



Complaints Annual Report

2020 | 2021

**EAST AYRSHIRE COUNCIL
COMPLAINTS ANNUAL REPORT 2020/21**

CONTENTS

	PAGE
Introduction	3
Complaints Handling Procedure	4
National Performance Framework	6
Case Studies	11
SPSO Annual Statistics 2020/21	13
Social Work Complaints	13
Conclusion	13
Appendix	14

August 2021

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 and local, early resolution by capable, well-trained staff.
3. This 2020/21 Annual Complaints Performance Report is presented in accordance with the Scottish Public Services Ombudsman's National Performance Framework, which was published in August 2013.
4. Although a revised national model Complaints Handling Procedure has been developed by the SPSO, to be implemented by all local authorities by 1 April 2021, this report relates to the procedures as they were during the 2020/21 reporting year. Future reports will reflect the implementation of the revised CHP and the updated national performance framework which is being developed to support this.
5. The performance information presented within this report also relates to the height of the Covid-19 pandemic. Lockdown impacted on services across the Council, which were refocused to ensure the maintenance of essential service provision and support for our communities, with a focus on the most vulnerable. There were also significant changes to working practices, with a rapid and unprecedented shift to home working for the majority of Council staff.
6. Throughout this time, complaints continued to be received and managed through our established processes and, as will be demonstrated later in this report, the learning from these helped us to continue to strengthen and improve services. In addition, arrangements were also put in place to allow the effective introduction of the revised CHP by the required date of 1 April 2021.

COMPLAINTS HANDLING PROCEDURE

7. This annual performance report relates to East Ayrshire Council's Complaints Handling Procedure (CHP), which was introduced in September 2012 and which 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.'

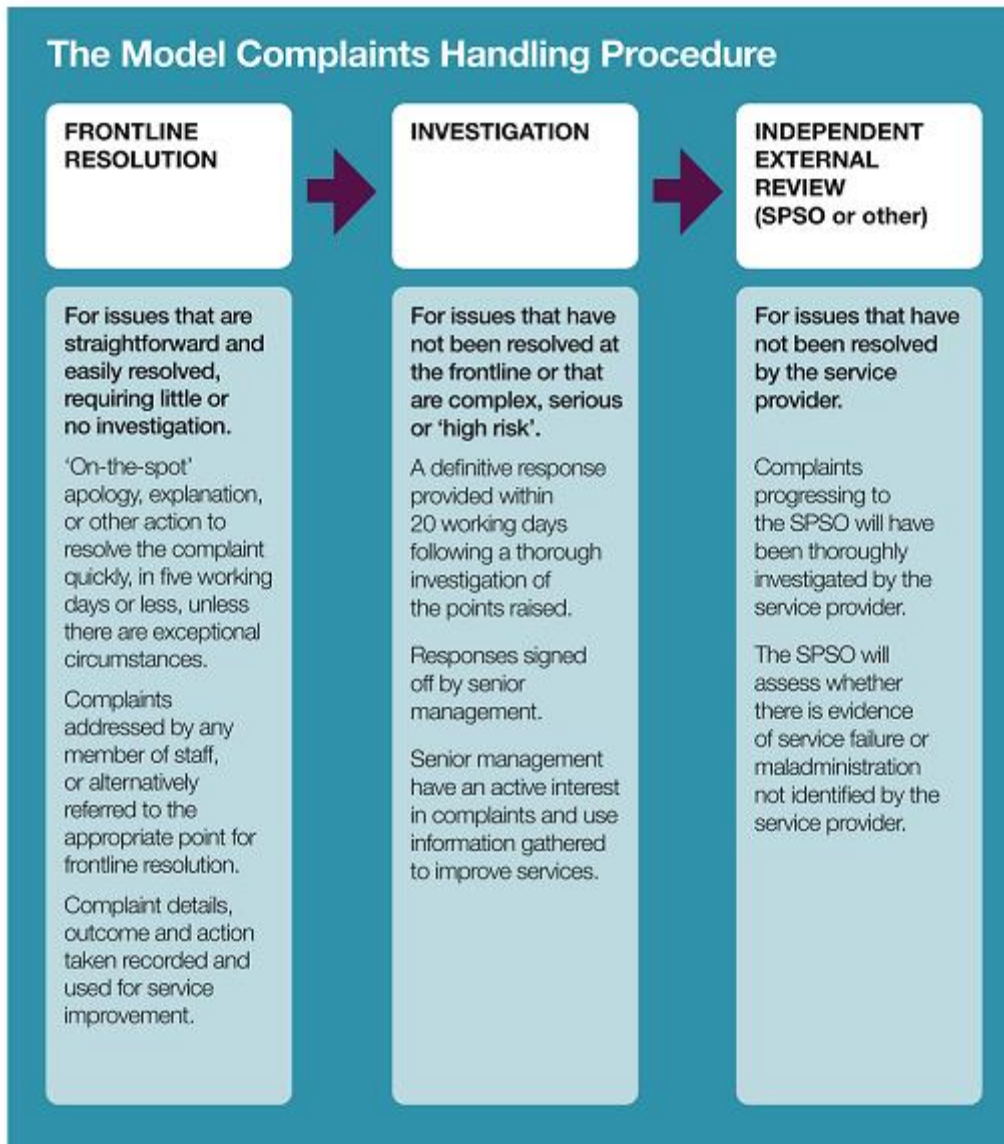
8. This complaints process provides two opportunities to resolve complaints internally:

Stage One: Frontline Resolution

9. 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.
10. 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

11. 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.
12. 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.
13. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
14. The following diagram describes the Council's CHP, relevant to 2020/21, 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.

Note 2: This diagram represents the CHP as it was in effect during the 2020/21 reporting year. Our CHP has since been adapted to meet the requirements of the new Model CHP which was introduced with effect from 1 April 2021.

15. 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.
16. 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

17. Compliance with the SPSO's local authority model Complaints Handling Procedure is monitored by Audit Scotland in conjunction with the SPSO.
18. 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.
19. 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.
20. 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.
21. The SPSO, in conjunction with local authorities, 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.
22. The national performance framework, originally published in August 2013, is currently being updated to reflect the revised CHP which came into effect from 1 April 2021. This report has however been prepared in accordance with the requirements of the original (2013) Scottish Public Services Ombudsman's National Performance Framework.
23. On this basis, the information provided below details East Ayrshire Council's performance in 2020/21. For comparison purposes, the performance information relating to previous years is also provided.

Indicator 1 – The total number of complaints received per thousand population.

24. 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).

	Total number of complaints received	Population	Number of complaints by 1,000 population
2016/17	139	122,060	1.14
2017/18	116	122,200	0.95
2018/19	97	121,940	0.80
2019/20	121	121,840	1.0
2020/21	115	122,010	0.9

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

25. 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).

	Number of Complaints Closed and as % of all Complaints		
	Stage 1	Stage 2	Escalated*
2016/17	115 82.7%	11 7.9%	13 9.4%
2017/18	83 71.6%	16 13.8%	17 14.7%
2018/19	62 63.9%	15 15.5%	20 20.6%
2019/20	90 74.4%	13 10.7%	18 14.9%
2020/21	67 65.0%	12 11.7%	24 23.3%

*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.

26. 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*
2016/17	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%
2017/18	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%
2018/19	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%
2019/20	90	13	18	24 26.7%	0 0.0%	1 5.6%	22 24.4%	8 61.5%	10 55.6%	44 48.9%	5 38.5%	7 38.9%
2020/21	67	12	24	13 19.4%	0 0.0%	3 12.5%	18 26.9%	1 8.3%	11 45.8%	36 53.7%	11 91.7%	10 41.7%

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

27. 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*
2016/17	969	261	341	115	11	13	8.4	23.7	26.2
2017/18	491	336	364	83	16	17	5.9	21.0	21.4
2018/19	372	429	365	62	15	20	6.0	28.6	18.3
2019/20	515	263	324	90	13	18	5.7	20.2	18.0
2020/21	362	222	451	67	12	24	5.4	18.5	18.8

*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.

28. 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*
2016/17	115	11	13	64 55.7%	7 63.6%	9 69.2%
2017/18	83	16	17	65 78.3%	10 62.5%	11 64.7%
2018/19	62	15	20	43 69.4%	10 66.7%	20 100.0%
2019/20	90	13	18	66 73.3%	10 76.9%	13 72.2%
2020/21	67	12	24	55 82.1%	10 83.3%	21 87.5%

*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.

29. 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*
2016/17	115	11	13	10 8.7%	4 36.4%	2 15.4%
2017/18	83	16	17	9 10.8%	4 25.0%	5 29.4%
2018/19	62	15	20	8 12.9%	3 20.0%	0 0.0%
2019/20	90	13	18	10 11.1%	3 23.1%	5 27.8%
2020/21	67	12	24	4 6.0%	2 16.7%	3 12.5%

*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.

30. This indicator is being considered as part of the SPSO's review of the model Complaints Handling Procedure and, therefore, no measure of customer satisfaction is available for 2020/21.

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

31. This qualitative indicator is intended to identify service improvements that were derived from complaints during the reporting period.
32. 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.
33. The following is a summary of some of the service improvements arising from complaints that were recorded in 2020/21.
- Strengthened arrangements for communicating with Council tenants about planned home inspections (prompted in part by the Covid-19 pandemic restrictions and the need to reassure tenants that appropriate measures were being implemented by the Council, for example use of the appropriate PPE);
 - Refresher sessions for public facing staff groups within Ayrshire Roads Alliance, to enhance customer service;
 - A review of arrangements within the Planning and Economic Development Service to ensure that the anonymity of individuals making complaints to the Environmental Health Service is maintained, as appropriate;
 - The adoption of new practices to improve the clarity of information provided in response to enquiries about sums owed to the Council's Factoring Service and owners' final payments; and
 - The National Entitlement Card website link being added to all email footers and auto responses sent from the NEC mailbox, to ensure timely signposting of relevant information to customers.
34. 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

35. 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 the some of the issues that have been dealt with by the Council under its CHP over the last year.

Case Study A

Mr.Y complained to the Council following a site visit to his property by a member of staff from the Planning & Economic Development Service. He raised a number of concerns in relation to alleged failures to observe site visit protocols, which included Covid-19 regulations set down by the Scottish Government at that time (March 2020).

Although the officer did not enter the property (remaining in the vicinity of the front door), the complainant stated that they had failed to observe social distancing guidelines.

Footage of the site visit was obtained, and whilst it was difficult to form a definitive judgment, the investigation concluded that there may have been a breach in the 2 metre distancing rule.

Following this complaint, the Head of Service reminded all officers of the importance of maintaining social distancing guidelines. The complainant was also offered Covid-19 special measures (including a remote verification service) in place of an onsite, physical inspection. This offer was accepted and the complainant was able to submit photographic evidence, and further site visits were deemed no longer necessary at this property.

Case Study B

Ms X complained to the Council about the application of its Common Allocation Policy (CAP) as she believed her housing application had been “overlooked” having been on the waiting list for a property for a number of years.

A comprehensive investigation was conducted which involved reviewing the CAP as well as Ms X’s allocated group and points awarded in relation to her application.

The Stage Two complaint was not upheld as the investigation concluded that the CAP had been correctly implemented in relation to Ms X’s housing application and that despite advice, she had limited her choices to high demand areas and low turnover properties which would increase the time she would be on the waiting list for a property that matched her needs.

Case Study C

Mr X lodged a complaint with the Education Service about the delay in expansion of the early learning and childcare services (ELC) to 1,140 hours at his local early learning and care centre. This delay meant his child wouldn’t receive the nationally agreed increased hours from the start of the new academic year in August 2020 as was originally anticipated by the Scottish Government.

Following a full investigation of the issues raised in the stage 2 complaint, it was confirmed to Mr X that the Council’s phased expansion of ELC had been delayed as a result of the COVID19 pandemic lockdown and the legal intervention of the Scottish Government on the 30 March 2020 to delay the full implementation of the ELC expansion across Scotland.

On this basis Mr X’s complaint wasn’t upheld by the Education Service. They did however acknowledge Mr X’s disappointment and frustration at the delay in the roll out of the increased hours of early learning and childcare at his local ELC and reassured him that it was East Ayrshire Council’s intention to continue to provide the current statutory level of 600 hours ELC and to ensure that 1,140 service would be available from August 2021.

SPSO ANNUAL STATISTICS 2020/21

36. The numbers of complaints about the Council considered and determined by the SPSO during 2020/21 are presented within the table at the Appendix included in this report along with comparative information from previous years.
37. The total number of complaints about the Council received by the SPSO has fallen to 11 in 2020/21, which is the lowest level since the SPSO started recording such data in 2004/05. This included 2 (18.2%) premature complaints (before the complainant had exhausted the Council's complaints handling process), compared to 6 (35.3%) premature complaints in 2019/20. The Scottish average for premature complaints in 2020/21 was 26.8%.

SOCIAL WORK COMPLAINTS

38. 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.
39. For the reporting period of 1 April 2020 to 31 March 2021, 101 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 16 June 2021.

CONCLUSION

40. 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	19/20	20/21
Total Number of Referrals	20	16	21	41	25	52	44	35	27	36	29	29	25	18	25	17	11
Premature – EAC	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 (12.0%)	6 (35.3%)	2 (18.2%)
Premature – Scotland	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%	38%	36%	28.1%	23.5%	21.4%	26.8%
Investigation Stage – Outcomes																	
Fully Upheld	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-
Partly Upheld	1	-	-	-	-	-	-	-	1	-	1	-	-	-	1	-	-
Not Upheld	-	-	1	4	-	-	3	1	1	-	-	-	-	-	-	-	-



East Ayrshire Council
Comhairle Siorrachd Àir an Ear

Council Headquarters, London Road, Kilmarnock KA3 7BU

Tel: 01563 554400 www.east-ayrshire.gov.uk

