage 1 in the first instance) .
- 1.9 109 (6%) of the cases considered under Stage 1 were escalated to Stage 2 of the process. Taking into account the 36 complex cases referred to above, the total number of cases considered under Stage 2 was 145 (8%).
- 1.10 12 complaints which had completed the Council's CHP were investigated by the SPSO (representing 0.7% of the total of complaints received by the Council in 2017-18)
- 1.11 In line with advice from the SPSO to all Scottish local authorities, a change to the categorisation of complaints has been made during 2017/18. Single points of complaint are no longer partially upheld; instead a definite conclusion i.e. upheld or not upheld is reached for each point. However complaints containing multiple complaint points where some are upheld and some not upheld, are now classified as partially upheld.
- 1.12 Of the 12 complaints investigated by the SPSO, 7 (58%) were fully or partially upheld. This is in line with the rate for local authorities overall. It should be noted, however, that this equates to only 0.4% of the total number of complaints processed under the Council's corporate complaints procedure.
- 1.13 The number of complaints taken prematurely to the SPSO reduced considerably from 34.8% in 2016/17 to 19.6% in 2017/18. This decrease may reflect work done by Services and the Corporate Complaints Team to improve awareness of the CHP among staff and the public.
- 1.14 67% of Stage 1 complaints considered during 2017/18 were responded to within the 5 day timescale outlined in the CHP. In the other cases it was necessary to extend the time for response for a variety of reasons, including workload, complexity of the complaint, and school holidays meaning staff were not available to provide information.
- 1.15 64% of Stage 2 complaints considered during 2017/18 were processed within the 20 day timescale outlined in the CHP. This represents an improvement on the same figure for 2016/17, despite the 6% increase in the number of Stage 2 complaints considered in 2017/18. Once again, extensions to the 20 day timescale were granted when necessary for reasons including workload, complexity of the complaint and school holidays.
- 1.16 The Corporate Complaints Team has provided advice, tools and awareness training to staff about resources available to assist with difficult behaviours

displayed by complainants, and guidance for staff on handling difficult conversations.

- 1.17 A “Customer Contact – Unacceptable Actions” Policy has been developed and will be presented to the Strategic Policy & Resources Committee for approval early in February 2019.

This policy aims to support staff as well as ensuring that the Council’s effectiveness is not compromised by the actions of individuals who make excessive demands on Council resources. It will replace the Unacceptable Actions by Complainants Policy.

- 1.18 The Corporate Complaints Team and Service Complaints Co-ordinators have continued to work to ensure the accessibility of the CHP, through training, changes to the Council’s website and checks on the availability of the Council’s complaints leaflet and posters.

- 1.19 Work is continuing with the Local Authority Complaints Handlers Network and the SPSO at a national level to develop a Customer Satisfaction Survey suitable for used across the whole sector.

It is recognised that there are challenges in developing a survey which encourages sufficient responses to provide meaningful survey results. The survey currently used by the Council to measure satisfaction with how Stage 2 complaints have been handled does not have a return rate which allows for meaningful analysis.

2. BACKGROUND

- 2.1 The Council’s CHP was introduced in 2013 and is based on the model developed by the SPSO in conjunction with all Scottish local authorities. It is a two-stage procedure which seeks to resolve as many complaints as quickly as possible at the point of delivery as Stage 1 complaints. A small proportion of these are escalated to Stage 2 of the Procedure as explained above.

- 2.2 Further information on the Council’s CHP can be found [here](#)

- 2.3 Complaints are valued by the Council as a way of identifying areas where improvements to services and processes may be made. Services are encouraged to record all expressions of dissatisfaction about the authority’s actions or lack of action, or about the standard of service provided, as complaints, in line with the CHP.

- 2.4 Good practice throughout the sector is shared through the Local Authority Complaints Handlers Network, established in conjunction with the SPSO, which meets regularly. All Service Complaint Co-ordinators are given the opportunity to attend, as well as a representative from the Corporate Complaints team.

- 2.5 The Council's Complaint Handlers Group, consisting of Complaints Co-ordinators from each Service and members of the Corporate Complaints team, meet regularly to discuss current issues and strategies for improving complaints performance.
- 2.6 National recording and reporting systems have been established and performance indicators have been agreed. These performance indicators allow Local Authorities to benchmark, identify and address emerging trends.
- 2.7 As the CHP seeks to resolve complaints at the point of service delivery, individual Services are responsible for responding to complaints and issuing their own findings to Stage 1 complaints. To ensure consistency across the organisation in relation to Stage 2 complaints, the Corporate Complaints Team conducts a quality assurance review of each Stage 2 complaint scope and final response.
- 2.8 The Corporate Complaints team also carry out Stage 2 investigations when necessary and provide advice to Services, as well as liaising with the SPSO, and preparing statistics and reports on complaints handled by the Council.

3. PERFORMANCE INFORMATION AND SPSO INFORMATION

- 3.1 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.
- 3.2 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.
- 3.3 Information on complaints in relation to each Council Service and each complaint category is provided in Appendix 2.
- 3.4 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](#) . The SPSO did not lay any Investigation Reports about Perth and Kinross Council before the Scottish Parliament in 2017/18.
- 3.5 Whilst 12 complaints were investigated by the SPSO, they received a total of 51 complaints about Perth and Kinross Council in 2017/18. Of these complaints 39 were not considered for the following reasons;-
- 10 could not be considered by the SPSO as they had not completed the Council's CHP.

- 7 were not duly made or were withdrawn after the SPSO had offered advice
- 5 were outwith the SPSO's jurisdiction or were not duly made or were withdrawn
- 4 complainants sought an outcome which was not achievable
- 13 were not investigated because the SPSO considered that it would be disproportionate to do so.

3.6 12 Decision Reports in relation to the Council were issued by the SPSO during 2017/18. This represents an increase on the number of Decision Reports issued in 2016/17, when 6 Decision Reports were issued.

3.7 It should be noted however that that the apparent increase in Decision Reports reflects delays in the SPSO issuing decisions as opposed to a significant increase in the number of cases being investigated. Two of the complaints that the SPSO reported on in 2017/18 were originally considered by the Council in 2015, and a further 7 in 2016. Only 3 of the complaints that the SPSO reported on in 2017/18 were initially received during that year.

3.8 The 12 Decision Reports issued in 2017/18 had the following outcomes: -

- 3 were fully upheld with recommendations*
- 4 were partially upheld, 3 of which had recommendations
- 5 were not upheld, 1 of which had recommendations

*Decision Reports issued by the SPSO routinely contain recommendations with which authorities are expected to comply with in order to remedy an injustice, apologise for a failure in service or to ensure improvements.

3.9 A summary of the SPSO'S determinations in relation to the Council in 2017/18 is shown in Appendix 3.

3.10 A summary of the recommendations made by the SPSO in 2017/18 is shown in Appendix 4.

3.11 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

4. PROPOSALS

4.1 The Corporate Complaints team and the Service Complaints Co-ordinators will continue to keep the CHP and associated materials under review to ensure they remain adequate and fit for purpose. They will also continue to provide training and support to staff involved in dealing with complaints.

4.2 Work will be undertaken to develop and implement a replacement to the existing IT systems used to manage complaints as part of the wider project to replace the Council's Customer Relationship Management system.

5. CONCLUSION AND RECOMMENDATION

- 5.1 The Council has an appropriate and effective Complaints Handling Procedure in place and the performance statistics demonstrate that our complaints handling is acceptable.
- 5.2 The performance information and subject matter of the complaints received is considered and monitored to identify any particular trends, issues or service areas which require focussed improvement efforts. No such areas have been identified from the CHP information for 2017-18.
- 5.3 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)	November 2018

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

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

1. Strategic Implications

Community Plan/Single Outcome Agreement

1.1 N/A

Corporate Plan

1.2 N/A

2. Resource Implications

Financial

2.1 N/A

Workforce

2.2 N/A

Asset Management (land, property, IT)

2.3 N/A

3. Assessments

Equality Impact Assessment

3.1 N/A

Strategic Environmental Assessment

3.2 N/A

Sustainability

3.3 N/A

Legal and Governance

3.4 N/A

3.5 N/A

Risk

3.6 N/A

4. Consultation

Internal

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

External

4.2 N/A

5. Communication

5.1 N/A

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 – SPSO Performance Indicators

Appendix 2 – What was complained about

Appendix 3 – SPSO information

Appendix 4 – SPSO recommendations

Appendix 5 – SPSO Council and sector details