



# Complaints Annual Report

2016|17

**EAST AYRSHIRE COUNCIL  
COMPLAINTS ANNUAL REPORT 2016/17**

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**October 2017**

## **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 2016/17 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.'***

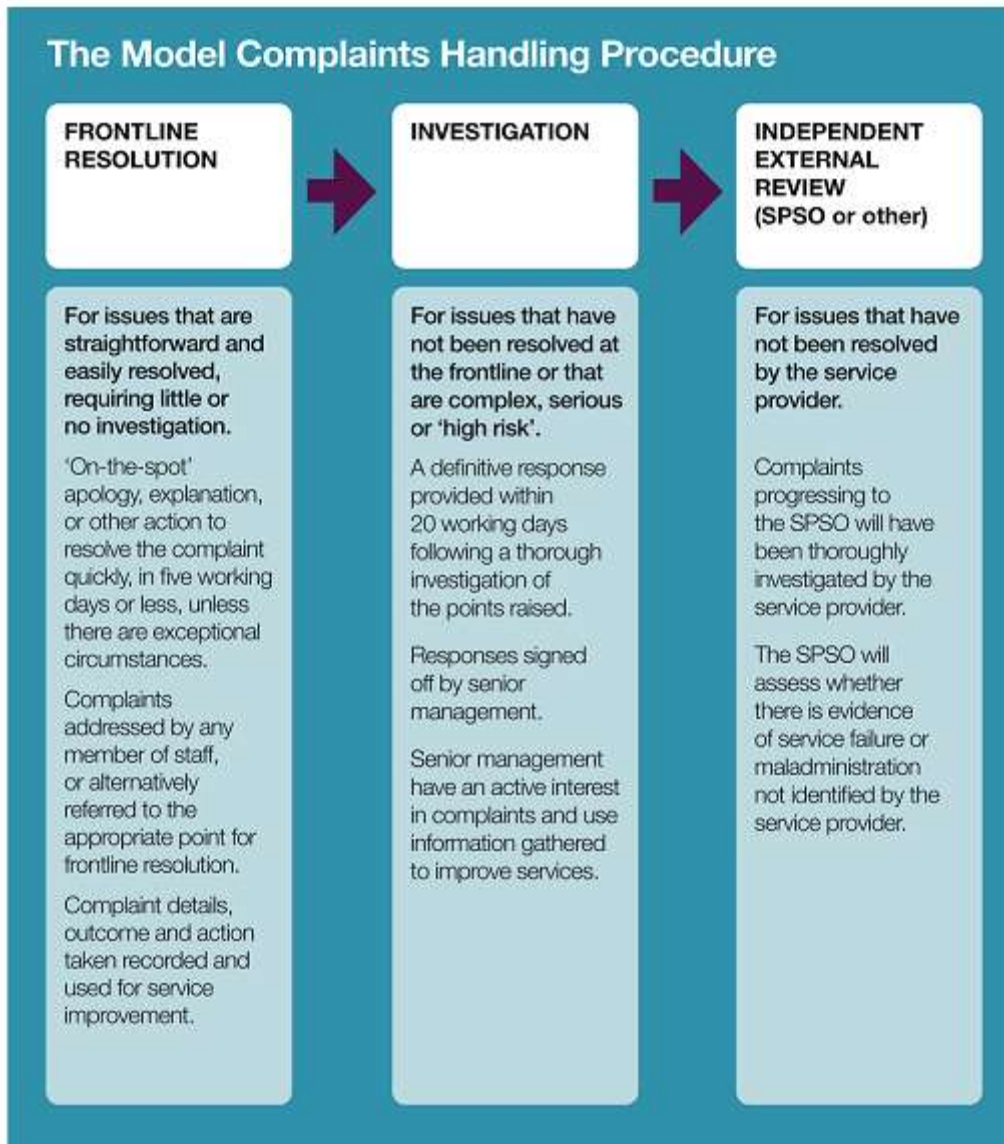
5. Our complaints process provides two opportunities to resolve complaints internally:

### **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 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, 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 2016/17. 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>	<b>2015/16</b>	<b>2016/17</b>
Total number of complaints closed	181	104	92	139
Population	122,720	122,440	122,130	122,060
Number of complaints by 1,000 population	<b>1.47</b>	<b>0.85</b>	<b>0.78</b>	<b>1.1</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>2013/14</b>	154 85.1%	16 8.8%	11 6.1%
<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%

\*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 <b>upheld</b> and as % of all complaints closed			Number of complaints <b>partially upheld</b> and as % of all closed			Number of complaints <b>not upheld</b> 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>2013/14</b>	154	16	11	47 30.5%	3 18.8%	3 27.3%	36 23.4%	5 31.3%	3 27.3%	71 46.1%	8 50.0%	5 45.5%
<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 7.75	26 22.6%	5 45.5%	5 38.5%	65 56.5%	6 54.5%	7 53.8%

\*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.

	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>2013/14</b>	1188	488	343	154	16	11	7.7	30.5	31.2
<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

\*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>2013/14</b>	154	16	11	90 58.4%	5 31.3%	7 63.6%
<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%

\*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	Stage 1	Stage 2
<b>2013/14</b>	154	16	6 3.9%	8 50.0%
<b>2014/15</b>	82	7	7 8.5%	3 42.9%
<b>2015/16</b>	75	12	2 2.7%	5 41.7%
<b>2016/17</b>	115	11	10 8.7%	4 36.4%

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

25. In the course of 2016/17, the SPSO’s Complaints Standards Authority, in partnership with the Scottish Complaints Handlers Network, concluded an assessment of the arrangements in place within each Council to identify best

practice in respect of customer satisfaction. This was undertaken in the context of a wider review of benchmarking activity between all Councils and was also informed by benchmarking of 'family' groupings of Councils of similar size and demographics. 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 inform the Council's next complaints customer satisfaction survey in 2017/18.

**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 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.
31. The following is a summary of some of the service improvements arising from complaints that were recorded in 2016/17.
  - new procedure introduced within the Education Service for dealing with enquiries and complaints;
  - procedures for the transition process between Early Childhood Centres and Primary Schools have been reviewed and strengthened; and
  - improvements applied in the Housing and Communities Service with the aim of strengthening customer service, complaints handling and related internal systems and processes.
32. In addition to the Service 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**

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** – Mr X complained about the standard of Service received from the Council regarding excessive levels of noise being generated by building works at a neighbouring property. Of particular concern to the complainant

was his view that abatement notices had not been served as they should have been.

The investigation which followed noted that the complainant had experienced a much longer delay than should have been the case, when waiting for Officers to visit the property.

As a result of the investigation, the complaint was upheld and it was recognised that the level of customer service received fell below the Council's expected standards. Subsequently, the Service put in place revised contingency arrangements to ensure that there is no repeat of this incident.

**Case Study 2** – Ms X's son attended one of the Council's Early Childhood Centres and her complaint related to the use of restraint techniques on her son and the lack of communication with herself in relation to these incidents.

The investigation of the complaint established that the restraint employed by the Centre was in line with recognised safe holding techniques and was necessary and proportionate in the circumstances. However, the investigation also found no evidence that the details of this 'safe holding and moving' practice had been shared with Ms X in advance of the identified incidents, nor any formal record of the subsequent discussions with Ms X following the incidents.

The Council apologised for this failure in communication and undertook to ensure that a 'Safe Holding and Moving Policy' would be developed and that this would include clear guidance in relation to the information which requires to be shared with parents/carers in this regard.

This matter was subsequently escalated to the SPSO, who confirmed that the complaint was dealt with appropriately by the Council.

**Case Study 3** – Ms X complained to the Council about a number of issues pertaining to the Common Repairs Service.

Following investigation, the Council upheld part of the complaint establishing that communications between the Council and the complainant should have been clearer and that administrative errors should not have occurred. The Council apologised for these failures and implemented improved communication practices for the Common Repairs Service.

**Case Study 4** – Mr X complained to the Council about a number of issues relating to noise from a local Recycling Centre.

Following investigation, the Council upheld part of the complaint and modified working practices, altering the starting time of works within the Recycling Centre and installing upgraded reversing alarms on vehicles.

### **SPSO ANNUAL STATISTICS 2016/17**

34. On 4 October 2017, the Council received its Annual Letter from the SPSO which provided detailed information on complaints considered by the SPSO relating to the Council. The Annual Letter provided details of the numbers of complaints about the Council considered and determined by the SPSO during 2016/17, and is presented within the table at Appendix 1 along with comparative information from previous years.
35. 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.
36. 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. The number of premature complaints received by the SPSO in 2016/17 (72%) is again above the Scottish average for the local government sector (36%).

### **SOCIAL WORK COMPLAINTS**

37. The procedure for dealing with Social Work Complaints in 2016/17 was slightly different from our general complaints procedures, as it 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.
38. For 2016/17, the Council received 55 complaints relating to Social Work Services, an increase from the 19 complaints received in 2015/16. One complaint progressed to the appeal stage during 2016/17 involving the Council's Social Work Complaints Review Panel.
39. A new procedure for dealing with complaints about Social Services was introduced on 1 April 2017 and now aligns to the 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.

## **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
<b>Total Number of Referrals</b>	20	16	21	41	25	52	44	35	27	36	29	29	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%)
<b>Premature – Scotland</b>	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%	38%	36%
<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.



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**SPSO** Scottish  
Public  
Services  
Organisation