

## Report

Report to: Executive Committee
Date of Meeting: 22 September 2021

Report by: Executive Director (Finance and Corporate Resources)

Subject: Council Complaints Report:

SPSO Annual Overview 2020 - 2021

#### 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 2020 to 31 March 2021 against the Scottish Public Services Ombudsman (SPSO) national indicators
- identify improvement activity as a result of the analysis of complaints (see 6.3 and Appendix 1 – indicator 8)
- provide customer feedback on complaint handling

#### 2. Recommendation(s)

- 2.1. The Executive Committee is asked to note 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 Council's Corporate Management Team (CMT) receive regular quarterly reports on Council complaints and an annual report is shared with CMT and Executive Committee. Work continues to improve our performance and learn from complaints to improve our services.
- 4.2. Following the introduction of the new Complaints Handling Procedure, the SPSO introduced a suite of performance indicators which the Council is required to report against. These are:

Indicator 1 - Complaints received per 1,000 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, as such, in the period April 2020 to March 2021, a total of 696 complaints were dealt with. This means there were 2.22 complaints for every 1,000 head of population. Compared to 2019/2020 where complaints were 2.89 per 1,000 head of population, this indicator has, therefore, achieved a reduction of 0.67 complaints per 1,000 head of population.
- 5.2. The Complaints closed in this period are detailed by Resource at Appendix 1 and show that:-
  - ♦ 77% 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
  - ♦ 10% have been escalated from Stage 1 to Stage 2 and closed

#### 5.3. Of the complaints received:

At Stage 1, 37% of complaints are upheld and 63% of complaints are not upheld. This represents a 6% decrease in upheld complaints at Stage 1 in comparison with complaints processed in 2019/2020.

At Stage 2, 22% of complaints are upheld and 78% of complaints are not upheld. This represents a 3% increase in upheld complaints at Stage 2 in comparison with complaints processed in 2019/2020.

Of the complaints that were escalated from Stage 1 to Stage 2, 21% of complaints are upheld and 79% of complaints are not upheld. This represents a 10% decrease in upheld escalated complaints in comparison with complaints processed in 2019/2020.

In terms of upheld complaints across the Resources, most Stage 1 complaints are upheld in Social Work Resources (43% of all Stage 1 complaints) and fewest were upheld in Education Resources (12% of all Stage 1 complaints).

#### 5.4. Responding to complaints:

The Complaints Handling Procedure dictates 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 5.37 working days and for Stage 2 is 10.7 working days for the period 2020 - 2021.

These working day statistics show a slight decline in performance from the 2019/2020 results where the average working days to respond to Stage 1 was 4.66, but improved performance for Stage 2 which has shown a decrease in processing time from 11.6 days for Stage 2 in 2019/2020.

These average response time statistics represent a decline in the complaints handling performance at Stage 1 compared with 2019/2020, showing overall Stage 1 complaints response takes 0.37 days more than the SPSO recommended timescale of 5 working days. The increase in time taken can be attributed to delays in responding to complaints at the outset of the ongoing Covid-19 Pandemic in Quarters 1 and 2 of 2020/2021. Improvements were noted in Quarter 3 and 4 of 2020/2021 where response times for Stage 1 complaints averaged 4.3 days over this period and we would expect to see a continued improvement over the 2021/2022 reporting period. Stage 2 response times are well within the recommended 20 day timescale of the Complaints Handling Procedure, with these responses being provided within 10.7 days.

5.5. Overall, 74% of Stage 1 complaints are responded to within the 5 working day timescale. This represents maintenance of performance in comparison to complaints received in 2019/2020 where again 74% 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, 84% are dealt within timescale.

Resources are using extensions at Stage 1 on a limited basis with 73 complaints (10.5% of all Stage 1 complaints) having an extension agreed.

With respect to Stage 2, 4 complaints (4.5% of all Stage 2 complaints) have had an extension agreed.

Of note in the tables in Appendix 1 are indicators that that Community and Enterprise Complaints are on average dealt with within 7.25 working days at Stage 1 and 14.75 working days at Stage 2. Community and Enterprise Complaints escalated from Stage 1 to Stage 2 are dealt with in an average of 13.5 working days.

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.

It has been recommended that these results are cascaded to Resource Heads and to Resource Complaints Champions to formulate an action plan 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.

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 as this rollout progresses.

5.6. 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 73 complaints this year that were escalated from Stage 1 to 2. In the 2019/2020 report this figure was 86. This represents a decrease of 15% in escalated complaints over the last year, and in turn may indicate that fewer 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 we have followed the procedure correctly and appropriately.

- 5.7. This is now the 9<sup>th</sup> 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. In 2019/20 the Stage 1 response average was 4.66 days. This year, 2020/21 has seen a decline in this performance with a Stage 1 response average of 5.37 days. This performance blip can be attributed to the pressures associated with the Covid-19 pandemic, particularly noted in Quarter 1 of 2020/21.
- 5.8. All public services are under pressure as they continue to respond to Covid-19 and ensure the delivery of essential services, and South Lanarkshire Council is no exception. The Covid-19 pandemic has had an impact on our ability to continue to deliver services to our normal standards, including complaints handling. We continue to have a legislative requirement (under the SPSO Act 2002 (as amended)) to comply with the SPSO Model Complaints Handling Procedure. Throughout the Covid-19 pandemic, we have ensured that customers have access to complaints procedures during this time.

The number of complaints received for this year is over 200 fewer than the number received in 2019/2020. This is most likely due to members of the public understanding the pressure organisations are under during this pandemic.

5.9. As per the requirements of indicator 8 regular good practice examples 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 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.

Please refer to Appendix 2 for the respondent's feedback for the period from 1 April 2020 to 31 March 2021.

- 6.2. The key points of note from the customer survey results are as follows:
  - Most of the respondents (90%) knew that the Council had a complaints process and 90% found it easy to make their complaint. 60% said that they would be willing to use the process again
  - ♦ 60% of the respondents felt that the explanation given on how the Council reached their decision was not full and clear and only 20% 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 30%, their friendliness 33% and their understanding of the complaint 50%

#### 7. SPSO Model Complaints Handling Procedures

7.1. On 1 April 2021, the revised Model Complaints Handling Procedures (MCHPs) for all sectors (except the NHS) came into use.

Following extensive consultation, the MCHPs were updated to:-

- standardise the core text across all of Scotland's public services (to remove minor inconsistencies in how the MCHP operates within different sectors), while retaining individualised sector-specific content and examples in each version
- revise the MCHPs in line with:-
  - feedback from organisations under jurisdiction (via a consultation survey and individual feedback from contacts with SPSO)
  - issues identified in casework
  - recent research and good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups

Revised employee guidance has been circulated through Personnel Services, recording systems have been updated, and Learn On Line platforms have been updated to take account of the revisions.

SPSO also have a variety of resources and best practice guidance to help with handling complaints and implementing the revised MCHPs.

Further information is available on the SPSO website: <a href="https://www.spso.org.uk/the-model-complaints-handling-procedures.">https://www.spso.org.uk/the-model-complaints-handling-procedures.</a>

#### 8. Employee Implications

8.1. 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.

#### 9. Financial Implications

9.1. There are no additional financial implications

#### 10. Climate Change, Sustainability and Environmental Implications

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

#### 10. Other Implications

10.1. 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. Equality Impact Assessment and Consultation Arrangements

- 11.1. 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 and the result of this consultation is shared with Corporate Management Team through this report.
- 11.2. 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)** 

20 August 2021

#### Link(s) to Council Values/Ambitions/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 2020 to 31 March 2021
- ◆ Appendix 2 Overview of responses for the complaints handling customer feedback survey from 1 April 2020 to 31 March 2021

#### **Contact for Further Information**

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

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

Resource (total no. closed)	% closed at Stage 1	% closed at Stage 2	% closed at Stage 2 - escalated from Stage 1
Community and Enterprise (211)	76% (160)	19% (41)	5% (10)
Education (58)	45% (26)	26% (15)	29% (17)
Finance and Corporate (92)	85% (78)	5% (5)	10% (9)
Housing and Technical (145)	87% (126)	4% (6)	9% (13)
Social Work (190)	76% (145)	11% (21)	13% (24)
Total (696)	77% (535)	13% (88)	10% (73)

## Complaints upheld/not upheld at each stage as a percentage of complaints closed in full at each stage (SPSO indicator 3). Actual numerical figure shown in brackets.

Resource	% upheld at Stage 1	% not upheld at Stage 1	% upheld at Stage 2	% not upheld at Stage 2
Community and Enterprise	37% (60)	63% (100)	22% (9)	78% (32)
Education	12% (3)	82% (23)	13% (2)	87% (13)
Finance and Corporate	29% (22)	71% (56)	0% (0)	100% (5)
Housing and Technical	40% (51)	60% (75)	50% (3)	50% (3)
Social Work	43% (63)	57% (82)	24% (5)	76% (16)
Total	37% (199)	63% (336)	22% (19)	78% (69)

Resource	% of escalated complaints upheld	% of escalated complaints not upheld
Community and Enterprise	20% (2)	80% (8)
Education	24% (4)	76% (13)
Finance and Corporate	30% (3)	70% (6)
Housing and Technical	23% (3)	77% (10)
Social Work	17% (4)	83% (20)
Total	21% (16)	79% (57)

## 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	7.25	14.75	13.5
Education	7	12.5	14.75
Finance and Corporate	1.83	4.83	10.56
Housing and Technical	5.5	8	11
Social Work	5.25	13.5	14
Total	5.37	10.72	12.76

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

Resource	% (no.) Stage 1 within 5	% (no.) Stage 2 within 20	% (no.) Escalated within 20
Community and Enterprise	56% (89)	76% (31)	50% (5)
Education	77% (20)	80% (12)	100% (17)
Finance and Corporate	92% (72)	60% (3)	78% (7)
Housing and Technical	80% (101)	100% 6()	92% (12)
Social Work	79% (115)	76% (16)	83% (20)
Total	74% (397)	77% (68)	84% (61)

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). Actual numerical figure shown in brackets.

Resource	%/No. at Stage 1	%/No. at Stage 2
Community and Enterprise	100% (86)	0
Education	0	0
Finance and Corporate	0	0
Housing and Technical	57% (4)	43% (3)
Social Work	33% (2)	67% (4)

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	

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

#### Community and Enterprise.

Customers are unhappy that there was a restriction on the number of waste streams accepted at the Household Waste and Recycling Centres (HWRCs) when they reopened. We explained that when we re-opened our HWRCs there were concerns from the police and local businesses about the potential for large queues to form on the approach roads to the sites. In line with best practice, and taking advice from our colleagues in Roads, we introduced a number of measures to reduce waiting times/increase turnaround times at the sites. These measures included enforcing a temporary ban on vans/ trailers, deploying additional staff to manage queues at the sites and restricting waste types to 'priority' waste streams i.e. black bag waste, cardboard and compostable garden waste. Since the sites opened on 1 June 2020, we have gradually increased the number of waste types that can now be disposed of at our sites and are now able to accept waste electrical items, wood and laminate. We will also be accepting bulky items such as soft furnishings, carpets and mattresses from Wednesday 1 July 2020 onwards. We also permit vans to access the sites on Tuesdays and Thursdays. We will continue to review the type of wastes accepted at the site until 'business as usual' has resumed.

Customer complained that they had been unable to have their bulk garden waste uplifted and asked when the service would be reinstated? There are many other council services now operational and they find it difficult to accept that this service cannot now be operational. We explained that with the availability of resources severely impacted because of COVID-19, Waste Services must focus on maintaining statutory kerbside waste and recycling bin collections. We regularly review the services that we are able to reinstate and considered restarting the 'on-request' free garden waste service' from October. However, given the volume of requests for this service significantly reduces and the growing season stops around that time, the Council has decided not to resume this service until spring 2021. The services focus on maintaining statutory kerbside waste and recycling bin collections while regularly reviewing the services that we are able to reinstate.

Our bins are out for collection on a very wet and windy morning which has led to recycling bins being blown over and rubbish strewn everywhere. We know we get bad weather and yet the bins are very light weight and not designed for the weather. There must be someway of redesigning the bins to cope with high winds. The customer was advised that the bins are intentionally lightweight however we can provide three bin clip locks to fix to the lid of the bin which will stop anything from falling out in the event that it falls over.

Customers have been requesting food bin liners for a couple of months and have phoned and used the online form to request the bin liners but deliveries have been delayed. We subsequently delivered food waste bin liners to customers with an apology for the delay. The Waste Service's ability to provide the liners was impacted by both a reduction in available resources as a consequence of the Covid-19 pandemic and a prolonged period of inclement weather. As soon as we were able, we arranged to have the food and garden

waste crews deliver liners and staff from other services helped us to catch up with deliveries. Food waste bin liners are now being delivered in line with our service standards.

#### Education.

A parent complaint regarding member of staff's attitude towards her on the telephone. Management discussed the complaint with the member of staff who was reminded of customer care standards towards customers on the telephone. Member of staff to participate in the appropriate refresher training.

Customer was unhappy her son was not receiving the 1140 hrs funding for nursery as he attends a cross boundary nursery. The Partnership Board was contacted and agreed to support the delivery of the 1140 hrs. In future we will ensure that our policy is maintained correctly to prevent future occurrences such as this.

Parents divorced and school was only informing mother of any incidents in school, father requesting to be informed also. School put arrangements in place that father shall now be informed of any incidents.

Parent unhappy with online learning for a specific subject. School rectified immediately once brought to their attention.

#### Finance and Corporate.

Finance Services (Transactions). Customer was unhappy that their Council Tax Single Persons Discount was cancelled in error. Additional checks were put in place between South Lanarkshire Council and Northgate to ensure Single Person Discount Reviews are checked thoroughly before they are actioned. With putting the additional checks in place regarding reviews, discounts will not be cancelled in error.

Finance Services (Transactions). Customer was unhappy that direct debit did not transfer to their new account following the liability change. We apologised to customer and explained the process. We advised that had a hold on all the recovery action not been in place, we would have picked up on this sooner. We provided customer with assurance that had she not been able to bring account up to date, we would have extended the timescales as this was our error. Through this complaint we have identified training needs around this process for new staff.

Licensing services. Customer was not informed at time of registration that a full certificate could be ordered and paid for. Had issues when applying for certificate online. Apologised for inconvenience and reminded staff to check if full certificate required at time of registration and to deal with phone enquiries rather than direct online depending on level of business. We will continue to support staff through pandemic ensuring that customers are provided with the correct information.

Finance Services (Transactions). Customer was unhappy with timescale to process refunds. We have recently reviewed our procedures for refunds as many of our customers are changing their working practises due to the Covid-19 pandemic. Previously, refunds were paid by cheque however we are in the process of setting up a new procedure that will allow customers to request refunds by BACS payment to a nominated bank account. The timescale for processing refunds will be reduced, therefore customer will receive refund quicker.

Finance Services (Transactions). Customer raised complaint as unhappy that Council Tax discount was not processed in time and applied to account which resulted in account going into arrears. Investigated and identified a training issue. Resolved issue to customer satisfaction. Training identified rolled out to team to prevent a similar issue in future.

#### **Housing and Property Services.**

A customer was unhappy as on several occasions they had contacted repairs team and had no return contact. Customer has been contacted and we have apologised that no one contacted him. Staff have been reminded of Customer Care Standards

Customer was unhappy as they had received no response to telephone call or e-mails. Staff reminded of customer care standards and the need to diary work tasks to ensure completion. We continue to monitor complaints through service/management reports and regular meetings of complaint groups.

Customer unhappy with communication issues with Housing Office. Staff reminded of customer care standards in relation to returning phone calls. We continue to monitor complaints through service and management reports and regular meetings of complaint groups.

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 incorrect information provided regarding funding. We apologised for the incorrect information being provided. The correct process was provided and interim measures put in place. The correct process was highlighted to employees to ensure correct procedures are followed.

A customer was unhappy with a lack of communication with their allocated worker and the hospital discharge team. Family were not notified of change in care provider and times. We apologised and arranged a meeting to agree the way forward. Communication with family will improve as direct communication links have now been established and will help to avoid future occurrences of this type of situation.

Failure to deliver a service and breakdown of communication. An apology was given to the family, a new assessment was carried out and support is now in place. We have learned from the experience, and procedures have been updated and discussed at the team meeting.

Delay in getting assessment completed and level of communication received. Apology given to family and an assessment of need was arranged. The importance of communication was highlighted, and staff were reminded of appropriate timescales for assessments to be completed.

### Complaints handling customer feedback survey (SPSO indicator 7)

### Overview of responses from 1 April 2020 to 31 March 2021

### Note: data based on 10 respondents

Aware that the Council had a complaints process  Satisfied with the ease of making their complaint  Satisfied with the information and advice provided by employees  Satisfied with how well they were kept informed about the progress of their complaint	90% 90% 50%
Satisfied with the information and advice provided by employees  Satisfied with how well they were kept informed about the progress of their complaint	
Satisfied with how well they were kept informed about the progress of their complaint	50%
complaint	
•	40%
Satisfied with the speed with which their complaint was dealt with	30%
Satisfied with the response/explanation received	10%
Satisfied with how the complaint was handled overall	20%
The explanation given of how the decision was reached in the response was full and clear	30%
Satisfied with the outcome of the complaint	20%
<ul> <li>Reason for dissatisfaction with Council's decision: <ul> <li>Council Policy</li> <li>How the complaint was handled</li> <li>How the outcome of the complaint was communicated</li> <li>Other reason (shown below)</li> </ul> </li> <li>Although I was grateful to receive an apology I was dissatisfied because a significant contradiction was not addressed. <ul> <li>overkill with "procedure" no common sense involved</li> <li>I am still waiting on a reply.</li> <li>The issue I had should be never have occurred. Once it had occurred the only outcome of the complaint was an apology - we are so sorry this happened. You can't fix something that didn't happen, you can only apologise. But you can ensure it doesn't happen again.</li> </ul> </li> <li>Felt treated fairly and sensitively</li> </ul>	0% 38% 13% 50%
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:  • Knowledge of Council employees  • Friendliness of Council employees  • How well Council employees understood the complaint  Complaints process easy to use  How willing would you be to make another complaint in the future if the need arises?	30% 33% 50% 78%