

Report

Report to: **Executive Committee**
Date of Meeting: **13 September 2023**
Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Council Complaints Report:
SPSO Annual Overview 2022/2023**

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 2022 to 31 March 2023 against the Scottish Public Services Ombudsman (SPSO) national indicators.
- ♦ identify improvement activity as a result of the analysis of complaints (see Appendix 1)
- ♦ provide customer feedback on complaint handling (see Appendix 2)

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 we have performed; to facilitate continuous improvement; and to 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.

4. Overview

4.1. The Corporate Management Team receive regular quarterly reports on Council complaints and an annual report is shared with elected members. We continue to work to improve our performance and learn from complaints to improve our services.

4.2. 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 each stage.

Indicator 3 - Average time in working days to respond to complaints at each Stage.

Indicator 4 - % of complaints upheld, not upheld, and resolved.

5. Indicator performance

- 5.1. As per the 2011 census, South Lanarkshire currently has a population of just over 322,630 people. These are the latest available census figures. The results of the 2022 census are expected towards the end of 2023. In the period April 2022 to March 2023, a total of 1069 complaints were received. This means there were 3.3 complaints received for every 1000 head of population compared to 2021/22 where complaints were 3.2 per 1000 head of population. The Complaints received in this period are detailed in Table 1 (SPSO indicator 1).
- 5.2. To allow a more realistic comparison, there were 2.9 complaints received for every 1000 head of population in 2019/20 which was before the pandemic.

Table 1

Total* number of complaints received – Four-year comparison				
Year 2019/20	Year 2020/21	Year 2021/22	Year 2022/23	% Change in last year
910	914	1046	1069	2.2%

*Figures for the total number of complaints received do not include complaints that were categorised as withdrawn or created in error. For 2022/23, 11 complaints were withdrawn or had been created in error.

- 5.3. The Complaints closed in this period (SPSO indicator 2), are detailed by Resource in Table 2 of Appendix 1. The figures are shown as a percentage of all complaints recorded in the CRM, EDRMS, Flare, Confirm and Objective systems. Overall, they show that:
- ◆ 84% of complaints received are closed at Stage 1, i.e. within 5 working days
 - ◆ 5% are closed at Stage 2 i.e. within 20 working days
 - ◆ 11% have been escalated from Stage 1 to Stage 2 and closed
- 5.4. The Complaints Handling Procedure states that Stage 1 complaints are responded to within 5 working days, and Stage 2 within 20 working days.

The average time in working days to respond to complaints (SPSO indicator 3), is detailed by Resource in table 3 of Appendix 1. For the period 2022-2023 in South Lanarkshire, the average number of days to respond at Stage 1 is 4.47 working days and for Stage 2 is 10.67 working days.

Response times are within the recommended timescales of the Complaints Handling Procedures.

These working day statistics show a slight decline in performance from the 2021/22 results where the average working days to respond to Stage 1 was 4.11 and Stage 2 was 10.5.

- 5.5. The tables in Appendix 1 show that Housing and Technical Resources on average dealt with Stage 1 complaints within 6.50 working days and Community and Enterprise within 6.25 working days.

Potential factors in failing to meet the 5 working day timescale may be due to issues where more detailed investigation is required. Complaints of a complex nature would

be likely to take longer. Confidence in managers to recognise the 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.

It is recommended that these results are cascaded to Resource Heads and to Resource Complaints Champions. This will allow an action plan to make improvements to the timescales, and to maintain employee awareness of the options available in the procedure for escalating complaints.

The figures presented in Appendix 1 show specific areas for improvement at Resource level. It should be noted that, where most complaints are processed at Stage 2, performance is well within the timescales.

The lack of a single recording system across Resources continues to create an element of delay and is an area for improvement. Development of Objective is continuing and as part of the next planned upgrade, a change will be included. This will produce reports that show performance against the SPSO indicators and dispense with the current manual exercise.

- 5.6. Resources can move complaints directly to Stage 2 if it is appropriate rather than escalating from Stage 1 to Stage 2. 116 complaints were escalated this year compared to 101 in 2021/22, an increase of 14.9%. Managers should ensure that employees are encouraged to progress more complex complaints directly to Stage 2 to allow adequate time to investigate thoroughly and respond.

The purpose of the 2-stage procedure is to handle complaints effectively first time and not need multiple attempts at resolving complaints. Where a complaint is escalated to the SPSO, they are interested in whether the correct procedure has been followed.

- 5.7. The Complaints upheld/not upheld at each stage as a percentage of complaints closed in full at each stage in this period (SPSO indicator 4), are detailed by Resource in tables 4 of Appendix 1.

Of the complaints processed:

At Stage 1, 32% of complaints are upheld, with 46% of complaints not upheld.

At Stage 2, 23% of complaints are upheld, with 77% of complaints not upheld.

Of the complaints that were escalated from Stage 1 to Stage 2, 24% of complaints are upheld, with 76% of complaints not upheld.

In terms of upheld complaints across the Resources, most Stage 1 complaints are upheld in Community and Enterprise Resources, 47% of all Stage 1 complaints, and fewest were upheld in Education Resources, 19% of all Stage 1 complaints.

Of the 1047 complaints closed in 2022/23, 191 were resolved at Stage 1. The Resource with the most resolved complaints at Stage 1 is Social Work Resources with 70.

6. Good Practice Examples

- 6.1. Good practice examples from across Resources are highlighted on a quarterly basis and published on the Complaints Performance pages of the Council website. These are detailed in Appendix 1.

7. Customer Satisfaction

- 7.1. We ask for feedback from customers who have used our complaints procedure.

This gives us 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.

Appendix 2 provides details of the respondents' feedback for the period from 1 April 2022 to 31 March 2023.

- 7.2. The key points to note from the customer survey results are as follows:

- ◆ 100% of respondents knew that the Council had a complaints process and 33% found it easy to make their complaint. 67% said that they would be willing to use the process again.
- ◆ 100% of the respondents felt that the explanation given on how the Council reached their decision was not full and clear. 0% were satisfied with the outcome of their complaint.
- ◆ 100% of the surveys related to Housing and Technical Resources.
- ◆ Customers scored the Council on how well employees had dealt with their complaint in terms of their knowledge as 0%, their friendliness 0% and their understanding of the complaint 0%.

8. SPSO Update

8.1. Child Friendly Complaints

The SPSO is currently working on a new approach to handling complaints that involve children. They are doing this by working with children and young people from a range of backgrounds, and from across Scotland, to co-design this new approach and ensure it is a system fit for purpose. They have also enlisted the help of a wide range of parents, advocates and professionals that work with children in the public sector, to test and refine the approach and ensure it will work in a practical setting.

The SPSO have a first draft of a guide for use by all public bodies under their remit. This sets out how existing complaints processes can be adapted when a child or young person is involved. It aims to ensure that rights under the UNCRC are met throughout the complaints process. It also sets out how concerns of children and young people are handled in a way that they have indicated meets their needs.

Focus is on key services provided to children and young people, such as schools, social work services and children's health services. The aim of this work will be to test the new approach in practical settings, both to ensure it results in the right outcomes for children, and that it is efficient, practical and workable for the public sector bodies managing the process.

The SPSO will hold a full public consultation before publication of the final guidance. This will take place after the pilots are complete and any changes made. They are still in the process of refining the pilot and will provide further updates on the timeline and launch when they have definite dates.

8.2. Annual Statistics 2021-22

SPSO publish their annual statistics on their website. These detail the enquiries and complaints they have received and determined in the past year. The full statistics are available on the SPSO website at [Statistics | SPSO](#)

9. Employee Implications

- 9.1. 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.

10. Financial Implications

- 10.1. There are no additional financial implications.

11. Climate Change, Sustainability and Environmental Implications

- 11.1. There are no climate change, sustainability or environmental implications associated with this report.

12. Other Implications

- 12.1. 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.

13. Equality Impact Assessment and Consultation Arrangements

- 13.1. Council Resources have been consulted on the data required for this report. Customers are consulted on the process every quarter and the result of the consultation is shared through this report.
- 13.2. 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)

18 August 2023

Link(s) to Council Values/Priorities/Outcomes

- ◆ 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 2022 to 31 March 2023
- ◆ Appendix 2 - Overview of responses for the complaints handling customer feedback survey from 1 April 2022 to 31 March 2023

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: 4330 (Tel: 01698 454330)

Email: gill.bhatti@southlanarkshire.gov.uk

SPSO performance indicators (KPI's) from 1 April 2022 to 31 March 2023

Complaints closed at stage one and stage two as a percentage of all complaints closed (SPSO indicator 2). Actual numerical figure shown in brackets.

The term “closed” refers to a complaint that has had a response sent to the customer and at the time no further action is required (regardless at which stage it is processed and whether any further escalation takes place).

Table 2

Resource (total no. closed)	% closed at Stage 1	% closed at Stage 2	% closed at Stage 2 - escalated from Stage 1
Community and Enterprise (289)	87% (251)	5% (15)	8% (23)
Education (288)	86% (247)	5% (14)	9% (27)
Finance and Corporate (90)	72% (65)	3% (3)	24% (22)
Housing and Technical (162)	83% (135)	2% (3)	15% (24)
Social Work (218)	83% (180)	8% (18)	9% (20)
Total (1047)	84% (878)	5% (53)	11% (116)

Average time in working days for a full response to complaints at each stage (working days) (SPSO indicator 3)

Table 3

Resource	Average time in working days to respond to complaints at stage one (5-day resolution target)	Average time in working days to respond to complaints at stage two (20-day resolution target)	Average time in working days to respond to complaints after escalation (20-day resolution target)
Community and Enterprise	6.25	15	13
Education	4.75	17.25	16.25
Finance and Corporate	1	1	8
Housing and Technical	6.5	1	14.75
Social Work	4.25	19	19.75
Total Average Times	4.47	10.67	14.40

Four-year comparison Average time in working days for a full response to complaints at each stage.			
Average times	Stage 1	Stage 2	Escalated
Total - 2022/23	4.47	10.67	14.40
Total - 2021/22	4.11	10.50	12.43
Total - 2020/21	5.37	10.72	12.76
Total - 2019/20	4.66	11.57	11.91

Complaints upheld/not upheld at each stage as a percentage of complaints closed in full at each stage, (SPSO indicator 4). Actual numerical figure shown in brackets. (See table 2 for complaints closed figures).

Upheld complaints – where the Council is at fault.

Not upheld complaints – where the Council is not at fault.

Table 4

Resource	% upheld at Stage 1	% not upheld at Stage 1	% upheld at Stage 2	% not upheld at Stage 2
Community and Enterprise	47% (117)	46% (116)	20% (3)	80% (12)
Education	19% (46)	57% (141)	29% (4)	71% (10)
Finance and Corporate	37% (24)	55% (36)	0% (0)	100% (3)
Housing and Technical	29% (39)	43% (58)	0% (0)	100% (3)
Social Work	31% (56)	30% (54)	28% (5)	72% (13)
Total	32% (282)	46% (405)	23% (12)	77% (41)

Resource	% of escalated complaints upheld	% of escalated complaints not upheld
Community and Enterprise	26% (6)	74% (17)
Education	26% (7)	74% (20)
Finance and Corporate	18% (4)	82% (18)
Housing and Technical	4% (1)	96% (23)
Social Work	45% (9)	55% (11)
Total	24% (27)	76% (89)

Resolved complaints – when both the Council and the Customer agree what action (if any) will be taken to provide full and final resolution for the customer.

Resource	Number of complaints resolved at stage one as % of all complaints closed at stage one (5 days)
Community and Enterprise	7% (18)
Education	24% (60)
Finance and Corporate	8% (5)
Housing and Technical	28% (38)
Social Work	39% (70)
Total	22% (191)

Statement outlining changes or improvements to services or procedures as a result of the consideration of complaints.

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

The following information is provided by Resource complaints contacts each quarter for inclusion in Quarterly and Annual complaints monitoring reports.

Community and Enterprise.

Customer booked a slot at the local civic amenity site when they arrived it was closed.

The Service apologised and advised that it was a public holiday and that was why the site was closed. The booking parameters on the system have been updated to take account of public holidays.

Now that public holidays have been entered into the booking parameters for booking a slot at the civic amenity site will not happen again, improving the service.

Complaint received regarding the waste bin collection service, in particular the burgundy garden/food waste bin, not being provided for resident's street.

We apologised for the inconvenience caused and advised that we have had a reduced fleet due to difficulties we have been experiencing with delays in parts being shipped from Europe nevertheless we have managed to maintain our collection programmes schedule.

The complainants' case has been discussed with the supervisor for the area and will be monitored in the coming weeks to ensure that the bins are collected as programmed.

Customer not happy as the information on the council website was misleading in relation to disposal arrangements for real Christmas trees. The website said the council would collect real Christmas trees placed beside the burgundy food and garden waste bin. The bin was emptied but the tree was not collected. Customer checked the website again and noted that

it had been updated to say that trees should be cut down to 5-foot sections and tied together.

We apologised and advised that we had realised that the information about cutting the tree to 5-foot sections was missing from the information on the web page, this was added as soon as the error was identified.

We will make sure that the information uploaded on the council website is accurate.

Education.

Parent stated that daughter was given water to drink after sustaining an injury in the playground.

Parent was unhappy as daughter had to go to hospital and if she had required surgery, she would not have been able to get it due to drinking fluids. Parent asking that staff are reminded of general first aid and reminded no fluids are given until seen by a first aider.

Staff have been reminded of first aid procedures to ensure this does not happen again.

Various school transport buses did not turn up at beginning of term to pick pupils up to take them to school.

Apology given to parents along with explanation that due to issues with contractor and driver availability across west and central Scotland, Strathclyde Partnership were unable to secure some contracts to take pupils to and from school or the contracts were allocated last minute and had capacity issues.

A long-term strategy has been put in place with our partners.

Nursery child who has a food allergy was given food that they have an allergy to.

A full investigation was carried out and as a result the establishment revised their policy and put measures in place to minimise an incident of this kind happening again.

Establishment to follow new measures put in place.

No staff on premises on a certain date between 9am and 10am with appropriate NHS training on relation to insulin pump and glucose monitoring.

The head of the centre has contacted the diabetic nurse to request training for the remainder of staff team.

The establishment will ensure rotas allow for an appropriately trained staff to be always on duty.

Finance – Transactions.

A customer made contact to advise response not received to their enquiry in the timescales given by a member of staff. They had been advised they would be contacted by telephone within 48 hours. Upon further contact the customer was informed that they had been given incorrect response timescale.

Apologised to customer and team provided with reminder on timescales for enquiry types.

Customer raised complaint following issues they had making a payment for a service using a Mastercard payment card. Customer had tried several times over a period of 3 weeks.

Raised issue with merchant and worked with them to resolve the issues regarding Mastercard payments being made to SLC. Apologised to customer, explained the situation, and arranged for a call-back on a secure line for payment to be taken manually by telephone.

Customers can now again use Mastercard to make a payment now that issue with merchant has been resolved.

Customer was not happy with how Council Tax arrears situation had been dealt with.

Spoke to customer in detail and explained process, identified an earlier opportunity where customer could have been contacted before sending to Stirling Park for ending liability date cases.

Identify earlier the opportunity to contact customer prior to sending to Stirling Park.

Customer contacted council by phone to make enquiry about lead pipes. Selected interactive voice response (IVR) option for problems with water and was advised to contact Scottish Water and call ended. Phoned back and selected different option to speak with advisor. Not happy about the phone set up, lack of information on website about lead pipes and available grants.

Telephoned customer to explain IVR and reason we have it. Explained why we re-direct customers Scottish Water and spoke to Digital to ask if information on lead pipes and available grants can be made available on website.

Finance

A complaint was received in relation to marriage notices which were sent to the civil ceremonies mailbox and an auto reply acknowledgement was issued. When the customer contacted the office in relation to the upcoming ceremony the member of staff dealing with the matter advised that the documents had not been received, as these could not be found in the mailbox or in our file and thought that there was possibly an IT issue. When further checks were conducted by a Team Leader the documents were located.

Head of Service contacted the customer and apologised for the misunderstanding as emails had been located.

Procedures reviewed. Staff reminded on how to conduct a search for emails on Outlook and to speak to Team Leader if any issues.

Housing and Property Services.

Customer unhappy with the way her housing application is getting dealt with.

Staff to be briefed on checking previous records surrounding an applicant's circumstances to assess the most appropriate type of appointment.

Senior Management Team continue to review complaints received and Reflective Learning sessions carried out.

Customer unhappy at call back not received. Customer was advised that officer would call him back, officer failed to do so.

Staff reminded of customer care standards on returning calls.

Complaints continue to be monitored and performance review by Management.

Customer dissatisfied that he had no response to a request for compensation for additional cost incurred because of being decanted from his property for repairs to be carried out.

Firstly, we apologised to the Customer for the lack of response regarding his request, and compensation has been given. The service provided falls below the standards expected and because of these immediate changes have been implemented.

Monthly stats are provided to Senior Management Team and actions monitored.

Customer unhappy on how medical appeal has been processed.

Firstly, we apologised to the customer and Staff reminded of timescales and customer service standards.

Monthly reports provided to Service Management Teams and continue to remind staff of timescales and customer service standards.

Social Work.

Customer unhappy with care at home as they were not advised when there was a change to the visit times and the level of support given.

Customer was contacted and an apology was given. The customers concerns have now been resolved and a review of the service was carried out.

A new scheduling system has been introduced and staff can now update any changes. All care at home staff have been trained on how to use the system and arrangements are in place to notify service users of any changes to carers or visit times.

Complainant unhappy with level of communication and delay processing request.

Contact was made immediately with the complainant and an apology was given. Arrangements were made for a worker to be allocated to take forward the request and to be the point of contact. Contact routes and details were provided to ensure the complainant was able to speak with someone when required. The delays have been investigated to

understand why there was a delay. Good/appropriate levels of communication were discussed with the team to ensure everyone was aware of the expected standards.

Good communication is important within the Resource and the corporate standards employee guidance has been re-issued to staff to highlight the importance of effective communication. It is expected that staff will adhere to the guidance, therefore, communication will improve.

Customer unhappy with the allocation of the carers budget following a review. The family are feeling frustrated with process and delays this is causing.

An apology was given, and the allocated worker continued to work with the family to complete an Adult Carer Support Plan to ensure these needs are met.

To keep the customer updated with any delays or outcomes while carrying out the review process.

Customer was unhappy with the length of time and delays in carrying out an assessment.

An apology was given to the customer and the service agreed to set up a home visit to progress. The purpose of the visit was to review the support plan and to identify support or services as required for the customer.

The importance of communication was highlighted to staff. Also, a reminder to keep customers informed of any updates / delays. It was also highlighted to workers the importance to ensure assessments are completed within the appropriate timescales to avoid any delays / distress to service users and their families.

Complaints handling customer feedback survey.

Overview of responses from 1 April 2022 to 31 March 2023

Note: data based on 3 respondents

Question	Responses
Aware that the Council had a complaints process	100%
Satisfied with the ease of making their complaint	33%
Satisfied with the information and advice provided by employees	0%
Satisfied with how well they were kept informed about the progress of their complaint	0%
Satisfied with the speed with which their complaint was dealt with	0%
Satisfied with the response/explanation received	0%
Satisfied with how the complaint was handled overall	0%
The explanation given of how the decision was reached in the response was full and clear	0%
Satisfied with the outcome of the complaint	0%
Reason for dissatisfaction with Council's decision: <ul style="list-style-type: none"> How the complaint was handled How the outcome of the complaint was communicated Other reason (shown below) :	33% 0% 67%
Felt treated fairly and sensitively.	0%
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 	0% 0% 0%
Complaints process easy to use	33%
How willing would you be to make another complaint in the future if the need arises?	67%