
SCOTTISH BORDERS COUNCIL'S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2021/22

Report by Director Resilient Communities

EXECUTIVE COMMITTEE

14 March 2023

1 PURPOSE AND SUMMARY

- 1.1 This report presents a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2021/22", which is presented as Appendix 1. 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 for 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 2021/22, SBC received 1257 complaints, of which 849 were defined as valid. In 2021/22 Scottish Borders Council's performance relating to the processing of complaints performs well against the Scottish National averages in many indicators, but performance is poorer in relation to indicators that measure timeliness of responses. In this area there has been a decline for a number of years.

2 RECOMMENDATIONS

- 2.1 I recommend that the Committee:- notes the performance of handling complaints for the periods 1 April 2021 to 31 March 2022.**

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 through 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 One' process where the complaint should be closed within 5 working days. However, if the complaint is complex, needing detailed investigation or is Escalated from Stage One because the customer is dissatisfied with the original response, it is considered an Investigation Stage 'Stage Two' complaint. Escalated complaints are known as Stage Two – Escalated complaints. All Stage Two complaints should be closed within 20 working days. If, after 'Stage Two', 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 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 2021/22 is also included at the end of Appendix 1.

4 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2021/22

- 4.1 The 'Scottish Borders Council Annual Complaint Performance Report 2021/22' (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 performance indicators in the report relate to 'Valid' complaints that were either opened and or closed within financial year 2021/22. 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
- 4.3 The number of complaints received in 2021/22 increased compared to 2020/21, and the number that were classified as 'Valid' increased; 849 valid compared to 780 in the previous year.
- 4.4 How the Council handled the 'Valid' complaints it received and closed in 2021/22 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2021/22 (849) meant that on average there were 7.4 complaints per 1,000 population in 2021/22, up from 6.8 in 2020/21.
 - (b) The proportion of closed complaints that were handled at Stage One reduced slightly from 85.4% in 2020/21 to 83.0% in 2021/22. This high percentage closure rate at Stage One is a positive indicator because it is more resource intensive to handle complaints at Stage Two compared to handling them at Stage One.
 - (c) The proportion of Stage One and Stage Two - Escalated complaints that were 'Upheld' has increased from 36.6% to 50.5% and from 22.2% to 44.8%. Whilst this is disappointing from a service delivery perspective, it does provide increased scope to learn from complaints. It is also a positive indicator in that officers are becoming better at identifying where services could have been delivered to a higher standard.
 - (d) The average time taken to respond to complaints at Stage One has risen to 7.1 days in 2021/22 from 5.9 days in 2020/21. Similarly, the average time taken to respond to complaints at Stage Two has risen to 30.5 days in 2021/22 from 23.1 days in 2020/21. The average time taken to respond to Stage Two - Escalated complaints has also risen to 42.2 days in 2021/22 compared to 41.6 days in 2020/21.
 - (e) The proportion of SBC's complaints closed against timescales for Stage One has increased to 80.6% (from 80% in 2020/21) from Stage Two has decreased to 49.6% (from 66% in 2020/21) and

from Stage Two - Escalated has increased to 27.6% (from 22% in 2020/21)

- (f) The proportion of SBC's Stage One, Stage Two and Stage Two - Escalated closed complaints that have been granted an authorised extension has increased from 1%, 3% and 6% respectively in 2020/21 to 1.3%, 8.7% and 10.3% respectively in 2021/22.
- (g) In 2021/22 a significantly larger number of Complaints Handling Customer Satisfaction Surveys have been sent out. However, the return rate of the surveys has fallen from 25% in 2020/21 to 17% in 2021/22. Of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2021/22, 42% were either very or fairly satisfied with how their complaint was handled by the Council compared to 37% who were very or fairly dissatisfied. The highest levels of satisfaction were around how easy it was to make a complaint (57.1%) and customers feeling they were given the opportunity to fully explain their complaint (58.3%). Highest levels of dissatisfaction however were around the overall handling of a customer's complaint (52.4%), officers understanding of a customer's complaint (46.4%) and the key points of a customer's complaint were identified and responded to (46.4%).
- (h) Over the year, the Council recorded approximately 112 unsolicited comments and compliments for the services provided, a decrease from 192 in 2020/21. Of these 68 were compliments. These compliments related to areas such as kerb-side waste and recycling, roads, community recycling centres, health and social care, and customer services. These recorded compliments are submitted by customers online, or are received by Customer Advice and Support Services officers over the phone on the 0300 number or in emails sent to the enquiry mailbox. It should be noted that SBC also receives compliments directly to officers but these are not always recorded, and therefore cannot be included in these figures.

4.5 The Complaints Annual Performance Report 2021/22 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 2021/22 SBC received more complaints per 1,000 citizens (7.4) than the Family Group average of 6.2, but fewer than the Scottish average of 10.4. It is interesting to note that this is an increasing trend not only for SBC, but for Scotland and for our Family Group.
- (b) SBC closed more complaints at Stage One (83%) compared to the Family Group (74.4%), but fewer than the Scottish average (88.6%). At Stage Two, SBC closed less complaints (13.6%) compared to the Family Group (19%) but more than the Scottish average (7.5%). SBC closed fewer complaints at Escalation following Stage One than the Family Group (6.3%) and Scottish Average (3.8%). This indicates that SBC does not close as many

complaints at Stage One as other Local Authorities across Scotland, on average.

- (c) Similar to last year, a lower proportion of complaints made to SBC were upheld compared with the Scottish average, but more than the Family Group. Specifically, 50.5% of the Stage One complaints to SBC were upheld compared to 38.7% for Family Group and 55.1% for Scotland. The proportion of Stage Two complaints that were upheld for the Scottish Borders (37.4%) was higher than the Family Group average (35.5%) but lower than the Scottish average (38.9%); the proportion of Stage Two - Escalated complaints that were upheld for the Scottish Borders (44.8%) was higher than the level for the Family Group (42.5%) and lower than the Scottish average (45.6%). Overall, SBC is not far off the Scottish Average's for this indicator.
- (d) SBC's average response time for Stage One (7.1 days) was slower compared to both the Family Group (6.4) and Scotland (6.3). It was also slower at both Stage Two and Stage Two - Escalated. At Stage Two, the average time for SBC to respond was 30.5 days (Family Group 22.3 days, Scotland 20.7 days) and the Stage Two - Escalated complaints average time for SBC to respond was 42.2 days (Family Group 27.6 days, Scotland 18.6 days). It is fair to say that in addition to SBC's generally worsening average response time, that we are seeing the impact of the many pressures faced by the council following the Covid-19 pandemic. This is especially true of the Stage Two - Escalated complaints where complicated cases and small numbers have a large impact on the indicators.
- (e) SBC's proportion of Stage One complaints closed within timescales (80.6%) was higher compared to the Family Group (72.4%) and the Scottish average (67.1%). However, it was significantly lower at Stage Two (49.6%) than the Family Group (61.2%) and Scottish average (63.4%). It is also significantly lower for Stage Two - Escalated at 27.6% compared to 48% for the Family Group and 61.6% for the Scottish average. Whilst this is not a positive position for the council it is important to remember that 83% of valid complaints are responded to at Stage One and at Stage One 80.6% of complaints are responded to on time.
- (f) The proportion of Stage One, Stage Two and Stage Two - Escalated closed complaints that were granted an extension for SBC was below the proportion for the Family Group and Scotland for all stages with the exception of the Family Group for Stage Two - Escalated.

- 4.6 If, after fully investigating a complaint, an individual is still dissatisfied with the decision or the way in which their complaint has been handled, the customer can ask the SPSO to look at the complaint. In 2021/22 the SPSO received 25 complaints about Scottish Borders Council. This is equal to 2.1% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 21 complaints closed by the SPSO about SBC in 2021/22, 2 complaints were considered but only 1 was upheld or partially upheld. Details of the 2 complaints considered are presented at Section 3 of Appendix 1.

- 4.7 The new complaint recording system was implemented in October 2022. There were two parts to this project. The first was building a completely new and improved complaints recording system. The other part was a complete refresh of the complaint handling training. The refresh of the complaint handling training will ensure that all complaint handlers across the council are aware of their responsibilities with regards to complaint handling. There have been some changes to these responsibilities as a result of the SPSO launching their revised Model Complaints Handling Procedure in April 2022.
- 4.8 It is expected that this complete refresh of system and training will make a significant difference in the long run to SBC's complaint handling performance. Changes in the new system and training that will support this are:
- (a) The new system provides transparency to managers so they are aware of what complaints have been made about their services, and what stage these complaints are at.
 - (b) Improved ownership of complaints is expected because complaint handlers are responsible for progressing their complaints.
 - (c) The system has automated notifications to remind officers that they have outstanding responses.
 - (d) The refreshed training has been made mandatory for all staff who have been identified as having responsibility for complaint handling.
- 4.9 It is, however, important to note that in the short term there may be a decrease in performance as officers become accustomed to using a very different system and they learn the requirements of a new approach to complaints handling.
- 4.10 It is anticipated that the 2022/23 report will be brought to the Executive Committee by the end of September 2023. Whilst SBC annual figures are usually available earlier than this, the report is delayed because the Family Group and Scottish Average benchmarking data is not available before this.

5 IMPLICATIONS

5.1 Financial

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

5.2 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 new complaints recording system has now been implemented, and addresses 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, Corporate Communications, Development and Support Manager and Customer Services Manager have been consulted and all comments received incorporated into the final report.

Approved by

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Title

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Background Papers:**Previous Minute Reference:**

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