

REPORT TO: SCRUTINY COMMITTEE – 25 SEPTEMBER 2013

REPORT ON: COMPLAINTS

REPORT BY: CHIEF EXECUTIVE

REPORT NO: 335-2013

ITEM No ...3.....

1. PURPOSE OF REPORT

To report on complaints statistics for the first quarter of 2013/2014, to update members on steps being taken to ensure and improve the effectiveness of the complaints handling procedure and to summarise the annual letter from the Scottish Public Services Ombudsman on complaints about the Council during 2012/2013.

2. RECOMMENDATIONS

It is recommended that members note:

- a) the key performance indicators on complaints closed between 1 April and 30 June 2013
- b) the latest summary of findings from the Complaints Review Group which meets to check the quality of complaints handling and promote learning and process improvement from complaints
- c) the results of the satisfaction survey sent to everyone who made a complaint which was closed between 1 April and 30 June 2013
- d) progress on addressing the areas for improvement identified in the report to Scrutiny Committee in June, including the recommendations from the internal audit review
- e) a summary of the annual letter from the Scottish Public Services Ombudsman on complaints received about the Council during 2012/2013

3. FINANCIAL IMPLICATIONS

None.

4. BACKGROUND

- 4.1 Since 1 October 2012, the Council has been operating the new model Complaints Handling Procedure for Local Authorities as required by the Scottish Public Services Ombudsman.
- 4.2 Report 253-2013 to Scrutiny Committee on 25 June 2013 outlined the actions which had been taken to implement the new procedure and provided an analysis of complaints closed between 1 October 2012 and 31 March 2013.
- 4.3 This report covers complaints for the first quarter of 2013/2014, from 1 April to 30 June 2013, and includes key performance indicators as well as the results of a satisfaction survey sent to all those who made complaints which were closed during this period.
- 4.4 The report also updates members on progress with the areas for improvement identified in the report to Committee in June, and summarises the annual letter from the Scottish Public Services Ombudsman on complaints about the Council during 2012/2013.

5. COMPLAINTS STATISTICS : 1 APRIL – 30 JUNE 2013

5.1 Analysis of key indicators for the first quarter of 2013/2014 shows that:

- 109 complaints were recorded as closed off during the three months. However, although Social Work now use the complaints recording database they are not subject to the model Complaints Handling Procedure as there are separate statutory complaints procedures for Social Work. So, the statistics below and in the Appendix are based on 85 complaints, excluding 24 recorded about Social Work. The Director of Social Work reports separately to Committee on complaints
- 90.6% of complaints were closed at the frontline resolution stage and 9.4% at the investigation stage
- 53.2% of complaints at the frontline stage were closed within the 5 day target (compared to 61.5% in the previous six month period). A further 24.7% (up from 14.1%) were closed within an extended target time (where complaints are expected to take longer than 5 days to respond to, officers can extend the target date but have to record the reasons for this and are expected to keep complainants informed of progress). Staff have been reminded of the importance of aiming to respond to complaints within the target times and keeping complainants informed where this is not possible
- 87.5% of complaints at the investigation stage were closed within the 20 day target, and the remaining 12.5% were closed within an extended target time. Comparable figures for the previous six month period were 85.7% and 14.3%
- 48.1% of complaints were upheld at the frontline resolution stage, up from 30.7% in the previous period
- of the 8 complaints escalated to the investigation stage, 1 was upheld
- the average number of days taken to close complaints was 8.7 days at the frontline stage (up from 6.2 days between October and March) and 14 days at the investigation stage (up from 9.7 days in the previous period)
- by nature of complaint, the percentage recorded in each of the complaint categories is shown below (with the figure for the previous six month period in brackets):

- delay in responding to enquiries and requests	-	14.7% (21.4%)
- failure to meet our service standards	-	18.3% (19.7%)
- treatment by, or attitude of, a member of staff	-	32.1% (19.3%)
- failure to provide a service	-	20.2% (16.0%)
- dissatisfaction with our policy	-	6.4% (9.7%)
- failure to follow the proper administrative process	-	7.3% (7.6%)
- refusal to give advice or answer questions	-	1.0% (0.4%)
- other	-	0% (5.9%)
- 2 people made more than one complaint during the three months, both making 2 complaints
- by department, the highest number of complaints recorded were for Housing (34), Education (21), Corporate Services (15), Chief Executive's (6), City Development (5) and Environment (3)

More details, including departmental breakdowns, are given in the Appendix. Now that we have begun quarterly reporting, trend information will be shown in tables or graphs in future reports for easier monitoring of trends.

5.2 To put the number of formal complaints received into context, the Council manages a huge volume of transactions with customers. For example, we:

- manage over 13,000 Council houses and relet over 1,400 of these each year
- carry out around 55,000 repairs each year and deal with over 1,500 reports of anti-social behaviour
- bill around 74,000 domestic properties for Council Tax and issue approximately 350,000 Council Tax bills and reminder notices, not including benefit notifications and other letters which would take the total number of Revenues transactions to over 600,000
- educate over 17,000 pupils and process nearly 1,500 placing requests
- process over 4,000 free school meal and clothing grant applications and over 600 applications for Education Maintenance Allowance
- undertake over 7 million uplifts of residual waste and recycles from over 135,000 properties every year
- carry out around 800 food inspection visits, 600 occupational health and safety visits and 7,000 pest control visits

However, it must also be acknowledged that not all expressions of dissatisfaction are recorded as formal complaints e.g. customers may choose instead to ask councillors to take up their case or use other procedures such as appeal processes and insurance claims, or raise service delivery issues such as late repairs or missed services which are simply resolved without any formal response. The Council also carries out a range of customer feedback processes to inform managers of where there are opportunities to make improvements.

6. **QUALITY CHECKS**

6.1 As reported to Committee in June, a new procedure has been introduced which involves a Complaints Review Group, made up of complaints administrators from a number of departments and officers concerned with performance and improvement from the Chief Executive's Department, meeting on a quarterly basis to review a sample of complaints. The group's remit is to consider:

- was the complaint correctly recorded on the electronic system?
- was the complaint responded to in a reasonable time?
- was the complaint investigated to a reasonable degree to establish the root cause?
- was there evidence that the complainant was satisfied?
- was the message given to the complainant satisfactory from the perspective of the Council's values?
- was a lesson learned from the complaint that can be generalised and a better practice adopted?

6.2 The group held further meetings in July 2013 and reviewed in detail a random sample of complaints closed during the period from April to June. The group found that, in general, complaints are still being recorded, investigated and responded to well. As in the first six months of using the new procedure, they found some cases where complaints took longer than ideally would have been the case, without any evidence that complainants had been contacted to keep them informed of progress in the meantime, and some cases where complainants had not been given information on how to escalate their complaint if they were still unhappy. The importance of dealing with complaints quickly, keeping complainants informed and advising complainants what to do if still dissatisfied has now been reinforced in further guidance issued to staff in August and it is expected that performance in these areas will improve in future.

6.3 Among the process improvement issues arising from the group's review of the sample of complaints were:

- arrangements to answer phones should be reviewed to ensure that everyone likely to be called by a member of the public has their calls forwarded if unavailable or has answerphone facilities
- systems to process large numbers of forms should be reviewed to ensure these are processed in date order to avoid delays or are processed on receipt
- a service request by a member of the public may be misdiagnosed. Departments should consider the need for training for staff receiving calls (e.g. technical knowledge, questioning skills) to help them correctly identify what needs done and by whom, and should issue guidance to staff on how to deal with or pass on tasks allocated to them which turn out not to be their individual responsibility
- some complaints reviewed suggest that processes would benefit from a STEP review (the Council's approach to process improvement based on 'systems thinking' principles). In future, the complaints review group will generate a list of complaints in each period which, in its opinion, would benefit from a STEP review if not already referred to by the investigating officer. These will be referred to the trained STEP mentors in each department for inclusion in their programme

6.4 In addition to the sample of cases reviewed by the group, departments themselves are asked to identify improvements arising from complaints by completing a 'planned service improvements' field when closing off complaints. A number of these involved speaking to individuals and teams to remind them of procedures, customer care standards etc, but examples of process improvements recorded include:

- door closers adjusted at a neighbourhood centre to slow down the speed of a door
- more prominent ID to be worn by officers who may be required to issue a fixed penalty notice
- repairs liaison group established, comprising operational staff looking at service failings identified through complaints to develop improvements
- improvements to procedures for communications between schools and parents
- Education are to undertake a review of the nursery enrolment process

7. **SATISFACTION WITH THE COMPLAINTS PROCESS**

7.1 Part of the performance management framework required by the Scottish Public Services Ombudsman is that the Council reports on a measure of customer satisfaction with the complaints process. To achieve this, a satisfaction survey was issued in July

2013 to all those recorded as having made a complaint which had been closed between 1 April and 30 June. 19 completed questionnaires were returned by the deadline given. A further 7 questionnaires from people who had made complaints closed in the period to 31 March, which arrived after the deadline for inclusion in the last report, have also been included in the latest analysis.

7.2 The key results are shown in the table below. The figures from the previous survey (covering complaints closed between October 2012 and March 2013) are given in brackets below the latest figures. In future, this trend information will be shown graphically as more data becomes available.

7.2.1 How satisfied or dissatisfied were you with:

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	No Answer
The information on how to make a complaint (e.g. our complaints procedure leaflet or the information on our website)	12% (10%)	31% (37.5%)	31% (25%)	12% (7.5%)	15% (20%)	0% (0%)
The way you were treated by the staff who handled your complaint (e.g. their politeness)	19% (12.5%)	31% (22.5%)	8% (15%)	15% (27.5%)	23% (20%)	4% (2.5%)
The time taken to deal with your complaint	4% (5%)	23% (10%)	8% (12.5%)	15% (22.5%)	46% (47.5%)	4% (2.5%)

7.2.2 Throughout the process, were you:

	Yes	No	No answer
Kept up-to-date with progress on your complaint if it took longer than 5 working days to give you a full response	31% (25%)	65% (70%)	4% (5%)
Given information that was clear and easy to understand	42% (45%)	54% (47.5%)	4% (7.5%)
Told who to contact if you had any queries, or if you were unhappy with the decision	54% (50%)	42% (45%)	4% (5%)

7.2.3 Even if you did not get the outcome you wanted from your complaint, how satisfied were you that:

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	No Answer
Your complaint was taken seriously by the Council	12% (10%)	19% (17.5%)	15% (12.5%)	8% (20%)	38% (40%)	8% (0%)
You were given a clear explanation of the reasons for the Council's decision	12% (5%)	15% (15%)	23% (10%)	15% (25%)	27% (42.5%)	8% (2.5%)

- 7.3 Given that the survey sample consisted entirely of people who had made complaints about the Council, the majority of which were not upheld, it is perhaps not surprising that there are fairly high levels of dissatisfaction. 58% of those who responded to the survey said they did not get the outcome they wanted from the complaint, and it is recognised to be very difficult to get complainants to comment objectively on the complaints process, as distinct from the outcome, where their complaint was not upheld or did not result in the action they wanted.
- 7.4 Nevertheless, further guidance has been issued to staff on handling complaints to emphasise the importance of responding on time to complaints, keeping complainants informed where an early resolution is not possible, giving clear information and explanations and advising who complainants should contact if they remain dissatisfied. It is hoped that this will increase the % of complainants who acknowledge that the process of dealing with their complaint was satisfactory even if they did not get the outcome they desired.
- 7.5 Satisfaction surveys will continue to be issued to complainants on a quarterly basis so that trends in the results can continue to be reported to Committee.

8. **INTERNAL AUDIT REVIEW**

- 8.1 As reported to Committee in June, Internal Audit carried out a review of the Council's complaints handling procedure as part of the 2012/13 Internal Audit Plan. The principal conclusion from the review was that there was basically a sound system of control but some areas where improvements could be made.
- 8.2 In particular the report recommended that steps should be taken to incorporate a link to the Council's complaint handling procedures on the front page of the website. The report also recommended that completion of the 'planned service improvements' field within the complaints recording database should be made mandatory and that standardised templates for responding to complaints should be compiled and included within staff guidance. In addition, to ensure that complaints are addressed within the target timescales and that the complaint handling procedures are followed, independent periodic checks of a sample of completed complaints should be performed.
- 8.3 Some work has still to be done on induction and refresher training for staff. Otherwise, all of the recommendations in the Audit report have now been implemented.

9 **FURTHER STAFF GUIDANCE AND TRAINING**

- 9.1 Both the internal audit review and the sample check by the Complaints Review Group have confirmed that the Council has a good approach to handling complaints. Complaints are being recorded and investigated and there are many examples of excellent responses to complainants and of lessons being learned from complaints in order to improve services.
- 9.2 However, in response to the areas for improvement highlighted by the performance statistics, quality checking, satisfaction surveys and internal audit review, further guidance was issued in August 2013 to officers dealing with complaints. This emphasised the importance of responding quickly to complaints, keeping complainants informed of progress, providing information on how to escalate complaints, recording details of responses made to complainants, following up action agreed as part of resolving complaints, and fully recording service improvements planned as a result of complaints. Examples of good practice responses to complaints were also included as part of this guidance. The following matters of good practice, identified by the complaints review group, were also covered in the staff guidance:

- officers responding to complaints should ensure they address all aspects of the complaint and record their response to each point on the complaints system

- visits, meetings and phone calls can be a good way to respond to complaints, particularly where complex issues are involved. However, if a letter is not to be sent, officers should keep a note of the visit, meeting or call to show that all the issues have been addressed and that the complainant was advised of their right to escalate the complaint if dissatisfied
- responses to upheld complaints should include a clear apology where we have got things wrong and a clear statement of the action which will be taken as a result of the complaint
- complaints escalated to stage two should be fully reviewed by a more senior officer, and it should be clear from the language of the second stage response that this has been done
- careful consideration needs to be given to the timing of closing off complaints where action has still to be taken to ensure the complaint has been fully addressed. If the complaint was simply that a need (for a service, repair etc) has not been assessed, then it may be appropriate to close off the complaint once a visit, inspection etc has been arranged to make that assessment. But in other cases there may be a need to make a decision or take further action before the complaint can be said to have been properly addressed

9.3 It is also proposed to arrange in-house training sessions on complaint investigation skills for appropriate staff, covering issues such as planning an investigation, evaluating evidence and communicating decisions. These are being planned for October/November 2013.

10 ANNUAL LETTER FROM SCOTTISH PUBLIC SERVICES OMBUDSMAN

10.1 The annual letter from the Scottish Public Services Ombudsman, providing statistics about complaints to the SPSO about the Council, was received on 4 September 2013.

10.2 29 complaints were received by the Ombudsman in 2012/13, down from 36 in 2011/12. Of the 29 complaints, 9 were about Housing, 6 about Social Work, 3 about Education, 3 about Roads and Transport, 1 about Legal and Administration and 7 unknown. The total number of complaints received represents 1.9% of those received by the Ombudsman about local authorities, compared to 2.4% in 2011/12.

10.3 Of the 28 complaints determined, 15 are recorded as being premature, 5 no decision reached, and 3 as out of jurisdiction. Of the 5 which went to resolution/investigation, only 1 was partially upheld and the others were not upheld.

11. POLICY IMPLICATIONS

11.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality and Risk Management. There are no major issues.

11.2 The complaints recording system includes a feature that asks complaint handlers to identify whether or not the complaint related to any equalities issue – age, disability, gender, LGBT, race or religion. In the period from 1 April to 30 June 2013, one complaint was identified as relating to an equalities issue (disability). The details have been brought to the attention of the Council's Equality and Diversity Co-ordinator.

12. **CONSULTATIONS**

The Director of Corporate Services, Head of Democratic and Legal Services and all chief officers have been consulted in the preparation of this report.

13. **BACKGROUND PAPERS**

None.

David K Dorward
Chief Executive

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16/09/2013

APPENDIX

BREAKDOWN OF PERFORMANCE DATA ON INDICATORS SPECIFIED BY THE SCOTTISH PUBLIC SERVICES OMBUDSMAN

SPSO report (1/4/2013 to 30/6/2013) (Corporate Services - Revenues and Customer Services)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	15	100.0	10	66.7	6	40.0	7	46.7	8	53.3	6.3

SPSO report (1/4/2013 to 30/6/2013) (Chief Executive - Corporate)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	3	75.0	3	100.0			2	66.7	1	33.3	2.1
Investigation	1	25.0	1	100.0					1	100.0	3.1

SPSO report (1/4/2013 to 30/6/2013) (Education Department)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	19	99.5	7	36.8	3	15.8	8	42.1	11	57.9	8.9
Investigation	2	9.5	1	50.0	1	50.0			2	100.0	20.4

SPSO report (1/4/2013 to 30/6/2013) (Housing)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	29	85.3	15	51.7	6	20.7	15	51.7	14	48.3	10.4
Investigation	5	14.7	5	100.0			1	20.0	4	80.0	13.7

SPSO report (1/4/2013 to 30/6/2013) (Environment)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	3	100.0			3	100.0	1	33.3	2	66.7	16.2

SPSO report (1/4/2013 to 30/6/2013) (City Development)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	5	100.0	4	80.0			2	40.0	3	60.0	6.2

SPSO report (1/4/2013 to 30/6/2013) (Chief Executive - Communities and Policy)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	2	100.0	1	50.0	1	50.0	2	100.0			6.3

SPSO report (1/4/2013 to 30/6/2013) (Totals)

Stage Description	Total		Within Target		With Extension		Upheld		Not Upheld		Average Days to Resolve
	Count	%age	Count	%age	Count	%age	Count	%age	Count	%age	
Frontline (inc Stage 1)	77	90.6	41	53.2	19	24.7	37	48.1	40	51.9	8.7
Investigation	8	9.4	7	87.5	1	12.5	1	12.5	7	87.5	14.0