



# Complaints Annual Report

2019 | 2020

**EAST AYRSHIRE COUNCIL**  
**COMPLAINTS ANNUAL REPORT 2019/20**

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**November 2020**

## 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 2019/20 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. It is noted that a revised national model Complaints Handling Procedure has been developed by the SPSO for implementation by 1 April 2021. Arrangements are currently being taken forward to review the existing Council complaints procedure, to ensure continued compliance with the new national best practice model. A revised national performance framework is also anticipated, and will be reflected in our future complaints performance reports as appropriate.

## COMPLAINTS HANDLING PROCEDURE

5. 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.'***

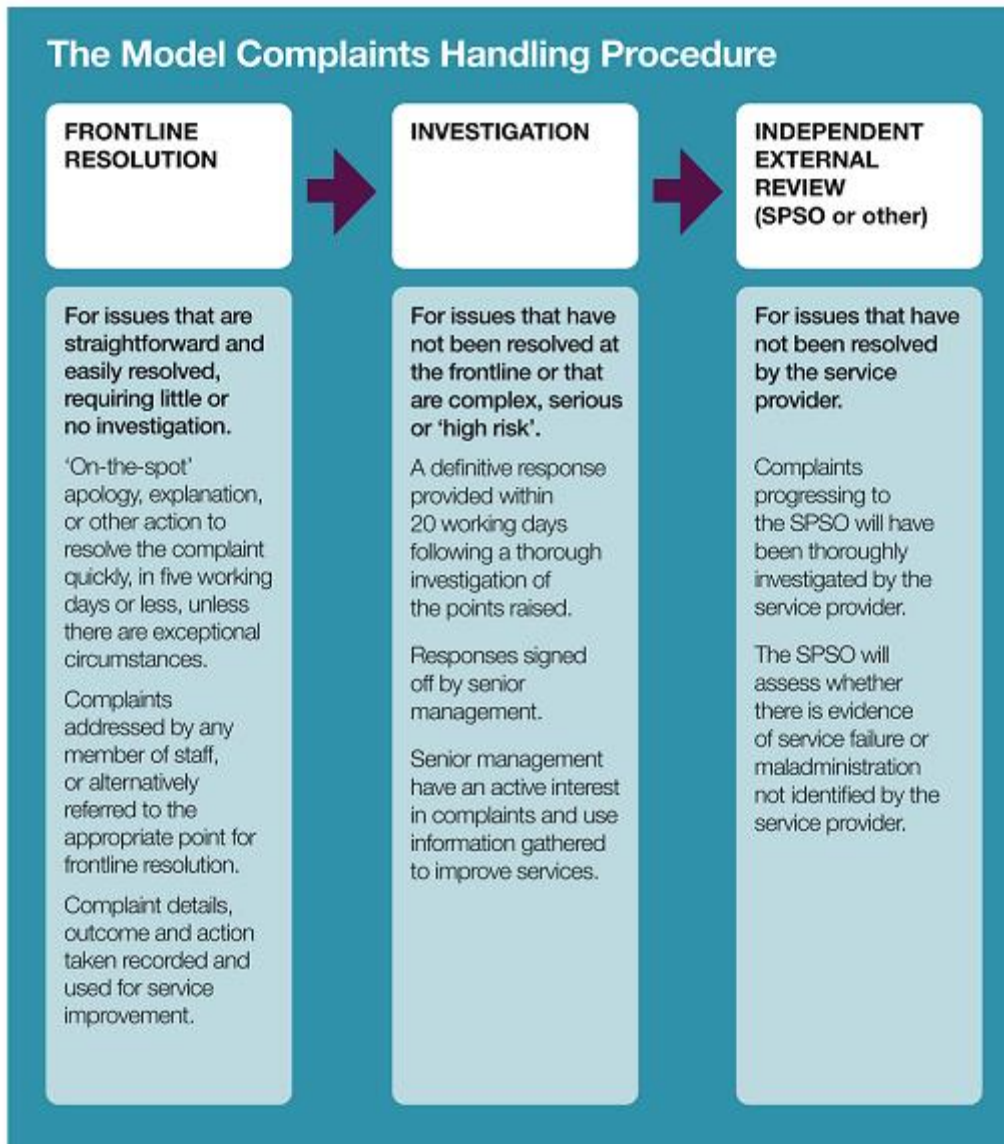
6. Our complaints process provides two opportunities to resolve complaints internally:

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

7. 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.
8. 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**

9. 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.
10. 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.
11. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied.
12. The following diagram describes the Council's CHP in more detail:



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

13. 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.
14. 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

15. Compliance with the SPSO's local authority model Complaints Handling Procedure is monitored by Audit Scotland in conjunction with the SPSO.
16. 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.
17. 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.
18. 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.
19. 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 2019/20. For comparison purposes, the performance information relating to previous years is also provided.

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

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

	<b>Total number of complaints closed</b>	<b>Population</b>	<b>Number of complaints by 1,000 population</b>
<b>2015/16</b>	92	122,130	<b>0.75</b>
<b>2016/17</b>	139	122,060	<b>1.14</b>
<b>2017/18</b>	116	122,200	<b>0.95</b>
<b>2018/19</b>	97	121,940	<b>0.80</b>
<b>2019/20</b>	121	121,840	<b>1.0</b>

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

21. 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>2015/16</b>	75 81.5%	12 13.0%	5 5.4%
<b>2016/17</b>	115 82.7%	11 7.9%	13 9.4%
<b>2017/18</b>	83 71.6%	16 13.8%	17 14.7%
<b>2018/19</b>	62 63.9%	15 15.5%	20 20.6%
<b>2019/20</b>	90 74.4%	13 10.7%	18 14.9%

\*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.

22. 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>2015/16</b>	75	12	5	12 16.0%	2 16.7%	1 20.0%	16 21.3%	3 25.0%	4 80.0%	47 62.7%	7 58.3%	0 0.0%
<b>2016/17</b>	115	11	13	24 20.9%	0 0.0%	1 7.7%	26 22.6%	5 45.5%	5 38.5%	65 56.5%	6 54.5%	7 53.8%
<b>2017/18</b>	83	16	17	12 14.5%	3 18.8%	1 5.9%	17 20.5%	4 25.0%	6 35.3%	54 65.1%	9 56.3%	10 58.8%
<b>2018/19</b>	62	15	20	18 29.0%	1 6.7%	2 10.0%	10 16.1%	6 40.0%	10 50.0%	34 54.8%	8 53.3%	8 40.0%
<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%

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

23. 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>2015/16</b>	746	358	129	75	12	5	9.9	29.8	25.8
<b>2016/17</b>	969	261	341	115	11	13	8.4	23.7	26.2
<b>2017/18</b>	491	336	364	83	16	17	5.9	21.0	21.4
<b>2018/19</b>	372	429	365	62	15	20	6.0	28.6	18.3
<b>2019/20</b>	515	263	324	90	13	18	5.7	20.2	18.0

\*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.

24. 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>2015/16</b>	75	12	5	38 50.7%	3 25.0%	2 40.0%
<b>2016/17</b>	115	11	13	64 55.7%	7 63.6%	9 69.2%
<b>2017/18</b>	83	16	17	65 78.3%	10 62.5%	11 64.7%
<b>2018/19</b>	62	15	20	43 69.4%	10 66.7%	20 100.0%
<b>2019/20</b>	90	13	18	66 73.3%	10 76.9%	13 72.2%

\*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.

25. 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>2015/16</b>	75	12	5	2 2.7%	5 41.7%	3 60.0%
<b>2016/17</b>	115	11	13	10 8.7%	4 36.4%	2 15.4%
<b>2017/18</b>	83	16	17	9 10.8%	4 25.0%	5 29.4%
<b>2018/19</b>	62	15	20	8 12.9%	3 20.0%	0 0.0%
<b>2019/20</b>	90	13	18	10 11.1%	3 23.1%	5 27.8%

\*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.

26. 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 2019/20.

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

27. This qualitative indicator is intended to identify service improvements that were derived from complaints during the reporting period.
28. 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.
29. The following is a summary of some of the service improvements arising from complaints that were recorded in 2019/20.
- Strengthened protocols for the managing, distribution and collection of craft tools.
  - Improved communication arrangements in relation to staff absence.
  - Strengthened Parent Council governance arrangements.
  - Revised incident reporting procedures within an establishment.
  - Increased staff awareness of the complaints procedure to further strengthen complaints handling arrangements.
30. 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**

31. 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**

Ms Y lodged a complaint in relation to repairs works to be carried out at a property in a mixed tenure factored block.

The complainant felt that communication between the Council and the property owners was less than satisfactory, however this element of the complaint was not upheld, as the investigation identified a significant amount of communication regarding the Factoring Service and common repairs.

The complainant also questioned the cost of repair works identified and although the Council did not uphold this, as there was majority agreement to progress repairs from multiple owners in the block, the Council agreed to put in place a payment plan to support the complaint to meet these costs.

The final element of the complaint related to the provision of information about the Council's complaints handling procedures, and this element of the complaint was partially upheld. As a consequence of this, improvements were made to the information provided by the Factoring Service in relation to the Council's Complaints Handling Procedure and the Housing and Property Chamber First-tier Tribunal for Scotland.

### **Case Study B**

Mr X complained to the Council about the granting of planning approval for a single dwelling house in his area. The basis for the complaint was that a planning approval for a semi-detached dwelling house on the same site had been refused earlier in the year.

An extensive investigation into this complaint included a detailed review of the planning applications for both developments; a review of the planning policies highlighted by the complainant; and comprehensive discussions with the Planning Service about the issues raised.

The Council did not uphold the complaint as the investigation found that the Planning Service had fully complied with all Planning Regulations and Council Planning Policies in reaching its decision. In addition the Planning Service had provided Mr X with detailed information to explain the process utilised to arrive at the decision to grant planning consent for the property.

### **Case Study C**

Ms X complained to the Council following a temporary stay in a Council owned hostel, regarding the condition of the building and the support services available to residents during their stay.

A comprehensive investigation was conducted which involved gathering previous repair and safety inspections for the Hostel, and reviewing support plans offered to the residents and the facilities available to residents at the Hostel.

The Stage Two complaint was not upheld as no evidence was found to support the substantive issues raised. The investigation found that all repairs were reported and repaired within timescale; and that arrangements were in place to ensure that all hostel residents, including the complainant, were offered a comprehensive and appropriate support plan during their stay.

### **Case Study D**

Mr Y made a complaint about the Council's procedures in relation to Council Tax Reductions and Universal Credit, unhappy at the information that he was being asked to provide. Mr Y also claimed that, due to errors by the Council, he was being billed incorrectly.

A detailed explanation of the Council's CTR procedures was provided, which included the rationale for the information being requested by the Council Tax team. This element of the complaint was not upheld, as the investigation found that the information being requested was essential for the accurate processing of the claims being made.

Although an administrative error had been made at an earlier stage in Mr Y's claim, in relation to data entry, and had been previously acknowledged within the Stage 1 response, this error was not found to have impacted on the Council Tax Bills referenced within the Stage 2 complaint. These were found to be accurate and consequently this element of the complaint was not upheld.

The investigation did however identify an unnecessary delay in Mr Y's initial complaint being formally responded to within the Council's two stage complaints handling procedure. Learning points were identified for the relevant staff, the delay was acknowledged within the Stage 2 complaint and an apology provided.

## **SPSO ANNUAL STATISTICS 2019/20**

32. The numbers of complaints about the Council considered and determined by the SPSO during 2019/20 are presented within the table at the Appendix included in this report along with comparative information from previous years.
33. The total number of complaints about the Council received by the SPSO has fallen to 17 in 2019/20, compared to 25 in the previous year. However this included 6 (35.3%) premature complaints (before the complainant had exhausted the Council's complaints handling process), compared to 3 (12%) premature complaints in 2018/19. The Scottish average for premature complaints in 2019/20 was 21.4%.
34. In 2019/20, the SPSO fully upheld one complaint against the Council. This complaint, dating back to June 2018, related to the handling of a planning application. The SPSO found that the Council had provided inconsistent information to the complainant in relation to the requirement for planning permission. A new process for dealing with pre-application enquiries has since been fully implemented, to ensure a more robust process and greater clarity in the advice given at pre-application stage.

## **SOCIAL WORK COMPLAINTS**

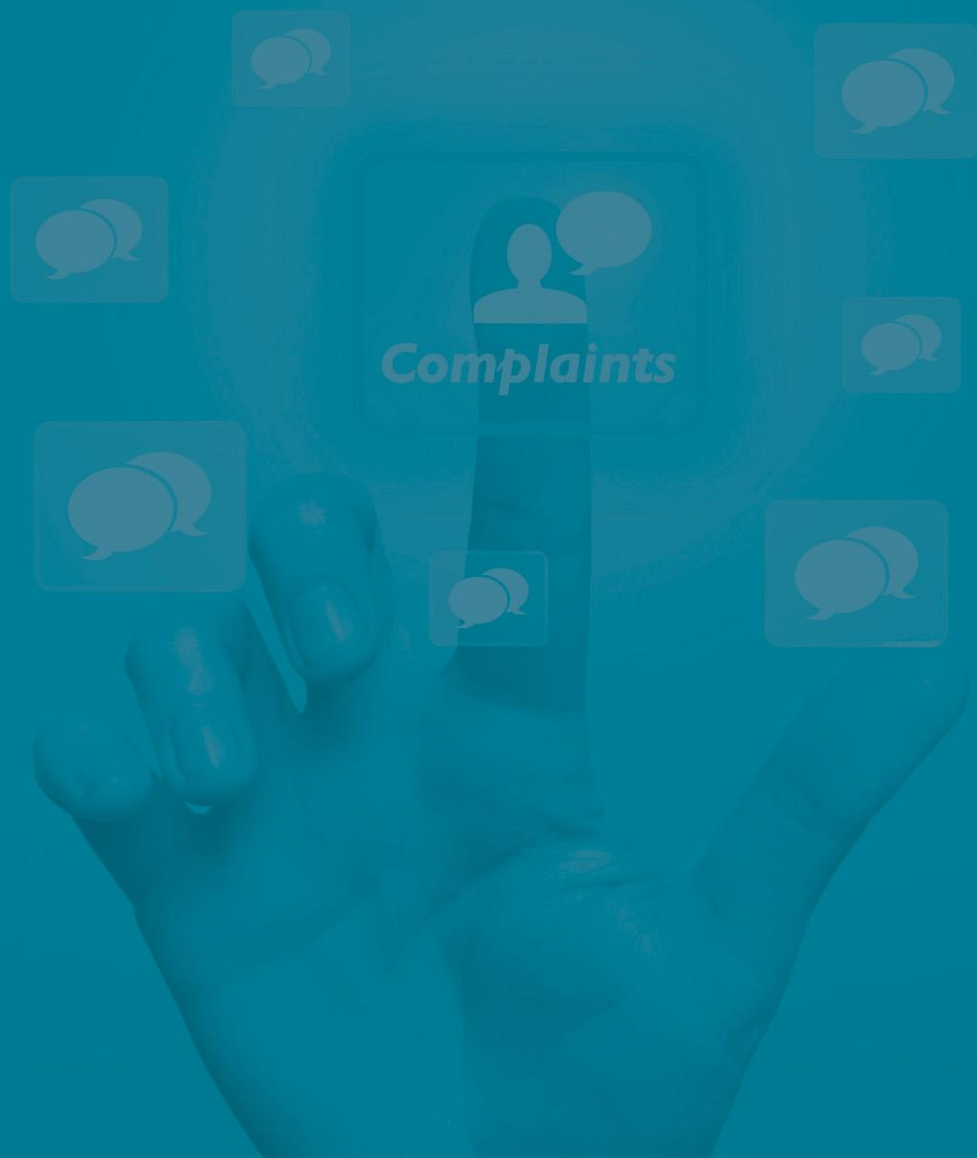
35. A new procedure for dealing with complaints about Social Services was introduced on 1 April 2017 and follows the same two-stage model complaints handling procedure that applies to complaints received by the Council. Performance reporting under these new arrangements is achieved through the Integrated Joint Board (IJB) as part of the Health and Social Care Partnership's established governance arrangements.
36. For the reporting period of 1 April 2019 to 31 March 2020, 132 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 17 June 2020.

## **CONCLUSION**

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

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

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19	19/20
<b>Total Number of Referrals</b>	20	16	21	41	25	52	44	35	27	36	29	29	25	18	25	17
<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%)
<b>Premature – Scotland</b>	53%	50%	49%	49%	60%	51%	45%	43%	40%	40%	41%	38%	36%	28.1%	23.5%	21.4%
<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**  
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