

**MEETING: 14 JANUARY 2016**
**REPORT BY: DIRECTOR OF PERFORMANCE AUDIT AND BEST VALUE**
**LOCAL AUTHORITY COMPLAINTS REPORTING**


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**Purpose**

1. In December 2015 the Commission requested information on the quality of complaints reporting across councils. This paper provides a summary of councils' approach to complaints reporting in line with Scottish Public Sector Ombudsman (SPSO) guidance.

**Background**

2. National performance data on complaints for 2014/15 shown below is drawn on performance analysis carried out by the Improvement Service, on behalf of the SPSO. Other information and analysis in this report is based on our own desktop review of all council's websites. This is supplemented by additional information gathered through discussions with staff from the SPSOs Complaints Standards Authority (CSA) and representatives of the local authorities' Complaints Handlers Network. We have not carried out any specific audit work with councils in preparing this report.
3. In future, Best Value will have a greater emphasis on driving continuous improvement and a strong focus on the quality of service experienced by the public. Complaints handling and reporting by councils will feature as part of the revised approach to Best Value auditing.

**Reporting requirements**

4. Under the SPSO Act 2002 (as amended by the Public Service Reform (Scotland) Act 2010), all councils have a duty to follow a model complaints handling procedure (CHP). This model CHP, which was implemented from April 2013, comprises two stages for handling complaints received from the public, as outlined in Appendix 1.
5. A key aim of the model CHP is to provide assurance in relation to council performance, to facilitate continuous improvement and to assist in benchmarking between local authorities. In September 2012, a Local Authority Complaints Handlers Network was established to create a forum to share good practice and learn from complaints handling across local government. The network has continued to grow and develop in partnership with the SPSO. It meets quarterly and all 32 councils are now members. In addition to holding meetings, the Complaints Handlers Network has developed a knowledge hub for sharing information and allowing members to peer review reports and make suggestions for improvement.
6. To help councils monitor compliance with the CHP, the CSA developed a set of eight performance indicators in association with the Complaints Handlers Network. These indicators provide the minimum requirement for local authorities to self-assess and report on performance, and to undertake benchmarking activities. Local authorities may, however, develop and report additional performance indicators considered to be relevant to the services provided. A copy of the indicators is attached at Appendix 2.

7. Where the CSA feels there are areas where the process to simplify and improve complaints handling has not yet been achieved, it will continue to raise concerns through policy work. For example, it has continuously highlighted concerns about the complexity of complaints arrangements as part of the integration of health and social care, including social work processes, which are now very outdated. The CSA anticipates significant work in this area in the coming years.

### **National performance**

8. Since the introduction of the model CHP, there have been two annual reports showing each council's progress against the indicators. For 2014/15, each local authority provided its annual complaints performance data in a standardised way to the Improvement Service (IS) for analysis and reporting. The headline figures from the IS report are:
  - 66,003 complaints were received in 2014/15
  - 62,177 complaints were closed in 2014/15
  - 81 per cent were closed at the frontline (stage one). 19 per cent were closed at stage two
  - 71 per cent of Stage one complaints and 61 per cent of stage two complaints were upheld
  - at stage one, 81 per cent of complaints were closed within the target timescale of five days
  - the average time taken to respond to stage one complaints was 4.2 days
  - at stage two, 85 per cent of complaints were closed within the target timescale of 20 days
  - the average time taken to respond to stage two complaints was 18.8 days
9. The IS concluded that 'across the local government complaints handling sector the picture is broadly positive'. Although the number of complaints in 2014/15 was up slightly on the previous year, the proportion of complaints resolved at the frontline stage one continues to remain above 80 per cent. Nationally, four of every five complaints are fully responded to within the target timescales and there has been a significant increase in the percentage of complaints fully responded to within the target timescales at each stage of the procedure.
10. A high volume of complaints can provide an early warning of failure in service delivery. However, it is not clear whether the increased number of complaints in 2014/15 represents declining performance and increasing user dissatisfaction or that information provided by councils about how to make a complaint is becoming clearer and/or councils have improved methods for recording complaints.

### **Quality of complaints reporting**

11. Councils produced their first annual complaints performance reports in 2013/14. From searching councils' websites and complaints reports, we have been able to make the following observations:
  - 30 councils have published complaints reports for 2013/14

- 15 councils have published a report for 2014/15. At present, there is no deadline for councils to publish their complaints reports, which may influence how much priority councils give to publication.
  - Only seven councils cover all eight of the SPSO's indicators in their 2014/15 reports. Five do not report performance against half or more of the indicators. In some cases, they also do not report performance against indicators as required in the guidance. For example, they report the total number of complaints received, but not the number of complaints per 1,000 population. This indicator is included in the SPSO framework so that comparisons can be made across councils.
  - 14 councils did not provide figures on the number of complaints which were escalated to the ombudsman.
12. Indicator 7 requires councils to report customer satisfaction with the complaints advice provided. 13 councils reported information on this indicator. Councils typically collect customer satisfaction information about complaints through survey. It is not clear how representative and robust customer satisfaction data is as councils generally do not indicate the number of survey respondents on which satisfaction is based. East Ayrshire Council has reported that its data is based on receiving 10 responses to a survey sent to 52 complainants. East Ayrshire was the only council that included some of the comments from survey respondents in its report. Fife Council reported that it received 94 comments relating to customer satisfaction and highlights what they relate to. For example, it reports the majority of comments identified the council as having an attitude of not caring, listening or trying to resolve people's complaints.
  13. Several councils acknowledged in their report that they had not collected information on customer satisfaction but plan to do so in the future - Aberdeenshire, Dumfries and Galloway, Falkirk, Moray and Scottish Borders Councils. In the absence of collecting satisfaction data, some councils have used proxy indicators to gauge satisfaction with the complaints process. Dumfries and Galloway Council for example, suggests that the high proportion of complaints closed at stage one, rather than going to investigation, indicates a high level of satisfaction with the process. Shetland Council used figures from the Local Government Benchmarking Framework, which measure satisfaction with public services as a measure of satisfaction. These two measures do not capture what the SPSO indicator is looking for i.e. access to the process, how complainants are treated by council staff, the empathy they are shown and the clarity of the council's decision.
  14. 21 councils reported information on Indicator 8, Learning from complaints. Councils reporting most effectively on this indicator typically publish case studies and highlight actions and improvements taken in response e.g. staff training, changes to processes and procedures. Aberdeenshire and North Ayrshire Councils in particular provide good information on learning from complaints. Aberdeenshire for example, reports a range of complaints case studies and the actions it has taken in response. It also links its learning from complaints to the SPSO guidance, and highlights for example, on how often reports go to senior management and how often outcomes are reported to the public.
  15. There are examples of complaints performance being presented well and in easy to understand ways. North Lanarkshire Council, for example, uses good presentation, such as using a clock to illustrate the proportion of cases which were answered on time. 11 councils used charts to show data, typically pie charts or bar charts.
  16. A feature of good reports is the level of commentary provided in addition to the figures required under the model CHP. The SPSO guidance states that it is important for

councils to take into consideration any contextual information when considering changes in complaints volumes. For example, the introduction of new services, policies or procedures may impact on existing services, or may generate feedback themselves. Examples of councils following this guidance include:

- East Lothian Council identified its role in the proposal for a marine energy park at the Cockenzie Power Station as being an important factor in the increased number of complaints its received in 2014/15 compared with the previous year.
  - North Ayrshire and North Lanarkshire Councils identified changes to waste collection as the reason for complaints increasing compared to the previous year.
  - North Ayrshire Council reported that its increase in average response times for stage two complaints was down to staff taking more time to investigate complaints more thoroughly.
17. Many councils comment on their overall trends in number of complaints, but there is little explanation about the factors influencing them. A small number have not provided any commentary on performance trends. As well as a lack of commentary, not all councils provide comparison data with the previous year so that overall trends can be identified.
18. A number of councils provided additional information beyond what the SPSO requires. For example, Argyll and Bute, Clackmannanshire and Falkirk Councils, broke down complaints by service area. Fife and North Ayrshire Councils included a breakdown of complaints by geographic areas - Fife Council publishes reports for each of its seven local area committees that go into a good level of detail. Seven councils produce quarterly reports on complaints - Aberdeen, Aberdeenshire, Argyll and Bute, Edinburgh, Perth and Kinross, Orkney and Shetland Councils.
19. Shetland was the only council to compare its performance to other councils (comparisons to Orkney and Eilean Siar). Several councils expressed an aim of comparing their performance to similar councils in future reports. Issues currently exist around how consistently councils categorise complaints. For example, some councils report a missed bin collection as a complaint, others as a service request if the customer only contacts the council once about the issue. As a result, councils remain concerned that they are not comparing performance on a like for like basis.

### **Future developments**

20. It is clear that many councils are still developing their approaches for responding to, monitoring and reporting complaints in line with the model CHP. The Complaints Handlers Network has a number of priorities to encourage further development. These include:
- improving information on the types of complaints they receive and how they relate to different council services
  - standardising complaints categories across local government
  - better understanding of variances in performance levels across councils to identify cause and effect and to learn from each other
  - continuing to share good practice in complaints handling.
21. The SPSO has sought assurances from local authorities (and NHS Boards) on their governance arrangements to ensure they learn from information they report and from

SPSO cases and findings generally. Focus on improvement and learning is an important part of the SPSO's work. Early in 2016 the SPSO will be considering how to better take forward its statutory role to monitor and promote best practice and trends in complaints handling.

22. Along with the SPSO, we aim to support ongoing improvement in complaints handling and reporting by establishing closer links with the local authority Complaints Handlers Network and by highlighting the importance of effective complaints reporting through the Local Government Overview report. How councils are using complaints to assess customer satisfaction and to inform improvement will be picked up through Best Value audits.
23. As councils improve their understanding of the reasons behind complaints, this will provide us with a wider source of information and intelligence on public satisfaction issues to inform our future programme of audits.

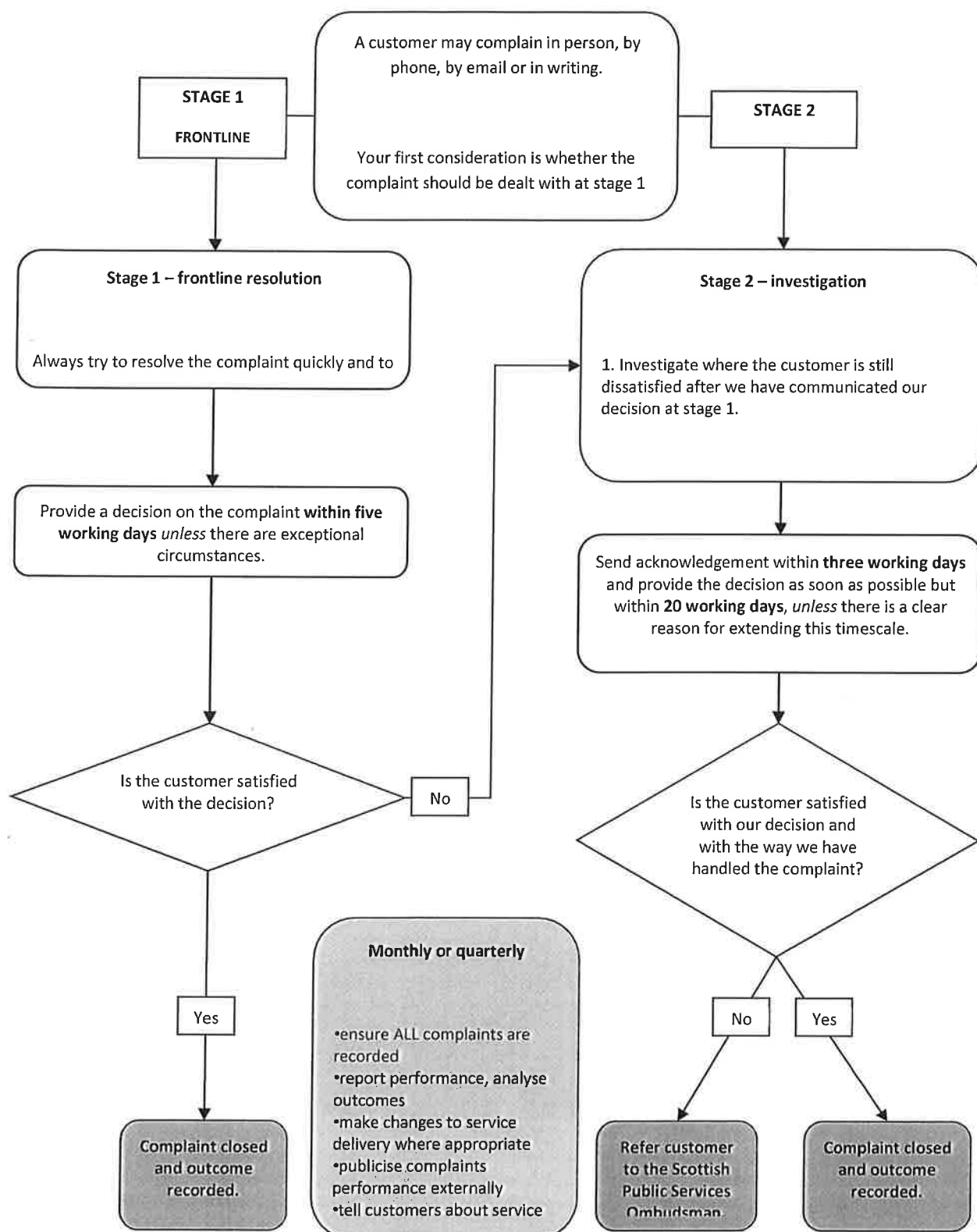
## **Conclusion**

24. The Commission is invited to note this report.

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**6 January 2016**

## Appendix 1

### The model complaints handling procedure



## **Appendix 2**

### **SPSO Complaints Performance indicators**

The indicators below provide a basis from which councils can monitor their complaints handling performance. Remember that one customer may raise one, or more complaints. Each complaint should be reported upon.

#### **Indicator 1 - Complaints received per 1000 of population**

**The total number of complaints received per thousand population.**

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 directly at stage two (investigation).

In identifying the organisation's population councils should use the statistics produced by the National Records of Scotland ([www.gro-scotland.gov.uk](http://www.gro-scotland.gov.uk)) which produces population estimates for each local authority. Midyear estimates should be used.

For councils that retain housing stock, they will be required to report on similar indicators to the Scottish Housing Regulator under the Scottish Social Housing Charter on housing complaints. For clarity the complaints performance of council housing services should be included within the 'Local Government Complaints Performance Indicators' clearly explaining the proportion that relate to housing complaints.

Councils will record this information by service area. It is important that Indicator 1 reflects the total of all complaints received across all service areas of the council.

#### **Indicator 2 - Closed complaints**

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

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 and whether any further escalation takes place). This indicator will report:

- > the number of complaints closed at stage one as % all complaints
- > the number of complaints closed at stage two as % all complaints
- > the number of complaints closed at stage two after escalation as % all complaints

#### **Indicator 3 Complaints upheld, partially upheld and not upheld**

**The number of complaints upheld/partially upheld/not upheld at each stage as a percentage of complaints closed in full at each stage.**

There is a requirement for a formal outcome (upheld, partially upheld or not upheld) to be recorded for each complaint. This indicator will report:

- > number of complaints upheld at stage one as % of all complaints closed at stage one
- > number of complaints not upheld at stage one as % of all complaints closed at stage one
- > number of complaints partially upheld at stage one as % of all complaints closed at stage one
- > number of complaints upheld at stage two as % of all complaints closed at stage two
- > number of complaints not upheld at stage two as % of all complaints closed at stage two
- > number of complaints partially upheld at stage two as % of all complaints closed at stage two
- > number of escalated complaints upheld at stage two as % of all escalated complaints closed at stage two
- > number of escalated complaints not upheld at stage two as % of all escalated complaints closed at stage two
- > number of escalated complaints partially upheld at stage two as % of all escalated complaints closed at stage two

#### **Indicator 4 - Average times**

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

Indicator 4 represents the average time in working days to close complaints at stage one and complaints stage two of the model CHP. This indicator will report:

- > the average time in working days to respond to complaints at stage one
- > the average time in working days to respond to complaints at stage two
- > the average time in working days to respond to complaints after escalation

#### **Indicator 5 - Performance against timescales**

**The number and percentage of complaints at each stage which were closed in full within the set timescales of 5 and 20 working days.**

The model CHP requires complaints to be closed within 5 working days at stage one and 20 working days at stage two. This indicator will report:

- > the number of complaints closed at stage one within 5 working days as % of total number of stage one complaints
- > the number of complaints closed at stage two within 20 working days as % of total number of stage two complaints
- > the number of escalated complaints closed within 20 working days as a % of total number of escalated stage two complaints

#### **Indicator 6 - Number of cases where an extension is authorised**

**The number and percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised.**

The model CHP requires allows for an extension to the timescales to be authorised in certain circumstances. This indicator will report:



- > the number of complaints closed at stage one where extension was authorised, as % all complaints at stage one
- > number of complaints closed at stage two where extension was authorised, as % all complaints at stage two

### **Indicator 7 - Customer satisfaction**

**A statement to report customer satisfaction with the complaints service provided.**

In assessing customer satisfaction with the complaints service, the quality outcomes the council may consider include:

- > Access to the complaints handling procedure
- > The way in which they were treated by council staff, for example in relation to professionalism, friendliness, politeness, courtesy, communication style etc.
- > Empathy, for example understanding the customer's perspective
- > Doing what we said we would do, for example meeting timescales and providing updates
- > The clarity of the decision and the basis for reaching that decision

### **Indicator 8 - Learning from complaints**

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

This can be broken down into:

- > How often reports go to senior management
- > How often complaints outcomes, trends and actions taken are published together with a summary of information communicated to customers
- > Number of services changed, improved or withdrawn as a result of complaints together with a description of the actions taken
- > Action to reduce the risk of recurrence
- > Action taken to ensure that staff members all learn from complaints.