

Subject: COUNCIL COMPLAINTS HANDLING PROCEDURE
Meeting: SCRUTINY COMMITTEE
Date: 31 MARCH 2016
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1. INTRODUCTION AND BACKGROUND

- 1.1 The purpose of this report is to provide information on complaints handling within the Council. It sets out the Council's performance against the indicators set by the SPSO during the financial year 2014/15 and includes benchmarking information, drawn from recent exercises carried out by the Improvement Service and Audit Scotland. The report also provides information about how Council services are learning from complaints and sets the scene for the soon to be established Scrutiny Panel.

2. THE COMPLAINTS PROCEDURE

- 2.1 As Members will be aware, the Council's Complaints Handling Procedure (CHP) follows the model developed by the SPSO. The model CHP applies to all local authorities and all local authority services, with the exception of Social Work. So far Social Work has retained its previous procedure, although this has been subject to a consultation exercise being carried out by Scottish Government. The procedure also applies to arm's length organisations and has been adopted by Falkirk Community Trust.
- 2.2 The Council's CHP is based on a two stage process, the first being frontline resolution and the second being investigation. The term "frontline" is used to mean the first stage of the complaints procedure, not a job role within the Council.
- **Frontline resolution** – issues that are straightforward and easily resolved, requiring little or no investigation. This means "on the spot" apology, explanation or other action to resolve the complaint within five working days or less. Complaints are addressed by staff or referred to the appropriate point for resolution. Complaint details, outcome and action taken are recorded and used for service improvement.
 - **Investigation** – issues that have not been resolved at the first stage or that are complex, serious or "high risk". This means a definitive response is provided within 20 working days following a thorough investigation of the points raised. Responses are signed off by senior management. Senior management are expected to have an active interest in complaints and to ensure the information gathered is used to improve services.
- 2.3 The second stage investigation is now the Council's final opportunity to address a complaint before it is considered by the SPSO. Under the procedure, second stage investigations are carried out at Service Unit Manager level, with the final complaints responses signed off at Head of Service level or above.

- 2.4 Following investigation, if customers are still dissatisfied with our decision or the way we dealt with their complaint, they can ask the Scottish Public Services Ombudsman (SPSO) to look at it. The SPSO cannot normally look at a complaint that has not completed our complaints procedure first.
- 2.5 Each Service has a nominated lead officer for complaints and a Complaints Officers' Working Group is in place. At a national level, a Local Authority Complaints Handlers network has been established in conjunction with the SPSO and a Knowledge Hub forum has been set up so that Councils can share good practice and common queries. Falkirk Council is part of this group which meets on a quarterly basis and is largely focused on operational matters. During 2014/15 it carried out a joint exercise with the Improvement Services to collect and evaluate complaints data from each local authority with the aim of ensuring meaningful benchmarking about complaints performance can take place between Councils. More information about this exercise is included later in this report.
- 2.6 A new recording system for complaints was implemented within the Council from January 2014. This was specifically developed based on the new procedure and to ensure that information relating to the SPSO's agreed indicators is captured. Prior to this, the Council had been using another recording system. This did not capture all the indicator information and as a result the information collected immediately after the implementation of the new procedure (for April-December 2013) is not as full as that for January 2014 onwards. All the required indicator information is being captured from that date onwards.

3. COMPLAINTS INDICATORS

- 3.1 The SPSO has set eight indicators against which complaints performance should be measured. These cover:
- Complaints received per 1,000 population
 - Number of complaints closed
 - Complaints upheld, partially upheld and not upheld
 - Average response times
 - Performance against timescales
 - Number of cases where an extension is authorised
 - Customer satisfaction
 - Learning from complaints
- 3.2 Falkirk Council's performance against these indicators for 2014/15 is set out in this section, with comparative information from 2013/14 where this is available.
- 3.3 For some indicators, national benchmarking information is also included. This is drawn from an exercise carried out last year by the Improvement Service when all Councils were asked to submit performance information on a pro forma. A copy of the highlight report is attached at Appendix One. The full report was circulated at the Complaints Handlers Network in January and while there are some significant differences across the 32 local authorities, in the main the figures for Falkirk Council appear to be close to or better than the national average.

3.4 Indicator One – Complaints Received Per 1,000 Population

The population of the Council area is 157,640.

2014/15	2013/14	All LAs 2014/15
Complaints received – 1,788	Complaints received – 1,287	Total 67,620
Complaints per 1,000 - 11	Complaints per 1,000 - 8	Per 1,000 – 12.9

3.5 Indicator Two – Closed Complaints

	14/15	%	13/14	%	All LAs 14/15
Total complaints closed	1,744	100	1,287	100	100
Total complaints closed at stage 1	1,567	89.9%	1,193	93%	82%
Total complaints closed at stage two	177	10.1%	94	7%	18%

3.6 Indicator Three – Complaints Upheld, Partially Upheld & Not Upheld

Stage One Complaints – 2014/15

2014/15	Falkirk	All LAs
Number of complaints closed at stage 1 (frontline resolution)	1,567	-
Number of complaints upheld at stage 1	614	-
Number of complaints upheld at stage 1 as a % of all complaints closed in full at stage one	39.2%	-
Number of complaints partially upheld at stage 1	258	-
Number of complaints partially upheld at stage 1 as a % of all complaints closed in full at stage one	16.5%	-
% of complaints upheld or partially upheld at stage 1	55.7%	68.1%
Number of complaints not upheld at stage 1	695	-
Number of complaints not upheld at stage 1 as a % of all complaints closed in full at stage 1	44.4%	31.9%

Stage Two Complaints – 2014/15

2014/15	Falkirk	All LAs
Number of complaints closed at stage 2 (investigation)	177	-
Number of complaints upheld at stage 2	34	-
Number of complaints upheld at stage 2 as a % of all complaints closed in full at stage one	19.2%	-
Number of complaints partially upheld at stage 2	57	-
Number of complaints partially upheld at stage 2 as a % of all complaints closed in full at stage one	32.2%	-
% of all complaints upheld or partially upheld at stage 2	51.4%	68.9%
Number of complaints not upheld at stage 2	86	-
Number of complaints not upheld at stage 2 as a % of all complaints closed in full at stage 2	48.6%	31.1%

Escalated Complaints – 2014/15

Number of complaints closed after escalation	120
Number of complaints upheld after escalation	26
The number of escalated complaints upheld at stage 2 as a % of all escalated complaints closed in full at stage 2	21.7%
Number of complaints not upheld after escalation	57
The number of escalated complaints not upheld at stage 2 as a % of all escalated complaints closed in full at stage 2	47.5%
The number of complaints partially upheld after escalation	37
The number of escalated complaints partially upheld at stage 2 as a % of all escalated complaints closed in full at stage 2	30.8%

Information on complaints upheld, not upheld and partially upheld for 13/14 is incomplete due to the implementation of the new system. The figures for January to March 2014 are set out below.

Number of complaints upheld at stage 1	96
Number of complaints partially upheld at stage 1	44
Number of complaints not upheld at stage 1	117
Number of complaints upheld at stage 2	3
Number of complaints partially upheld at stage 2	2
Number of complaints not upheld at stage 2	12

During 2015, 26 new complaints were notified to the Council by the SPSO, with the breakdown as undernoted on a Service-specific basis. An additional four complaints were carried forward from 2014. The total number reported, therefore, is 30, although only 26 are included in the table below.

Council Service/Division	Number of <u>new</u> complaints received		ence
CEO – Finance (now C&HS – Finance)			
Corporate and Neighbourhood Services (now Corporate and Housing Services)	7	13	+6
Development Services	2	5	+3
Education Services	3	2	-1
Social Work Services	0	3	+3
Total	18	26	+8

3.7 Indicator Four – Average Response Times

Stage 1	2014/15	All LAs
Sum of the total number of working days taken for all complaints closed at stage 1	8,386	-
Number of complaints closed at stage 1 (frontline resolution)	1,567	-
Average time in working days for a full response at stage 1	5.4 (target = 5)	4.4 days
Stage 2		
Sum of the total number of working days taken for all complaints closed at stage 2	2,806	-
Number of complaints closed at stage 2 (investigation)	177	-
Average time in working days for a full response at stage 2	15.9 (target = 20)	18.6 days
Escalated		
Sum of the total number of working days taken for all complaints closed after escalation	1,963	-
Number of complaints closed after escalation	120	-
Average time in working days for a full response after escalation	16.4	-

Comparable information for indicator four is not available for 2013/14 due to the implementation of the new recording system. This work is now complete.

3.8 Indicator Five – Performance Against Timescales

Stage One	2014/15	All LAs
Number of complaints closed at stage 1 (frontline resolution)	1,567	-
Number of complaints closed at stage 1 with 5 working days	1,278	-
Number of complaints closed at stage 1 within 5 working days as a % of total stage 1 complaints	81.6%	80.8%

Stage Two		
Number of complaints closed at stage 2 (investigation)	177	-
Number of complaints closed at stage 2 within 20 working days	143	-
Number of complaints closed at stage 2 within 20 working days as a % of total stage 2 complaints	80.8%	84.5%
Escalated		
Number of complaints closed after escalation	120	-
Number of complaints closed after escalation within 20 working days	95	-
Number of complaints closed after escalation within 20 working days as a % of total escalated complaints	79.2%	-

Comparable information for 13/14 is not available due to implementation of the new system.

3.9 Indicator Six – Use of Extensions

Stage One	2014/15	All LAs
Total number of complaints closed at stage 1	1,567	-
Total number of complaints closed at stage 1 where an extension was authorised	115	-
Total number of complaints closed at stage 1 where an extension was authorised as a % of all complaints at stage 1	7.3%	4%

Stage Two		All LAs
Total number of complaints closed at stage 2	117	-
Total number of complaints closed at stage 2 where an extension was authorised	18	-
Total number of complaints closed at stage 2 where an extension was authorised as a % of all complaints at stage 2	10.2%	13.6%
Escalated		
Total number of complaints closed after escalation	120	-
Total number of complaints closed after escalation where an extension was authorised	13	-
Total number of complaints closed after escalation where an extension was authorised as a % of all complaints escalated	10.8	-

January – March 2014	
Number of extensions authorised at stage 1	18
Percentage of stage 1 complaints where an extension was authorised	7%
Number of extensions authorised at stage 2	2
Percentage of stage 2 complaints where an extension was authorised	11%

Information is not available for April – December 2013.

Indicator Seven – Customer Satisfaction

- 3.10 Customer satisfaction with contact with the Council is captured regularly using a variety of channels, including through the customer survey carried out every two years since 2002. This asks questions about why people contact the Council, how they prefer to make contact and their experience when they do. To capture information specifically relating to people's experience of submitting a complaint to the Council a feedback survey has been developed and issued to a sample of people who have complained to us, asking them to comment on their experiences so that this information can be used to improve complaints handling.
- 3.11 Areas covered in the survey include subject of the complaint, timeliness, the quality of information provided, staff attitude and overall satisfaction with the service. The initial responses are indicating some general dissatisfaction with elements of customer care. These will be considered in more depth by the Corporate Complaints Group. It is proposed that feedback surveys are sent out regularly to different samples of complainants to enable performance to be tracked. In addition, the current Citizens Panel questionnaire asks a series of questions around awareness of the procedure, whether people have used it and their experiences if they did.

Indicator Eight - Learning from Complaints

- 3.12 One of the strong themes from the SPSO is that Councils should put in place processes that enable them to learn lessons from the complaints they receive and review and change service delivery if required. This is an ongoing process across the Council and this section provides information about the headline issues which have arisen recently within Services.

Children's Services

- 3.13 As part of the improvement programme for complaints handling within Children's Services, a continuing professional development event on dealing with Stage 2 complaints has been run for staff at Sealock House and Camelon Education Centre, covering officers from:
- Educational Support and Improvement
 - Forward Planning (covering Placing Requests)
 - Property
 - Educational Psychology Service
- 3.14 In addition events were run for Clerical teams in both centres.
- 3.15 Seven events have been held for head teachers of primary and secondary schools on handling complaints. A total of 35 headteachers attended these events, which were run by a representative from the SPSO's office. All of the above events (i.e. those for centre staff and for headteachers) focused on:
- The distinction between Stage 1 and Stage 2 complaints
 - The distinction between a complaint and an enquiry
 - The requirement to meet timescales
 - Responding to vexatious and other difficult complaints.

- 3.16 Data on the complaints/enquiries received is considered on a regular basis by Children's Services Management Team. Information about issues arising from the complaints data is used to update and revise policies and procedures at the Centre and in schools. The complaints data also informs School Reviews, Improvement Meetings, HMIE Inspections and the monitoring of the priority schools.

Corporate and Housing Services

- 3.17 Corporate & Housing Services maintains a constant focus on performance in complaints handling, with complaints followed up on a regular basis if cases are overdue or reaching their due date. Reports are sent twice a week to the Director of Corporate & Housing Services, the Head of Housing Services, and other senior managers, for them to review and query further where required. Housing Services is further scrutinised by having to report annually on our complaints performance, which is published publicly for comparison against other local authorities. Recent examples of further action being taken in response to complaints include reviewing follow up action in relation to noise monitoring, as a result of an SPSO investigation, and making any necessary improvements.
- 3.18 Work is also on going within Housing to make staff aware of the importance of their choice of language in case notes and correspondence. A guidance note is being prepared for staff on this and this will be circulated widely particularly to staff who have responsibility for updating case notes etc. We are also in the process of arranging a training course on Data Protection issues to roll out to staff.
- 3.19 It is recognised that a large number of complaints are received, and often resolved, by frontline staff in Customer First and the Contact Centre. We are committed to maintaining a focus on complaints and how to handle these at the frontline. Customer First schedule a rolling training programme for all new and existing customer advisors to ensure they are familiar with processes and can deliver the best service possible. To reduce call waiting times, staff resources are continually reviewed and developed to meet changing customer demands.
- 3.20 Within Revenues & Benefits, staff endeavour to resolve the majority of complaints at the first point of contact either face-to-face at One Stop Shops or on the telephone through the hotline 506999 where possible. The most common area of complaint continues to relate to Council Tax or Rent Arrears recovery action. The level of supporting evidence required for Housing Benefit claims also features as a common complaint. The service has a dedicated team who manage the logging and allocation of complaints to appropriate senior officers for responses to ensure that we meet the timescales. These statistics are collated and reported to Managers on a monthly basis. We also have created standard template response letters on our EDMS system to ensure consistency and also provide the complainer with information about the further routes to escalate their complaint if they remain dissatisfied. A record is kept of the nature of the complaint and the outcomes so that Revenues & Benefits ensure that any identified gaps in training or procedures are addressed and remedial action taken and documented to prevent further occurrences.

Development Services

- 3.21 Within Development Services, the highest number of complaints continues to be about waste collection. However the number of complaints must be considered in the context of the total number of uplifts carried out each week from every residential property in the

Council area. There is an expectation on the part of officers that the number of complaints will rise as budget savings are implemented. Complaints are scrutinised by Development Service's senior management team and improvement actions put in place if required. For example, complaints about school and public transport may result in small operational changes e.g. to timetables, to methods or timing of communications to customers. They are also considered when bus contracts are being reviewed, as far as procurement procedures allow.

Social Work Services – Adult and Children's Services

- 3.22 Social Work Services nationally have not adopted the SPSO's model CHP and consultation on this is ongoing, however complaints are recorded and monitored in line with the current procedure. In Adult Services most complaints tend to relate to delays in service delivery, i.e. Care Needs Assessment. Complaints were also made around charging when this was introduced, however these have settled down and reduced.
- 3.23 Within Children and Families complaints usually relate to parents being unhappy with decisions taken about the care of their children or in some cases services being provided. In both of the above areas there have also been some complaints relating to staff conduct. Most complaints are passed initially to the locally based Team Manager for investigation; if that response is not accepted by the complainant then it would be escalated to a Stage 2 and be passed to a Service Manager. It can also be difficult to meet timescales as most complaints tend to be of a complex nature so take longer to investigate. In such circumstances a "holding" letter is required.
- 3.24 The fact that Social Work is operating a different complaint procedure to the rest of the Council can also be confusing for the public as the timescales are slightly different and issues have been raised by the public about for not meeting what is set out in the Council's Complaints Procedure.

4. COMPLAINTS REPORTING

- 4.1 In December 2015 the Accounts Commission requested information on the quality of complaints reporting across Councils. This report was presented to the January meeting of the Complaints Handlers Network and a copy is attached for information at Appendix 2.
- 4.2 One of the issues picked up in the report is the requirement to publish annual complaints performance reports. No deadlines have been set by the SPSO for the publication of these, however the report notes that 30 Councils have published reports for 2013/14 and 15 Councils have published reports for 2014/15. Falkirk Council has not yet published its report for 2014/15 and it is proposed that the information in this report is used as the basis for that document, with it being published on the Council's website and submitted to the SPSO.
- 4.3 A separate, but associated, issue is the use of consistent complaints indicators in reports submitted to the Performance Panel. It is proposed that the SPSO indicators 3 and 5 are used for this purpose. These cover the number of complaints upheld, partially held and not upheld and the performance against timescales. All services will require to report on these indicators in future reports to the Performance Panel.

5. SCRUTINY PANEL ON COMPLAINTS

- 5.1 At Scrutiny Committee's meeting on December 3rd, Members agreed that the next area to be subject to a Scrutiny Panel would be complaints. The decision was to establish a Scrutiny Panel on the operation of the complaint system within the Council, in particular, the extent to which complaint outcomes are considered and lessons learned for the future. The scope of the Scrutiny Panel will include customer feedback as well as formal complaints.
- 5.2 It is proposed that Members of the Panel be identified and that a scoping document for the Scrutiny Panel is developed based on the outline in para 5.1 above. In addition it is proposed that a cross-Service group of officers supports the work of the panel. It is envisaged that this will involve representatives from the areas where the Council receives the highest volume of complaints.
- 5.3 It is proposed that the scoping meeting and timetable for the work of this panel is developed by summer recess with a view to the Panel reporting prior to the end of the year.

6. RECOMMENDATIONS

It is recommended that Members:

- 6.1 **Note the corporate position with complaints performance during the period April 2014 to March 2015;**
- 6.2 **Note that the information in this report should be used as the basis for the Council's Complaints Annual Report. This will be published on the website and submitted to the SPSO;**
- 6.3 **Note the Council's performance against the national average, as set out in the benchmarking report;**
- 6.4 **Agree that SPSO indicators 3 and 5 will be used by all Services as the standard performance indicators for complaints reported to the performance panel; and**
- 6.5 **Note that a Scrutiny Panel will be established to look at the operation of the Complaints Procedure within the Council, in particular the extent to which complaints information is used to improve services, and once Members are identified to take part in that Panel a scoping meeting will take place to establish a timetable and process for the review with this meeting taking place before the summer recess.**

DIRECTOR OF CORPORATE & HOUSING SERVICES

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BACKGROUND PAPERS

More information can be found at www.valuingcomplaints.org.uk