
SCOTTISH BORDERS COUNCIL'S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2019/20 and 2020/21

Report by Director Resilient Communities

EXECUTIVE COMMITTEE

7 December 2021

1 PURPOSE AND SUMMARY

- 1.1 This report presents a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2019/20 and 2020/21", which is presented as Appendix 1 and Appendix 2. This sets out how many complaints have been received, how effectively complaints have been dealt with, trends over time and how Scottish Borders Council (SBC) compares to other similar rural Local Authorities and the national average. It also provides a summary of the eight performance indicators that the Scottish Public Services Ombudsman (SPSO) requires all Local Authorities to report against.**
- 1.2 The Annual Report is a requirement of all Local Authorities and allows the SPSO to assess the effectiveness of Councils' Complaint Handling Procedures (CHP). It also ensures an ongoing focus on learning from complaints received to inform continuous improvement.
- 1.3 During 2019/20, SBC received 1034 complaints, of which 725 were defined as valid and during 2020/21, SBC received 1076 complaints, of which 780 were defined as valid. In 2019/20 Scottish Borders Council continued to perform well against the Scottish averages and similar Scottish Local Authorities in relation to the 8 SPSO performance indicators, but the performance on timeliness of response has decreased through 2020/21.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee notes the performance of handling complaints for the periods 1 April 2019 to 31 March 2020 and 1 April 2020 to 31 March 2021.**

3 BACKGROUND

- 3.1 The Public Services Reform (Scotland) Act 2010 gave the SPSO the authority to lead the development of a standardised complaints handling procedure to be used across the public sector.
- 3.2 In May 2012, the SPSO issued finalised guidance on the handling of complaints, 'Local Authority Model Complaints Handling Procedure'. In November 2012 Scottish Borders Council approved a 'Complaints Handling Procedure' (CHP), based on this guidance, which then became publicly available and fully implemented during 2013.
- 3.3 In 2018-19, the SPSO conducted a review of their Model Complaints Handling Procedures (MCHP) to establish their 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 CHP defines a complaint as "any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf". It also defines how a complaint will be handled and the timescales to resolve any complaint received.
- 3.5 The objective of the (CHP) is to resolve complaints (i.e. customer dissatisfaction) as close to the point of service delivery and as soon as possible. The majority of 'Valid' complaints go through the Frontline 'Stage 1' process where the complaint should be closed within 5 working days. However, if the complaint is complex, needing detailed investigation or Escalated from Stage 1 because the customer is dissatisfied with the original response, it is considered an Investigation Stage 'Stage 2' complaint. Stage 2 complaints should be closed within 20 working days. If, after 'Stage 2', the customer is not satisfied with the response to their complaint or how it was handled, they can refer their complaint to the SPSO.
- 3.6 In August 2014, the SPSO issued guidance stating that the annual performance of Local Authorities handling of complaints should be formally presented in an annual report across eight specified key performance indicators. It was later confirmed that this report should be published.
- 3.7 Elected Members are also kept aware of key SPSO indicators on a quarterly basis through Scottish Borders Council's Corporate Performance reporting to Executive Committee. This covers the quarterly data and actions being taken to maintain or improve performance. This information is also reported publicly on a quarterly basis (www.scotborders.gov.uk/performance).
- 3.8 In November 2015, it was agreed that SPSO decisions, recommendations and subsequent actions would be reported in the Complaints Annual Performance Report.
- 3.9 Live Borders complaints performance for 2019/20 is included at the end of Appendix 1. There is no 2020/21 performance information to report due to the service interruptions Live Borders experienced as a result of the Covid-19 pandemic.

4 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2019/20

- 4.1 The 'Scottish Borders Council Annual Complaint Performance Report 2019/20' (presented in Appendix 1 to this Report) is the way in which the Council complies with its statutory responsibility stemming from the Public Services Reform (Scotland) Act 2010.
- 4.2 The 2019/20 Annual Complaint Performance Report was not published last year due to the response to Covid-19 and service pressures that resulted from the re-deployment of officers.
- 4.3 The performance indicators in the report relate to 'Valid' complaints that were either opened and or closed within financial year 2019/20. These indicators are based on the eight key performance indicators developed by the SPSO in conjunction with all 32 Scottish Local Authorities. These are:
1. Complaints received per 1,000 of population
 2. Closed complaints
 3. Complaints upheld / not upheld
 4. Average time spent responding to complaints
 5. Complaints closed against timescales
 6. Complaints that were granted authorised extensions
 7. Customer satisfaction
 8. What we have learned, changed or improved
- 4.4 The number of complaints received in 2019/20 increased compared to 2018/19, and the number that were classified as 'Valid' increased; 725 valid compared to 625 in the previous year.
- 4.5 How the Council handled the 'Valid' complaints it received and closed in 2019/20 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2019/20 (725) meant that on average there were 6.3 complaints per 1,000 population in 2019/20, up from 5.4 in 2018/19.
 - (b) The proportion of closed complaints that were handled at Stage 1 decreased from 78.4% in 2018/19 to 75% in 2019/20. It costs more to handle complaints at Stage 2 compared to handling them at Stage 1 but where complaints are more complicated they cannot be handled at Stage 1.
 - (c) The proportion of Stage 1, Stage 2 complaints that were 'Upheld' increased from 37% to 48%, and from 45% to 47%, where as complaints Escalated from Stage 1 that were 'Upheld' decreased from 39% to 30%.
 - (d) The average time taken to respond to complaints at Stage 1 has risen to 5.3 days in 2019/20 from 4.6 days in 2018/19. Similarly, the average time taken to respond to complaints at Stage 2 has risen to 22.5 days in 2019/20 from 18.2 days in 2018/19. The average time taken to respond to complaints Escalated from Stage 1 has risen to 32.4 days in 2019/20 compared to 14.9 days in 2018/19.
 - (e) The proportion of SBC's complaints closed against timescales for Stage 1 has reduced to 77% (from 81% in 2018/19) from Stage 2 has reduced to 60% (from 74% in 2018/19) and from Escalated from Stage 1 has reduced to 24% (from 79% in 2018/19).

- (f) The proportion of SBC's Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that have been granted an authorised extension has reduced from 2.8%, 18.1%, 3.6% respectively to 2%, 5% and 6% respectively in 2019/20.
- (g) In 2019/20 there was an oversight and a reduced number of Complaints Handling Customer Satisfaction Surveys were sent out. However, of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2019/20, 43% were either very or fairly satisfied with how their complaint was handled by the Council compared to 38% who were very or fairly dissatisfied. The highest levels of satisfaction were around information being easy to understand, with 60% very or fairly satisfied, How well staff did their jobs with 50% very or fairly satisfied and being treated fairly with 40.9% very or fairly satisfied. Highest levels of dissatisfaction however were around being kept up to date with progress with 45.5% very or fairly dissatisfied.
- (h) Over the year, the Council received approximately 186 unsolicited comments and compliments for the services provided, an increase from 104 in 2018/19. Of these 116 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads and drainage, community recycling centres, health and social care and customer services. There were also a number of compliments about occasions where council staff had assisted members of the public who had fallen or had an accident.

4.6 The Complaints Annual Performance Report 2019/20 also contains benchmarking information, comparing SBC to the performance for Scotland and its Family Group (similar Scottish Local Authorities, including Aberdeenshire, Argyll & Bute, Dumfries & Galloway, Eilean Siar, Highland, Orkney Islands, Scottish Borders, and Shetland Islands). The highlights include:

- (a) In 2019/20 SBC received slightly more complaints per 1,000 citizens (6.3) than the Family Group average of 6.0, but few than the Scottish average of 10.34.
- (b) SBC closed marginally less complaints at Stage 1 (75%) compared to the Family Group (76.5%), but proportionally fewer than the Scottish average (89.1%). At Stage 2, SBC closed more complaints (21%) compared to the Family Group (20.4%) and the Scottish average (7.8%).
- (c) Similar to last year, a lower proportion of complaints made to SBC were upheld compared with those complaints made to the Scottish Local Authority sector as a whole. Specifically, 48% of the Stage 1 complaints to SBC were upheld compared to 62% for Scotland. The proportion of Stage 2 complaints that were upheld for the Scottish Borders (47%) was higher than the Family Group average but equal to the Scottish average (47%); the proportion of Escalated from Stage 1 complaints that were upheld for the Scottish Borders (30%) was also lower than the level for Scotland (51%).
- (d) SBC's average response time for Stages 1 and 2 was quicker compared to both the Family Group and Scotland overall, but slower than both at Escalated from Stage 1. Notably at Stage 1,

the average time for SBC to respond was significantly quicker at 5.3 days (Family Group 8.1 days, Scotland 10.2 days).

- (e) SBC's proportion of Stage 1 complaints closed within timescales (77%) was also higher compared to the Family Group (66.3%) and the Scottish average (61%). However, it was lower at Stage 2 (60%) than the Family Group (67.2%) and the Scottish average (61.9%). For Escalated from Stage 1 it was 24% compared to 52.1% for the Family Group and 59.7% for the Scottish average.
 - (f) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that were granted an extension for SBC was below the proportion for the Family Group and Scotland for all stages.
- 4.7 If, after fully investigating a complaint, an individual is still dissatisfied with the decision or the way in which their complaint has been dealt with, the customer can ask the SPSO to look at the complaint. In 2019/20 the SPSO received 41 complaints about Scottish Borders Council. This is equal to 3.3% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 38 SPSO complaints closed about SBC in 2019/20, only 1 was fully investigated and it was not upheld or partially upheld. Anonymised details of this complaint are presented at Section 3 of Appendix 1.

5 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2020/21

- 5.1 The 'Scottish Borders Council Annual Complaint Performance Report 2020/21' (presented in Appendix 2 to this Report) is the way in which the Council complies with its statutory responsibility stemming from the Public Services Reform (Scotland) Act 2010.
- 5.2 The performance indicators in the report relate to 'Valid' complaints that were either opened and or closed within financial year 2020/21. These indicators are based on the eight key performance indicators developed by the SPSO in conjunction with all 32 Scottish Local Authorities. These are:
1. Complaints received per 1,000 of population
 2. Closed complaints
 3. Complaints upheld / not upheld
 4. Average time spent responding to complaints
 5. Complaints closed against timescales
 6. Complaints that were granted authorised extensions
 7. Customer satisfaction
 8. What we have learned, changed or improved
- 5.3 The number of complaints received in 2020/21 increased compared to 2019/20, and the number that were classified as 'Valid' increased; 780 valid compared to 725 in the previous year.
- 5.4 How the Council handled the 'Valid' complaints it received and closed in 2019/20 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2020/21 (780) meant that on average there were 6.8 complaints per 1,000 population in 2020/21, up from 6.3 in 2019/20

- (b) The proportion of closed complaints that were handled at Stage 1 increased from 75% in 2019/20 to 85.4% in 2020/21. This is a positive step because it is more resource intensive to handle complaints at Stage 2 compared to handling them at Stage 1
- (c) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 complaints that were 'Not Upheld' increased from 52% to 63.4%, from 53% to 61.5%, and from 70% to 77.8%.
- (d) The average time taken to respond to complaints at Stage 1 has risen to 5.9 days in 2020/21 from 5.3 days in 2019/20. Similarly, the average time taken to respond to complaints at Stage 2 has risen to 23.1 days in 2020/21 from 22.5 days in 2019/20. The average time taken to respond to complaints Escalated from Stage 1 has also risen to 41.6 days in 2020/21 compared to 32.4 days in 2019/20.
- (e) The proportion of SBC's complaints closed against timescales for Stage 1 has increased to 80% (from 77% in 2019/20) from Stage 2 has increased to 66% (from 60% in 2019/20) and from Escalated from Stage 1 has reduced to 22% (from 24% in 2019/20).
- (f) The proportion of SBC's Stage 1 and Stage 2 closed complaints that have been granted an authorised extension has reduced from 2% and 5% respectively to 1% and 3% respectively in 2019/20. Escalated from Stage 1 closed complaints that have been granted an authorised extension have remained the same as 2019/20 (6%).
- (g) The number of Complaints Handling Customer Satisfaction Surveys sent out has returned to normal levels after a drop in 2019/20. Of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2020/21, 58% were either very or fairly satisfied with how their complaint was handled by the Council compared to 23% who were very or fairly dissatisfied. The highest levels of satisfaction were around being able to deal with someone who could help you (65.9%) and how well staff did their jobs (63.4%). Highest levels of dissatisfaction however were around being kept up to date with progress with 31.7% very or fairly dissatisfied and the final outcome with 34.1% very or fairly dissatisfied.
- (h) Over the year, the Council received approximately 192 unsolicited comments and compliments for the services provided, an increase from 186 in 2019/20. Of these 103 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads, community recycling centres, health and social care, customer services, and emergency planning.

5.5 The Complaints Annual Performance Report 2020/21 also contains benchmarking information, comparing SBC to the performance for Scotland and its Family Group (similar Scottish Local Authorities, including Aberdeenshire, Argyll & Bute, Dumfries & Galloway, Eilean Siar, Highland, Orkney Islands, Scottish Borders, and Shetland Islands). The highlights include:

- (a) In 2020/21 SBC received more complaints per 1,000 citizens (6.8) than the Family Group average of 4.8, but few than the Scottish average of 9.89.
- (b) SBC closed more complaints at Stage 1 (85.4%) compared to the Family Group (76.6%), but fewer than the Scottish average (88.7%). At Stage 2, SBC closed less complaints (12.2%) compared to the Family Group (20%) and the Scottish average (8.4%).
- (c) Similar to last year, a lower proportion of complaints made to SBC were upheld compared with those complaints made to the Scottish Local Authority sector as a whole. Specifically, 36.6% of the Stage 1 complaints to SBC were upheld compared to 50.7% for Family Group and 61.3% for Scotland. The proportion of Stage 2 complaints that were upheld for the Scottish Borders (38.5%) was lower than the Family Group average (42.2%) and the Scottish average (43.7%); the proportion of Escalated from Stage 1 complaints that were upheld for the Scottish Borders (22.2%) was also lower than the level for the Family Group (44.9%) and Scotland (44.8%).
- (d) SBC's average response time for Stage 1 (5.9 days) was quicker compared to both the Family Group (6.3) and Scotland (6.5) overall, but slower than both at Stage 2 and Escalated from Stage 1. The Stage 2, the average time for SBC to respond was 23.1 days (Family Group 21.8 days, Scotland 22.9 days) and the Escalated from Stage 1 average time for SBC to respond was 41.6 days (Family Group 23.9 days, Scotland 20.7 days). It is fair to say that in addition to SBC's generally worsening average response time, that we are seeing the impact of responding to the Covid-19 pandemic in these figures. This is especially true of the Escalated from Stage 1 complaints where complicated cases and small numbers have a large impact on the indicators.
- (e) SBC's proportion of Stage 1 complaints closed within timescales (80%) was higher compared to the Family Group (72.2%) and the Scottish average (71.1%). However, it was lower at Stage 2 (66%) than the Family Group (69.3%) and higher than the Scottish average (62.7%). For Escalated from Stage 1 it was significantly lower at 22% compared to 53.7% for the Family Group and 65.5% for the Scottish average.
- (f) The proportion of Stage 1, Stage 2 and Escalated from Stage 1 closed complaints that were granted an extension for SBC was below the proportion for the Family Group and Scotland for all stages.

5.6 If, after fully investigating a complaint, an individual is still dissatisfied with the decision or the way in which their complaint has been dealt with, the customer can ask the SPSO to look at the complaint. In 2020/21 the SPSO received 15 complaints about Scottish Borders Council. This is equal to 1.6% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 17 SPSO complaints closed about SBC in 2020/21, none of them were upheld or partially upheld. Details of the complaint is presented at Section 3 of Appendix 2.

- 5.7 Work is currently ongoing to build a new complaint recording system. Part of this project is a complete refresh of system and complaint handling training. It is expected that this refresh will make a significant difference in the long run to SBC's complaint handling performance. However, in the short term there may be a decrease as officers become accustomed to using a very different system and approach to complaints handling.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

- (a) By following efficient and robust complaints handling procedures, reputational damage can be significantly reduced. Analysis of complaints can be useful in identifying or highlighting risks that SBC may not be aware of. This enables SBC to mitigate these risks and reduce the impact or likelihood of them occurring and of impacting on the quality of services delivered.
- (b) Internal Audit assurance work was undertaken during 2017 in relation to complaints and was designed to improve internal control and governance arrangements, specifically as a contribution to the Council's corporate management of risk. Implementation of the agreed Internal Audit recommendations arising from this work are designed to improve consistency in complaint handling practices across the Council and to demonstrate learning from complaints. The development of the new complaints recording system is progressing well, and will address all the Internal Audit recommendations.

5.3 Integrated Impact Assessment

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

5.4 Sustainable Development Goals

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

5.5 Climate Change

There are no direct carbon emissions impacts as a result of this report.

5.6 Rural Proofing

This report does not relate to a new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

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

6 CONSULTATION

6.1 The Director (Finance & Corporate Governance), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications have been consulted and all comments received incorporated into the final report.

Approved by

Name

Title

Author(s)

Name	Designation and Contact Number
Rachel Wigmore	Business Support Officer 01835 826614

Background Papers:

Previous Minute Reference:

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.

Contact us at Customer Advice and Support Service, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA Tel: 01835 824000. Email: CustomerAdvice@scotborders.gov.uk