



# Complaints Annual Report

2021 | 2022

**EAST AYRSHIRE COUNCIL**  
**COMPLAINTS ANNUAL REPORT 2021/22**

**CONTENTS**

	<b>PAGE</b>
<b>Introduction</b>	<b>2</b>
<b>Implementing the Revised Model Complaints Handling Procedure</b>	<b>3</b>
<b>Complaints Handling Procedure</b>	<b>5</b>
<b>National Performance Framework</b>	<b>7</b>
<b>Case Studies</b>	<b>12</b>
<b>SPSO Annual Statistics 2021/22</b>	<b>15</b>
<b>Social Work Complaints</b>	<b>15</b>
<b>Conclusion</b>	<b>15</b>
<b>Appendix</b>	<b>16</b>

**August 2022**

## **INTRODUCTION**

1. The Council's Complaints Handling Procedure is based on the revised Model Complaints Handling Procedure which all local authorities were required to implement with effect from 1 April 2021. 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 2021/22 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 refreshed Key Performance Indicators Guidance was published by the SPSO in March 2022, in support of the revised Model Complaints Handling Procedure, this will only come into effect in relation to data gathered from 1 April 2022. This annual performance report is therefore the final one which will be presented in accordance with the 2013 performance framework.
5. The performance information presented within this report also relates to a period of time when the Council and our communities were emerging from the restrictions of the Covid-19 pandemic. 2021/22 has therefore been a time of transition, with the remobilisation of some services and a shift to more hybrid working practices which has brought a gradual return to council offices.
6. As the Council adjusted to the lifting of the pandemic restrictions, complaints continued to be received and were managed through our robust processes. As will be demonstrated later in this report, the learning from these has helped us to continue to strengthen and improve services.

## **IMPLEMENTING THE REVISED MODEL COMPLAINTS HANDLING PROCEDURE**

7. All Local Authorities were required to implement the revised National Model Complaints Handling Procedure with effect from 1 April 2021. Implementation of this new model in East Ayrshire Council was led by officers in the Corporate Support Service (formerly the Policy, Planning and Performance Division) and supported by key contacts across the full range of Council services who were involved in complaints handling.
8. A review of the existing CHP and related processes was undertaken during 2020, and a revised CHP developed, together with a new suite of training and support materials. This was rolled out to staff across Council Services between January and March 2021, a process which included all staff Granicus updates and facilitated sessions on complaints handling which were held with individual services. New on-line training modules were introduced and included in the 'mandatory' training that all staff are now required to complete; and these are supported by a new dedicated Intranet page on complaints handling, which hosts the revised CHP along with a range of further guidance materials and standard templates.
9. The new CHP retains the existing two stage complaints handling procedure, and the SPSO remains the final point of appeal once the internal two stage process has been exhausted. The main change in the revised CHP, relevant to this performance report, is the introduction of a new 'resolved' outcome (in addition to upheld/not upheld).
10. One further change relates to the timescale for responding to a stage 1 complaints. Although this remains 5 days, with a possible extension up to 10 days in exceptional circumstances, under the revised CHP, if a stage 1 complaint has not been closed within ten working days, it should now **automatically** be escalated to Stage 2 for a final response.
11. Other changes to the CHP relate to the management of complaint investigations – for example greater emphasis on contacting the customer at the outset to ensure shared understanding of the complaint and the outcome that the customer is looking to achieve; and a new requirement to set out the main points and expected outcomes of the complaint within the Stage 2 acknowledgement letter which must be issued within 3 working days of receipt of the complaint.
12. The revised CHP also places greater emphasis on reporting on and ensuring learning from complaints. In response to this, the internal reporting on complaints handling has been strengthened during 2021/22, with a more detailed quarterly complaints report now being prepared and circulated to Council Management Team. This report contains details of every complaint

closed within the relevant quarter, along with outcome information and an assessment of compliance with the new CHP.

13. Complaints performance to Elected Members continues to be provided through the quarterly East Ayrshire Performs report, and a public link to this performance information is also published on the Complaints page of the Council Website. Regular Granicus updates are also circulated to all staff, signposting them to the latest complaints handling performance information which is available internally via the complaints handling intranet page.
14. Further to the implementation of the revised CHP during 2021/22, ongoing development work is being undertaken to support continuous improvement in relation to complaints handling. During 2022/23 this will include more frequent employee communications through Granicus, to maintain awareness of best practice in complaints handling, and further work to enhance the public reporting of our complaints performance on the Council website.

## COMPLAINTS HANDLING PROCEDURE

15. This annual performance report relates to East Ayrshire Council's revised Complaints Handling Procedure (CHP), which was introduced in April 2021 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.'***

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

### **Stage One: Frontline Response**

17. Frontline response 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.
18. 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 response should be completed within five working days.

### **Stage Two: Investigation**

19. Not all complaints are suitable for frontline response 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.
20. 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.
21. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
22. The following diagram describes the Council's CHP in more detail:

<b>Stage 1: Frontline response</b>	<b>Stage 2: Investigation</b>	<b>Independent external review (SPSO or other)</b>
<p>For issues that are straightforward and simple, requiring little or no investigation. ‘On-the-spot’ apology, explanation, or other action to put the matter right</p> <p>Complaint resolved or a response provided in <b>five working days</b> or less (unless there are exceptional circumstances)</p> <p>Complaints addressed by any member of staff, or alternatively referred to the appropriate point for frontline response</p> <p>Response normally face-to-face or by telephone (though sometimes we will need to put the decision in writing)</p> <p>We will tell the customer how to escalate their complaint to stage 2</p>	<p>Where the customer is not satisfied with the frontline response, or refuses to engage at the frontline, or where the complaint is complex, serious or 'high-risk'</p> <p>Complaint acknowledged within <b>three working days</b>.</p> <p>We will contact the customer to clarify the points of complaint and outcome sought (where these are already clear, we will confirm them in the acknowledgement)</p> <p>Complaint resolved or a definitive response provided within <b>20 working days</b> following a thorough investigation of the points raised</p>	<p>Where the customer is not satisfied with the stage 2 response from the service provider</p> <p>The SPSO will assess whether there is evidence of service failure or maladministration not identified by the service provider</p> <p>In relation to social work decisions the SPSO can also look at professional decisions</p> <p>Some complaints may also have an alternative route for independent external review</p>

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

23. 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.
24. 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

25. Compliance with the SPSO's local authority model Complaints Handling Procedure is monitored by Audit Scotland in conjunction with the SPSO.
26. The complaints performance data contained within this report also informs the Council's annual public performance reporting, 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.
27. 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.
28. 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.
29. 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.
30. The national performance framework, originally published in August 2013, has recently been updated to reflect the revised CHP. The revised performance framework was published in March 2022 and will come into effect with regard to reporting from 2022/23 onwards. This 2021/22 report has however been prepared in accordance with the requirements of the original (2013) Scottish Public Services Ombudsman's National Performance Framework.
31. On this basis, the information provided below details East Ayrshire Council's performance in 2021/22. For comparison purposes, the performance information relating to previous years is also provided.

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

32. 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 received</b>	<b>Population</b>	<b>Number of complaints by 1,000 population</b>
<b>2017/18</b>	116	122,200	<b>0.95</b>
<b>2018/19</b>	97	121,940	<b>0.80</b>
<b>2019/20</b>	121	121,840	<b>1.0</b>
<b>2020/21</b>	115	122,010	<b>0.9</b>
<b>2021/22</b>	173	121,600	<b>1.4</b>



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

33. 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>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%
<b>2019/20</b>	90 74.4%	13 10.7%	18 14.9%
<b>2020/21</b>	67 65.0%	12 11.7%	24 23.3%
<b>2021/22</b>	115 67.3%	21 12.3%	35 20.5%

\*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.

34. 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>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%
<b>2019/20</b>	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%
<b>2020/21</b>	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%
<b>2021/22</b>	115	21	35	14 12.2%	2 9.5%	2 5.7%	31 27.0%	5 23.8%	6 17.1%	64 55.7%	14 66.7%	27 77.1%

In addition, during 2021/22, six (5.2%) Stage 1 complaints were resolved. This reflects the introduction of the new ‘resolved’ outcome with effect from 1 April 2021.

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

35. 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>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
<b>2019/20</b>	515	263	324	90	13	18	5.7	20.2	18.0
<b>2020/21</b>	362	222	451	67	12	24	5.4	18.5	18.8
<b>2021/22</b>	603	545	574	115	21	35	5.2	26.0	16.4

\*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.

36. 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>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%
<b>2019/20</b>	90	13	18	66 73.3%	10 76.9%	13 72.2%
<b>2020/21</b>	67	12	24	55 82.1%	10 83.3%	21 87.5%
<b>2021/22</b>	115	21	35	96 83.5%	14 66.7%	31 88.6%

\*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.

37. 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>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%
<b>2019/20</b>	90	13	18	10 11.1%	3 23.1%	5 27.8%
<b>2020/21</b>	67	12	24	4 6.0%	2 16.7%	3 12.5%
<b>2021/22</b>	115	21	35	6 5.2%	4 19.0%	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.

38. This indicator was being considered as part of the SPSO's review of the model Complaints Handling Procedure Performance Framework and, therefore, no measure of customer satisfaction is available for 2021/22.

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

39. This qualitative indicator is intended to identify service improvements that were derived from complaints during the reporting period.
40. 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.
41. The following is a summary of some of the service improvements arising from complaints that were recorded in 2021/22.
- In relation to rent management, a number of improvement actions have been identified and introduced during the year. Procedures were reviewed to ensure that all officers managing rent accounts:
    - are aware of the relevant policies and procedures relating to rent management;
    - are aware of the importance of regular and effective communication with customers including the provision of clear and relevant guidance as required; and
    - have effective systems in place to track internal communications between relevant Council departments.
  - Within Housing Services, a number of improvement actions have also been identified and introduced in response to complaints received during 2021/22:
    - The process to ensure that the forwarding email enquiries from the Customer Service Team to the appropriate officer/department is completed within timescales;
    - That officers are fully aware of the Council's Complaint Handling Procedure and our Customer Service Standards and adherence at all times;
    - Officers maintain regular and timeous communication with customers; and

- The importance of checking an applicant's circumstances.
  - Within Education, a number of improvement actions have also been identified and introduced including:
    - Reviewing and revising procedures for the pick up of children, including specific pick up times for each child;
    - Reviewing and revising establishment risk assessments;
    - Head of Centre to ensure all communication regarding pick-up information for children to be up to date with appropriate passcodes;
    - Strategic Education Manager discussion with Head Teacher regarding action to be taken on receipt of legal communication; and
    - Child now has dedicated member of staff to contact regarding any issues or concerns.
  - Within Revenues and Benefits, two improvement actions have been identified:
    - Ensure that all Revenues and Benefits staff are up to date with mandatory equalities training; and
    - Awareness raising with Council Tax staff in relation to signposting service users to Financial Inclusion Services for support.
42. 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**

43. 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**

Mrs X complained to the Council about their decision not to revoke her ex-landlord's registration from the Landlord Register as a result of the issues she experienced in her former private rented tenancy.

The complainant raised concerns regarding the physical condition of the property, as well as the number of repairs which required to be completed which ultimately meant she had to find alternative accommodation. She had also raised a dispute about the repairing standard of the property with the Housing and Property Chamber of the First-tier Tribunal (FTT), seeking damages against her former landlord for breach of contract and breach of the Statutory Repairing Duty.

Following a thorough investigation focussing on the actions of the Council's Private Sector Housing Unit (PSHU), as well as considering the decision of the FTT not to issue a Repairing Standard Enforcement Order, it concluded that the PSHU had no grounds to revoke the landlord's registration as they had addressed all repairs and provided current certification as a result of the FTT decision. As a result, the complaint was not upheld.

### **Case Study B**

Mrs X contacted the Governance Service to complain about planning and enforcement issues in relation to a proposed major development within the greenbelt. Among the issues being raised, it was alleged that construction works at the site were taking place beyond the agreed working hours.

As a result of this complaint, Planning Enforcement Officers responded by making the contractor fully aware of the approved hours and advised them of the need to fully comply at all times. The investigation noted the distinction between internal works, such as joinery and plumbing, which were not bound by the restrictions, and external construction works, site clearance or preparation works.

Matters regarding the use of a generator on the site in the early hours of the morning and alleged out of hours working by tradespeople at weekends were also addressed and referred to colleagues within the Environmental Health Service with regard to potential noise nuisance and disturbance.

As a result of the quick intervention from both Planning Enforcement and Environmental Health Teams, it was agreed that these matters had been 'resolved'.

### **Case Study C**

Ms A contacted the Council to make a complaint regarding unprofessional conduct by Council staff and the length of time taken to deal with repairs to her property. This complaint was investigated at stage 1, however Ms A informed the Council that she was not satisfied and the complaint was subsequently escalated to stage 2 of the Council's complaints process.

In relation to the repairs aspect of the complaint Ms A agreed that this was resolved when repairs were undertaken at her property.

In relation to the allegation of unprofessional behaviour the investigation was comprehensive and looked in detail at the interaction between Ms A and the named Council officers. The investigation concluded that there was no evidence to support the allegation of unprofessional conduct by Council officers and this aspect of the complaint was not upheld.

### **Case Study D**

Mr Y contacted the Council to complain about the Council Tax team's handling of his Council Tax account. The complaint centred on his claim that he had not received accurate, appropriate or sufficient information or support from Council officers in relation to his Council Tax account.

A detailed investigation considered the support and advice provided to Mr Y over a number of years previously, and concluded that the information provided had been accurate and that steps had been taken by Council officers to encourage and support Mr Y to put in place appropriate payment arrangements.

Although the complaint was not upheld, through the Council Tax Team's response to the issues raised by Mr Y, he was signposted to the more intensive practical support offered by the Financial Inclusion Team. The learning from this complaint has resulted in stronger links between Council Tax and Financial Inclusion officers, and enhanced signposting for service users who are in need of more intensive support with their finances.



## **SPSO ANNUAL STATISTICS 2021/22**

44. The number of complaints about the Council considered and determined by the SPSO during 2021/22 are presented within the table at the Appendix included in this report along with comparative information from previous years.
45. The total number of complaints about the Council received by the SPSO has risen, to 21 in 2021/22, compared to 11 in 2020/21. This included 8 (38.1%) premature complaints (before the complainant had exhausted the Council's complaints handling process), compared to 2 (18.2%) premature complaints in 2020/21. The Scottish average for premature complaints in 2021/22 was 26.9%.

## **SOCIAL WORK COMPLAINTS**

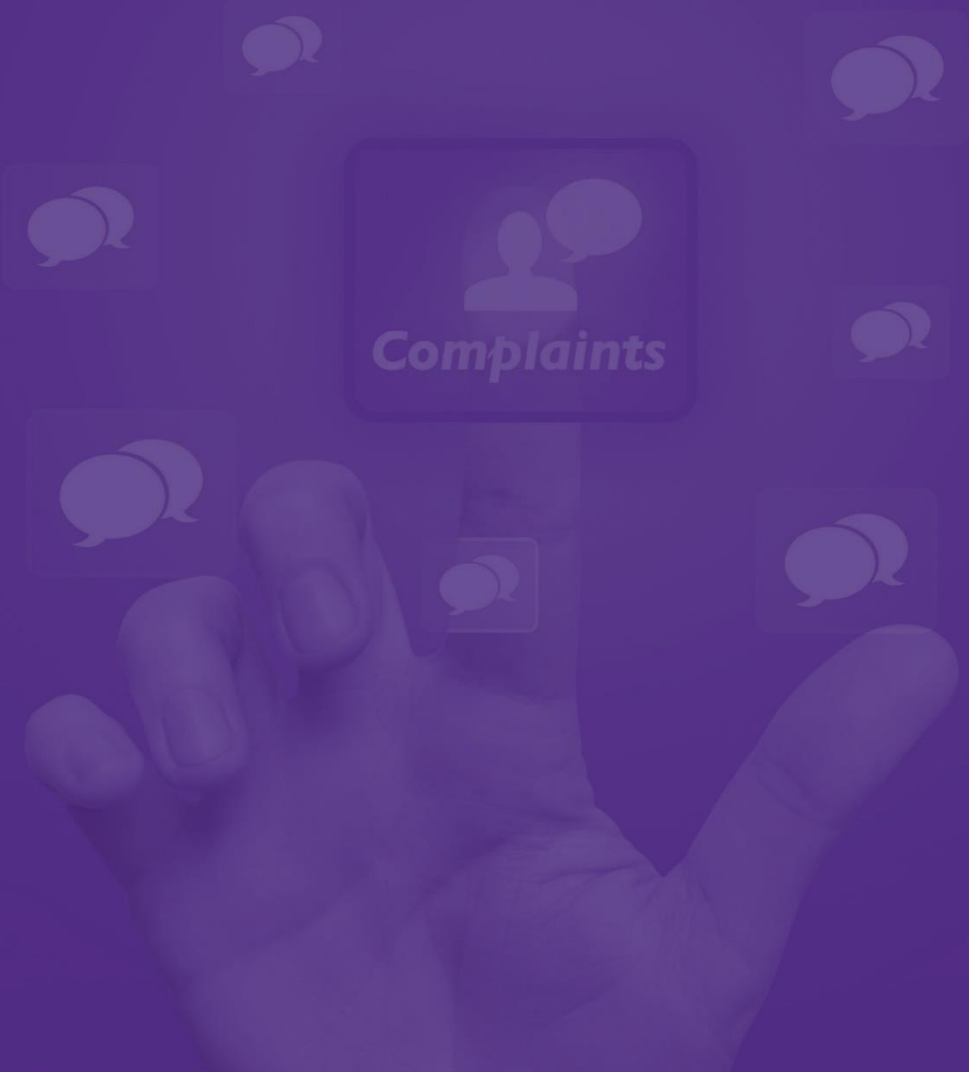
46. The introduction of the revised National Model CHP saw the integration of social work complaints within the standard CHP for Councils, meaning that the Council and Health and Social Care Partnership now apply the same standard complaints handling procedure. However, we continue to report separately on those complaints received and handled by the Council and those received and responded to by the Health and Social Care Partnership.
47. For the reporting period of 1 April 2021 to 31 March 2022, 109 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 22 June 2022.

## **CONCLUSION**

48. 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	21/22
<b>Total Number of Referrals</b>	20	16	21	41	25	52	44	35	27	36	29	29	25	18	25	17	11	21
<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 (12.0%)	6 (35.3%)	2 (18.2%)	8 (38.1%)
<b>Premature – Scotland</b>	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%	38%	36%	28.1%	23.5%	21.4%	26.8%	26.9%
<b>Investigation Stage – Outcomes</b>																		
<b>Fully Upheld</b>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-
<b>Partly Upheld</b>	1	-	-	-	-	-	-	-	1	-	1	-	-	-	1	-	-	-
<b>Not Upheld</b>	-	-	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](http://www.east-ayrshire.gov.uk)

