
SCOTTISH BORDERS COUNCIL'S ANNUAL COMPLAINTS PERFORMANCE REPORT: 2022/23

Report by Director Resilient Communities

EXECUTIVE COMMITTEE

14 November 2023

1 PURPOSE AND SUMMARY

- 1.1 This report presents a summary of Scottish Borders Council's "Complaints Annual Performance Report for 2022/23", 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 eight performance indicators, four of which the Scottish Public Services Ombudsman (SPSO) require 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 2022/23, SBC received 1131 complaints, of which 866 were defined as valid. In 2022/23 Scottish Borders Council's performance relating to the processing of complaints performs well against the Scottish National averages in some indicators, specifically those relating to Stage One, 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 period 1 April 2022 to 31 March 2023.**

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. In January 2020 the SPSO issued finalised guidance on Revised Local Authority Model Complaints Handling Procedure. In November 2021 The Executive Committee approved the Revised CHP. This was fully implemented in October 2022 with the introduction of the new Jadu complaints system.
- 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 (KPIs). It was later confirmed that this report should be published. In March 2022 the SPSO issued revised guidance on the four key performance indicators Local Authorities are required to report on. SBC reports on these four KPIs, but also continues to report on the other four indicators, because this information is collected and benchmarked across the Local Authority sector.
- 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 2022/23 is also included at the end of Appendix 1.

4 OVERVIEW OF COMPLAINTS ANNUAL PERFORMANCE REPORT 2022/23

- 4.1 The 'Scottish Borders Council Annual Complaint Performance Report 2022/23' (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 2022/23. These indicators are based on the eight key performance indicators developed by the SPSO in conjunction with all 32 Scottish Local Authorities in 2014. Only four of these indicators are now mandatory. These are:
1. The total number of complaints received
 3. Complaints outcomes
 4. Average time spent responding to complaints
 5. Complaints closed against timescales

SBC continue to collect data for the other four KPIs and benchmark these across the Local Authority sector. These are:

2. Closed complaints
 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 2022/23 decreased compared to 2021/22, and the number that were classified as 'Valid' also decreased; 866 valid compared to 871 in the previous year.
- 4.4 How the Council handled the 'Valid' complaints it received and closed in 2022/23 can be summarised as follows:
- (a) The number of 'Valid' complaints received in 2022/23 (866) meant that on average there were 7.5 complaints per 1,000 population in 2022/23, up from 7.4 in 2021/22.
 - (b) The proportion of closed complaints that were handled at Stage One increased slightly from 83.0% in 2021/22 to 85.6% in 2022/23. 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) In 2021 the SPSO introduced a fifth outcome for complaints in their Revised CHP. This was called Resolved. In 2022/23 SBC was able to measure the numbers of Resolved and partially upheld complaints from October 2022 when the new system was introduced. The 2022/23 statistics include 5 months of data for these two outcomes.

- (d) The introduction of the resolved outcome has had an impact on the upheld and not upheld outcomes for Stage One. Both the upheld and not upheld figures for 2022/23 have decreased with the resolved outcome being 21.3% for 2022/23. It is also interesting to note that the not upheld figures for 2022/23 have reduced significantly for Stage Two and Stage Two – Escalated, from 62.6% to 46.1% and 55.2% to 34.1% respectively. This suggests that a higher proportion of Stage Two and Stage Two – Escalated complaints have been upheld or partially upheld in 2022/23.
- (e) 2022/23 is also the first time that SBC have reported on the reasons for invalid complaints. It should be noted that approximately half the invalid complaints were classed as first-time requests for a service, which fall outwith the scope of the complaints procedure. In addition, approximately 74% of these invalid complaints were raised by customers themselves using an online form.
- (f) The average time taken to respond to complaints at Stage One has dropped to 5.7 days in 2022/23 from 7.1 days in 2021/22. Similarly, the average time taken to respond to complaints at Stage Two has dropped to 27.7 days in 2022/23 from 30.5 days in 2021/22. The average time taken to respond to Stage Two - Escalated complaints has also dropped to 31.6 days in 2022/23 compared to 42.2 days in 2021/22.
- (g) The proportion of SBC's complaints closed against timescales for Stage One has decreased to 77.3% (from 80.6% in 2021/22), Stage Two has decreased to 39.5% (from 49.6% in 2021/22) and Stage Two - Escalated has decreased to 26.8% (from 27.6% in 2021/22).
- (h) The proportion of SBC's Stage One & Stage Two closed complaints that have been granted an authorised extension has increased from 1.3% and 8.7% respectively in 2021/22 to 3.9% & 23.7% in 2022/23. At Stage Two - Escalated the figures have dropped from 10.3% in 2021/22 to 7.3% in 2022/23.
- (i) In 2022/23 significantly fewer Complaints Handling Customer Satisfaction Surveys have been sent out. However, the return rate of the surveys has increased 17% in 2021/22 to 19% in 2022/23. Of those people that completed the 'Complaints Handling Customer Satisfaction Survey' in 2022/23, 45% were either very or fairly satisfied with how their complaint was handled by the Council compared to 33% who were very or fairly dissatisfied. The highest levels of satisfaction were around how easy it was to make a complaint (60.4% up from 57.1% in 2021/22) and information about the complaints procedure being easy to access (58.3% up from 44.0% in 2021/22). Highest levels of dissatisfaction however were around the overall handling of a customer's complaint (50.0% down from 52.4% in 2021/22), officers understanding of a customer's complaint (45.8% down from 46.4% in 2021/22) and the key points of a customer's complaint were identified and responded to (39.6 down from 46.4% in 2021/22).
- (j) Over the year, the Council recorded approximately 110 unsolicited comments and compliments for the services provided, a decrease

from 112 in 2021/22. Of these 80 were compliments. These compliments related to areas such as curb-side waste and recycling, roads, community recycling centres, adult 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 2022/23 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 2022/23 SBC received more complaints per 1,000 citizens (7.5) than the Family Group average of 6.0, but fewer than the Scottish average of 11.66. It is interesting to note that this is an increasing trend across Scotland.
 - (b) SBC closed more complaints at Stage One (85.6%) compared to the Family Group (77.0%), but fewer than the Scottish average (87.6%). At Stage Two, SBC closed less complaints (9.3%) compared to the Family Group (16.9%) but more than the Scottish average (8.3%). SBC closed fewer complaints at Stage Two - Escalation (5.0%) than the Family Group (6.1%) and Scottish Average (4.1%).
 - (c) In 2022/23 a higher proportion of complaints made to SBC were upheld compared with the Scottish average and the Family Group. Specifically, 39.5% of the Stage One complaints to SBC were upheld compared to 30.8% for Family Group and 39.3% for Scotland. The proportion of Stage Two complaints that were upheld for the Scottish Borders (38.2%) was higher than the Family Group average (19.2%) but lower than the Scottish average (30.4%); the proportion of Stage Two - Escalated complaints that were upheld for the Scottish Borders (43.9%) was higher than the level for the Family Group (24.1%) and the Scottish average (22.4%). Overall, SBC is not far off the Scottish Average's for Stage One and Stage Two, but there is a significant difference at Stage Two - Escalated.
 - (d) SBC's average response time for Stage One (5.7 days) was faster compared to both the Family Group (6.4) and Scotland (7.0). It was slower at both Stage Two and Stage Two - Escalated. At Stage Two, the average time for SBC to respond was 27.7 days (Family Group 23.6 days, Scotland 19.4 days) and the Stage Two - Escalated complaints average time for SBC to respond was 31.6 days (Family Group 29.6 days, Scotland 23.7 days). It is positive to see that the average number of working days taken to close complaints at all stages is reducing. There is still significant room for improvement especially at Stage Two and Stage Two - Escalated, and hopefully we will see this improvement in 2023/24 following the increased focus on overdue complaints.

- (e) SBC's proportion of Stage One complaints closed within timescales (77.3%) was higher compared to the Family Group (75.1%) and the Scottish average (75.0%). However, it was significantly lower at Stage Two (39.5%) than the Family Group (58.5%) and Scottish average (70.1%). It is also significantly lower for Stage Two - Escalated at 26.8% compared to 41.5% for the Family Group and 57.7% for the Scottish average. Whilst this is not a positive position for the council it is important to remember that 85.6% of valid complaints are responded to at Stage One and at Stage One 77.3% 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 and Scottish Average for Stage Two.
- 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 2022/23 the SPSO received 21 complaints about Scottish Borders Council. This is equal to 2.0% of all complaints received by the SPSO in relation to the Local Authority sector. Of the 22 complaints closed by the SPSO about SBC in 2022/23, 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.

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 2023 in relation to complaints handling. The purpose of the audit was to review and assess the new arrangements in place for complaints to ensure the implementation of the revised policy and procedures complies with the Revised CHP.
- (c) The Audit report stated that substantial assurance could be given that there is a generally sound system of governance, risk management and control in place. It was further acknowledged that this is still a relatively new process for staff to complete and it is anticipated to improve over time. Two low-rated recommendations were identified, setting an achievement target, and completion of mandatory training, these are designed to assist with the planned lessons learned evaluation.

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 & Procurement), the Director (Corporate Governance), the Chief Officer Audit and Risk, the Director (People Performance & Change), the Director Resilient Communities, the Clerk to the Council, Corporate Communications, Development and Support Manager and Customer Advice & Support Manager have been consulted and all comments received incorporated into the final report.

Approved by

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