

## **EAST AYRSHIRE COUNCIL**

### **GOVERNANCE AND SCRUTINY COMMITTEE – 17 DECEMBER 2015**

#### **COMPLAINTS ANNUAL REPORT 2014/15**

#### **Report by the Depute Chief Executive and Chief Financial Officer: Economy and Skills**

##### **PURPOSE OF REPORT**

1. The purpose of this report is to present for consideration the Council's Complaints Annual Report for 2014/15, required as part of the Scottish Public Services Ombudsman's National Performance Framework.

##### **BACKGROUND**

2. The Council's Complaints Handling Procedure (CHP) was introduced on 1 September 2012 and is based on the model developed by the Scottish Public Services Ombudsman (SPSO).
3. This is the first model CHP published by the SPSO and was developed in response to the recommendations of the Sinclair Report to simplify and improve complaints handling across local government.
4. The CHP is structured around a 2-Stage process and is supported by a bespoke Complaints Management System within the Council that was developed in-house by the Council's Corporate Infrastructure Service.
5. Complaints performance is reported periodically through East Ayrshire Performs and features as a standing item at Departmental Management Team meetings. The performance measures that are contained within the SPSO's National Complaints Performance Framework were developed by the Complaints Standards Authority in conjunction with the Complaint Handlers Network which comprises representatives from all Scottish local authorities. This National Framework was published in August 2013 and requires that each Scottish local authority produce an Annual Report of complaints data. This report, therefore, presents the Council's second Complaints Annual Report under these arrangements and covers the period 1 April 2014 to 31 March 2015.
6. In addition to presenting complaints performance data for the reporting period relating to complaints received by the Council, it also provides a summary of complaints about the Council that have been received and considered by the SPSO during the same period. The opportunity has also been taken to include a summary of the key messages from the SPSO Annual Report for 2014/15.

##### **RECOMMENDATIONS**

7. It is recommended that the Governance and Scrutiny Committee considers the contents of the Council's Complaints Annual Report 2014/15.

**Alex McPhee**

**Depute Chief Executive and Chief Financial Officer: Economy and Skills**

**23 November 2015**

## **LIST OF BACKGROUND PAPERS**

1. Scottish Public Services Ombudsman National Performance Framework – August 2013.
2. Scottish Public Services Ombudsman Annual Report 2014/15

**Any person wishing to inspect the above background paper or seeking further information should contact Iain Tough, Policy and Planning Team Leader Tel: (01563) 576575.**

**Implementation Officer: Gwen Barker, Policy, Planning and Performance Manager**



# Complaints Annual Report

2014|15

**EAST AYRSHIRE COUNCIL**  
**COMPLAINTS ANNUAL REPORT 2014/15**

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**November 2015**

## **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 2014/15 reporting period provides the second full year of data under the new model Complaints Handling Procedure and this Annual 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.'***

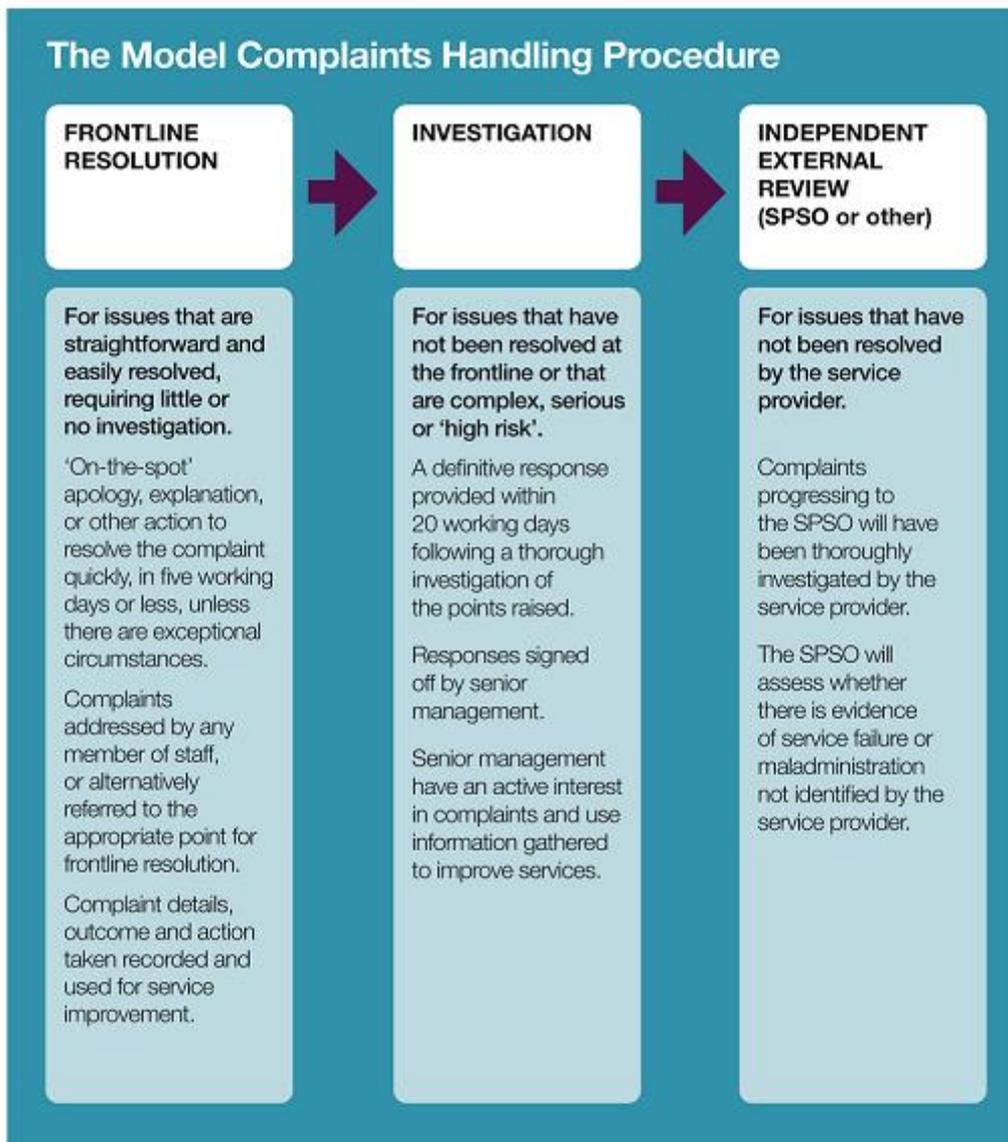
5. Our complaints process provides two opportunities to resolve complaints internally:

### **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 complaints 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 is routinely 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 investigation stage 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 is routinely 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 Homeowners Housing Panel.

12. In support of the CHP, the Council has developed a bespoke Complaints Management System which 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 and in line with the principles of the Best Value Shared Risk Assessment (SRA) arrangements.
15. The complaints performance data contained within this report also informs the Council's Annual Public Performance Report, published in December 2014, 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 2014/15. For comparison purposes, the performance information relating to the previous year 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>2013/14</b>	<b>2014/15</b>
Total number of complaints closed	181	104
Population	122,720	122,440
Number of complaints by 1,000 population	<b>1.47</b>	<b>0.85</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).

	2013/14		
	Stage 1	Stage 2	Escalated*
Number of complaints closed	154	16	11
Complaints closed as % of all complaints	85.1%	8.8%	6.1%

	2014/15		
	Stage 1	Stage 2	Escalated*
Number of complaints closed	82	7	15
Complaints closed as % of all complaints	78.8%	6.7%	14.4%

\*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.

	2013/14		
	Stage 1	Stage 2	Escalated*
Number of complaints closed	154	16	11
Number of complaints <b>upheld</b>	47	3	3
Number of complaints <b>upheld</b> as % of all complaints closed	30.5%	18.8%	27.3%
Number of complaints <b>partially upheld</b>	36	5	3
Number of complaints <b>partially upheld</b> as % of all complaints closed	23.4%	31.3%	27.3%
Number of complaints <b>not upheld</b>	71	8	5
Number of complaints <b>not upheld</b> as % of all complaints closed	46.1%	50%	45.5%

	2014/15		
	Stage 1	Stage 2	Escalated*
Number of complaints closed	82	7	15
Number of complaints <b>upheld</b>	19	0	4
Number of complaints <b>upheld</b> as % of all complaints closed	23.2%	0.0%	26.7%
Number of complaints <b>partially upheld</b>	19	4	4
Number of complaints <b>partially upheld</b> as % of all complaints closed	23.2%	57.1%	26.7%
Number of complaints <b>not upheld</b>	44	3	7
Number of complaints <b>not upheld</b> as % of all complaints closed	53.7%	42.9%	46.7%

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

**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.

	2013/14		
	Stage 1	Stage 2	Escalated*
Number of working days for all complaints closed	1188	488	343
Number of complaints	154	16	11
Average time in working days to respond to complaints	7.7	30.5	31.2

	2014/15		
	Stage 1	Stage 2	Escalated*
Number of working days for all complaints closed	837	258	389
Number of complaints	82	7	15
Average time in working days to respond to complaints	10.2	36.9	25.9

\*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.

	2013/14		
	Stage 1 (5 working days)	Stage 2 (20 working days)	Escalated* (20 working days)
Number of complaints closed	154	16	11
Number of complaints closed within 5 working days for Stage 1 and 20 working days for Stage 2 and escalated complaints.	90	5	7
Number of complaints closed within 5 working days for Stage 1 and 20 working days for Stage 2 and escalated complaints as % of complaints closed at each stage.	58.4%	31.3%	63.6%

	2014/15		
	Stage 1 (5 working days)	Stage 2 (20 working days)	Escalated* (20 working days)
Number of complaints closed	82	7	15
Number of complaints closed within 5 working days for Stage 1 and 20 working days for Stage 2 and escalated complaints.	36	1	6
Number of complaints closed within 5 working days for Stage 1 and 20 working days for Stage 2 and escalated complaints as % of complaints closed at each stage.	43.9%	14.3%	40.0%

\*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.

	2013/14	
	Stage 1	Stage 2
Number of complaints closed	154	16
Number of complaints closed where an extension had been authorised	6	8
Number of complaints closed as % of all complaints closed where an extension had been authorised	3.9%	50%

	2014/15	
	Stage 1	Stage 2
Number of complaints closed	82	7
Number of complaints closed where an extension had been authorised	7	3
Number of complaints closed as % of all complaints closed where an extension had been authorised	8.5%	42.9%

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

25. In the course of 2014/15, the SPSO's Complaints Standards Authority, in partnership with the Scottish Complaints Handlers Network, undertook an assessment of the arrangements in place within each Council to identify best

practice in respect of customer satisfaction. The purpose of the review, as well as identifying best practice examples, was to achieve a level of consistency across all local authorities so that meaningful comparison between authorities' approaches could be established. The outcome from this work will be available in the 2015/16 reporting period and, accordingly, the Council's complaints customer satisfaction survey will be undertaken in 2015/16 based on the best practice guidance that will be developed.

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

29. This qualitative indicator is intended to identify service improvements that were derived from complaints during the reporting period.
30. The Council records all service improvements within the Complaints Management System and these are reported periodically 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.
31. The following is a summary of some of the service improvements arising from complaints that were recorded in 2014/15.
  - Improved procedures relating to the settlement of ex-gratia payments within the Housing Asset Service;
  - The issuing of a Safety Flash to all Waste Management drivers regarding working in the vicinity of schools;
  - Guidance and clarification on the meaning of "pre-acceptance" of an offer of housing;
  - Customer care training provided to all Revenues and Benefits employees;
  - A review of the planning neighbourhood notification process with the implementation of a revised procedure to enhance the accuracy of the consultation process;
  - A review of the planning discharge of condition process which was streamlined to fast-track cases when received by the Planning Authority;
  - A review of Customer Service arrangements within the Ayrshire Roads Alliance, and
  - Strengthened procedures for Roads Engineering staff to ensure local residents are informed when alterations are required to previously issued traffic management arrangements as a result of changes to planned road resurfacing works.
32. To supplement the service improvements detailed above, a selection of anonymised case studies are presented in the next section.

## **CASE STUDIES**

33. 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 selection of case studies, therefore, provide examples of the issues that have been dealt with by the Council under its CHP over the last year.

### **Case Study 1 – Council Tax**

Mr X, acting on behalf of his brother, complained about the standard of service received from the Council during a protracted period of communication about Mr X's brother's Council Tax account.

The complaint investigation confirmed that the Council did not communicate effectively with Mr X and had provided misleading, confusing and incorrect information. It also confirmed that the Council had not responded to a number of letters received over a 5 month period.

Having upheld the complaint in full, an apology was issued to Mr X and his brother. The learning from the complaint has informed a number of improvements to the Council's Customer Service arrangements including strengthened mail processing systems and employee training.

### **Case Study 2 – Road Safety**

Ms X complained about the process behind a decision not to implement additional road safety preventative measures at a particular location where previous accidents had occurred in South Ayrshire.

The complaint was considered by the Ayrshire Roads Alliance, taking into account previous correspondence submitted to, and considered by, South Ayrshire Council prior to the creation of the shared roads service.

The complaint explored the role of the Road Safety Liaison Group, as well as the adequacy of previous actions that had been taken at the site in response to previous accidents.

The investigation of the complaint confirmed that all necessary and adequate preventative measures had been implemented following thorough examination of the causes of previous accidents. Decisions to apply earlier preventative measures were found to have been based on expert professional advice and judgement of both road engineers and Police Scotland and the investigation also confirmed that alternative options for further road layout changes had been considered.

The investigation did, however, uphold an element of the complaint about the standard and frequency of communication between officers and the complainant. It was found that this was inadequate and did not fully explain the decision making process and that officers should have fed back information more regularly. This resulted in improvement actions regarding customer care and communication being implemented as part of the transition to the Ayrshire Roads Alliance.

### **Case Study 3 – Housing Waiting List and Allocations Policy**

Ms X complained about the accuracy of the information held by the Council relating to her position on the Council's Housing List and the subsequent impact on accessing opportunities for obtaining the tenancy of specific properties.

The complaint investigation confirmed that the information held by the Council was accurate and that opportunities for the allocation of properties to the complainant were not adversely affected.

However, the complainant had requested clarity about the definition of "pre-acceptance" of a property and the associated implications for access to alternative properties. The investigation confirmed that while the Council had applied the procedure correctly, the definition and explanation of "pre-acceptance" was inadequate and this led to strengthened guidance now being provided to prospective tenants.

### **Case Study 4 – Housing Improvement Works**

As part of a programme of improvement works to the exterior of Mr X's property (which had previously been adapted for disabled access), he complained about the behaviour of the sub-contractors carrying out the works on behalf of the Council and that Council Officers and contractors had discriminated against the complainant and his wife as a result of their disabilities.

The investigation of this complex complaint was made more difficult by the challenging behaviour of the complainant and being able to separate the complainant's behaviour from the substantive issues contained within the complaint.

The investigation of the complaint confirmed that, although there were some minor issues with the standard of the contractor's work which were all addressed, there was no evidence of the abusive behaviour that had been alleged by the complainant. The investigation did, however, expose unacceptable levels of abusive and obstructive behaviour on the part of the complainant.

The allegations of discrimination were concerning but ultimately proven to be unfounded and vexatious. Accordingly, the terms of the Council's Unacceptable Actions Policy were considered and the complainant was advised that any recurrence of his behaviour would not be tolerated and could result in the withdrawal of Council services.

## **SCOTTISH PUBLIC SERVICES OMBUDSMAN ANNUAL REPORT 2014/15**

34. The SPSO's Annual Report 2014/15 was published on 30 October 2015. The report confirmed that the SPSO had provided independent advice and support to almost 5,600 people and led to over 1,400 recommendations for improvement to public services. The Ombudsman records some of the challenges that the SPSO is facing to keep track with year-on-year trends in rising demand and increasing complexity of cases. This will be further impacted by new functions in relation to reviewing Scottish Welfare Fund decisions (from April 2016) and complaints arrangements under the integration of health and social care services. These issues are to be considered in the development of the SPSO's Strategic Plan for 2016-2020 which is currently the subject of a public consultation process.
35. The SPSO saw complaint numbers rise in most areas of the public sector in the last year. The report notes that the SPSO received 4,895 complaints in 2014/15, an increase of 10% on the numbers received in the previous year. Local Authority complaints increased from 1,750 in 2013/14 to 1,880 in 2014/15.
36. The SPSO upheld 50% of the 944 complaints that it investigated which was the same position as in 2013/14. Within the Local Authority sector the percentage of upheld complaints reduced from 49% to 47%. The report also notes a positive position in respect of premature complaints (complaints that reach the SPSO before the organisation's own process has been completed). In 2014/15, 34% of the SPSO workload consisted of premature complaints, the same percentage as in 2013/14 but a significant decrease from the 51% that was reported five years ago.
37. The report is supplemented by the publication of sectoral reports which include detailed information on complaints considered by the SPSO relating to each local authority. The report relating to East Ayrshire Council was published on 7 October 2015.
38. Details of the numbers of complaints about the Council considered and determined by the SPSO since 2004/05, including the most recent information from 2014/15, are contained within the following table.

<b>East Ayrshire Council: Complaints considered and determined by the SPSO</b>											
	<b>04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>	<b>08/09</b>	<b>09/10</b>	<b>10/11</b>	<b>11/12</b>	<b>12/13</b>	<b>13/14</b>	<b>14/15</b>
<b>Total Number of Referrals</b>	20	16	21	41	25	52	44	35	27	36	29
<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%)
<b>Premature – Scotland</b>	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%
<b>Investigation Stage – Outcomes*</b>											
<b>Fully Upheld</b>	-	-	-	-	-	-	-	-	-	-	-
<b>Partly Upheld</b>	1	-	-	-	-	-	-	-	1	-	1
<b>Not Upheld</b>	-	-	1	4	-	-	3	1	1	-	-

\*Other categories of complaint disposals applied by the SPSO include Out-with Jurisdiction, Withdrawn and Discontinued.

39. It will be noted that the SPSO has not fully upheld any complaint against the Council since 2004/05 and that only 2 complaints have been partially upheld in that time. The complaint noted as being partially upheld in 2014/15 related to the Council's handling of a planning application at Sneddon Law, Moscow. This matter was reported in detail to the Council's Planning Committee on 13 March 2015.
40. The number of complaints about the Council received by the SPSO prematurely (before the complainant had exhausted the Council's complaints handling process) has been higher than the Scottish average every year with the exception of 2007/08.

### **SOCIAL WORK COMPLAINTS**

41. The procedure for dealing with Social Work Complaints is slightly different from our general complaints procedures, as it currently follows specific legislation and guidance. Accordingly, the performance information contained within this report does not include data relating to complaints about Social Work Services. This information is recorded and managed separately.
42. For 2014/15, the Council received 50 complaints relating to Social Work Services, down from 55 in 2013/14, with only one of these complaints progressing to the appeal stage which is considered by an Independent Panel with the outcome reported to the Council's Cabinet.

### **CONCLUSION**

43. 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'.



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