

ANGUS COUNCIL

SCRUTINY AND AUDIT COMMITTEE – 1 JUNE 2021

ANNUAL COMPLAINTS PERFORMANCE REPORT – 1 APRIL 2020 – 31 MARCH 2021

REPORT BY JACKIE BUCHANAN, DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

ABSTRACT

The purpose of this report is to inform Committee of complaint statistics for 2020/21 and to assure members that by looking at complaints received, we learn lessons which should reduce the likelihood of a similar problem being repeated. It also details the new SPSO framework introduced nationally from 1 April 2021. The information on complaints which is recorded includes the types of complaint received, how quickly we dealt with each complaint and the number that were upheld, partially upheld or not upheld. The information is divided into different complaint stages.

1. RECOMMENDATIONS

- 1.1 It is recommended that the Scrutiny & Audit Committee: -
- (i) note the complaints statistics for 2020/21 provided in this report.
 - (ii) Notes that a new SPSO Complaints Handling Framework was introduced nationally on 1 April 2021
 - (iii) note the key performance indicators on complaints closed between 1 April 2020 and 31 March 2021.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN

- 2.1 This report contributes to the following local outcome contained within the Community Plan, Council Plan and Locality Plans:

- **Angus is a safe, secure, vibrant and sustainable community.**

3. BACKGROUND

- 3.1 The Scottish Public Services Ombudsman is the responsible body for complaints. They set and monitor complaints handling standards for the public sector in Scotland. These standards are published as the Model Complaints Handling Procedures (MCHP) and define how they expect the public service sector to handle complaints quickly and simply, with local and early resolution by empowered and well-trained staff.

In 2020-21 a review of the MCHO was carried out by the SPSO to establish its effectiveness and usability, On 1 April 2021, changes came into operation across public services.

The SPSO require Councils to publish an annual complaints report and to publish quarterly complaints, outcomes and action taken to improve services' performance.

- 3.2 A complaint is any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by or on behalf of the council. This includes:

- A failure to provide proper administrative processes
- Delays in responding to service requests and enquiries.
- Failure to provide a service to the expected standard.
- Dissatisfaction with council policies.
- Treatment by or attitude of a member of staff.

All complaints received from customers and service-users are managed under the two-stage complaint procedure.

- Stage 1 Frontline Resolution
- Stage 2 Investigation

On 1 July 2020 the Council moved to a fully digitalised system, named “Contact Us”. Customers can log a complaint online, however, by telephone, email and in person complaints are still accepted.

4. 2020/21 SUMMARY

In 2020/21, Angus Council received a total of 256 complaints. The Scottish Public Services Ombudsman (SPSO) has a variety of indicators as a basis for monitoring complaint handling performance and these are detailed below. The performance for complaints from 2019/20 and 2020/21 has been provided to give a comparison.

A report on the quarterly statistics, based on services, will be submitted to the August meeting of this Committee.

5. PERFORMANCE INDICATORS

5.1 Indicator One – Complaints received per 1,000 population

To determine the number of complaints received per 1,000, we count those received at Stage 1 and received directly at Stage 2.

In 2020/21 we received 256 Stage 1 and Stage 2 complaints,

| Category | 2019/20 | 2020/21 |
|---------------------------|---------|---------|
| Angus Council population | 116,040 | 116,400 |
| Total complaints received | 369 | 256 |
| Per 1,000 | 3.18% | 2.2% |

According to the National Records of Scotland (www.gro-scotland.gov.uk), the population estimate for Angus Council has increased by 360 since 2019/20.

5.2 Indicator Two – Closed complaints

The majority of closed complaints were handled at Stage 1 which is as expected. We aim to provide quick responses to straightforward issues and deal with complex matters at Stage 2. A complaint can be escalated from Stage 1 to Stage 2 if the customer wants it to, the case is passed to investigation without delay.

| Category | 2019/20 | % | 2020/21 | % |
|--------------------|---------|-------|---------|-------|
| Total Complaints | 369 | | 229 | 2% |
| Stage 1 complaints | 309 | 83.9% | 202 | 88.2% |
| Stage 2 complaints | 45 | 12.1% | 22 | 9.6% |
| Escalated Stage 2 | 15 | 4% | 5 | 2.2% |
| Total Closed | 369 | | 229 | |

5.3 Indicator Three – complaints upheld, partially upheld and not upheld

There is a requirement for a formal outcome to be recorded for each complaint. These outcomes are “upheld”, “partially upheld” or “not upheld”.

If it were found that procedures had been followed or the service provided as expected, a complaint would be recorded as “not upheld”. However, if this was not the case the complaint would be recorded as “upheld”. Where there are several points to a complaint and the decisions are a mixture of “upheld” and “not upheld”, the complaint is recorded as “partially upheld” overall.

| Category | 2019/20 | % |
|------------------------------------|---------|-------|
| Stage 1 Upheld | 75 | 24% |
| Stage 1 Not Upheld | 138 | 45.2% |
| Stage 1 Partially Upheld | 96 | 30.8% |
| Stage 2 Upheld | 8 | 17.8% |
| Stage 2 Not Upheld | 20 | 44.4% |
| Stage 2 Partially Upheld | 17 | 37.8% |
| Stage 2 Escalated Upheld | 2 | 13.3% |
| Stage 2 Escalated Not Upheld | 8 | 53.3% |
| Stage 2 Escalated Partially Upheld | 5 | 33.3% |
| Total | 369 | |

| Category | 2020/21 | % |
|------------------------------------|---------|-------|
| Stage 1 Upheld | 61 | 30.2% |
| Stage 1 Not Upheld | 75 | 37.1% |
| Stage 1 Partially Upheld | 66 | 32.7% |
| Stage 2 Upheld | 3 | 13.6% |
| Stage 2 Not Upheld | 15 | 68.2% |
| Stage 2 Partially Upheld | 4 | 18.2% |
| Stage 2 Escalated Upheld | 1 | 20% |
| Stage 2 Escalated Not Upheld | 2 | 40% |
| Stage 2 Escalated Partially Upheld | 2 | 40% |
| Total Closed | 229 | |

5.4 Indicator Four – The average time in working days for complaints at each stage

The table below shows the average working days taken to respond to complaints at each stage of the complaint's procedure.

| Average working days to respond | 2019/21 | 2020/21 |
|---------------------------------|---------|---------|
| Stage 1 | 7.95 | 3.3 |
| Stage 2 | 21.22 | 11.2 |
| Stage 2 Escalated | 31.2 | 18.2 |

5.5 Indicator Five – The number and percentage of complaints at each stage which were closed in full within the set timescales of 5 and 20 days.

We are required to respond to a Stage 1 complaint within 5 working days and a Stage 2 complaint within 20 working days.

| Percentage of complaints closed within timescale | 2019/21 | % | 2020/21 | % |
|--|---------|-------|---------|-------|
| Stage 1 | 189 | 60.6% | 151 | 74.8% |
| Stage 2 | 23 | 51.1% | 12 | 54.5% |
| Escalated Stage 2 | 4 | 26.7% | 3 | 60% |

5.6 Indicator Six – The number and percentage of complaints at each stage where an extension to the 5 and 20 working day timeline has been authorised.

Where a response has taken longer to be issued, an update is given to the complainant with a new date for response.

Stage 1 complaints may be extended by a further 5 days. The timeframe for an extension to a Stage 2 complaint investigation is not set and is determined based on factors such as the nature of the complaint, the evidence available and if the complaint relates to more than one service or department.

| Number of complaints with an extension | 2019/20 | % | 2020/21 | % |
|--|---------|-------|---------|-------|
| Stage 1 | 9 | 2.9% | 2 | 1% |
| Stage 2 | 7 | 15.6% | 2 | 9.1% |
| Stage 2 Escalated | n/a | n/a | 4 | 80.0% |

5.7 Indicator Seven – Customer Satisfaction

A customer satisfaction survey should be issued to customers following the closure of their complaint to establish if the complaint was handled to their satisfaction and to identify areas for improvement. However, the new system does not generate this and a new process will require to be developed. To comply with this requirement meantime, work has been initiated to manually extract contact details from the system so that customers can be emailed and asked for their feedback. It is hoped that this work will be completed by 1 July 2021. This is a short term solution and work with Granicus, the developers of “Contact Us” is required to put in place measures to ensure the required information can be generated in future from the digital system once a complaint is closed off. An update will be provided to committee members on this to demonstrate that an appropriate process is in place.

5.8 Indicator Eight – Learning from complaints

Upon closure of every complaint, we identify any learning points. This is particularly important where complaints are upheld, but even a complaint which is not upheld can highlight the need for change.

A sample of the improvements made because of complaints in 2020/21 are outlined in the following table.

| Complaint Topic | Learning |
|--|--|
| An application was suspended when an officer went off sick. The complainant's application was delayed. | To improve the service a cover system has been adopted. Should an officer be absent then cases are reviewed and re-allocated to prevent recurrence. This takes place on a weekly basis |
| Failure to notify an interested party of an appointment. | The appointment had been an emergency and the correct procedure had not been followed. Staff were re-issued with the procedure and reminded of the steps to be taken in such circumstances. |
| Failure to update regularly. This complaint spanned over several council services causing poor communication, delays and inaccuracies. | Officers were reminded to regularly update customers. Gaps were recognised in progressing matters mostly relating to competing priorities, however, from the customers viewpoint in demonstrated a lack of interest. As a result the council will adopt a more co-ordinated approach, sharing a multi-agency assessment of cases, where appropriate. |

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report.

7. CONSULTATION

7.1 The Chief Executive and all Directors have been consulted in the preparation of this report.

8. EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment has been carried out and is attached.

JACKIE BUCHANAN
DIRECTOR OF LEGAL & DEMOCRATIC SERVICES

NOTE: No background papers, as detailed by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

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Equality Impact/Fairer Scotland Duty Assessment Form

Step 1

Name of Proposal – Complaints Annual Report Committee Report

Step 2

Is this only a **screening** Equality Impact Assessment **Yes/No**

(A) If Yes, please choose from the following options **all** reasons why a full EIA/FSD is not required:

(i) It does not impact on people **Yes/No**

(ii) It is a percentage increase in fees which has no differential impact on protected characteristics
Yes/No

(iii) It is for information only **Yes/No**

(iv) It is reflective e.g. of budget spend over a financial year **Yes/No**

(v) It is technical **Yes/No**

If you have answered yes to any of points above, please go to **Step 16**, and sign off the Assessment.

(B) If you have answered No to the above, please indicate the following: Is this a full

Equality Impact Assessment **Yes/No**

Is this a Fairer Scotland Duty Assessment **Yes/No**

If you have answered Yes to either or both of the above, continue with Step 3.

If your proposal is a **strategy** please ensure you complete Step 13 which is the Fairer Scotland Duty Assessment.

Step 3

(i)Lead Directorate/Service: Legal & Democratic Services

(ii)Are there any **relevant** statutory requirements affecting this proposal? If so, please describe.

N/A

(iii)What is the aim of the proposal? Please give full details.

N/A

(iv)Is it a new proposal? Yes/**No** Please indicate OR

Is it a review of e.g. an existing budget saving, report, strategy, policy, service review, procedure or function? Yes/**No** Please indicate

Step 4: Which people does your proposal involve or have consequences for?

Please indicate all which apply: Employees

Yes/No

Job Applicants

Yes/No

Service users

Yes/No

Members of the public

Yes/No

Step 5: List the evidence/data/research that has been used in this assessment (links to data sources, information etc which you may find useful are in the Guidance). This could include:

Internal data (e.g. customer satisfaction surveys; equality monitoring data; customer complaints).

Internal consultation (e.g. with staff, trade unions and any other services affected).

External data (e.g. Census, equality reports, equality evidence finder, performance reports, research, available statistics)

External consultation (e.g. partner organisations, national organisations, community groups, other councils).

Other (general information as appropriate).

Step 6: Evidence Gaps.

Are there any gaps in the equality information you currently hold? Yes/No

If yes, please state what they are, and what measures you will take to obtain the evidence you need.

Step 7: Are there potential differential impacts on protected characteristic groups? Please complete for each group, including details of the potential impact on those affected. Please remember to take into account any particular impact resulting from **Covid-19**.

Please state if there is a potentially positive, negative, neutral or unknown impact for each group. Please state the reason(s) why.

Age

Impact

Disability

Impact

Gender reassignment

Impact

Marriage and Civil Partnership

Impact

Pregnancy/Maternity

Impact

Race - (includes Gypsy Travellers)

Impact

Religion or Belief

Impact

Sex

Impact

Sexual orientation

Impact

Step 8: Consultation with any of the groups potentially affected

If you have consulted with any group potentially affected, please give details of how this was done and what the results were.

If you have not consulted with any group potentially affected, how have you ensured that you can make an informed decision about mitigating action of any negative impact (Step 9)?

Step 9: What mitigating steps will be taken to remove or reduce potentially negative impacts?

Step 10: If a potentially negative impact has been identified, please state below the justification.

Step 11: In what way does this proposal contribute to any or all of the public sector equality duty to: eliminate unlawful discrimination; advance equality of opportunity; and foster good relations between people of different protected characteristics?

Step 12: Is there any action which could be taken to advance equalities in relation to this proposal?

Step 13: FAIRER SCOTLAND DUTY

This step is only applicable to **strategies** which are key, high level decisions. If your proposal is **not** a strategy, please leave this Step blank, and go to Step 14.

Links to data sources, information etc which you may find useful are in the Guidance.

Step 13(A) What evidence do you have about any socio-economic disadvantage/inequalities of outcome in relation to this strategic issue?

Step 13(B) Please state if there are any gaps in socio-economic evidence for this strategy and how you will take measures to gather the evidence you need.

Step 13(C) Are there any potential impacts this strategy may have specifically on the undernoted groupings? Please remember to take into account any particular impact resulting from Covid-19.

Please state if there is a potentially positive, negative, neutral or unknown impact for each grouping.

Low and/or No Wealth (e.g. those with enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provision for the future.

Impact

Material Deprivation (i.e. those unable to access basic goods and services e.g. repair/replace broken electrical goods, warm home, leisure and hobbies).

Impact

Area Deprivation (i.e. where people live (e.g. rural areas), or where they work (e.g. accessibility of transport).

Impact

Socio-economic Background i.e. social class including parents' education, people's employment and income.

Impact

Other – please indicate

Step 13(D) Please state below if there are measures which could be taken to reduce socio-economic disadvantage/inequalities of outcome.

Step 14: What arrangements will be put in place to monitor and review the Equality Impact/Fairer Scotland Duty Assessment?

Step 15: Where will this Equality Impact/Fairer Scotland Duty Assessment be published?

Step 16: Sign off and Authorisation. Please state name, post, and date for each: Prepared by:

Elaine Whittet, Legal & Democratic Services

Reviewed by: Approved

by:

NB. There are several worked examples of separate EIA and FSD Assessments in the Guidance which may be of use to you.