

Report

Report to: **Executive Committee**
Date of Meeting: **21 September 2022**
Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Council Complaints Report:
SPSO Annual Overview 2021/2022**

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 2021 to 31 March 2022 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 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. As reported previously, 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, as such, in the period April 2021 to March 2022, a total of 1110 complaints were dealt with. This means there were 3.54 complaints for every 1000 head of population compared to 2020/2021 where complaints were 2.22 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
- ◆ 10% are closed at Stage 2 i.e. within 20 working days
- ◆ 11% have been escalated from Stage 1 to Stage 2 and closed

5.3. Of the complaints received:-

At Stage 1, 30% of complaints are upheld and 52% of complaints are not upheld. This represents a 7% decrease in upheld complaints at Stage 1 when compared with complaints processed in 2020/2021.

At Stage 2, 18% of complaints are upheld and 90% of complaints are not upheld. This represents a 4% decrease in upheld complaints at Stage 2 when compared with complaints processed in 2020/2021.

Of the complaints that were escalated from Stage 1 to Stage 2, 26% of complaints are upheld and 70% of complaints are not upheld. This represents a 5% increase in upheld escalated complaints when compared with complaints processed in 2020/2021.

In terms of upheld complaints across the Resources, most Stage 1 complaints are upheld in Community and Enterprise Resources (36% of all Stage 1 complaints) and fewest were upheld in Education Resources (10% 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 4.11 working days and for Stage 2 is 10.5 working days for the period 2021/2022.

These working day statistics show an improvement in performance from the 2020/2021 results where the average working days to respond to Stage 1 was 5.37 and Stage 2 was 10.7.

Stage 1 response times are within the recommended 5 working days timescale, with these response times being 4.11 working days. Stage 2 response times are well

within the recommended 20 working days timescale of the Complaints Handling Procedures, with these responses being provided within 10.7 working 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 2020/2021 where, again, 74% of complaints were dealt with within this timeframe.

For Stage 2 complaints, 76% are dealt with within the 20-day timescale, and of the complaints escalated from Stage 1 to Stage 2, 81% are dealt within timescale.

Resources are using extensions at Stage 1 with 101 complaints (9% of all Stage 1 complaints) having an extension agreed.

With respect to Stage 2, 15 complaints (2% of all Stage 2 complaints) have had an extension agreed.

Of note in the tables in Appendix 1 are indicators that Community and Enterprise Complaints are, on average, dealt with within 7 working days at Stage 1 and 15.75 working days at Stage 2. Community and Enterprise complaints escalated from Stage 1 to Stage 2 are dealt with in an average of 14.5 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 is 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 a single recording system by Resources continues to create an element of delay and is an area for improvement. The use of a single system could help reduce unnecessary delays. The ongoing introduction of the Objective file plan system across all Resources 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 101 complaints this year that were escalated from Stage 1 to 2. In the 2020/2021 report this figure was 73. This represents an increase of 28 in escalated complaints over the last year. 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 year 10th year of operating this Complaints Handling Procedure. Previous years reports from 2013/2014, 2014/2015, and 2015/2016 have indicated an average timescale of handling Stage 1 complaints of 5 working days, reducing to 4.9 working days in 2016/2017 and to 4.8 working days in 2017/2018. This further reduced in 2018/2019 to an average of 4.23 working days. In 2019/2020 the Stage 1 response average was 4.66 days and 2020/2021 saw a decline in this performance with a Stage 1 response average of 5.37 days. This year, the average timescale of handling Stage 1 complaints is 4.11 days.
- 5.8. As per the requirements of indicator 8, regular good practice examples from across Resources are highlighted on a quarterly basis and are published on the Complaints Performance pages of the Council website.

6. Customer Satisfaction

- 6.1. To meet the SPSO performance indicator 8 – Customer Satisfaction requirements 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.

- 6.2. 5 customers agreed to take part in the follow-up survey.

The key points of note from the customer survey results are as follows:-

- ◆ 3 of the respondents knew that the Council had a complaints process, found it easy to make their complaint and said that they would be willing to use the process again
- ◆ 4 of the respondents felt that the explanation given on how the Council reached their decision was not full and clear and only 1 was satisfied with the response/explanation received
- ◆ Customers were asked to rate the following in terms of how employees dealt with their complaint
 - ◆ Knowledge of Council employees = 1
 - ◆ Friendliness of Council employees = 2
 - ◆ How well Council employees understood the complaint = 2

7. SPSO Update - Child Friendly Complaints

- 7.1 SPSO is being funded by the Scottish Government to develop child-friendly complaints approaches and procedures as part of model complaints handling procedures, Ensuring children's rights and needs are met by public service complaints procedures in Scotland. On 25 April 2022, the SPSO launched their 2 year project to develop and implement new guidance for public bodies within their jurisdiction.

They hope to launch a formal consultation towards the end of 2022, with a view to laying the guidance before the Scottish Parliament and implementing the new guidance on 1 April 2023, aiming for compliance by 1 April 2024.

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 arising from this report.

10. Climate Change, Sustainability and Environmental Implications

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

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.

12. Equality Impact Assessment and Consultation Arrangements

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

24 August 2022

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 2021 to 31 March 2022

Contact for Further Information

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

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SPSO performance indicators (KPIs) from 1 April 2021 to 31 March 2022

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 (322)	74% (240)	18% (58)	7% (24)
Education (247)	72% (178)	14% (35)	14% (34)
Finance and Corporate (137)	86% (121)	0% (0)	11% (16)
Housing and Technical (208)	87% (180)	1% (3)	12% (25)
Social Work (196)	79% (156)	7% (14)	13% (26)
Total (1110)	80% (875)	8% (110)	11% (125)

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	36% (118)	31% (99)	3% (10)	14% (46)
Education	10% (24)	51% (127)	2% (6)	13% (33)
Finance and Corporate	18% (24)	61% (82)	0% (0)	0% (0)
Housing and Technical	19% (40)	39% (81)	0% (1)	4% (9)
Social Work	27% (54)	33% (65)	2% (3)	6% (11)
Total	22% (260)	43% (454)	1% (20)	7% (99)

Resource	% of escalated complaints upheld	% of escalated complaints not upheld
Community and Enterprise	1% (3)	6% (20)
Education	3% (8)	9% (23)
Finance and Corporate	2% (3)	10% (13)
Housing and Technical	1% (3)	10% (21)
Social Work	8% (15)	6% (11)
Total	3% (32)	8% (88)

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	15.75	14.5
Education	4.25	16	12.5
Finance and Corporate	1	0	5
Housing and Technical	5	3.5	14.75
Social Work	3.75	17.25	15.5
Total	4.11	10.50	12.43

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	55% (133)	66% (38)	58% (14)
Education	74% (132)	86% (30)	82% (28)
Finance and Corporate	1% (107)	0% (0)	88% (14)
Housing and Technical	74% (133)	100% (3)	92% (23)
Social Work	89% (139)	93% (13)	85% (22)
Total	74% (644)	76 % (84)	81% (101)

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	38% (91)	0
Education	1% (1)	0
Finance and Corporate	0	0
Housing and Technical	2% (3)	56% (14)
Social Work	4% (6)	4% (1)

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.

Some customers had complained that double axel trailers from residential properties were not being given access to recycle centres. Following investigation of the complaints, we have reviewed the dimensions of the vehicles/ trailers allowed on the sites and have now removed the restrictions on double axel trailers; however, an overall size limit still applies. To summarise, trailers are allowed as long as the dimensions are a maximum of 1.8m x 1.2m

A customer asked for a replacement large non-recyclable waste bin (360 litre black bin), and they had been provided with a standard 240 litre bin instead of the 360 litre one requested. The customer was unhappy that the replacement was not 'like for like'. Grounds and Waste services explained that they are encouraging everyone to recycle as much as possible because it is one of the ways the council can help tackle climate change. They explained to the customer If all the recycling bins are used fully then it is likely there is no need for the capacity of a 360 litre non-recyclable waste bin and, therefore, the larger non-recyclable waste bins are not provided automatically. Where the service is satisfied that the household is fully using all recycling bins that have been provided, then a larger non-recyclable bin will be provided if this is appropriate to do so. The learning taken from the complaint is to ensure there is ongoing improved communication with customers and to ensure customers understand why we make this provision.

A customer's waste bin fell into the back of the refuse vehicle when it was being emptied and the refuse collection employees made no attempt to let the customer know that this had happened. When the customer contacted the service and spoke to a member of staff explaining what happened, they said staff member did not seem concerned and advised that the bin collection staff were not obliged to make customers aware if this happens, and that they would need to wait 5-12 weeks for a new bin. We investigated the matter and confirmed that the bin had indeed fallen into the back of the collection vehicle and confirmed that a replacement bin had since been delivered. We also advised the customer that some of our vehicles have now been fitted with in cab technology which can be used to report bins falling into the vehicle and crews have been asked to drop calling cards with key information directly to the resident in question if there are any collection problems. We have introduced a system in some of our vehicles that will let us know when a bin falls in and also improved our communication by informing customers when there are any collection problems through dropping in calling cards with key information. Contact centre employees have also been briefed on the procedures to ensure customers are provided with the correct information if they are calling.

Customer receives the medical pull-out service as part of the Council's waste collection service and their bins are not being returned to the place that they have been collected from causing the resident difficulties in terms of putting the bin back themselves or having to navigate past the bin when accessing their property as the bin is causing an obstruction. Apologised to the resident affected and reminded the crew of the importance of returning the bin to the place that they have collected it from. When crews remember to return the bin to the place, they have collected it from they will be delivering an improved service as required by the resident.

Education.

School was not sending reports on children's progress to father of a child who does not reside with him. The school were advised of this and as a result the school has now updated their information and father will receive the relevant documents in future. This action will be replicated in the event it is required in future for pupils in a similar situation.

Parents complained that their child was not provided with a place on school bus although they had applied for this, and the child is entitled to the place. A new transport School Transport system was implemented across 11 Local Authorities by Strathclyde Passenger Transport (SPT). This led to some delays in the service processing the application and how the service communicated with Parents for August 2021. The School Transport team are currently working alongside staff at SPT to resolve any issues and dealing with any complaints accordingly, and within the timescales of the procedure, to ensure all pupils who are entitled to school transport are provided with this. The School Transport team are reviewing our own processes in line with the new system to improve each of our processes and have a smooth implementation of transport provision for the new term for 2022

Parent made contact with the school in relation to their daughter's name being changed at school as 'known as' without their consent. Apology given to the customer and staff were reminded of the correct procedure to follow in cases such as this. Awareness of this is now part of induction process for relevant new staff.

Parent stating that their child who attends an ASN base was not being challenged enough in certain subjects and requested an assessment on child's needs and abilities. Parent disappointed at not seeing appropriate teachers during parents evening. The school are issuing tasks at a higher, more personalised level. School offering tutoring for areas where child requires assistance either in school or after school. School will arrange for the teachers who were missed at parents evening to call the parent.

Finance – Transactions.

Customer was unhappy that their direct debit for council tax appeared to be cancelled. An error had been made in the setup as an incorrect procedure had been followed. Additional training has been carried out on the correct procedures with staff. It is expected that this error will not happen again in future as the procedures have been reissued and are also available online for staff to access.

A customer had telephoned for update on a report they had made. The Officer was unable to make contact with the customer to provide update as the customer's contact information had not been recorded. Customer was unhappy about this as they had provided all their information at time of the telephone call. We apologised to customer for the error and resultant delay in responding to their report. Training need was identified and provided with

a reminder to all staff to ensure that all required customer information fields are completed at point of contact to prevent a similar occurrence of this complaint in the future.

As a result of this, all required information to allow an Officer to contact customer with a progress report or a response will be recorded.

Customer raised complaint as they had booked and paid for a service which did not arrive on the agreed date. The Transactions team Investigated and identified the issue. They spoke with customer to apologise and rearranged the service on a date and time that was suitable for them. As part of the complaint investigation, all staff have been reminded of the correct processes. It is expected that this error will not happen again in future as the procedures have been communicated and are also available online for staff to access.

Customer was unhappy that service they had requested was delivered outwith the timescale provided at time of organising. Was also unhappy that no contact had been made to update and advise on delay. Apologised to customer and explained service had been delayed due to impact of covid on teams. Staff were briefed to advise customers that at this time service was experiencing some minor disruptions due to staff shortages and that current timescales maybe extended. Situation will return to normal once full team is available. Customers will be advised on possible impact on service delivery and any significant delay will be communicated to customers.

Customer complained that they had been advised they could apply online for a birth certificate, and this would be sent via recorded delivery and in a hard backed protective envelope. Unfortunately, the Certificate arrived folded and by standard post. Staff have been reminded to be clear and correct with the information they provide to customers to avoid any future miscommunication and misunderstanding. We expect the service to improve by making sure customers are clear on information provided and take account of customer feedback where possible.

Housing and Property Services.

A customer was unhappy as they had been requesting a form to be issued to them for 4/5 months and they still received no response. Customer has been contacted and we have apologised that no one provided the form as requested. Staff have been reminded of Customer Care Standards and answering requests within standards. We continue to monitor complaints through Service/Management reports and regular meetings of complaint groups.

A customer was unhappy with the length of time taken to complete a repair. The Repairs team apologised and advised the customer that the delay was due to waiting on part and would keep them updated on progress. We expect our service to get better by ensuring our customers are kept updated with progress when there are any delays in repairs being carried out.

Customer complained that they were unhappy with repairs in their new tenancy that were still outstanding and awaiting action. As a result of the complaint, we now have processes in place to allow us to monitor the situation between Tenancy handover in void and maintenance programme to ensure repairs are carried out promptly. As a result of this we will improve our communications to ensure customers are kept up to date with delays to any repairs, and a more accurate timescale given to help manage the customer's expectation.

Customer unhappy with Anti-Social behaviour issues within Sheltered Housing Complex. ASB issues investigated, and evidence was founded, therefore, an initial warning was issued to Tenant. Sheltered Housing Team Leaders to reinforce that any complaints regarding ASB or breaches in tenancy conditions whether to Sheltered Housing Officer/Team Leader should be emailed or passed to Housing Officer for an ASB to be logged and investigation to take place.

Social Work.

Customer was unhappy with level of support and communication received in relation to their care. An apology was made, and appropriate supports are now in place with the family. 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. The correct process was highlighted to employees to ensure correct procedures are followed.

Customer was unhappy that there was a delay in carrying out an assessment. Apology was given to the customer and the service agreed to set up a home visit to progress / review the support plan and identify supports / services as required. The importance of communication was highlighted to staff. To keep customers informed of any delays. It was also highlighted to workers the importance to ensure assessments are completed within the appropriate timescales.

The customer was unhappy as assessments they had expected to be completed had not been done within the timescales advised. This led to the family feeling frustrated. An apology was given to the family and a meeting was arranged to discuss the issues. A plan was put in place to complete the assessments required, and frequent updates were provided to the family. The manager had a discussion with the team and reinforced the importance of highlighting areas where work may be delayed or may not meet agreed timescales. This will allow them as a team to consider how best to support workers to ensure that tasks are completed on time and keep good communication with customers."

Complainant was dissatisfied with the delays in getting the appropriate care package in place and unhappy with the level of communication provided. An apology was given to the family and a full investigation was carried out with the complainant points being responded too. The investigation found that communication was not as effective as it should have been, and the initial complaint was not answered fully. Learning points were noted, and complainant was advised of this. The learning will be shared with workers through supervision and discussed in team meetings to ensure future communication is effective and that complaint responses are addressed fully.