

Report

Report to: **Executive Committee**
Date of Meeting: **23 September 2020**
Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Council Complaints Report:
SPSO Annual Overview 2019/2020**

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ provide a report on the performance of the Council's handling of complaints received during the period 1 April 2019 to 31 March 2020 against the Scottish Public Services Ombudsman (SPSO) national indicators; and
- ◆ identify improvement activity as a result of the analysis of complaints (see 6.3);
- ◆ provide customer feedback on complaint handling.

2. Recommendation(s)

2.1. The Executive Committee is asked to approve the following recommendation(s):

- (1) that complaints performance and areas highlighted for improvement be noted.

3. Background

3.1. The Council is required to monitor and assess complaints handling performance to:

- ◆ provide assurance in relation to how the Council have performed
- ◆ facilitate continuous improvement
- ◆ assist in benchmarking performance between local authorities.

The performance indicators for the local authority model complaints handling procedure are the minimum requirements for a local authority to self-assess and report on performance, and to undertake benchmarking activities.

3.2. Compliance with the procedure is monitored by the SPSO through the Complaints Handlers Network on a quarterly and annual basis.

4. Overview

4.1. The CMT receive regular quarterly reports on Council complaints and an annual report is shared with elected members. The Council continues to work to improve performance and learn from complaints to improve services.

4.2. As reported previously to the Executive Committee, the SPSO introduced a suite of performance indicators which the Council is required to report against following the introduction of the new Complaints Handling Procedure. These are:

Indicator 1 - Complaints received per 1000 of population

- Indicator 2 - % of closed complaints at stages 1 and 2
- Indicator 3 - % of complaints upheld, partially upheld and not upheld
- Indicator 4 - Average time in days to respond to stage 1 and 2 complaints
- Indicator 5 - % responded to within timescales stages 1 and 2
- Indicator 6 - % of complaints where an extension is authorised at stage 1 and 2
- Indicator 7 - Learning from complaints
- Indicator 8 - Customer satisfaction

5. Indicator performance

5.1. As per the 2011 census South Lanarkshire currently has a population of just over 314,000 people and, in the period April 2019 to March 2020, a total of 908 complaints were dealt with. This means there were 2.89 complaints for every 1000 head of population. Compared to 2018/2019 where complaints were 2.91 per 1000 head of population, this indicator has therefore achieved a reduction of 0.02 complaints per 1000 head of population.

5.2. The complaints closed in this period are detailed by Resource at Appendix 1. The figures presented are shown as a percentage of all complaints recorded in the CRM, EDRMS, Flare, Confirm and Objective systems and overall they currently show that:

- 78% of complaints received are closed at Stage 1, i.e. within 5 working days,
- 13% are closed at Stage 2, i.e. within 20 working days, and
- 9% have been escalated from Stage 1 to Stage 2 and closed.

5.3. Of the complaints received:

At Stage 1, 43% of complaints are upheld and 57% of complaints are not upheld. This represents a 5% increase in upheld complaints at Stage 1 in comparison with complaints processed in 2018/2019

At stage 2, 19% of complaints are upheld and 81% of complaints are not upheld. This represents a 1% decrease in upheld complaints at Stage 2 in comparison with complaints processed in 2018/2019.

Of the complaints that were escalated from Stage 1 to Stage 2, 31% of complaints are upheld and 69% of complaints are not upheld. This represents a 12% increase in upheld escalated complaints in comparison with complaints processed in 2018/2019.

In terms of upheld complaints across the Resources, most complaints are upheld in Housing and Technical Resources (49% of all complaints) and fewest were upheld in Education Resources (24% of all complaints).

5.4. Responding to complaints:

The Complaints Handling Procedure dictate that Stage 1 complaints are responded to within 5 working days, and Stage 2 within 20 working days. In South Lanarkshire, the average number of days taken to respond to complaints at a Council wide level for Stage 1 is 4.66 working days and for Stage 2 is 11.57 working days.

These working day statistics show minor change in performance from the 2018/2019 results where the average working days to respond to stage 1 was 4.23, and at 11.6 days for Stage 2.

This average response time statistics represent a decline in the complaints handling performance at Stage 1 compared with 2018/2019, but overall complaints response takes 0.34 days less than the SPSO recommended timescale of 5 working days. Stage 2 response times are well within the recommended 20 day timescale of the Complaints Handling Procedure, with these responses being provided within 11.6 days.

- 5.5. Overall, 74% of Stage 1 complaints are responded to within the 5 working day timescale. This represents an overall decrease of 7% in comparison to complaints received in 2018/2019 where 81% of complaints were dealt with within this timeframe.

For Stage 2 complaints 77% are dealt with within the 20-day timescale, and of the complaints escalated from Stage 1 to Stage 2, 85% are dealt within timescale.

Resources are using extensions at Stage 1 on a limited basis with 74 complaints (10.5% of all Stage 1 complaints) having an extension agreed.

With respect to Stage 2, 6 complaints (5.1% of all Stage 2 complaints) have had an extension agreed.

Of note in the tables in Appendix 1 are indicators that the Community and Enterprise complaints are on average dealt with within 6.75 working days at Stage 1 and 16.5 working days at Stage 2. Community and Enterprise complaints escalated from Stage 1 to Stage 2 are dealt with in an average of 16 working days.

- 5.6 Potential factors in failing to meet the 5 working day timescale may be attributed to issues where more detailed investigation of the complaint may be required. Some complaints can often be of a complex nature and due to this complexity would be likely to take longer than the 5 day timescale. Confidence in managers to recognise the likelihood of a need for more complex investigations and escalate complaints directly to Stage 2 should be encouraged at an early stage to allow the necessary time to investigate and respond to complaints.

These results are cascaded to Resources and to Resource Complaints Champions to formulate action plans to continue to make improvements to the timescales involved in handling complaints, and to maintain employee awareness of the options available in the procedure for escalating complaints to the next stage where it is appropriate to do so.

The figures presented in the Appendix 1 of this report show specific areas for improvement at Resource level, however, it should be noted that where the majority of complaints are processed at Stage 2, performance is well within the timescales set out within the Complaints Handling Procedure.

- 5.7 The lack of consistent and appropriate use of a single recording system by other Resources continues to create an element of delay and is an area for improvement whereby increasing the use of a single system would help reduce unnecessary delays. The ongoing introduction of the Objective file plan system is expected to bring about a uniformity in terms of data recording and reporting.
- 5.8. It should be noted that Resources do have the opportunity to place more complaints directly to Stage 2 if it is appropriate rather than escalating from Stage 1 to Stage 2. There were 86 complaints this year that were escalated from Stage 1 to 2. In the

2018/2019 report this figure was 78. This represents an increase of 10% in escalated complaints over the last year, and in turn indicates that more complaints have been progressed directly to Stage 2. Managers should ensure that their employees are encouraged to progress more complex complaints directly to Stage 2 where the procedure gives adequate time to properly investigate and respond to these.

The purpose of the 2-stage procedure is to handle complaints effectively at the first time of asking and not to give multiple attempts at resolving complaints. Where a complaint is further escalated to the SPSO they are interested in whether, first and foremost, the Council has followed the procedure correctly and appropriately.

- 5.9. This is now the 8th year of operating this Complaints Handling Procedure. Previous years reports from 2013/14, 2014/15, and 2015/16 have indicated an average timescale of handling Stage 1 complaints of 5 working days, reducing to 4.9 working days in 2016/17 and to 4.8 working days in 2017/18. This further reduced in 2018/19 to an average of 4.23 working days. This year, 2019/20 has seen a slight decline in this performance trend from 2018/19 with a Stage 1 response average of 4.66 days.
- 5.10. Resource representatives provide information each quarter to demonstrate instances of learning from complaints as per the requirements of SPSO Indicator 7. The regular good practice examples of learning from complaints received from across Resources are highlighted on a quarterly basis in the CMT reports and are published on the Complaints Performance pages of the Council website.

6. Customer Satisfaction

- 6.1. To meet the requirements of the SPSO performance indicator 8 – Customer Satisfaction the Council ask for feedback from customers who have used the Council's complaints procedure.

This gives an insight into how the customer feels about how we have handled their complaint and helps to inform service improvements. As in previous years, the survey has been conducted by email with all customers who agree to participate, sent a link to the survey. This is in line with the complaints handling procedure.

Please refer to Appendix 2 for the respondent's feedback for the period from 1 April 2019 to 31 March 2020.

- 6.2. The key points of note from the customer survey results are as follows:
- Most of the respondents (83%) knew that the Council had a complaints process and 83% found it easy to make their complaint. 67% said that they would be willing to use the process again.
 - 67% of the respondents felt that the explanation given on how the Council reached their decision was not full and clear and only 17% were satisfied with the outcome of their complaint.
 - Customers scored the Council on how well employees had dealt with their complaint in terms of their knowledge as 17%, their friendliness 34% and their understanding of the complaint 17%.

7. Employee Implications

- 7.1. Employees are key to effective service delivery and in trying to resolve complaints. Training is available to all employees through a range of methods including full handbooks, quick guides, e-learning, and good practice.

8. Complaints referred to SPSO

- 8.1. During 2019 – 2020 a total of 36 complaints were dealt with by the SPSO. Most of these complaints related to Social Work Resources (27.7%).

Of the complaints closed off by SPSO, a total of 2 were partially upheld. Both relating to Social Work.

The remaining complaints closed were not upheld, not pursued, or were premature.

Further detail is provided in Appendix 3

9. Financial Implications

- 9.1. There are no additional financial implications arising from this report.

10. Climate Change, Sustainability and Environmental Implications

- 10.1. There are no implications for climate change, sustainability and environmental implications.

11. Other Implications

- 11.1. There is a risk of damage to the Council's reputation. If complaints are not handled effectively, there can be an adverse effect on the public perception of the Council which can lead to a lack of trust in the services provided.
- 11.2. Internal audit has analysed our implementation of the new process and are satisfied with the process being properly in place.

12. Equality Impact Assessment and Consultation Arrangements

- 12.1. Council Resources and the Corporate Management Team have been consulted on the data required for this report. Customers are consulted on the process every quarter.
- 12.2. There is no requirement to carry out an equality impact assessment in relation to the proposals within this report. However, the learning from complaints is used to ensure Council services are accessible to all members of the community and, wherever possible, to prevent discrimination, harassment or victimisation from occurring.

Paul Manning

Executive Director (Finance and Corporate Resources)

28 August 2020

Link(s) to Council Objectives

- ◆ Accountable, effective, efficient and transparent
- ◆ Fair, open and sustainable
- ◆ Ambitious, self-aware and improving

Previous References

- ◆ None

List of Background Papers

- ◆ Monitoring information provided by each Resource
- ◆ Complaints handling customer feedback report

List of Appendices

- ◆ Appendix 1 – Scottish Public Services Ombudsman's Performance indicators from 1 April 2019 to 31 March 2020
- ◆ Appendix 2 - Overview of responses for the complaints handling customer feedback survey from 1 April 2019 to 31 March 2020
- ◆ Appendix 3 - Overview of complaints 1 April 2019 to 31 March 2020 being investigated by SPSO

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Gill Bhatti, Employee Development and Diversity Manager
Ext: 5604 (Tel: 01698 455604)
Email: gill.bhatti@southlanarkshire.gov.uk

SPSO performance indicators (KPI's) from 1 April 2019 to 31 March 2020

Complaints closed at stage one and stage two as a percentage of all complaints closed (SPSO indicator 2) Percentages are shown with actual numerical figures shown in brackets. Due to percentage rounding, percentage totals may not be 100%

Resource (total no. closed)	% (no.) closed at stage 1	% (no.) closed at stage 2	% (no.) closed at stage 2 - escalated from stage 1
Community and Enterprise (279)	75% (208)	20% (56)	5% (15)
Education (82)	48% (40)	38% (31)	13% (11)
Finance and Corporate (148)	84% (125)	2% (3)	14% (20)
Housing and Technical (220)	86% (190)	2% (5)	11% (25)
Social Work (179)	80% (143)	12% (21)	8% (15)
Total (908)	78% (706)	13% (116)	9% (86)

Number of complaints upheld/not upheld at each stage as a percentage of complaints closed in full at each stage (SPSO indicator 3) Percentages are shown with actual numerical figures shown in brackets.

Resource	% (no.) upheld at stage 1	% (no.) not upheld at stage 1	% (no.) upheld at stage 2	% (no.) not upheld at stage 2
Community and Enterprise	45% (93)	55% (115)	11% (6)	89% (50)
Education	30% (12)	70% (28)	19% (6)	81% (25)
Finance and Corporate	29% (36)	71% (89)	33% (1)	67% (2)
Housing and Technical	50% (95)	50% (95)	20% (1)	80% (4)
Social Work	49% (70)	51% (73)	40% (8)	60% (12)
Total	43% (306)	57% (400)	19% (22)	81% (93)

Resource	% (no.) of escalated complaints upheld	% (no.) of escalated complaints not upheld
Community and Enterprise	27% (4)	73% (11)
Education	18% (2)	82% (9)
Finance and Corporate	15% (3)	85% (17)
Housing and Technical	44% (11)	56% (14)
Social Work	47% (7)	53% (8)
Total	31% (27)	69% (59)

Average time in working days for a full response to complaints at each stage (working days) (SPSO indicator 4)

Resource	Stage 1	Stage 2	Escalated
Community and Enterprise	6.75	16.5	16
Education	4.75	15.25	11.5
Finance and Corporate	2.06	1.33	4.31
Housing and Technical	4.25	8.25	17
Social Work	5.5	16.5	10.75
Total	4.66	11.57	11.91

Percentage of complaints at each stage which were closed in full within the set timescales of 5 and 20 working days (SPSO indicator 5). Percentages are shown with actual numerical figures shown in brackets.

Resource	% (no.) Stage 1 within 5	% (no.) Stage 2 within 20	% (no.) Escalated within 20
Community and Enterprise	55% (115)	71% (40)	67% (10)
Education	70% (28)	74% (23)	91% (10)
Finance and Corporate	92% (115)	100% (3)	70% (14)
Housing and Technical	86% (164)	100% (5)	96% (24)
Social Work	70% (100)	86% (18)	100% (15)
Total	74% (522)	77% (89)	85% (73)

Percentage of complaints at stage 1 and 2 where an extension to the 5 or 20 working day timeline has been authorised (SPSO indicator 6). Percentages are shown with actual numerical figures shown in brackets.

Resource	%/No. at Stage 1	%/No. at Stage 2
Community and Enterprise	100% (62)	0
Education	0	0
Finance and Corporate	10% (2)	0
Housing and Technical	63% (10)	37% (6)
Social Work	0	0

Statement outlining changes or improvements to services or procedures as a result of the consideration of complaints (SPSO indicator 8)

Learning outcomes from complaints
Complaints Performance - <u>you said we did</u> information

Community and Enterprise:

A customer complained about information that was published on the Council website in relation to conservation areas. We checked the information on the Council website and found that it had not been updated following a change in legislation. This led to the information on that topic being amended and a wider review of the information on the planning webpages which resulted in details in several areas of the Council website being updated. The service will improve through ensuring accuracy of public information following legislation changes.

Customer complained that their red bin for food and garden waste was not being collected. We apologised to the customer and advised that a recent change was made to the collection programme for food and garden bins for a number of properties in their area. Unfortunately, there was a breakdown in communication with the crew who should have emptied customer's bins. The customer's street has now been assigned to one of the Council's dedicated food and garden waste collection crews. The change to the collection programme was made to balance the resources we use to provide the red (food/garden) bins collection service. The customer's street has been assigned to one of the Council's dedicated food and garden waste collection crews and this should alleviate any repeat of the problem in the future.

Customer complained that an additional uplift service to accommodate medical waste not being provided. The service apologised to the customer and confirmed that they have been added to a list for an additional weekly medical uplift and were also provided with the schedule for the bin to be presented. Learning from this incident will help to ensure the same issue is not repeated in the future for other customers.

Domestic waste collection was suspended on 26 March 2020 due to working practices being reviewed in light of the Covid19 crisis. Following a number of complaints from customers an additional waste pickup was arranged for Saturday 4 April to deal with the waste backlog.

Education:

A parent raised a complaint regarding their child's attendance not being marked up correctly. An apology was provided to the parent for this and this in turn has led to improved quality assurance around pupil attendance recording, preventing a reoccurrence of this type of complaint.

Customer was unhappy that school photos were taken at start of term and before the photography consent form had been signed. Customer received an apology for this and school was reminded that the forms were to be signed before photographs are taken.

Customer was unhappy that after reporting a bullying issue her son was taken off the school bus instead of the other pupil who was responsible for the bullying issue. This was corrected and the complainant's son was put back onto the school bus.

Mum complained that a child that had assaulted her son at school was still in the same class as him and requested that the child is moved to a different class. On this occasion the complaint was resolved after the child was moved to another class.

Finance and Corporate:

Finance – Transactions. A customer felt that the length of time to obtain a refund was excessive. We explained the reason for the timescale and apologised for the delay which was caused by a high volume of requests. We will continue to try to ensure all timescales are met and that timescales are correctly communicated to customers.

Administration and Legal Services (Licensing and Registration Section). Customer maintained the documents they had provided were sufficient to confirm his right to work in the UK. The original enquiry our service made to Home Office was a general enquiry rather than specific to the applicant. Once applicant's details were provided, the Home Office confirmed that no other documents were required. An apology and explanation of what went wrong were given to applicant. Staff were reminded to provide full details of applicant when requesting information from Home Office.

Finance Services (Transactions). A Benefits and Revenue customer was issued a refund that was incorrect due to their Direct Debit funds showing in a suspense account, rather than in their Council Tax account. An apology was provided to the customer for the inconvenience caused and the processes that led to the refund being issued were investigated. Following this, and the customer's complaint, a process has now been put in place for the suspense account to be checked along with the actual Council Tax account before any refund is processed.

Finance Services (Transactions). Customer was unhappy at receiving a Council Tax arrears letter for her deceased father. A re-fresher session was organised with the team to cover the procedures for dealing with Council Tax owing on an Executors account. Customer was accepting of the explanation of the process involved and the outcome of her complaint. By keeping staff abreast of policies and procedures and liaising with customers and explaining the reasons for our policies and procedures can help to minimise complaints.

Finance Services (Licensing and Registration). Customer was unhappy with service provided while registering a death. Reminded member of staff to explain fully registration process including Tell Us Once. By providing customers with full details of process in a clear manner to avoid any misunderstandings.

Housing and Technical:

A customer was unhappy that they had not received a response to emails that had been sent into the Housing office. Staff were reminded of customer care standards in terms of replying and acknowledging customer correspondence. We continue to monitor complaints through service/management reports and regular meetings of complaint groups.

Customer was unhappy that the security entrance key for their property was not provided at the time they signed for the tenancy. We acknowledged and apologised that the security entrance key was not available at this time. We advised the customer that one would be ordered at the first opportunity and that an officer would make contact when the keys arrived in the office. We continue to monitor complaints through service/management reports and through regular meetings of complaint groups.

Customer was unhappy as lifts were out of service in a Tower Block in the Rutherglen/Cambuslang area and about the consequential inconvenience this caused to the complainant's elderly parents. All residents were contacted to advise lifts out of service. In the event of similar events occurring in the future, personal contact will be made immediately with residents if lifts are out of service and appropriate support for residents can be put in place.

Customer unhappy as he was not advised of the start date for Controlled Entry System update. All residents lettered to advise of Controlled Door Entry System Update. Residents will be lettered to advise of any works/updates being carried out.

Social Work:

A customer was unhappy with communication and a delay in arranging a service. An apology given to the customer and arrangements were made to explore appropriate services that were available to meet their needs. This complaint highlighted the importance of good communication which was reiterated to employees.

The customer was unhappy with a delay in getting additional support. We apologised for the inconvenience caused and a visit was arranged urgently. The importance of communication was highlighted as was the importance of progressing requests within timescales.

Complaint from customer regarding the lack of clarification on the assessment process and the length of time taken to complete their assessment. The manager made contact and apologised for the delay and sent a copy of the completed assessment. The worker also visited to progress the support planning. The importance of communication was highlighted to staff and progressing requests within timescales.

Complaint from customer that they were unhappy with the level of care and support for respite. Met with the family and offered a re-assessment to ensure appropriate level of support provided. Have regular reviews with the family to ensure their needs are being met.

Complaints handling customer feedback survey (SPSO indicator 7)

Overview of responses from 1 April 2019 to 31 March 2020

Note: data based on 6 respondents

Question	% response
Aware that the Council had a complaints process	83%
Satisfied with the ease of making their complaint	83%
Satisfied with the information and advice provided by employees	17%
Satisfied with how well they were kept informed about the progress of their complaint	33%
Satisfied with the speed with which their complaint was dealt with	17%
Satisfied with the response/explanation received	0%
Satisfied with how the complaint was handled overall	17%
The explanation given of how the decision was reached in the response was full and clear	33%
Satisfied with the outcome of the complaint	17%
Reason for dissatisfaction with Council's decision: <ul style="list-style-type: none"> • Council Policy • How the complaint was handled • How the outcome of the complaint was communicated • Other reason <p>The main other reasons over complication of procedure, element of complaint not addressed, and still no reply received</p>	0% 20% 20% 60%
Felt treated fairly and sensitively	33%
Customers were asked to rate the following in terms of how employees dealt with their complaint. The % is the number of customers who rated excellent or good: <ul style="list-style-type: none"> • Knowledge of Council employees • Friendliness of Council employees • How well Council employees understood the complaint 	17% 34% 17%
Complaints process easy to use	67%
How willing would you be to make another complaint in the future if the need arises?	67%
4 of the complaint received related to Housing, 2 were for Roads and Transportation	

Statistical Report on SPSO Complaints for 2019-20
--

Table 1 - SPSO Complaints 2019-20									
No of Complaints dealt with during 2019-2020	Com & Ent				Educ	Fin & Corp	H&T	SWk	Total
	Com	Ent	Plan	Total					
Jan to March 2019 (c/fwd to 2019-20)	0	1	0	1	1	1	0	2	5
April to June 2019	0	1	0	1	2	1	2	3	9
July to September 2019	0	0	3	3	1	0	3	1	8
October to December 2019	0	0	3	3	0	0	0	3	6
January to March 2020	1	0	0	1	3	1	2	1	8
Total dealt with during 2019-2020	1	2	6	9	7	3	7	10	36

Table 2 - Annual Return - April 2019 to March 2020									
Current/Ongoing Complaints	Com & Ent				Educ	Fin & Corp	H&T	SWk	Total
	Com	Ent	Plan	Total					
Initial enquiry/Early resolution stage	1	0	0	1	0	0	1	1	3
With Investigations Team	0	0	1	1	0	0	0	2	3
Decision Letter - Not pursued/Outwith Jurisdiction/Premature	0	1	4	5	5	1	6	4	21
Decision Letter - Not upheld/No recommendations	0	1	1	2	1	0	0	1	4
Decision Letter - Not upheld/With recommendations	0	0	0	0	0	1	0	0	1
Decision Letter - Part upheld/No recommendations	0	0	0	0	0	0	0	0	0
Decision Letter - Part upheld/With recommendations	0	0	0	0	0	0	0	2	2
Decision Letter - Upheld/No recommendations	0	0	0	0	0	0	0	0	0
Decision Letter - Upheld/With recommendations	0	0	0	0	0	0	0	0	0
Public Investigation Report Published	0	0	0	0	0	0	0	0	0
Withdrawn	0	0	0	0	0	0	0	0	0
Ongoing	0	0	0	0	1	1	0	0	2
Total of breakdown of complaints being dealt with by SPSO	1	2	6	9	7	3	7	10	36

Table 3 - Complaints Closed to Date									
Complaints Closed to date	Com & Ent				Educ	Fin & Corp	H&T	SWk	Total
	Com	Ent	Plan	Total					
Yes	0	2	5	7	5	2	7	9	30
% complaints closed to date	0%	100%	83%	78%	71%	67%	100%	90%	83%
No	1	0	1	2	2	1	0	1	6
% complaints not yet closed	100%	0%	17%	22%	29%	33%	0%	10%	13%