



# Complaints Annual Report

2018 | 2019

**EAST AYRSHIRE COUNCIL**  
**COMPLAINTS ANNUAL REPORT 2018/19**

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**October 2019**

## **INTRODUCTION**

1. The Council's Complaints Handling Procedure was introduced on 1 September 2012 and is based on the model developed by the Scottish Public Services Ombudsman (SPSO). It reflects the Council's commitment to valuing complaints and seeks to resolve customer dissatisfaction as close as possible to the point of service delivery.
2. Our aim is to 'get it right first time' with quick, simple and streamlined complaints handling with local, early resolution by capable, well-trained staff.
3. The 2018/19 Annual Complaints Performance report is presented in accordance with the Scottish Public Services Ombudsman's National Performance Framework, which was published in August 2013.

## COMPLAINTS HANDLING PROCEDURE

4. East Ayrshire Council's Complaints Handling Procedure (CHP), which was introduced in September 2012, defines a complaint as being:

***'An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action, or about the standard of service provided by or on behalf of the Council.'***

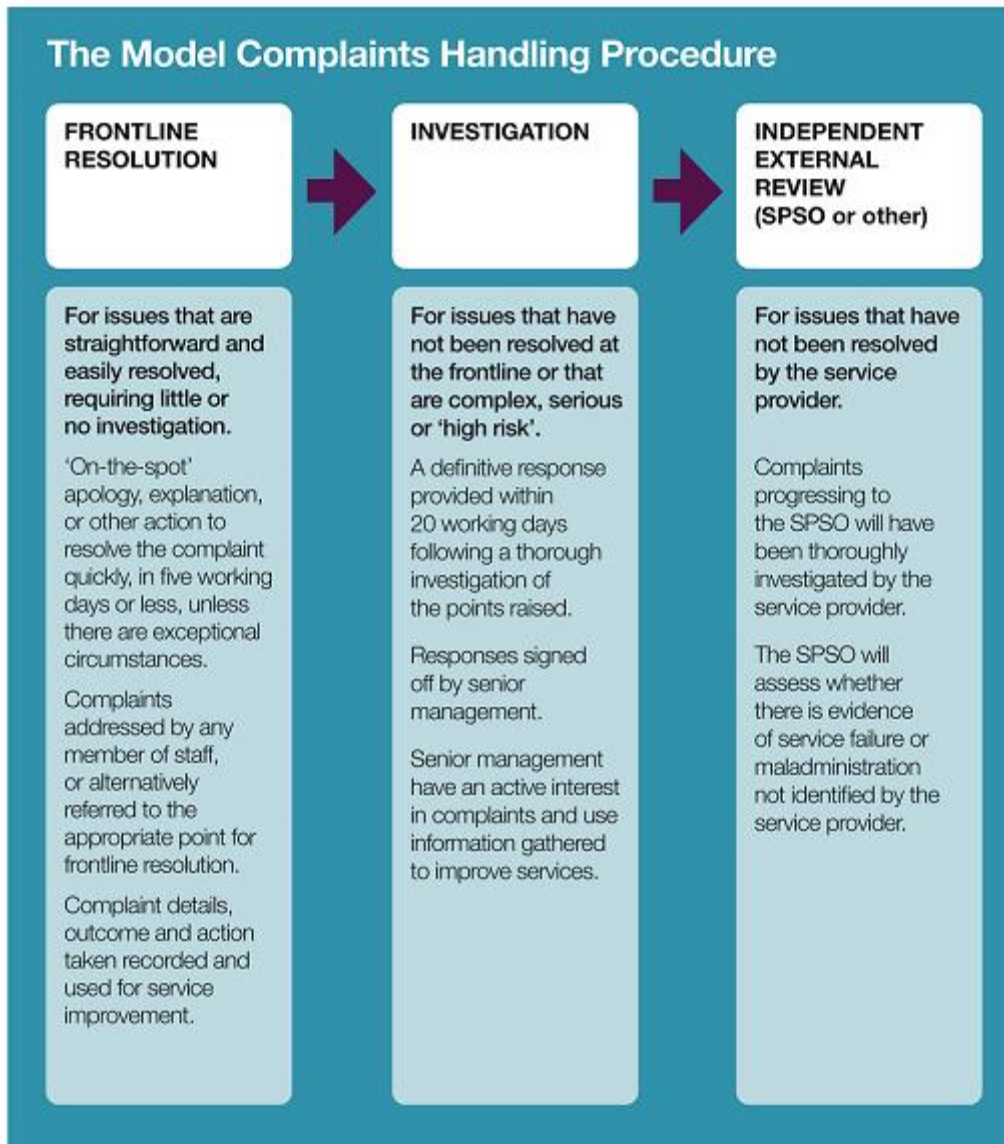
5. Our complaints process provides two opportunities to resolve complaints internally:

### **Stage One: Frontline Resolution**

6. Frontline resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with a complaint at this stage.
7. The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face discussion with the customer, or asking an appropriate member of staff to deal directly with the complaint. Frontline resolution should be completed within five working days.

### **Stage Two: Investigation**

8. Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the Stage Two of the complaints handling procedure are typically complex or require a detailed examination before a position can be agreed. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.
9. An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents the final position. An investigation should be completed within 20 working days, although extensions to this timescale can be required for particularly complex cases.
10. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
11. The following diagram describes the Council's CHP in more detail:



Note: The SPSO does not consider complaints regarding factoring services. These are considered by the Housing and Property Chamber First-Tier Tribunal for Scotland.

12. In support of the CHP, the Council has developed a bespoke Complaints Management System that enables us to record, track and report on complaints information across all Services. The System not only captures details of the nature of complaints but also the action that is taken in response, including improvements made to how the Council delivers services that may have been the subject of a complaint.
13. Monitoring complaints information and the preparation and publication of this Annual Report helps to provide a clear basis for identifying service failures ('learning from complaints') and information on how effectively the Council is handling complaints ('complaints performance').

## NATIONAL PERFORMANCE FRAMEWORK

14. Compliance with the SPSO's local authority model Complaints Handling Procedure is monitored by Audit Scotland in conjunction with the SPSO.
15. The complaints performance data contained within this report also informs the Council's Annual Public Performance Report, which summarises the Council's performance in relation to Statutory Performance Indicators as well as progress and achievements on partnership activity with our Community Planning Partners.
16. The implementation of the SPSO's model CHP by local authorities means that all councils are required to record, report and publish information on all the complaints they receive, providing significant opportunities for councils to identify service improvements from data that was previously unrecorded.
17. Local authorities are required to monitor and assess complaints handling data to provide assurance in relation to their performance, to facilitate continuous improvement and to assist in benchmarking between local authorities.
18. The SPSO, in conjunction with local authorities, has developed a suite of high level performance indicators against which local authorities should assess and monitor their complaints handling performance in relation to the model CHP. The information provided below details East Ayrshire Council's performance in 2018/19. For comparison purposes, the performance information relating to previous years is also provided.

### **Indicator 1 – The total number of complaints closed per thousand population.**

19. This indicator records the total number of complaints received by the Council. This is the sum of the number of complaints received at Stage One (frontline resolution) and the number of complaints received at Stage Two (investigation).

	<b>Total number of complaints closed</b>	<b>Population</b>	<b>Number of complaints by 1,000 population</b>
<b>2014/15</b>	104	122,440	<b>0.85</b>
<b>2015/16</b>	92	122,130	<b>0.75</b>
<b>2016/17</b>	139	122,060	<b>1.14</b>
<b>2017/18</b>	116	122,200	<b>0.95</b>
<b>2018/19</b>	97	121,940	<b>0.80</b>

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

20. The term “closed” refers to a complaint that has had a response sent to the customer and at the time no further action is required (regardless at which stage it is processed).

	<b>Number of Complaints Closed and as % of all Complaints</b>		
	<b>Stage 1</b>	<b>Stage 2</b>	<b>Escalated*</b>
<b>2014/15</b>	82 78.8%	7 6.7%	15 14.4%
<b>2015/16</b>	75 81.5%	12 13.0%	5 5.4%
<b>2016/17</b>	115 82.7%	11 7.9%	13 9.4%
<b>2017/18</b>	83 71.6%	16 13.8%	17 14.7%
<b>2018/19</b>	62 63.9%	15 15.5%	20 20.6%

\*This relates to complaints “escalated” from the frontline resolution to the investigation stage.

**Indicator 3** – The number of complaints upheld, partially upheld or not upheld at each stage as a percentage of complaints closed in full at each stage.

21. This indicator records the formal outcome recorded for each complaint.

	Number of Complaints Closed			Number of complaints upheld and as % of all complaints closed			Number of complaints partially upheld and as % of all closed			Number of complaints not upheld and as % of all complaints closed		
	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*
<b>2014/15</b>	82	7	15	19 23.2%	0 0.0%	4 26.7%	19 23.2%	4 57.1%	4 26.7%	44 53.7%	3 42.9%	7 46.7%
<b>2015/16</b>	75	12	5	12 16.0%	2 16.7%	1 20.0%	16 21.3%	3 25.0%	4 80.0%	47 62.7%	7 58.3%	0 0.0%
<b>2016/17</b>	115	11	13	24 20.9%	0 0.0%	1 7.7%	26 22.6%	5 45.5%	5 38.5%	65 56.5%	6 54.5%	7 53.8%
<b>2017/18</b>	83	16	17	12 14.5%	3 18.8%	1 5.9%	17 20.5%	4 25.0%	6 35.3%	54 65.1%	9 56.3%	10 58.8%
<b>2018/19</b>	62	15	20	18 29.0%	1 6.7%	2 10.0%	10 16.1%	6 40.0%	10 50.0%	34 54.8%	8 53.3%	8 40.0%

**Indicator 4** – The average time in working days for a full response to complaints at each stage.

22. This indicator represents the average time in working days to close complaints at Stage One and at Stage Two of the CHP.

	Number of working days for all complaints closed			Number of complaints			Average time in working days to respond to complaints		
	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*
<b>2014/15</b>	837	258	389	82	7	15	10.2	36.9	25.9
<b>2015/16</b>	746	358	129	75	12	5	9.9	29.8	25.8
<b>2016/17</b>	969	261	341	115	11	13	8.4	23.7	26.2
<b>2017/18</b>	491	336	364	83	16	17	5.9	21.0	21.4
<b>2018/19</b>	372	429	365	62	15	20	6.0	28.6	18.3

\*This relates to complaints “escalated” from the frontline resolution to the investigation stage.



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

23. This indicator presents the number and percentage of complaints closed within 5 working days at Stage One and 20 working days at Stage Two.

	Number of complaints closed			Number of complaints closed within 5 working days for Stage 1 and 20 working days for Stage 2 and escalated complaints, including %.		
	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*
<b>2014/15</b>	82	7	15	36 43.9%	1 14.3%	6 40.0%
<b>2015/16</b>	75	12	5	38 50.7%	3 25.0%	2 40.0%
<b>2016/17</b>	115	11	13	64 55.7%	7 63.6%	9 69.2%
<b>2017/18</b>	83	16	17	65 78.3%	10 62.5%	11 64.7%
<b>2018/19</b>	62	15	20	43 69.4%	10 66.7%	20 100.0%

\*This relates to complaints “escalated” from the frontline resolution to the investigation stage.

**Indicator 6** – The number and percentage of complaints at each stage where an extension to the 5 or 20 working days timeline has been authorised.

24. The Council’s CHP allows for an extension to the timescales to be authorised in certain circumstances.

	Number of complaints closed			Number of complaints closed where an extension had been authorised, including %.		
	Stage 1	Stage 2	E*	Stage 1	Stage 2	E*
<b>2014/15</b>	82	7	15	7 8.5%	3 42.9%	5 33.3%
<b>2015/16</b>	75	12	5	2 2.7%	5 41.7%	3 60.0%
<b>2016/17</b>	115	11	13	10 8.7%	4 36.4%	2 15.4%
<b>2017/18</b>	83	16	17	9 10.8%	4 25.0%	5 29.4%
<b>2018/19</b>	62	15	20	8 12.9%	3 20.0%	0 0.0%

\*This relates to complaints “escalated” from the frontline resolution to the investigation stage.

**Indicator 7** – A statement to report customer satisfaction with the complaints service.

25. This indicator is being considered as part of the SPSO's review of the model Complaints Handling Procedure that commenced in 2018 and, therefore, no measure of customer satisfaction is available for 2018/19.

**Indicator 8** – A statement outlining changes or improvements to services or procedures as a result of the consideration of complaints.

26. This qualitative indicator is intended to identify service improvements that were derived from complaints during the reporting period.
27. The Council records relevant service improvements within the Complaints Management System and these are reported regularly to Elected Members through the Council's East Ayrshire Performs report, which is presented to both the Council's Cabinet and the Governance and Scrutiny Committee and are available to the public from the Council's website. In addition, complaints performance data, including improvement actions, are considered routinely at Departmental Management Team meetings.
28. The following is a summary of some of the service improvements arising from complaints that were recorded in 2018/19.
- Strengthened administrative arrangements in Council Tax processing.
  - Guidance developed in respect of complaints and disputes between home owners and property factors, including reference to the role of the First-tier Tribunal for Scotland (Housing and Property Chamber).
  - Strengthened objector notifications processes in the planning service.
  - Improvements to the Council's processes for the management and handling of void properties.
  - Complaints Management System improvements to further strengthen performance reporting and monitoring.
29. In addition to the improvements noted above, the Council continues to participate in the Scottish Complaint Handlers Network, which, with the support of the Scottish Public Services Ombudsman and the Complaints Standards Authority, seeks to drive improvement activity at a national level.

## **CASE STUDIES**

30. Case studies are an effective way of illustrating how a complaint can have an impact on an individual and also lead to wider change or improvements in how services are delivered. The following anonymised case studies provide examples of some of the issues that have been dealt with by the Council under its CHP over the last year.

### **Case Study 1:**

Mr X complained to the Council after an elderly relative was allocated two separate Council properties for rental, but the properties were not, in the family's view, in an acceptable condition for tenants. The family were unhappy with this situation and also with the way that their concerns had been handled by Council officers.

The Stage Two complaint was fully upheld and a number of areas for improvement were identified in relation to the Council's handling of void properties and procedural changes were implemented by the Service, even before the Stage Two investigation was concluded. In response to the complex issues raised, an independent external body was asked to undertake a scrutiny exercise in relation to the Council's void processes, to ensure that there would be no repeat of the situation encountered by Mr X's family. Learning points in relation to the internal application of the Council's complaints procedure were also identified and actioned.

### **Case Study 2:**

Mr X and Mrs Y complained to the Council regarding proposed common works by the Council's Factoring Service to a block of houses, some of which were owned by the Council and some which were privately owned. The complainants also highlighted issues in relation to flooding at a common area to the rear of their property.

The investigation involved gathering information on previous repairs to the block, reviewing historic communication with residents of the block and the legal rights of the Factoring Service to undertake repairs.

The complaint was not upheld because the investigation found that the Factoring Service had carried out regular inspections of the block in question and that the Council had acted appropriately when instructing the repairs under the Deeds of Condition for the properties.

### **Case Study 3:**

As objectors to a proposed new development, Mr and Mrs X complained to the Council about how the related planning application process had been carried out by the Council.

The complainants raised a number of concerns, including what they felt was an unnecessary delay in the publication of their objection. They also stated that the Planning Service had made a number of administrative errors during the process. They expressed a viewpoint that the Council had acted unfairly, suggesting the process was biased against them.

A detailed investigation was carried out and no evidence was found to support the substantive issues raised. However, the review did find that the delay in publishing the complainant's objection was unnecessary and, as a result, steps were taken to accelerate this process. An apology was also issued for the administrative errors, which the Council acknowledged had caused unnecessary confusion and could have been avoided.

#### **Case study 4:**

Mr X complained to the Council about its handling of his application for a Council Tax exemption.

The Stage Two complaint was partially upheld, the Council recognising that there had been communication failings during the processing of the original exemption application.

Although these failings had already been acknowledged in the Council's Stage One response, and steps taken to redress the situation, Mr X remained dissatisfied and this was raised as part of the Stage Two complaint.

This element of the complaint was not upheld, as the investigation found that the Revenues and Benefits team had taken appropriate action to resolve the situation.

The complainant subsequently escalated this matter to the SPSO but this was not taken further, as the SPSO recognised that the investigation undertaken by the Council was done to an appropriate standard and a proportionate response had been provided to the complainant.

#### **SPSO ANNUAL STATISTICS 2018/19**

31. The numbers of complaints about the Council considered and determined by the SPSO during 2018/19 are presented within the table at the Appendix included in this report along with comparative information from previous years.
32. The number of complaints about the Council received by the SPSO prematurely (before the complainant had exhausted the Council's complaints handling process) has fallen to the lowest level since the SPSO started recording such data in 2004/05. The number of premature complaints received by the SPSO about the Council in 2018/19 fell to 12% (3 complaints), compared to 27.8% (5 complaints) in 2017/18, and was below the Scottish average of 23.5%, compared to 28.1% in 2017/18.
33. In 2018/19, the SPSO fully upheld one complaint and partly upheld another complaint against the Council. The first complaint, from June 2018 related to a neighbour dispute and anti-social behaviour with the Council complying in full with the recommendations made by the SPSO.

34. The second complaint, that was partly upheld, related to repairs and maintenance to a roof and chimney area that was shared between the complainant's property and a Council property. The SPSO found that the Council had delayed in gaining access to the property to inspect for water ingress and that the delay was unreasonable. The Council had acknowledged the delay and apologised to the complainant.

### **SOCIAL WORK COMPLAINTS**

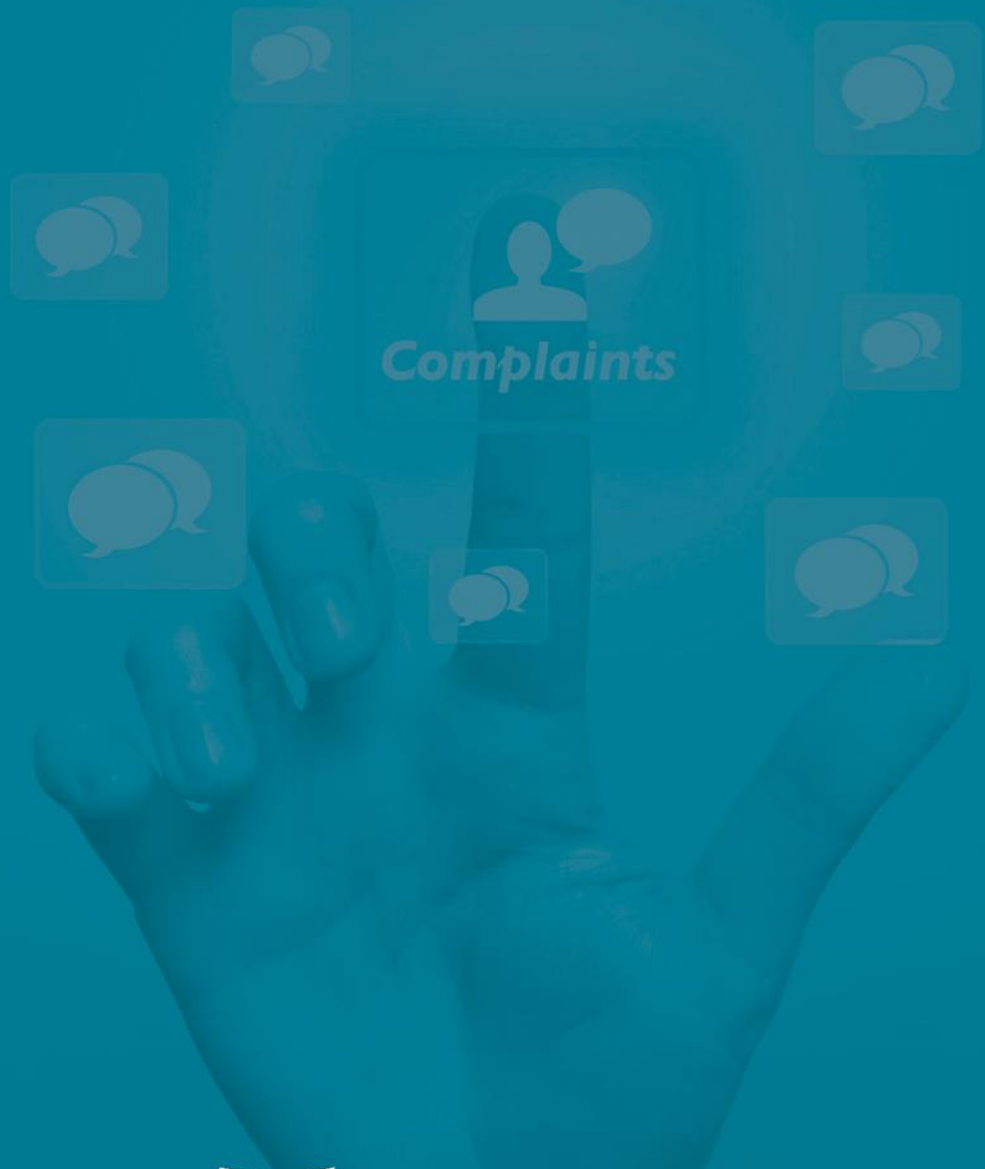
35. A new procedure for dealing with complaints about Social Services was introduced on 1 April 2017 and follows the same two-stage model complaints handling procedure that applies to complaints received by the Council. Performance reporting under these new arrangements is achieved through the Integrated Joint Board (IJB) as part of the Health and Social Care Partnership's established governance arrangements.
36. For the reporting period of 1 April 2018 to 31 March 2019, 130 complaints were received by the Health and Social Care Partnership. The [Annual Complaints Report](#) for the Health and Social Care Partnership was presented to the meeting of the Integrated Joint Board on 19 June 2019.

### **CONCLUSION**

37. This Annual Complaints Report for the Council complies with the SPSO's requirement to publish complaints performance information and also reiterates the Council's commitment to valuing complaints. Importantly, the Report captures a number of the improvements to Council services that have been derived from complaints and demonstrates our continued determination to 'get it right first time'.

## East Ayrshire Council: Complaints considered and determined by the SPSO

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
<b>Total Number of Referrals</b>	20	16	21	41	25	52	44	35	27	36	29	29	25	18	25
<b>Premature – EAC</b>	16 (80%)	13 (81%)	14 (67%)	17 (42%)	21 (84%)	38 (73%)	22 (50%)	21 (60%)	15 (55%)	19 (53%)	22 (75%)	16 (55%)	18 (72%)	5 (27.8%)	3 (12%)
<b>Premature – Scotland</b>	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%	38%	36%	28.1%	23.5%
<b>Investigation Stage – Outcomes</b>															
<b>Fully Upheld</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
<b>Partly Upheld</b>	1	-	-	-	-	-	-	-	1	-	1	-	-	-	1
<b>Not Upheld</b>	-	-	1	4	-	-	3	1	1	-	-	-	-	-	-



**Complaints**



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