

ITEM No ...8.....

REPORT TO: POLICY AND RESOURCES COMMITTEE - 16 NOVEMBER 2020
REPORT ON: CHANGES TO MODEL COMPLAINTS HANDLING PROCEDURE
REPORT BY: CHIEF EXECUTIVE
REPORT NO: 134-2020

1. PURPOSE OF REPORT

To advise Committee of changes which have been made by the Scottish Public Services Ombudsman to the model Complaints Handling Procedure which all local authorities are required to adopt by 1 April 2021.

2. RECOMMENDATIONS

It is recommended that Committee:

- (i) note the changes being made to the model Complaints Handling Procedure as summarised in this report;
- (ii) remit the Chief Executive to make the required changes to the complaints recording system, the information provided to the public and to employees and the format of performance reports; to provide appropriate training for employees; and to put in place arrangements to support employees and to support equal access to the complaints process for everyone.
- (iii) approve the policy statement on ensuring equal access to the complaints process for all, which is attached as Appendix One.

3. FINANCIAL IMPLICATIONS

The cost of implementing the revised procedures will be contained within existing budgets and will largely consist of officer time along with the cost of printing an updated information leaflet for the public. This can be met from the Chief Executive's Service Revenue Budget in 2020/2021.

4. MAIN TEXT

4.1 The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman the authority to lead the development of model Complaint Handling Procedures (CHPs) across the public sector, with the aim of:

- providing simple, consistent processes for complainants to follow.
- promoting learning from complaints.

4.2 The first model CHP was introduced in 2012 and was adopted by the City Council from 1 October 2012. The Scottish Public Services Ombudsman has now made a number of changes to the model CHP which all authorities are required to fully implement by 1 April 2021.

4.3 The key changes can be summarised as follows:

Structure and presentation

- the core text of the model CHP has been standardised across all sectors.
- the CHP is presented in parts to make information easier to find.

- the Social Work and Local Authority model CHPs have been combined (the main implication being that timescales for dealing with complaints are now aligned).

Resolving complaints

- Organisations may now 'resolve' a complaint by agreeing the action to be taken with the customer, without making a decision on whether to uphold or not uphold the complaint.
- There must be a clear record of the resolution agreed and signposting to next stage.

Agreeing the complaint and outcome sought at stage 2

- Organisations must agree the points of complaint and outcome sought with the complainant at the start of stage 2 of the process.
- Where the points of complaint and outcome sought are clear, this can be done by setting these out in the complaint acknowledgement letter.

Time limit for making complaints

- The six-month timeframe to make a complaint also now applies where the customer wishes to escalate to stage 2 because they are unhappy with the stage 1 response.

Supporting staff

- Organisations must share relevant parts of complaints and responses with any staff members complained about.
- At stage 2, staff members must be given information about the complaint process and support available, and kept updated on any timeframe extensions.

Equality and accessibility

- Organisations should set out what kind of actions staff may take to support equal access to the complaints process, including for vulnerable groups.

Complaints on social media (and other digital platforms)

- As a minimum, organisations must respond to complaints on the organisation's own social media channels by signposting people to the complaint process and support available.

Contact from MPs/MSPs

- Where a complaint is brought by an MP/MSP, the organisation must handle it in line with the CHP and ensure they do not operate a two-tier system.

Performance indicators

- Organisations must report on and publish complaint statistics in line with performance indicators published by the SPSO.
- These are currently being developed, and will include core performance indicators applicable to all sectors along with additional performance indicators to support benchmarking which are being developed for some sectors (including for local authorities) in consultation with those sectors' complaint handling networks.

4.4 Implementing these changes will require a number of revisions to the Council's current systems and processes, eg

- the electronic database on which we record complaints.

- the information which is provided to the public and to employees, including leaflets, guidance and information on the website and intranet.
- the indicators included in the performance reports which are submitted to Scrutiny Committee.

4.5 It will also be necessary to put arrangements in place to:

- provide training about the changes for relevant employees.
- support employees who have been complained about. This will include access to a named contact person who can help them (if needed) with support relating to the process. Discussions are underway with Human Resources and the trade unions to agree the practical arrangements for delivering this support, which is likely to involve a named contact person who can put employees in touch with a range of blended supports such as information, representation and counselling, depending on their needs.
- support equal access to the complaints process for everyone, including those covered by equalities legislation and vulnerable groups who don't regularly access the complaint process. This may include, for example, people who have communication barriers, anxieties/concerns, or are vulnerable. A proposed policy statement on the Council's commitment to ensuring equal access to the complaints process for all is attached as Appendix One and, subject to agreement, will be incorporated into the Council's procedures.

4.6 The model CHP includes a 'customer facing' summary which is designed to provide standardised information on the complaints process to customers of all Scottish Councils, ensuring that everyone receives the same information about the process regardless of which local authority they are dealing with. We will use this summary to produce a leaflet for the public which will be made available at reception areas, libraries, advice centres etc.

4.7 The model CHP requires organisations to report on and publish complaints performance information in line with indicators published by the Scottish Public Services Ombudsman. The SPSO is currently developing a set of performance indicators for each sector in consultation with complaint handling networks. There will be a core set of indicators consistent across all public services, with some additional indicators for those sectors (including local authorities) which currently undertake benchmarking. The development of these indicators is ongoing.

4.8 Councils are required to fully adopt the revised CHP by 1 April 2021 and officers will ensure that the Council complies with this deadline. Given that work is still ongoing to agree the set of performance indicators to be reported on, it is intended that the introduction of the 'resolved' category be scheduled for April 2021 to avoid reporting on 'mixed' categories during the course of a year. Some of the other changes will be implemented as soon as arrangements can be made. For example:

- our Communications and Customer Services teams are already signposting anyone who posts what appears to be a complaint on the Council's social media channels to the complaints section of our website.
- a list is being compiled of advocacy services, support groups etc which are involved in equalities and issues which could cause vulnerability and present barriers to making complaints. We will contact these organisations to:
 - make them aware of our complaints process and our commitment to make this accessible to all
 - seek their help in letting the people they support know about our processes, and in supporting them should they wish to make a complaint.

5. POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of Equality and Diversity, Fairness and Poverty, Environment and Corporate Risk. There are no major issues. One of the aims of the revised CHP is to ensure greater access to the complaints process for those covered by equalities legislation and for vulnerable people.

6. CONSULTATIONS

The Council Management Team has been consulted on this report.

7. BACKGROUND PAPERS

'The Local Authority Model Complaints Handling Procedure - Implementation Guide' - published by the Scottish Public Services Ombudsman.

David R Martin
Chief Executive

28 October 2020

POLICY STATEMENT ON ENSURING EQUAL ACCESS TO THE COMPLAINTS PROCESS FOR ALL

Dundee City Council is committed to ensuring that everyone has an equal opportunity to access our services, which includes making complaints. We recognise our duties under the Equality Act 2010, to promote equality of opportunity for all, so it is important that we identify and take into account equality and diversity considerations when designing our complaint handling processes and when dealing with complaints. We also recognise our legal obligation to make reasonable adjustments for people making complaints for whom communication may be a barrier.

Over and above considerations of equality and diversity, we aim to be mindful of any vulnerabilities affecting those making complaints. Potential vulnerabilities to consider include:

- Learning difficulties
- Mental health problems
- Physical disabilities
- Poor literacy or numeracy skills
- Digital exclusion (lack of technology or know-how to access online services)
- Chronic or terminal illnesses
- Addiction issues
- Having a conviction
- People fleeing domestic abuse
- Being a young person leaving local authority care
- Being a kinship carer
- Being a lone parent
- Experiencing separation, relationship or family breakdown
- Having responsibility as a main care giver
- Being homeless or at threat of homelessness
- Having an unsettled way of life
- Leaving the armed forces.

This list has been taken from the SPSO's Guidance on Vulnerabilities. Fitting into one of these categories does not necessarily mean that someone is vulnerable or requires us to adjust our processes. However, we should remain mindful of these factors when considering complaints. They can also be exacerbated if the matter complained about, or other situational factors, add to the pressures faced by the person making the complaint.

To address the equality and the vulnerability issues highlighted above, we will:

- use the principle of 'universal design' to ensure that our services are accessible in a number of ways to suit different people and situations.
- be responsive and flexible in how we engage with people.
- use data to improve our services for vulnerable people.

Services that are 'universally designed' are designed from the start to meet the needs of the most disadvantaged user. Universally designed services recognise that users will have diverse needs, and offer multiple and flexible routes of access to ensure that these can be met. Universal design is particularly important in the digital age, where the increased focus on online service delivery can inadvertently exclude some users, for example by failing to take into account those without internet access or capability, or through poor content design. Digital exclusion often overlaps with other factors of vulnerability, such as disability or age.

We are committed to working with user groups and the third sector to continuously improve the design of our services, taking into account the needs of different vulnerable groups. We acknowledge that this will involve a cycle of ongoing improvement, consultation and feedback, underpinned by good recording and data analysis.

As a starting point, we are committed to offering as many routes of access to our complaints process as possible, including digital, phone, post and in person. We are also committed to supporting vulnerable people accessing our services by:

- adopting a flexible approach to our processes, and using our discretion to adapt these where appropriate.
- helping customers to access independent support or advocacy to help them understand their rights and communicate their complaints (for example, through the Scottish Independent Advocacy Alliance or Advice Scotland).

Identifying a vulnerability will not automatically mean it is appropriate to take any further actions or change how we do things. But we should always consider whether we can take practical steps to improve a customer's journey with us and whether not making adjustments might result in harm.

We have a phrase card available for staff to encourage proactive questioning on whether adjustments are required. This can also be used in discussing vulnerabilities with complainants. This says:

- *We are committed to delivering a service which is accessible to all.*
- *[where applicable and as appropriate] You mentioned that you have a health condition, disability, are autistic, are vulnerable.*
- *Can I please check with you if there are any adjustments that we should consider in the way we communicate with you?*

Where an adjustment has been agreed to our service, it is important that this is noted and delivered consistently by all staff who may have contact with the complainant. Any adjustment should be clearly recorded in the notes field on the complaint system. Staff should also record where there has been a discussion or consideration, and a decision made not to offer an adjustment.

We will contact local organisations involved in equalities issues or which represent people with the types of vulnerabilities mentioned above to make them aware of our complaints process and our commitment to make this accessible to all, and to seek their help, both in letting the people they support know about our processes and in actually supporting them should they wish to make a complaint.

We will report to the Council's Scrutiny Committee each year on the actions taken to identify vulnerable and underrepresented groups and to raise awareness of, and access to, the complaints handling process. This could include information on:

- reasonable adjustments made for vulnerabilities.
- any engagement with third sector organisations to improve access for vulnerable groups.
- any work undertaken to improve access for specific vulnerable groups.