



REPORT TO: CORPORATE COMMITTEE ON 7 NOVEMBER 2023

SUBJECT: COMPLAINTS ANNUAL REPORT 2022-23

BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)

1. REASON FOR REPORT

- 1.1 The report informs the Committee of the Council's Complaints Annual Report 2022-23.
- 1.2 This report is submitted to Committee in terms of Section III (A) (4) of the Council's Scheme of Administration relating to monitoring performance in accordance with the Council's performance management framework.

2. RECOMMENDATION

2.1 The Committee is asked to:

- i) consider and note the contents of the Complaints Annual Report; and**
- ii) approve the report for submission to the Scottish Public Services Ombudsman (SPSO).**

3. BACKGROUND

- 3.1 All Councils are required to publish performance against the national performance indicators set by the SPSO. The attached report presents the Council's performance against the performance indicators for the 2022-23 reporting period. **(Appendix 1)**
- 3.2 Complaints handling is part of the Council's performance management framework. Members receive updates on complaints performance through routine reports to service Committees.

- 3.3 Compared to the 2021-22 figures, there has been a 10% increase in the number of complaints received. This increase was expected as services reverted to being delivered as they had been pre-pandemic. They remain well below that received prior to the COVID pandemic in 2019/20. The Council's complaints per 1,000 population increased slightly but are almost half the national average.
- 3.4 During 2022-23, there was a 4% increase to 81% of complaints dealt with at frontline stage compared to the 19% dealt with at the investigation stage including those escalated to investigation. It is heartening to see that most complaints continue to be dealt with at frontline, as suggested by the SPSO's guidance on the Model Complaints Handling Procedure to "take every opportunity to resolve service users' complaints at the first point of contact if at all possible." The Council are ahead of the Scottish average of 74% and hope to improve performance through continued staff training, discussions at quarterly complaint administrator meetings and with Senior Officers.
- 3.5 Despite more of the complaints closing within set target timescales, the average response times have also increased. In particular, Stage 2 complaints have taken significantly longer than usual to investigate having increased by 31%, this being well above the Scottish average. Our Complaints Officer regularly works with Complaint Administrators to progress more complex complaints while periodic checks of the Complaints Management System are also undertaken to identify any delays or issues.
- 3.6 It was raised nationally through the Local Authority Complaint Handlers Network with SPSO that Education complaints often exceed the Stage 2 period of up to 20 working days due to unavoidable delays arising from school holiday periods. SPSO declined to have school holiday periods deducted from the total working days to deal with a Stage 2 Education complaint and advised that authorised extensions should be applied.
- 3.7 In 2022/23, the proportion of Stage 1 complaints that were upheld has increased to 45% against a national average of 40%. Overall, 57% of Stage 1 complaints were upheld in some way (upheld, partially upheld or closed as resolution) compared to 73% nationally.
- 3.8 Only 24% of Stage 2 complaints were upheld compared to 31% nationally. Overall, 51% at this Stage were either upheld, partially upheld or closed as resolution compared to the national average of 58%.
- 3.9 62% of our Escalated Stage 2 complaints were either upheld, partially upheld or closed as resolution compared to a national average of 57%.
- 3.10 This demonstrates that where an anticipated level of service falls short, it is acknowledged, learning and improvement outcomes are identified and implemented.

- 3.11 16 (3%) of the complaints were closed as resolution in 2022/23. All were at Stage 1. Nationally, resolution as an outcome accounted for 16% of all closed complaints. The Complaints Officer routinely reviews resolution complaints to ensure compliance with complaint handling procedures, not undertaken in all authorities, perhaps offering explanation for the variance.
- 3.12 As in previous years, Environmental and Commercial Services and Housing and Property Services received the most complaints, accounting for 32% each. A notable change this year is the proportion relating to Financial Services. This has increased to from 1% to 6%.
- 3.13 In April 2022, the Complaints Management System was updated to reflect new Department Structure and as a result Taxation is now reported as part of Financial Services. Alongside this change, there has been an increase in complaints linked to Council Tax, from 11 in 2021/22 to 29 in 2022/23. No specific themes are evident and with no recent changes to procedures, this will be monitored going forward.
- 3.14 Learning from complaints is essential if the Council are to improve the way services are delivered. Essentially, all complaints normally fall into three categories. A complaint can be about;
- a) policy or procedures in that they are unclear, not agreed with or in need of revision;
 - b) practice whereby an employee did not follow policy/procedure; or
 - c) where the complaints relate to staff behaviours.
- 3.15 Monitoring of complaint database closure e-forms shows that learning outcomes are being completed for individual complaints however increased scrutiny is being undertaken to look for commonalities that could identify better learning outcome opportunities with some success. The Complaints Officer raised this issue of learning from complaints at the Local Authority Complaint Handlers Network (LACHN) meeting. This identified that, nationally, Councils tend to process individual complaints without any structured ways of capturing common complaint themes to allow actions to be put in place to address them. Work is ongoing nationally to improve upon this.

4. SUMMARY OF IMPLICATIONS

(a) Corporate Plan and 10 Year Plan - Local Outcomes Improvement Plan (LOIP)

This report supports the Scottish Government's national outcomes, in particular the commitment to be accountable to the community as stated: "Our public services are high quality, continually improving, efficient and responsive to local people's needs."

Effective complaints reporting is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in 'Moray 2026: A Plan for the Future.' Within the Moray Council Corporate Plan.

(b) Policy and Legal

The SPSO have made it a statutory requirement to have all local authorities publish a Complaints Annual Report.

(c) Financial implications

It is not anticipated that there will be any financial implications.

(d) Risk Implications

Failure to adhere to the statutory SPSO requirement may result in SPSO making a declaration of non-compliance against the Council. Non-compliance with the statutory duty relating to national standards being adopted would present risk in terms of reputational damage and a loss of public confidence in reporting complaints.

(e) Staffing Implications

There are no staffing implications related to this report.

(f) Property

There are no property implications related to this report.

(g) Equalities/Socio Economic Impact

The Equal Opportunities Officer has been consulted in the preparation of this report.

The Equal Opportunities Officer has recommended that where services are experiencing high volumes of complaints, the management of respective services should arrange to identify common complaint issues and any learning arising. This will help to ensure that complaints are not arising from situations where customer diversity needs have not been considered or addressed, e.g. disability or cultural issues.

He further recommends that where there is evidence or a suspicion that a complaint is related to characteristics protected under the Equality Act 2010 (race, disability, sex, religion/belief, sexual orientation, age, gender reassignment, pregnancy/maternity), services must make contact the council's Equal Opportunity Officer.

(h) Climate Change and Biodiversity Impacts

There are no climate change and biodiversity impacts related to this report.

(i) Consultations

The Corporate Management Team have been consulted on the contents of the Complaints Annual Report 2022-23.

5. CONCLUSION

5.1 That the Committee approve the publishing of the Complaints Annual Report 2022-23 to comply with the SPSO statutory requirement.

Author of Report: John Black, Complaints Officer
Background Papers: Held by Author
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