

REVISED COMPLAINTS HANDLING PROCEDURE

Report by Director Resilient Communities

EXECUTIVE COMMITTEE

16 November 2021

1 PURPOSE AND SUMMARY

1.1 This report proposes the endorsement of the revised Complaints Handling Procedure

1.2 The report also outlines the key changes being introduced in the revised Complaints Handling Procedure which has been developed following a review by the Scottish Public Services Ombudsman.

2 RECOMMENDATIONS

2.1 I recommend that the Committee endorse the revised Complaint Handling Procedure for all Council Departments.

3 BACKGROUND

- 3.1 The Public Services Reform (Scotland) Act 2010 (the Act) gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of a standardised Complaints Handling Procedure (CHP) for the public sector. The Act built on the work of the Crerar and Sinclair reports that sought to improve public sector complaints handling.
- 3.2 The original Local Authority Model Complaints Handling Procedure (MCHP) was published by the SPSO on 28 March 2012 for implementation by 31 March 2013.
- 3.3 In 2018-19, the SPSO conducted a review of the MCHP to establish its effectiveness and usability. Following consultation across all sectors, the MCHPs were revised to standardise the core text across all of Scotland's public services and to update the MCHPs in line with issues identified by the SPSO in their casework, research and good practice.
- 3.4 The updated MCHPs were published under section 16B(5) of the Scottish Public Services Ombudsman Act 2002 on 31 January 2020 with an expectation that public sector organisations would have implemented any changes by April 2021.
- 3.5 The response to Covid-19 has interrupted the planned implementation of the revised MCHP at Scottish Borders Council. The implementation is currently planned for December 2021.

4 SCOTTISH PUBLIC SECTOR OMBUDSMAN MODEL COMPLAINTS PROCEDURE

- 4.1 The SPSO has determined under his statutory powers that the MCHP applicable to Scottish Local Authorities will consist of two stages (Frontline and Investigation) each with specific timelines.
- 4.2 The underlying principles of the MCHP still apply to the revised MCHP
 - simplicity of handling complaints
 - speed of recognising and dealing with complaints
 - resolution of complaints by frontline staff whenever possible
 - staff being trained to avoid complaints
 - staff trained to deal with complaints as they arise
 - lessons being learned from complaints handled
 - valuing complaints as an aid to improvement
- 4.3 The MCHP envisages simple complaints (Frontline) being recognised, addressed and fully resolved at the earliest opportunity by staff dealing directly with frontline contact. These are expected to be dealt with immediately or within 5 days as a rule but in exceptional circumstances, this could be extended to a maximum of 10 days. If at any time it appears the complaint could not be dealt with in that timescale, it must be moved to the next stage – Investigation.

- 4.4 The Investigation stage is expected to take no longer than 20 working days in total although it may be extended in exceptional circumstances.
- 4.5 There is no option for a third stage and where the complaint has been dealt with at Investigation stage and the customer remains dissatisfied the next action would be for the customer to refer the matter to the SPSO who would then directly handle and investigate matters.
- 4.6 A stated intent within the MCHP is that senior managers and officers within Local Authorities are actively involved in the complaints handling and resolution process. This is to engender a culture of valuing the insight provided by complaints and learning from them to improve customer service and future service provision. It is also to ensure complaints are treated with due seriousness within the organisation.
- 4.7 The definition of a complaint is unchanged and is defined as "...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 KEY CHANGES IN THE REVISED MODEL COMPLAINTS HANDLING PROCEDURE

- 5.1 There is no longer a standalone Social Work MCHP
- (a) In line with feedback received during the SPSO's public consultation on the revision of the MCHPs, they combined the MCHPs for the local authority and social work sectors into a single document.
- (b) Much of the core text in the revised MCHP has been taken from the Social Work MCHP, which was the last MCHP to be developed by the SPSO prior to their 2018/19 review of the MCHPs.
- (c) The revised Local Authority MCHP includes some additional text and examples specific to local authorities and health and social care partnerships (HSCPs) handling social work complaints.
- 5.2 Structure and presentation
- (a) The procedure is now presented in five parts to make relevant information easier to find. The five parts are:
- Part One: Introduction and Overview
 - Part Two: When to use this Procedure
 - Part Three: The Complaints Handling Process
 - Part Four: Governance
 - Part Five: Customer Facing Complaints Handling Procedure
- (b) The core text has been standardised by the SPSO across all sectors in Scotland. Additional sector-specific text and examples have been included in each version.
- 5.3 Resolving complaints
- (a) Organisations may now resolve a complaint by agreeing any action to be taken with the customer, without making a decision on whether to uphold, not uphold or partially uphold the complaint.

- (b) A clear record of the resolution agreed and signposting to next stage are required.
- 5.4 Agreeing the complaint and outcome sought at stage 2
 - (a) Organisations must agree the points of complaint and outcome sought with the complainant at the start of stage 2 (investigation).
 - (b) Where the points of complaint and outcome sought are clear, this can be done by setting these out in the complaint acknowledgement letter.
- 5.5 Time limit for making complaints
 - (a) The six-month timeframe to make a complaint also now applies where the customer wishes to escalate to Stage 2 because they are unhappy with the Stage 1 response.
 - (b) Therefore, the customer must escalate their complaint to Stage 2 within six months of becoming aware of the issue they are complaining about, or they must escalate their complaint to Stage 2 within two months of receiving their Stage 1 response, whichever is later.
- 5.6 Supporting staff
 - (a) Organisations must share relevant parts of the complaint and response with any staff members who have been complained about.
 - (b) At stage 2, staff members must be given information about the complaint process, support must be made available, and they must be kept updated on any timeframe extensions.
- 5.7 Equality and accessibility
 - (a) Organisations will customise this section to reflect local actions staff may take to support equal access to the complaints process (including for vulnerable groups).
 - (b) Officers at SBC will engage with the Equalities Forum regarding the new complaint recording system and the Council's approach to supporting vulnerable clients and customers to make complaints.
- 5.8 Complaints on social media (and other digital platforms)
 - (a) As a minimum, organisations must respond to complaints on the organisation's own social media channels by signposting to the complaint process and support available.
 - (b) This section will be customised to reflect Scottish Borders Council's policy and approach
- 5.9 Contact from MPs, MSPs and Councillors
 - (a) Organisations can set out details of local procedures but must ensure they comply with relevant legislation
 - (b) Where a complaint is brought by an MP, MSP or elected member, the organisation must handle it in line with the Complaints Handling Procedure and ensure they do not operate a two-tier system.

- 5.10 Performance indicators
- (a) Organisations are to report on and publish complaint statistics in line with performance indicators published by the SPSO
 - (b) These are currently being developed, and will include core performance indicators applicable to all sectors
 - (c) Additional performance indicators to support benchmarking are being developed for some sectors, including the Local Authority sector, in consultation with those sectors' complaint handling networks

6 NEW COMPLAINTS HANDLING RECORDING SYSTEM

- 6.1 One of the reasons the implementation of the MCHP has been delayed is that a new complaints handling recording system is being built as part of the Council's digital customer access project.
- 6.2 Jadu is the software currently used to host SBC's website. Jadu provides a content management solution that is being developed to customise a new customer relationship management system for SBC.
- 6.3 The new complaints recording system is being built because Lagan CRM, the current customer relationship management system, is being decommissioned. Lagan CRM will be replaced by improved technology available through Jadu.
- 6.4 The reporting software Cognos BI has already been replaced by Microsoft Power BI.
- 6.5 During the response to, and recovery from, Covid-19 the majority of officers working on the build of the new system were redeployed to work on Covid-19 related projects.
- 6.6 The officers are now back working on the new build and the system is currently planned to go live in December 2021.

7 LEARNING FROM COMPLAINTS

- 7.1 The new complaints recording system that is being built in Jadu will make a number of improvements to the way the current complaints handling process is managed.
- 7.2 One of the key changes will be an improved focus on learning from complaints.
- 7.3 This is fundamentally important if we are to reduce the recurrence of complaints and continually improve.
- 7.4 The new system will record the reasons behind officer's decision-making, the lessons that have been learned from the complaint case, the root cause of the complaint and the improvement actions that officers have already taken, and any improvement actions to be taken in the future.

- 7.5 This information will regularly be reported on to management teams and the progress of improvement actions will be followed up to ensure completion.

8 IMPACT ON STAFF

- 8.1 Officers engaged in work that brings them into direct contact with customers will require awareness and or operational training on the new system and procedures. Work is ongoing with Human Resources to develop a suite of SB Learning modules. These modules will provide standard training information and course material relevant to staff needs and to ensure overall staff awareness of the new system and procedure.
- 8.2 All new staff are required to receive training on the Complaints Handling Procedure as part of the induction process, and mandatory refresher training is provided for current staff on a regular basis.
- 8.3 Officers directly involved in complaints handling and responses will receive training on the new procedures and the new complaints recording system. Work is ongoing to ensure standard induction material and staff training reflects the new Complaints Handling Procedure.

9 IMPLICATIONS

9.1 Financial

The training and computer system changes will be met from existing resources, therefore, there are no financial implications associated with this report other than those associated with staff time spent on receiving awareness training.

However, it should be noted that given the significant change in the complaints recording system and the length of time since comprehensive complaints refresher training was done the training impact will be a significant investment in time.

Primarily this investment will be made by Customer Advice and Support Service staff who will need to deliver this training initially, but also all officers involved in responding to complaints will be required to do complaints recording system, complaints process refresher and complaints culture at Scottish Borders Council training.

9.2 Risk and Mitigations

- (a) The MCHP has a statutory basis and non-compliance could lead to orders to comply and ultimately Parliamentary censure. The introduction of the revised Complaints Handling Procedure and new complaint recording system within Jadu mitigates that risk.
- (b) Failure to adequately advise and train staff in the new procedure could lead to non-compliance. Appropriate training material is being developed and methods of delivery investigated.

9.3 **Integrated Impact Assessment**

A light touch assessment has been conducted and this will be published on Scottish Borders Council's Equality and Diversity Pages of the website as equality, diversity and socio-economic factors have duly been considered when preparing this report. This report is for an amendment to the current Complaints Handling procedure, which is based on the SPSO's MCHP. Each public sector organisation across Scotland is required to implement the MCHP.

The MCHP has been developed with the intent of placing customers at the heart of the complaints process and it highlights Local Authorities duties and responsibilities in relation to Equalities Legislation.

In addition, officers will be engaging with the Equalities Forum regarding the new complaint recording system and the Council's approach to supporting vulnerable clients and customers to make complaints.

9.4 **Sustainable Development Goals**

There are no direct economic, social or environmental issues with this report which would affect the Council's sustainability policy.

9.5 **Climate Change**

It is not anticipated that this revised procedure will have any significant impact on climate change. The new complaints recording system is however building in options to issue responses via electronic means, including a self-serve portal. This will result in some reduction in paper usage and posting of physical letters that will reduce the complaints process' carbon footprint.

9.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

9.7 **Data Protection Impact Statement**

It is anticipated that the proposals in this report will have a minimal impact on data subjects and the Data Protection Officer has confirmed that a Data Protection Impact Assessment is not required.

However, the MCHP does include a section on maintaining confidentiality and data protection, and has frequent reminders about data protection and the requirements to comply with the legislation throughout the procedure.

There is an overarching Data Protection Impact Assessment (DPIA) for Jadu that covers the technical aspects of the functionality that we currently use, but a specific DPIA lite will be completed for the complaints recording system.

9.8 **Changes to Scheme of Administration or Scheme of Delegation**

No changes to the Scheme of Administration or Scheme of Delegation are required as a result of this report.

10 CONSULTATION

10.1 The Director (Finance & Corporate Governance), Chief Legal Officer (including as Monitoring Officer), Chief Officer Audit & Risk, Director (People Performance & Change), Director (Resilient Communities), Clerk to the Council, Corporate Communications, Corporate Equalities and Diversity Officer, Customer Advice and Support Service Manager have been consulted and their comments incorporated into the final report.

Approved by

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Background Papers: Current Complaints Handling Procedure

Previous Minute Reference: Executive 2 November 2012 Item No. 5

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. The Customer Advice and Support Service can also give information on other language translations as well as providing additional copies.

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