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**Report to Audit Committee**

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**Date of Meeting: 5<sup>th</sup> December 2019**

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**Subject: Annual Complaints Report 2018/19**

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**Report by: Senior Manager, Legal and Governance**

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**1.0 Purpose**

- 1.1. This report presents an overview of performance in relation to complaints handling during 2018/19.

**2.0 Recommendations**

- 2.1. It is recommended that Committee note, comment on and challenge the performance of Council services in handling complaints.

**3.0 Considerations**

- 3.1. Complaints are central to corporate governance. As well as providing valuable feedback about the quality of services, complaints can also provide an early warning of critical or systemic service failures.
- 3.2. According to the Scottish Public Services Ombudsman (SPSO):
- 3.3. “Handled well, complaints provide a low cost and important source of feedback and learning for organisations to help drive improvement and restore a positive relationship with customers who feel let down by poor service. Handled badly, they erode public confidence and trust in public services.”
- 3.4. It is important therefore that our organisation culture recognises and truly values complaints - *Be the customer*.

**Complaints Handling Procedure**

- 3.5. Our Complaints Handling Procedure (CHP) mirrors the SPSO Local Authority Model Complaints Handling Procedure, which was introduced in 2012. Local authorities have a duty to comply with the SPSO model (there are also variants for Social Work and Integrated Joint Boards). Compliance is monitored by Audit Scotland in conjunction with the SPSO and in line with the principles of the Shared Risk Assessment arrangements.

- 3.6. The CHP applies to all complaints received by the Council, and consists of 2 stages:

Stage one (frontline response) aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

Stage Two is appropriate where:

- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage;
- the complaint is not simple and straightforward and therefore requires investigation; or
- the complaint relates to a serious, high-risk or high-profile issue

- 3.7. If, after the Council has fully investigated the complaint, the customer is still not satisfied with the decision or the way the Council has dealt with the complaint, then it can be referred on to the SPSO.

- 3.8. Under the model CHP, councils are required to publish annual performance information against a number of indicators, including complaint volumes, outcomes and timeliness. They are also required to show how they are learning from complaints by:

- identifying the root cause of complaints;
- taking action to reduce the risk of recurrence;
- recording the details of corrective action taken, and
- systematically reviewing complaints performance to improve service delivery.

- 3.9. The Complaints Performance Report for 2018/19 is shown in appendix 1.

### **Improvement Actions**

- 3.10. Dealing with complaints can be time consuming, so it is essential that administrative processes underpinning our CHP are as efficient as possible. To this end, a business case has been drafted for the replacement of our existing IT system for handling complaints, Councillor and MP enquiries, and Freedom of Information requests. This will make it easier to ensure that complaints are being captured, that they are being processed efficiently and that we are learning from them.

- 3.11. Our relatively low rate of complaints received per hundred thousand population (see Appendix, table 1), suggests that we may not be capturing all complaints. We are enhancing training in complaints identification and handling to try to ensure that complaints are being recorded and dealt with appropriately.

- 3.12. The SPSO is to issue a revised MCHP for local authorities in December 2019, for implementation April 2020. The revised MCHP combines and revises the previous (separate) local authority and Social Work MCHPs.

#### 4.0 Sustainability Implications

4.1. There are no sustainability implications arising directly from this report.

#### 5.0 Resource Implications

##### 5.1. *Financial Details*

5.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

5.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

##### 5.4. *Staffing*

#### 6.0 Exempt Reports

6.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

#### 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

Customer Charter

**8.0 Equalities Impact**

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes  No

**9.0 Legality**

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

**10.0 Appendices**

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix: Annual Complaints Performance Report 2018/19

**11.0 Background Papers**

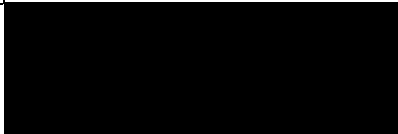
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes  (please list the documents below) No

**Author(s)**

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**Approved by**

NAME	DESIGNATION	SIGNATURE
Lindsay Thomson	Senior Manager Legal & Governance	



# Clackmannanshire Council

## Annual Complaints Performance Report 2018/19

Clackmannanshire Council aims to provide the highest possible quality of service to our customers, but we recognise that sometimes things can go wrong and we fail to meet expectations. We value all complaints and use information from them to help us improve our services.

We manage complaints in line with the Scottish Public Services Ombudsman (SPSO) Local Authority Model Complaints Handling Procedure, which consists of 2 stages:

**Stage 1:** (Frontline Resolution) covers straightforward complaints that require little or no investigation, and should be responded to within 5 working days;

**Stage 2:** (Investigation) concerns complaints that have not been successfully resolved at Stage 1, or more complex or serious complaints that require investigation. Stage 2 complaints should be answered within 20 working days.

The Scottish Public Services Ombudsman has produced guidance on [How to complain about a public service](#).

This report presents the Council's performance in relation to complaints handling from 1st April 2018 until 30th March 2019, against the 8 key performance indicators defined by the SPSO.

### Scottish Public Services Ombudsman Performance Indicators

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**Indicator 1 Complaints received per thousand population**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
1 Number of formal complaints received by the Council per thousand population	3.6	3.6	3.2	10.36

**Indicator 2 Complaints closed at stage one and stage two as a percentage of all complaints closed**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
2a Number of complaints closed at stage one as % all complaints	85.1%	85.8%	86.8%	87.1%
2b Number of complaints closed at stage two as % all complaints	14.9%	14.2%	11.9%	9.7%
2c Number of complaints closed at stage two after escalation as % all complaints	n/a	n/a	1.3%	3.1%

**Indicator 3 Number of complaints upheld/partially upheld/not upheld at each stage as a percentage of complaints closed in full at each stage**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
3a Number of complaints upheld at stage one as % of all complaints closed at stage one	24.2%	21.7%	28.2%	49.7%
3b Number of complaints not upheld at stage one as % of all complaints closed at stage one	46.3%	52.9%	51.1%	34.6%
3c Number of complaints partially upheld at stage one as % of all complaints closed at stage one	29.5%	21.0%	20.6%	14.8%
3d Number of complaints upheld at stage two as % of all complaints closed at stage two	15.4%	21.0%	11.1%	37.5%
3e Number of complaints not upheld at stage two as % of all complaints closed at stage two	61.5%	23.1%	55.6%	44.1%
3f Number of complaints partially upheld at stage two as % of all complaints closed at stage two	23.1%	57.7%	33.3%	18.4%
3g Number of escalated complaints upheld at stage two as % of all escalated complaints closed at stage two	n/a	n/a	0.0%	28.2%
3h Number of escalated complaints not upheld at stage two as % of all escalated complaints closed at stage two	n/a	n/a	100%	47.4%
3i Number of escalated complaints partially upheld at stage two as % of all escalated complaints closed at stage two	n/a	n/a	n/a	24.1%

**Indicator 4 Average time in working days for a full response to complaints at each stage**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
4a Average time in working days to respond to complaints at stage one	7.7	12	5	7.1
4b Average time in working days to respond to complaints at stage two	20.3	33.1	24.7	29.9
4c Average time in working days to respond to complaints after escalation	n/a	n/a	9	23.0

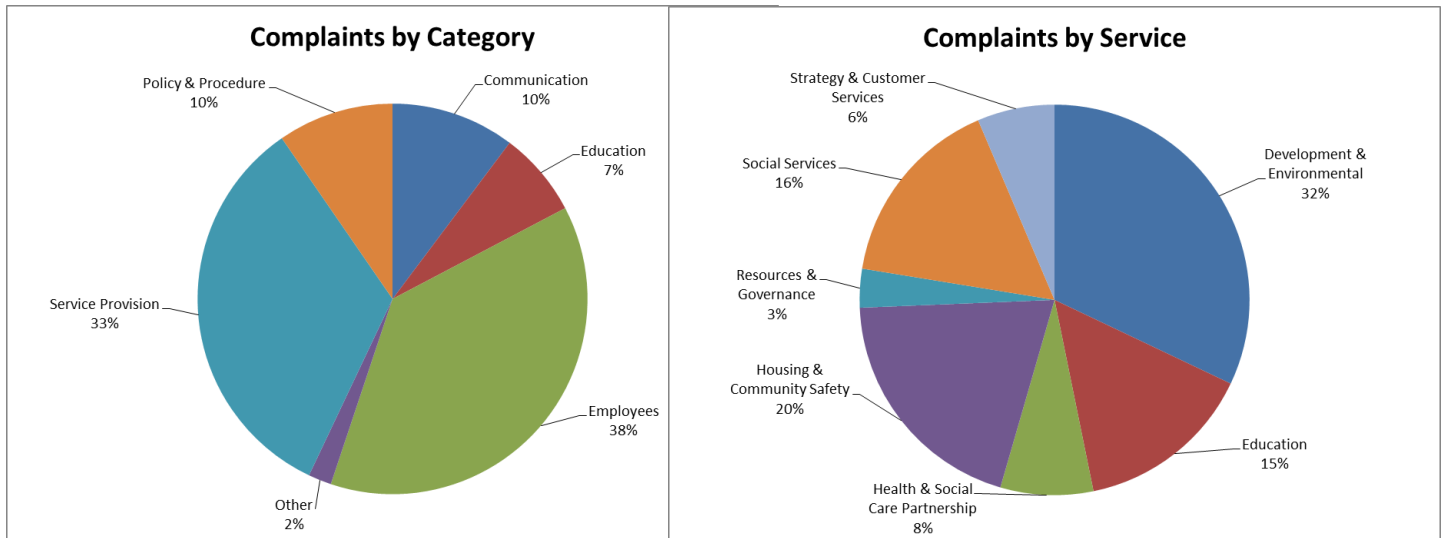
**Indicator 5 Number and percentage of complaints at each stage which were closed in full within the set timescales of 5 and 20 working days**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
5a Number of complaints closed at stage one within 5 working days as % of total number of stage one complaints	69.1%	65.6%	77.1%	65.0%
5b Number of complaints closed at stage two within 20 working days as % of total number of stage two complaints	80.8%	84.6%	50.0%	58.2%
5c Number of escalated complaints closed within 20 working days as a % of total number of escalated stage two complaints	n/a	n/a	100%	67.4%

**Indicator 6 Number and percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised**

Description	2016/17	2017/18	2018/19	
			Clacks	Scotland
6a Number of complaints closed at stage one where extension was authorised, as % all complaints at stage one	6.7%	8.3%	7.6%	3.8%
6b Number of complaints closed at stage two where extension was authorised, as % all complaints at stage two	7.7%	3.8%	27.8%	10.1%

## Why people complain



### Complaints referred to the SPSO

During 2018/19, 8 complaints against Clackmannanshire Council were considered by the SPSO (out of over 1,200 complaints against local authorities). The outcome of the complaints against Clackmannanshire Council were:

#### Complaints received by service

Subject Group	
Education	3
Social Work	4
Subject unknown or Out of Jurisdiction	1
<b>Total</b>	<b>8</b>

#### Outcome of complaints closed

Stage	Outcome Group	
Advice	Not duly made or withdrawn	2
	Premature	1
Early Resolution	Out of jurisdiction (discretionary)	1
	Proportionality	1
<b>Total</b>		<b>5</b>



## **Explanation of terms**

Not duly made or withdrawn	Complaint was withdrawn or resolved, insufficient information provided or contact lost.
Premature	Enquiry or complaint submitted to the ombudsman too early – i.e. before it has completed the Council's complaints process.
Out of jurisdiction	Complaint is outwith the scope of the ombudsman, for legal or technical reasons.
Proportionality	An investigation by the SPSO would be unlikely to achieve any practical benefit. The complaint may have been passed back to the Council.

