



**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL
DEVELOPMENT COMMITTEE ON 31 MARCH 2021**

SUBJECT: MODEL COMPLAINTS HANDLING PROCEDURE REPORT

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

1. REASON FOR REPORT

- 1.1 The Committee is asked to consider the Model Complaints Handling Procedure Report for implementation by 1 April 2021.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People's Services, Governance, Strategy and Performance (para 9 of the minute refers).

2. RECOMMENDATION

- 2.1 **The Committee is asked to approve the revised Model Complaints Handling Procedure (APPENDIX 1).**

3. BACKGROUND

- 3.1 The Scottish Public Services Ombudsman Act 2002 (as amended) provides the legislative basis for SPSO to publish the Model Complaints Handling Procedures (MCHP) for bodies under the SPSO's jurisdiction. The Local Authority MCHP was first developed by SPSO in partnership with a working group of local authority complaints experts.
- 3.2 It was produced taking account of the Crerar and Sinclair Reports and within the framework of the SPSO's Guidance on a Model Complaints Handling Procedure, published in February 2011. It also reflects the SPSO Statement of Complaints Handling Principles approved by the Scottish Parliament and published in January 2011. These two documents took account of stakeholder views expressed through SPSO public consultation at the end of

2010. Following recommendations from the Scottish Government's social work complaints working group in 2013, a separate MCHP for social work was developed. The 'Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016' (the Order) brought social work complaint handling under the remit of the SPSO Act.

- 3.3 SPSO revised and reissued all the MCHPs (except the NHS) in 2020, following consultation with all sectors. The new version includes a core text (which is consistent across all public services in Scotland) with some additional guidance and examples specific to each sector. The separate MCHPs for local authorities and social work have also been merged into a single MCHP, taking into account stakeholder views expressed through SPSO public consultation in early 2019.
- 3.4 The purpose of the Local Authority MCHP is to provide a standardised approach to dealing with customer complaints across the local authority sector in Scotland. The procedural elements tie in very closely with those of the NHS complaints handling procedure (CHP), so where social work or care complaints cut across services, they can still be handled in (much) the same way as other complaints. In particular, the aim is to implement a standardised and consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages local authorities to make best use of lessons from complaints.
- 3.5 The revised MCHP is attached (**APPENDIX 1**) and comprise of the following documents:
- Implementation guide
 - Part 1 – Introduction and overview
 - Part 2 – When to use this procedure
 - Part 3 – The complaints handling process
 - Part 4 – Governance
 - Part 5 – Customer facing document
- 3.6 The key changes of the MCHP are summarised as:
- Structure and presentation – core text standardised across all sectors; presented in five parts to make relevant information easier to find; Social Work and Complaint MCHPs combined.
 - Resolving complaints – new complaint closure category of 'Resolution' that, if used does not require the Council to uphold or not uphold the complaint.
 - Agreeing Heads of complaint/Outcomes – mandatory for Investigation (Stage 2) complaints.
 - Time limit for making complaints – current six month time limit to make complaint remains however if the complaint was dealt with at front line (Stage 1) then a customer has up to two months to ask for their complaint to be escalated to investigation (Stage 2).

- Supporting staff – relevant parts of the complaint must be shared and response with staff members complained about; the Council must support staff and provide them with information about the progression of a complaint investigation
- Equality and accessibility – vulnerable groups must be considered and have appropriate access to the complaints handling process
- Social Media – as a minimum, customers must be signposted to the complaints handling process on social media pages
- MP/MSPs/Councillors Enquiries/Complaints – the Council can set its own procedures for ensuring they comply with the MCHP legislation
- Performance Indicators – currently being developed, requirement to report and publish on complaint statistics. The new resolution function that will be added to the complaints database will impact on performance reporting figures.

3.7 Following the introduction of the MCHP the following will be addressed:

- IT requirement to amend the complaint recording database to add a resolution function. Added to the test environment, the functionality and reporting meet requirements and will be replicated in the live environment.
- Staff training will be introduced to cover the changes to the MCHP
- Complaints leaflet and complaints website will be updated

3.8 The revised MCHP will replace our current model complaints handling procedures

4. **SUMMARY OF IMPLICATIONS**

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

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services that align with the Council's values set out in the Corporate Plan. Learning gained through our complaint handling process allows us to improve service provision.

(b) Policy and Legal

The SPSO have made it a statutory requirement to have all local authorities adopt the revised model complaint handling procedure by 1 April 2021.

(c) Financial implications

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

(d) Risk Implications

Failure to meet the SPSO deadline 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 our ability to deliver the best complaint handling service, and ultimately to maintaining and improving service standards.

(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

An EIA was carried out in 2012 when the model complaint handling procedures were first introduced to Moray Council. The EIA identified potential issues around accessibility of information for certain groups, e.g. young people, people with a disability and ethnic minorities. These issues are currently addressed by publication of the procedures in different formats and by offering translation upon request. One of the objectives proposed by SPSO is that, following implementation of the new MCHP, all Councils should seek ways of improving accessibility for vulnerable groups and Moray Council will undertake to do this.

(h) Consultations

The Corporate Management Team has been consulted on the contents of the revised model complaint handling procedure.

5. CONCLUSION

5.1 Implementation of the revised model complaint handling procedure by 1 April 2021 complies with the SPSO statutory requirement.

Author of Report:

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Background Papers:

Held by Author

Ref:

Report – SPMAN-2045703626-46

Implementation Guide - SPMAN-2045703626-47

Appendix Part 1 - SPMAN-2045703626-48

Appendix Part 2 - SPMAN-2045703626-49

Appendix Part 3 - SPMAN-2045703626-50

Appendix Part 4 - SPMAN-2045703626-51

Appendix Part 5 - SPMAN-2045703626-52