

DATA LABEL: PUBLIC



PERFORMANCE COMMITTEE

COMPLAINT PERFORMANCE REPORT 2020/21

REPORT BY DEPUTE CHIEF EXECUTIVE

A. PURPOSE OF REPORT

To report to the Performance Committee the council's complaint annual report 2020/21 and provide detailed analysis of council-wide complaints closed during 2020/21.

B. RECOMMENDATIONS

It is recommended that the Performance Committee:

1. Note the council's annual Complaint Performance Report 2020/21;
2. Note the corporate and service complaint performance against the standards outlined in the council's complaint handling procedure; and
3. Continue to monitor complaint performance and request additional information from services as required.

C. SUMMARY OF IMPLICATIONS

I.	Council Values	Focusing on customers' needs Being honest, open and accountable
II.	Policy and Legal	The Public Services Reform (Scotland) Act 2010
III.	Implications for Scheme of Delegations to Officers	None
IV.	Impact on performance and performance indicators	Will provide a robust approach to monitoring complaints performance information covering all council services
V.	Relevance to Single Outcome Agreement	Indicators support various outcomes in the SOA
VI.	Resources (Financial, Staffing and Property)	From existing budget
VII.	Consideration at PDSP/Executive Committee required	Complaints annual report to be considered at the Policy and Resource PDSP
VIII.	Details of consultations	None

D. TERMS OF REPORT

D.1 Background

The Scottish Public Services Ombudsman (SPSO) developed and published a model Complaint Handling Procedure (CHP) in 28 March 2012. The model CHP was to ensure a standardised approach in dealing with customer complaints across the local authority sector.

All local authorities were required to adopt the model CHP by 31 March 2013. SPSO expect that local authorities will make the best use of complaint information to inform service improvement activity.

The SPSO outlined four elements of the model CHP that that should not be amended to ensure a standardised approach across all local authorities. These are:

- The definition of a complaint
- The number of stages
- Timescales at each stage
- The requirement to record, report and publicise complaints information

The SPSO began a review of the model CHP in 2019/20.

The SPSO finalised the revised model CHP in 2020/21 which updated and refreshed the procedure. All Local Authorities are required to implement the revised CHP.

The key changes to the CHP are outlined below:

- The addition of a new outcome "Resolution";
- Agreeing the points of the complaint at stage 2 acknowledgement response;
- Time limit to make a complaint reduced from 12 months to 6 months;
- Managing complaints on council social media channels- signpost social media complainants to the council's CHP.

The revised Complaint Handling Procedure was considered by the Partnership and Resources PDSP on 23 April 2021 and approved by the Council Executive on 18 May 2021. The revised Complaint Handling Procedure is included in Appendix 4 of the report.

D.2 Corporate Complaint Performance

Table 1 provides the council's total complaints closed per 1,000 population over the past 5 years. The table shows that there has been an increase in complaints received by the council in 2020/21 when compared to the previous year from 2,871 to 2,875.

Table 1 Complaints closed per 1,000 population

Measure	2016/17	2017/18	2018/19	2019/20	2020/21
West Lothian Population ¹	178,550	180,130	181,310	182,140	183,100
Total number complaints closed	3,414	3,169	3,382	2,871	2,875
Number complaints closed per 1,000	19.1	17.6	18.7	15.8	15.7

¹ Previous years published mid-year estimate used

Table 2 provides a breakdown of complaints closed by service from 2016/17 to 2020/21

Table 2 Complaints closed by service

Service	2016/17	2017/18	2018/19	2019/20	2020/21
Operational Services	1,852	1,644	1,759	1,290	1,576
Housing, Customer & Building Services	1,013	950	969	911	757
Education Services	277	225	276	263	222
Finance and Property/ Executive Office	179	127	163	171	146
Social Policy ²	5	137	128	146	118
Planning, Economic Dev. and Regeneration. (PEDR)	72	73	71	62	43
Corporate Services	16	13	16	28	13
Total	3,414	3,169	3,382	2,871	2,875

Table 3 breaks down the annual complaints closed by complaint category over a 5 year period.

Table 3 Complaint category covering period 2016/17 – 2020/21

Complaint Category	2016/17	2017/18	2018/19	2019/20	2020/21
Standard of Service	1,652	1,809	2,134	1,347	1281
Policy Related	578	437	330	533	597
Poor Communication	369	299	307	483	475
Employee Attitude	324	366	383	331	393
Waiting Time	463	228	206	155	104
Missed Appointments	28	30	22	22	25
Total Complaints	3,414	3,169	3,382	2,871	2,875

The current service level complaint performance varies across the council and is linked to the complexity and quantity of complaints received. Housing, Customer and Building Services (HCBS) and Operational Services are the main complaint generators by service, accounting for 81.2% (2,333) of all recorded complaints (2,875) during 2020/21.

The main contributors in Standard of Service complaints are HCBS (343) and Operational Services (653) which account for 77.75% (996) of all recorded complaints in the category. The equivalent quarters in 2019/20, HCBS (408) and Operational Services (632) had a combined total of 1,040 complaints categorised as Standard of Service.

The increase in Policy Related complaints is attributable to a large increase in Operational Services Policy complaints from the equivalent quarters in 2019/20. Operational Services received 597 Policy Related complaints in 2020/21 against a total of 276 Policy Related

² Social Policy: From the 1 April 2017 all complaints were considered as part of the council's CHP.

complaints in 2019/20. The increase in Operational Service Policy complaints related to the implementation of the Spaces for People programme and the delivery of the Winter Maintenance programme by Road and Transportation Services. Roads and Transportation Services received 251 policy complaints in 2020/21 compared to 52 in 2019/20. The main contributors to Policy Related complaints were Operational Services (427) and HCBS (76) accounting for 84.3% of all recorded complaints in this category.

85.3% (405) of all Poor Communication complaints are generated by Operational Services (303) and HCBS (102). Operational Services had the largest increase in the Poor Communication complaints when compared to the previous year from 237 to 303.

The increase in Employee Attitude complaints have been driven by Operational Services (175) and HCBS (137) which account for 79.4% (312) of all recorded complaints in this category. During 2019/20, Operational Services (125) and HCBS (111) had a combined total of 236 complaints categorised as Employee Attitude.

The main contributors of Waiting Time complaints are HCBS (81) and Operational Services (11) which account for 88.5% (92). The equivalent quarter in 2019/20, HCBS (121) and Operational Services (16) had a combined total of 137 complaints categorised as Waiting Time.

Appendix 1 to the report provides the council wide performance against the SPSO defined measures for 2020/21.

Appendix 3 includes Scottish Local Authority average comparative performance information for 2019/20 for some of the indicators presented. The council's performance in relation to complaint processing outperformed the 2019/20 Scottish national average for most of the indicators presented.

D.3 Summary of Service Complaint Performance

The Complaint Steering Board identified 4 high level indicators that provided a summary of complaint handling performance.

The 4 indicators are:

1. Total complaints received
2. Complaints closed within 5 working days
3. Complaints closed within 20 working days
4. Complaints part upheld/upheld

Table 4 provides a summary of service performance against these 4 key indicators.

Table 4 2019/20 and 2020/21 service performance summary

Service	Total complaints		Complaints closed within 5 working days		Complaints closed within 20 working days		Complaints part upheld/ upheld	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
Corporate Services	28	13	74%	30.8%	0%	N/A	10.7%	69.3%
Education Service	263	222	86.2%	85.1%	77.5%	83.0%	31.6%	40.5%
Exec Office	7	13	N/A	0%	100%	54.5%	0%	7.7%

Service	Total complaints		Complaints closed within 5 working days		Complaints closed within 20 working days		Complaints part upheld/ upheld	
	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21	2019/20	2020/21
Finance and Property	164	133	85.4%	83.5%	75.0%	81.8%	31.1%	22.6%
HCBS	911	757	87.2%	89.8%	83.6%	87.6%	43.6%	36.8%
Operational Services	1,290	1,576	82.5%	82.2%	86.7%	88.4%	17.9%	26.2%
PEDR	62	43	91.4%	56.5%	87%	61.1%	19.4%	23.3%
Social Policy	146	118	49.1%	47.9%	73.3%	43.8%	51.4%	56.8%
Total	2,871	2,875	82.8%	82.6%	81.7%	81.0%	34.2%	31.3%

In 2020/21 there was a decrease in the percentage of complaints that were upheld/ part upheld when compare to the previous year from 34.2% (981) to 31.3% (900). There were 81 less complaints that were upheld/ part upheld when compared to the 2019/20 figure (981).

Table 5 provides indicative ratios for the number of complaints against the specific customer groups for Education Services, Housing, Customer and Building Services and Operational Services.

Table 5: Ratio of complaints to customer group (for main generators of complaints)

Service	Base unit (2020/21)	2020/21 complaint volume	Complaint ratio
Education Services	30,000 pupils	222	1 complaint for every 135 pupils
HCBS	13,169 council houses	757	1 complaint for 17 council houses
Operational Services	76,659 households	1,576	1 complaint for every 49 households

A target of 85% has been set for the percentage of complaints which must be dealt with within timescale. Across the council, 31.3% of all complaints received in 2020/21 have been upheld/ part upheld.

Appendix 1 contains the complaints analysis covering 2020/21 by Service. Appendix 2 contains the fully breakdown of complaint outcome by reason over 2020/21.

Appendix 3 provides the West Lothian Council Annual Complaint Performance Report 2020/21.

E. CONCLUSION

In 2020/21 the council closed 2,875 complaints and this represents a marginal increase on the number of complaints closed in 2019/20. This was primarily linked to an increase in complaints closed by Operational Services.

The increase in Operational Services complaints was 286. This increase can be attributed to the increase in complaints closed by Roads and Transportation Services from 165 in

2019/20 to 461 in 2020/21. All other services saw a decrease in complaints over 2020/21 which was in part linked to the reduction in complaints received in Q1 2020/21.

The council has shown similar performance to the previous year relating to the percentage of complaints closed at stage 1 and stage 2 against target but both performance levels are well above the Scottish national average. Customer satisfaction performance relating to complaint handling has improved across all four key indicators.

All services continue to be committed to regular customer complaint analysis which informs service development activity and the improvement agenda.

F. BACKGROUND REFERENCES

SPSO publishes the Model Complaints Handling Procedure (CHP) for the local government sector in Scotland.

1. [The Local Authority Model Complaints Procedure \(model CHP\) Guide to Implementation](#)
2. [WLC Complaints Handling Procedure](#)

Appendices/Attachments:

Appendix 1 Corporate Complaint Performance 2020-21

Appendix 2 Complaint Outcome by Reason and HOS 2020-21

Appendix 3 West Lothian Council Annual Complaint Performance Report 2020-21

Appendix 4 Revised Complaint Handling Procedure

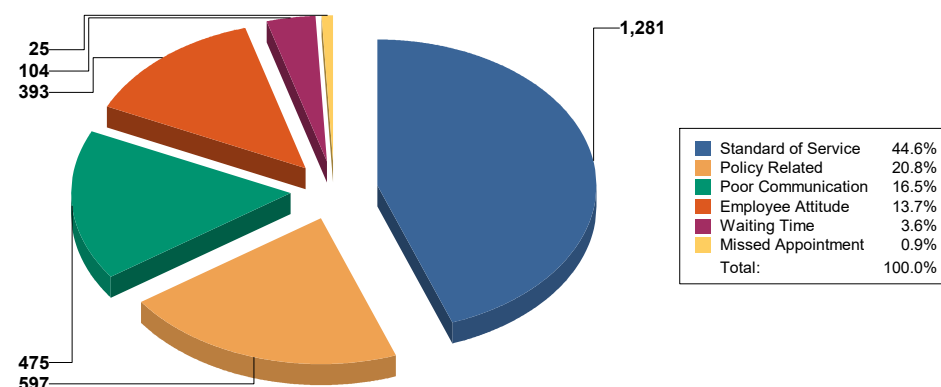
Contact Person: Joe Murray

E mail: joe.murray@westlothian.gov.uk Phone 01506 281893

Graeme Struthers
Depute Chief Executive
7 June 2021

This report summarises complaints closed within the period above for all services within Corporate Services. For the purpose of this report all timescales are based on working days and therefore excludes Saturday, Sunday and Public Holidays in the calculations.

SPSO Performance Indicator		Number	%
1	Total number of complaints	2875	
2	Complaints closed at Stage 1	2447	85.1%
	Complaints closed at Stage 2	373	13.0%
	Complaints closed at Stage 2 after escalation	55	1.9%
3	Complaints UPHELD at Stage 1	477	19.5%
	Complaints NOT UPHELD at Stage 1	1685	68.9%
	Complaints PART UPHELD at Stage 1	285	11.6%
	Complaints UPHELD at Stage 2	53	14.2%
	Complaints NOT UPHELD at Stage 2	255	68.4%
	Complaints PART UPHELD at Stage 2	65	17.4%
	Escalated complaints UPHELD at Stage 2	9	16.4%
	Escalated complaints NOT UPHELD at Stage 2	35	63.6%
	Escalated complaints PART UPHELD at Stage 2	11	20.0%
4	Average working days to respond to a Stage 1 complaint	4.0	Days: 9865
	Average working days to respond to a Stage 2 complaint	14.7	Days: 5482
	Average working days to respond to a Stage 2 after escalation	11.7	Days: 645
5	Complaints closed at Stage 1 within 5 working days	2022	82.6%
	Complaints closed at Stage 2 within 20 working days	302	81.0%
	Complaints closed at Stage 2 within 20 working days after escalation	47	85.5%
6	Complaints closed at Stage 1 where an extension has been authorised	15	0.6%
	Complaints closed at Stage 2 where an extension has been authorised	3	0.8%

Number of Complaints by Reason


NB: The totals below include complaints resolved at Stage 1 and Stage 2 as well as complaints closed at Stage 1 then re-opened and handled as Stage 2 (escalated).

Percentage of all complaints resolved within timeline: 82.5% (2371)

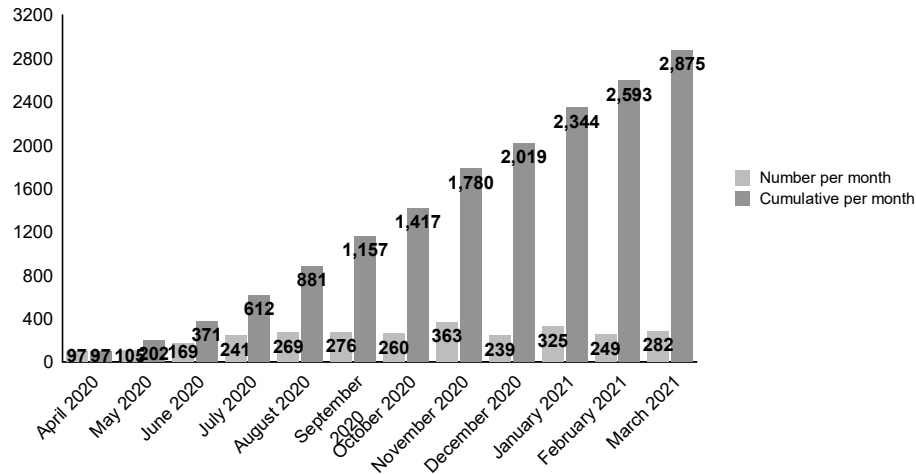
Percentage of all complaints UPHELD: 18.7% (539)

Percentage of all complaints NOT UPHELD: 68.7% (1975)

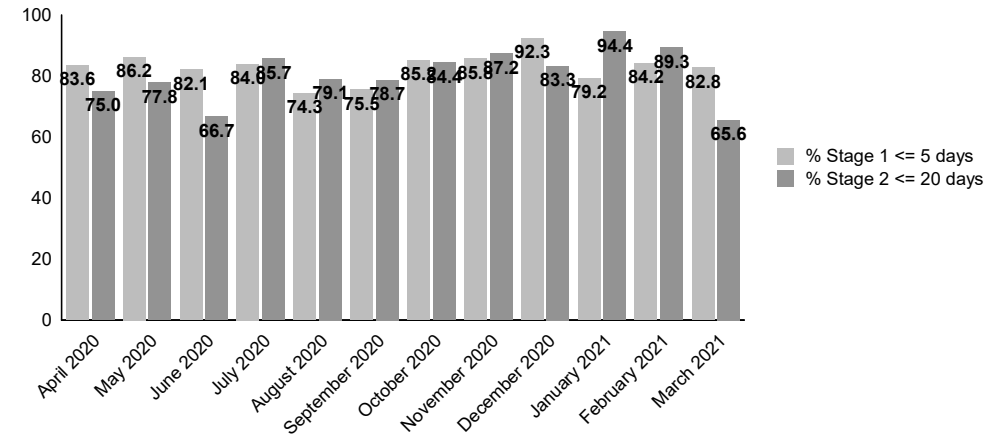
Percentage of all complaints PART UPHELD: 12.6% (361)

Percentage with another or no outcome selected: 0.0% (0)

Complaints Closed 2020/21
Number and cumulative per month



% Complaints closed within Timeline
% Stage 1 within 5 & Stage 2 within 20 working days by month



Stage 2 figures include complaints escalated from Stage 1 having been closed then re-opened

% of Total complaints Upheld & Part Upheld by month 2020/21

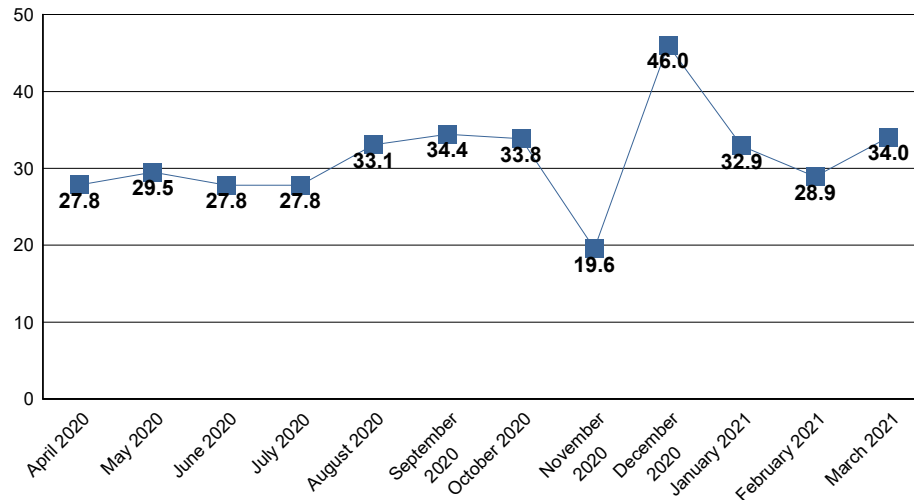


Table showing % of complaints closed within SLA at Stage 1 and Stage 2 cumulative by month

Month/Year	% Stage 1 Closed within 5 Days per month (cumulative)	% Stage 2 Closed within 20 Days per month (cumulative)
April 2020	83.6%	75.0%
May 2020	85.0%	76.2%
June 2020	83.6%	72.7%
July 2020	83.8%	77.2%
August 2020	80.9%	77.8%
September 2020	79.6%	78.0%
October 2020	80.6%	79.6%
November 2020	81.7%	80.8%
December 2020	83.0%	81.0%
January 2021	82.2%	82.3%
February 2021	82.4%	82.8%
March 2021	82.5%	81.5%

NB - the Stage 2 cumulative figure includes escalated complaints (closed at Stage 1 then reopened as Stage 2).

Summary of Secondary Categorisation (Service reason for complaint)

	<u>Total</u>	<u>STAGE 1</u>			<u>STAGE 2</u>			<u>Escalated</u>		
		<u>Upheld</u>	<u>Part Upheld</u>	<u>Not Upheld</u>	<u>Upheld</u>	<u>Part Upheld</u>	<u>Not Upheld</u>	<u>Upheld</u>	<u>Part Upheld</u>	<u>Not Upheld</u>
Corporate Services	13	6	3	4						
Employee attitude general	1			1						
Failure to reply	3	2	1							
Inaccurate advice/ information	1			1						
Policy related general	2			2						
Poor communication general	1	1								
Standard of service general	2	2								
Unreasonable delays	1		1							
Waiting time general	2	1	1							
Education	222	69	11	88	5	5	43			1
Additional Support Needs	16		1	7	1	1	6			
Bullying - Pupil - Pupil	29	3	1	15			10			
Bullying - Pupil - Teacher	2			1			1			
Child Protection	7			4		1	2			
Communication	25	9	1	13		1	1			
Composite Classes	6			3	1	1	1			
Curriculum	56	46		6			4			
Data Protection	6	3		3						
Discipline	6	1		3			2			
Facilities	4			4						
Head Teacher	8			3			4			1
Head Teacher & Staff	9		1	3	1		4			
Health & Safety	4	2	1	1						
Insurance	1						1			
Nursery Placement	11	1	1	6			3			
Office Staff	4			4						
Policy	5			3	1		1			
Pupil Placement	12	4	2	3	1	1	1			
School Dress	2			2						
Teacher Attitude	9		3	4			2			
Executive Office	13	1					11			1

Corporate Services	2	1			1			
Discrimination	1				1			
Incorrect or conflicting advice	1				1			
No action / Ineffective action taken	1				1			
Operational Services	3				3			
Planning and Econ. Dev.	2				2			
Policy related general	2				2			
Standard of service general	1							1
Finance & Property Services	133	16	9	96	3	2	6	1
Call not answered	1	1						
Claim/information processed incorrectly	40	3	4	31		1		1
Delay in processing claim/information	15	3	2	8	2			
Discretionary payments decision	2	1		1				
Employee attitude general	17	1		14		1	1	
Inaccurate advice/ information	1			1				
Incorrect or conflicting advice	5	2	1	2				
IT system failure	1			1				
No action / Ineffective action taken	1			1				
Policy related general	6			5		1		
Poor communication general	8	3		5				
Recovery of debt	17		1	16				
Response time	1		1					
Standard of property/accommodation	1			1				
Standard of service general	16	2		9	1	1	3	
Waiting time general	1			1				
HC&BS	757	110	98	359	28	30	95	6 7 24
Awaiting materials	1		1					
Call not answered	6		2	4				
Claim/information processed incorrectly	1	1						
Customer standards not met	84	6	12	42	1	3	12	3 2 3
Damages to property	29	5	4	14		1	5	
Driving/ parking issues	17	7	4	5				1
Employee attitude general	82	10	16	29	2	7	12	1 5
Failed timescales	4	2		2				
Failed to reply	1			1				
Failure to reply	1					1		

Health & Safety	3	3						
Inaccurate advice/ information	1				1			
Incorrect or conflicting advice	20	4	3	7	1 4			1
Lack of communication	22	5	1	12	2			1 1
Missed appointment general	15	3	4	5	1 1			1
No action / Ineffective action taken	28	4	9	7	1 2 3			1 1
Policy related general	61	3	3	35	3 2 12			3
Poor communication general	76	14	9	34	4 3 9			3
Procedure not followed	4	3 1						
Refusing customer request	5	4						1
Staff conduct/ attitude	27	4	6	10	2 5			
Standard of property/accommodation	28	4 13			1 2 8			
Standard of service general	112	10	10	63	2 3 19			5
Standard of workmanship	26	7	1	15	2 1			
System Issue	1				1			
Telephony Issue	1	1						
Third party supplier	14	5	1	3	3 1			1
Unreasonable delays	5	2 1			1			1
Unresolved repair after visit	16	6 7			2 1			
Untidy work	7	5 2						
Waiting time general	59	4	6	41	3 3			1 1
Operational Services	1576	247	142	1092	12	13	70	
Access Issues	41	3	3	33	1 1			
Accessibility Issues	6	5			1			
Assisted Bin Collections	36	11	11	13	1			
Awaiting Bin Stock Delivery	1	1						
Bin Capacity/ Size	4	4						
Bin Collection Issues Domestic	439	78	54	277	7 5 18			
Bin Collection Issues Trade	2	1 1						
Bin Contamination Issues	18	2	3	13				
Bin Deliveries/ Requests	11	2	4	5				
Bin/ Bulky Presentation Issues	30	4	1	22	3			
Bin/Pick-Ups/Returns/Spillages	18	5	7	6				
Breach of Policy	2	1			1			
Bulky Uplift Missed	8	3	1	3	1			

Bulky Uplift Policy Changes	3		2		1	
Collection Dates/ Routes	1		1			
Complaint Handling Procedure	2	2				
Council Policy & Legislation	34	1	2	28	3	
Covid19 - Policy Related	227		1	210	1	2
Damage to Property	27	18	5	2	2	
Environmental Concerns	16	4	1	9	2	
Expectations Not Met	39	5	3	24	1	2
External 3rd Party	23	2	1	20		
Glass Recycling	18		6	11	1	
Grass Left on Paths	5	3	1	1		
Grass Not Cut/ Missed	8	3	1	4		
Health & Safety	13	4	3	6		
HWRC - Recycling Centre Issues	13			12	1	
HWRC OpeningTimePolicy Changes	1			1		
Incorrect Conflicting Advice	2			2		
Lack of Communication	31	6	3	21	1	
Lack of Consultation	3			2	1	
Material Left on Site	2	1		1		
Noise Nuisance	3	1		2		
Parking Issues	8	4		3	1	
Poor Customer Service	14	7	1	6		
Poor or Agressive Driving	10	2	2	4	2	
Private Property not WLC	2			2		
Recycling & Calendars	3		1	2		
Road Works	17	1		16		
Road/ Path Defects	22			20	2	
Service Standards	180	17	18	139	1	2
Severe Weather Event	4			4		
Staff Conduct / Attitude	46	18	8	16	1	3
Standard of Workmanship	4	3		1		
Street Lighting Faults	3	1		2		
Unreasonable Delays	2			2		
Vehicle Breakdown	1			1		
Weather Related Delays	14	3		11		

Website Content Missing/Errors	5	1	4						
Winter Maintenance Policies	154	30	1	117	1	5			
Planning Econ Dev Regen	43	6	3	14	1	17		2	
Inaccurate advice/ information	1					1			
Incorrect / incomplete advice	2		1	1					
Lack of communication	2		1			1			
Missed appointment general	1	1							
Pest Control- standard of service	3	1		2					
Planning application- delay in processing	1			1					
Policy related general	17			7		10			
Poor communication general	4				1	3			
Standard of service general	7	1	1	1		2		2	
Unreasonable delays	3	3							
Waiting time general	2			2					
Social Policy	118	22	19	32	5	14	13	3	4
Customer standards not met	1		1						
Employee attitude general	33	2	5	13	3	5		1	4
Lack of communication	4	1	1	2					
Non-residential Financial Contributions	4	1	1	1	1				
Policy related general	6	1			1	2	2		
Poor communication general	20	7	1	6	1	2		2	1
Standard of service general	39	8	8	8	1	7	2	1	2
Timescale issue	1		1						
Unprofessional conduct	10	2	1	2	1	2	2		

NB - the categorisation "Z_unknown" relates to cases that were completed prior to the inclusion of the secondary category field.

Open Complaints by Service

The table below provides the number of complaints open by Service and month/financial year created (to the end of the reporting period). Note that month and financial year is taken from the Stage 1 or Stage 2 task creation date.

NB - if a complaint is closed and reopened then this will show as open under the original month/financial year it was created in the system.

	Total	2020/2021		
		December	February	March
Total	33	1	6	26
Corporate Services	4	1	1	2
Education	6			6
Finance & Property Services	1		1	
Housing Customer & Building Services	12		1	11
Operational Services	6		2	4
Planning Economic Development & Regenerati	1			1
Social Policy	3		1	2

Appendix 2 Upheld/ Part Upheld/ Not Upheld By Reason and Head of Service 2020/21

Complaint Reason	HOS	Not Upheld	Part Upheld	Upheld	Total
Employee Attitude	Corporate Services	1	0	0	1
	Education	16	4	1	21
	Executive Office	2	0	0	2
	Finance & Property Services	16	1	1	18
	Housing Customer & Building Services	78	35	24	137
	Operational Services	79	42	54	175
	Social Policy	24	11	4	39
Employee Attitude Total		216	93	84	393
Missed Appointment	Housing Customer & Building Services	11	4	3	18
	Operational Services	2	1	4	7
Missed Appointment Total		13	5	7	25
Policy Related	Corporate Services	2	0	0	2
	Education	42	3	4	49
	Executive Office	4	0	0	4
	Finance & Property Services	9	1	1	11
	Housing Customer & Building Services	59	9	8	76
	Operational Services	411	10	6	427
	Planning Economic Development & Regeneration	18	1	0	19
	Social Policy	3	2	4	9
Policy Related Total		548	26	23	597
Poor Communication	Corporate Services	0	1	0	1
	Education	12	1	7	20
	Executive Office	3	0	1	4
	Finance & Property Services	8	1	4	13
	Housing Customer & Building Services	63	14	25	102
	Operational Services	230	29	44	303
	Planning Economic Development & Regeneration	4	2	0	6
	Social Policy	11	4	11	26
Poor Communication Total		331	52	92	475
Standard of Service	Corporate Services	1	0	4	5
	Education	62	8	58	128
	Executive Office	3	0	0	3
	Finance & Property Services	68	8	13	89
	Housing Customer & Building Services	214	60	69	343
	Operational Services	433	71	149	653
	Planning Economic Development & Regeneration	9	1	6	16
	Social Policy	13	20	11	44
Standard of Service Total		803	168	310	1281
Waiting Time	Corporate Services	0	2	2	4
	Education	0	0	4	4
	Finance & Property Services	2	0	0	2
	Housing Customer & Building Services	53	13	15	81
	Operational Services	7	2	2	11
	Planning Economic Development & Regeneration	2	0	0	2
Waiting Time Total		64	17	23	104
Total		1975	361	539	2875
		68.7%	12.6%	18.7%	100.0%

Data Label: Public

West Lothian Council

Annual Complaint Performance Report 2020/21

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1. Overview

1.1. Introduction

This is the council's annual complaints performance report which provides information on customer complaints received and closed between 1 April 2020 and 31 March 2021.

The council always aims to provide the highest possible quality of service to our community, but recognise that there are times when things go wrong and fail to meet the expectations of our customer.

The council's complaints procedure provides our customers with a clear and structured way to provide feedback on their dissatisfaction with council services in a range of easily accessible ways. The council welcomes feedback and it provides information that helps services learn from complaints and to modify and improve the way services are delivered.

The indicators covered in this report were created to provide a useful tool that the council and the public can use to judge objectively how well complaints are being handled and how it informs service improvement activity.

1.2. Corporate Complaints Procedure

There are many factors that affect the number and complexity of complaints received by the council such as the standard of service that is being delivered, the attitude of our employees, the service response time to customer requests, missed appointments and poor communication.

The council's complaint procedure has 2 stages in its process which are outlined below:

- Stage one complaints could mean immediate action to resolve the problem or complaints which are *resolved in no more than five working days*.
- Stage two deals with two types of complaints: those that have not been resolved at stage one and those that are complex and require detailed investigation. Stage two complaints should be resolved *in no more than 20 days*.
- After the council has fully investigated the complaint, and if the customer is still not satisfied with the decision or the way the council dealt with the complaint, then it can be referred onto the Scottish Public Services Ombudsman (SPSO).

The council has put in place clear governance arrangements for complaints. The Corporate Complaint Steering Board is an officer group that monitors the implementation of the corporate complaint procedure and the corresponding performance and reporting activity. The board ensures that the council is compliant with the complaint procedure requirements. This is chaired by a Deputy Chief Executive and the membership consists of council Heads of Service.

Complaint performance is reported on a quarterly basis to both the council's Corporate Management Team and the council's Performance Committee. All complaint performance statistics are reported to the public and are available on the council's website.

2. Complaint Performance Statistics

Statistics on complaints are based on 8 key performance indicator themes devised by the SPSO in conjunction with all 32 Scottish councils.

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Complaints are recorded and tracked using the council's Customer Relationship Management (CRM) system which enables the production of the complaints performance information.

The number of complaints the council closed in 2020/21 was 2,875. This is a marginal increase from the number closed in the previous year. The council will continue to analysis complaints to help inform service improvement, identify training opportunities for our staff and help prioritise our activities to meet the changing needs of our community. Complaint benchmark data for 2020/21 is not yet available for other Local Authorities. Where applicable, this report has included the 2019/20 Scottish Local Authority national average for a range of performance indicators for comparative information. The current council's performance relating to the processing of complaints continues to outperform the Scottish National Average in almost all indicators.

2.1. Indicator 1: Complaints closed per 1,000 population

This indicator records the total number of complaints closed by the council. To allow for a fair comparison across all 32 councils in Scotland, the figure of complaints per 1,000 of population is used. The council received 2,904 complaints from 1 April 2020 to 31 March 2021. This is equivalent to 15.9 received complaints per 1,000 population. Of the total complaints received in 2020/21 (2,904), 2,875 were closed in this period¹.

Table 1 provides the council's total complaints closed per 1,000 population over the past 5 years. The table shows that there has been a slight decrease in complaints per 1000 closed by the council in 2020/21 when compared to the previous year from 15.8 to 15.7 complaints per 1,000 population.

Table 1: Complaints closed per 1,000 population

Measure	2016/17	2017/18	2018/19	2019/20	2020/21
West Lothian Population ²	178,550	180,130	181,310	182,140	183,100
Total number of complaints closed	3,414	3,169	3,382	2,871	2,875
Number of complaints closed per 1,000	19.1	17.6	18.7	15.8	15.7

In 2019/20, the Scottish Local Authority average for the number complaints closed per 1,000 population was 10.1. Table 2 provides a breakdown of complaints closed by service from 2016/17 to 2020/21.

Table 2: Complaints closed by service

Service	2016/17	2017/18	2018/19	2019/20	2020/21
Operational Services	1,852	1,644	1,759	1,290	1,576
Housing, Customer & Building Services	1,013	950	969	911	757
Education Service	277	225	276	263	222
Finance and Property/ Executive Office	179	127	163	171	146

¹ There was a carry-over of complaints received that remained open from 2019/20 which accounts for the closed figure being smaller than the complaints received in 2020/21.

² Previous years published mid-year estimate used

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Service	2016/17	2017/18	2018/19	2019/20	2020/21
Social Policy	5	137	128	146	118
Planning, Economic Development and Regeneration	72	73	71	62	43
Corporate Services	16	13	16	28	13
Total	3,414	3,169	3,382	2,871	2,875

All complaints received by the council are grouped into 6 categories. The categorisation allows the service to group complaints by theme and helps the service to identify areas that require improvement actions.

Table 3 breaks down all council complaints closed by complaint category from 2016/17 to 2020/21.

Table 3: Complaints closed by category

Category	2016/17	2017/18	2018/19	2019/20	2020/21
Standard of Service	1,652	1,809	2,134	1,347	1,281
Policy Related	578	437	330	533	597
Poor Communication	369	299	307	483	475
Employee Attitude	324	366	383	331	393
Waiting Time	463	228	206	155	104
Missed Appointments	28	30	22	22	25
Total Complaints	3,414	3,169	3,382	2,871	2,875

2.2. Indicator 2: Closed complaints

This indicator provides information on the number of complaints closed at stage one and stage two and stage two escalated complaints as a percentage of all complaints closed. Table 4 provides the performance information for this indicator.

The term “closed” refers to a complaint that has had a response sent to the customer and at the time no further action is required (regardless at which stage it is processed and whether any further escalation takes place).

Table 4: Closed complaints

Closed complaints	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number complaints closed at stage one (5 days) as % of all complaints	82.9% (2,831)	84.2% (2,667)	83.8% (2,833)	82.7% (2,374)	85.1% (2,447)	89.1%

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Closed complaints	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number complaints closed at stage two (20 days) as % of all complaints	15.7% (535)	13.8% (437)	14.6% (493)	15.8% (453)	13% (373)	7.8%
Number complaints closed at stage two (20 days) after escalation as % of all complaints ³	1.4% (48)	2.1% (65)	1.7% (56)	1.5% (44)	1.9% (55)	3.2%

2.3. Indicator 3: Complaints upheld, partially upheld and not upheld

The council reviews all complaints and each customer is contacted to explain whether their complaint has been upheld, partially upheld or not upheld and why.

This indicator measures the number and percentage of complaints which were upheld, partially upheld or not upheld recorded at each stage. The results can be seen in Tables 5, 6 and 7.

Table 5: Upheld complaints

Complaints upheld	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number of complaints upheld at stage one as % of all complaints closed at stage one (5 days)	35.11%	22.8%	34.6%	21.4%	19.5%	45.3%
Number complaints upheld at stage two as % of complaints closed at stage two (20 days)	23.4%	20.6%	15.20%	12.2%	14.2%	24.5%
Number escalated complaints upheld at stage two as % of escalated complaints closed at stage two (20 days)	27.1%	12.3%	16.10%	15.9%	16.4%	26.7%

Table 6: Partially upheld complaints

Complaints partially upheld	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number of complaints partially upheld at stage one (5 days) as % of all complaints closed at stage one	26.14%	28.2%	23.0%	12.2%	11.6%	16.9%
Number complaints partially upheld at stage two (20 days) as % of complaints closed at stage two	25.0%	19.9%	23.3%	19.4%	17.4%	23.3%

³ From 2015/16, the escalated stage 2 complaint figure was not included in stage 2 complaints closed total for the council.

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Complaints partially upheld	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number escalated complaints partially upheld at stage two (20 days) as % of escalated complaints closed at stage two	25.0%	18.5%	21.4%	25.0%	20.0%	25.0%

Table 7: Not upheld complaints

Complaints not upheld	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number of complaints not upheld at stage one (5 days) as % of all complaints closed at stage one	38.75%	49.0%	42.4%	66.4%	68.9%	36.6%
Number complaints not upheld at stage two (20 days) as % of complaints closed at stage two	51.6%	59.5%	61.5%	63.4%	68.4%	53.7%
Number escalated complaints not upheld at stage two (20 days) as % of escalated complaints closed at stage two	47.9%	69.2%	62.5%	59.1%	63.6%	45.5%

Overall, the council upheld/ part upheld 900 (31.3%) complaints from a total of 2,875 complaints closed in 2020/21. The equivalent upheld/ part upheld figure in 2019/20 was 34.2% (981).

2.4. Indicator 4: Average times

Indicator 4 represents the average time in working days to close complaints at stage one and at stage two of the council's Complaint Handling Procedure (CHP). Indicator 4 performance can be seen in Table 8.

Table 8: Average times

Average times	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Average time in working days to respond to complaints at stage one (5 day resolution target)	3.8	3.9	4.5	4.3	4.0	10.2
Average time in working days to respond to complaints at stage two (20 day resolution target)	11.4	13.9	15.2	14.4	14.7	23.9
Average time in working days to respond to complaints after escalation (20 day resolution target)	10.0	10.7	7.5	9.7	11.7	17.5

2.5. Indicator 5: Performance against timescales

The council's Complaint Handling Procedure requires complaints to be closed within 5 working days at stage one and 20 working days at stage two. This indicator measures the percentage of

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complaints which were closed in full at each stage within the set timescales of 5 and 20 working days. Indicator 5 performance can be seen in Table 9.

Table 9: Performance against timescales

Performance against timescales	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
Number complaints closed at stage one within 5 working days as % of stage one complaints	85.6%	83.9%	81.6%	82.8%	82.6%	61.0%
Number complaints closed at stage two within 20 working days as % of stage two complaints	89.2%	84.4%	81.7%	81.7%	81.0%	61.9%
Number escalated complaints closed within 20 working days as % of escalated stage two complaints	95.8%	87.7%	92.9%	95.5%	85.5%	59.7%

2.6. Indicator 6: Number of cases where an extension is authorised

The council always aims to respond to complaints as quickly as possible. There are, however, times when a complaint is particularly complex and it is not feasible to fully investigate the issues within the prescribed timescales. In these situations the council can agree with a complainant to extend the timescale for closing the complaint.

This indicator provides the percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised. Indicator 6 performance can be seen in Table 10.

Table 10: Number of cases where an extension is authorised

Number of cases where an extension is authorised	2016/17	2017/18	2018/19	2019/20	2020/21	Scottish LA average 2019/20
% of complaints at stage one (5 days) where extension was authorised	1.2%	1.2%	0.6%	0.9%	0.6%	4.5%
% of complaints at stage two (20 days) where extension was authorised	1.3%	3.4%	1.4%	1.3%	0.8%	12.7%

2.7. Indicator 7: Customer satisfaction

This indicator provides information on the levels of customer satisfaction with the complaint handling procedure and process. Indicator 7 performance can be seen in Table 11. A sample of complainants are contacted by the council's Customer Service Centre on a monthly basis to gather this satisfaction information.

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Table 11: Customer satisfaction

Customer satisfaction	2016/17	2017/18	2018/19	2019/20	2020/21
Percentage of customers who agreed that they were satisfied with the length of time it took to deal with their complaint.	64.8%	71.3%	65.3%	58.1%	69.5%
Percentage of customers who agreed that they were satisfied with the outcome of their upheld complaint.	69.7%	73.0%	61.3%	63.4%	68.1%
Percentage of customers who agreed that they were satisfied with the way their complaint was handled.	70.3%	73.0%	67.3%	64.8%	67.4%
Percentage of customers who agreed that they found it easy to complain to the council.	80.7%	85.1%	83.8%	84.3%	84.6%

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2.8. Indicator 8: Learning from complaints

The council has a clear commitment to listen to our customers and act on their feedback. Learning from complaints is a continuous process that helps the council to resolve common complaints and further improve the services that are provided. **Some examples** of actions that have been taken are highlighted below.

	Service/ Complaint Theme	Complaints Analysis	Service Improvement Action(s)
1.	Corporate Services Standard of Service	A customer complained that they had to pay for a letter from the council that had not been franked.	The administration team have included additional checks ensure that letters are franked before they are sent in the post.
2.	Corporate Services Poor Communication	The service was late in providing a response to a customer complaint.	The service held additional training sessions on complaint handling and highlighted the importance of dealing with complaints within the agreed timescales.
3.	Education Services Poor Communication	A complaint was received regarding poor communication and support around a Child's Planning Meeting at a school.	The school made improvements to their Child's Planning Meetings. All staff have undertaken in-depth training on Autism Spectrum Disorder (ASD) and Dyslexia to ensure a consistent approach to supporting each learner. The approach to communication was also reviewed to keep the parent/carers informed.
4.	Housing, Customer and Building Services Poor Communication	A tenant tried to contact a Housing Officer who failed to respond in a timely manner.	The Housing Officer was late in attempting to call the customer. The correct communication process was reinforced to the employee reminding them that an email should be sent to the customer if a phone call is not answered.
5.	Housing, Customer and Building Services Standard of Service	Customer complaint about the litter left around their property after a roof repair was carried out.	A full site clean up was carried out and an apology was given to the customer. The supervisor discussed the complaints with the operatives and reinforced the requirement to ensure each work area is cleaned when the job is complete.

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	Service/ Complaint Theme	Complaints Analysis	Service Improvement Action(s)
6.	Housing, Customer and Building Services Standard of Service	Customer complaint about the lack of signage in an area being worked on by council contractors.	An apology was given to the customer and the contractor provided additional signage across the whole site. The customer was contacted and was satisfied with the agreed outcome.
7.	Operational Services Standard of Service	Complaint made about the service's failure to carry out a scheduled bulky uplift.	There was a system error with the Bulky Uplift booking and payment system which cancelled the customer's uplift. The service worked with the supplier to rectify the system issue. An apology was made to the customer and the payment was reimbursed.
8.	Operational Services Waiting time	Complaint received about time taken for a new bin to be delivered.	Due to Covid-19 the supplier was on restricted deliveries. The service managed to secure bins from an alternative supplier and a delivery was made to the customer.
9.	Operational Service Standard of Service	The customer complained about council vehicles queuing to access a council facility in Blackburn.	The service reviewed the issue where the vehicles were queuing at the site. The service introduced staggered tipping times and improvements have been made in the weighbridge system which has helped reduce the impact of traffic congestion.
10.	Social Policy Poor Communication	A customer received a Care Home payment request in error.	An apology was provided to the customer and additional checks have been introduced to ensure the information in customer documentation is accurate before being sent.

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3. 2020/21 Complaint Summary

In 2020/21 the council closed 2,875 complaints and this represents a slight increase of 4 complaints from the 2019/20 figure of 2,871.

The number of complaints closed across council service areas varies significantly with 55% (1,576) of all complaints being recorded against Operational Services to 0.45% (13) in Corporate Services.

Of the seven service areas that deliver the council's activities and functions, six have shown a reduction in customer complaints and one has had an increase in the number of complaints closed compared to the previous year. Operational Services increased the number of complaints closed over 2020/21 from 1,290 in 2019/20 to 1,576 in 2020/21. Housing Customer and Building Services has shown the largest numerical decrease in complaints from 911 in 2019/20 to 757 in 2020/21.

The marginal increase in complaints across the council can be linked to an increase in the number of complaints closed by Operational Services over 2020/21. The main generator of complaints within Operational Services was Recycling, Waste and Fleet Services and Roads and Transportation Services. There was a large increase in Roads and Transportation Services complaints when compared to the previous year. The number of complaints increased from 165 in 2019/20 to 461 in 2020/21. Roads and Transportation Services received a total of 288 Policy complaints and the main complaint themes related to their Spaces for People programme and the Winter Maintenance activity.

85.1% of all complaints closed by the council were resolved at stage one (Frontline Resolution), 13.0% of complaints resolved at stage two (Investigation) with the remaining 1.9% of complaints being resolved at stage two (Escalation). The average times taken by the council to resolve both stage one and stage two complaints were 4 days and 14.7 days respectively. The council's performance relating to the processing of stage one and stage two complaints have shown a marginal decrease in performance. Both performance levels are below the corporate resolution target of 85% but are well above the national average for processing complaints at both stages. 82.6% stage one complaints were resolved within 5 days and 81.0% stage two complaints were resolved within 20 days. The Scottish National Average 2019/20 was 61% and 61.9% for stage one and stage two resolution respectively.

The percentage of complaints that were upheld/ part upheld across the council in 2020/21 was 31.3% which represents a decrease of 2.9% from the 2019/20 figure which was 34.2%. The council's performance in relation to this measure substantially outperformed the Scottish National Average 2019/20 which was 62.3%.

In 2020/21, the council has shown improved performance across a range of indicators relating to complaint handling. There are four key customer satisfaction complaint indicators. Customer satisfaction performance relating to complaint handling has improved in each of the four key indicators. 84.6% of customers surveyed said that they found it easy to submit a complaint to the council, which is an increase of 0.1% from 2019/20. The satisfaction indicator that has shown the largest increase was customers stating that they were satisfied with the time it takes to respond to a complaint which increased by 11.4% from 58.1% in 2019/20 to 69.5% in 2020/21.

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Overall, there has been a slight increase in the number of complaints closed in 2020/21 when compared to the previous year. The council's performance relating to the processing of complaints continues to outperform the Scottish National Average in almost all indicators. These indicators include the percentage of stage one and stage two resolved within timescale, the average time to resolve a complaint and the number of complaints that were upheld/ part upheld. Customer satisfaction relating to complaint handling has increased across all four indicators and complaint driven service improvement continues to be identified based on robust complaint analysis.



WEST LOTHIAN COUNCIL

Complaints Handling Procedure

The complaints handling process

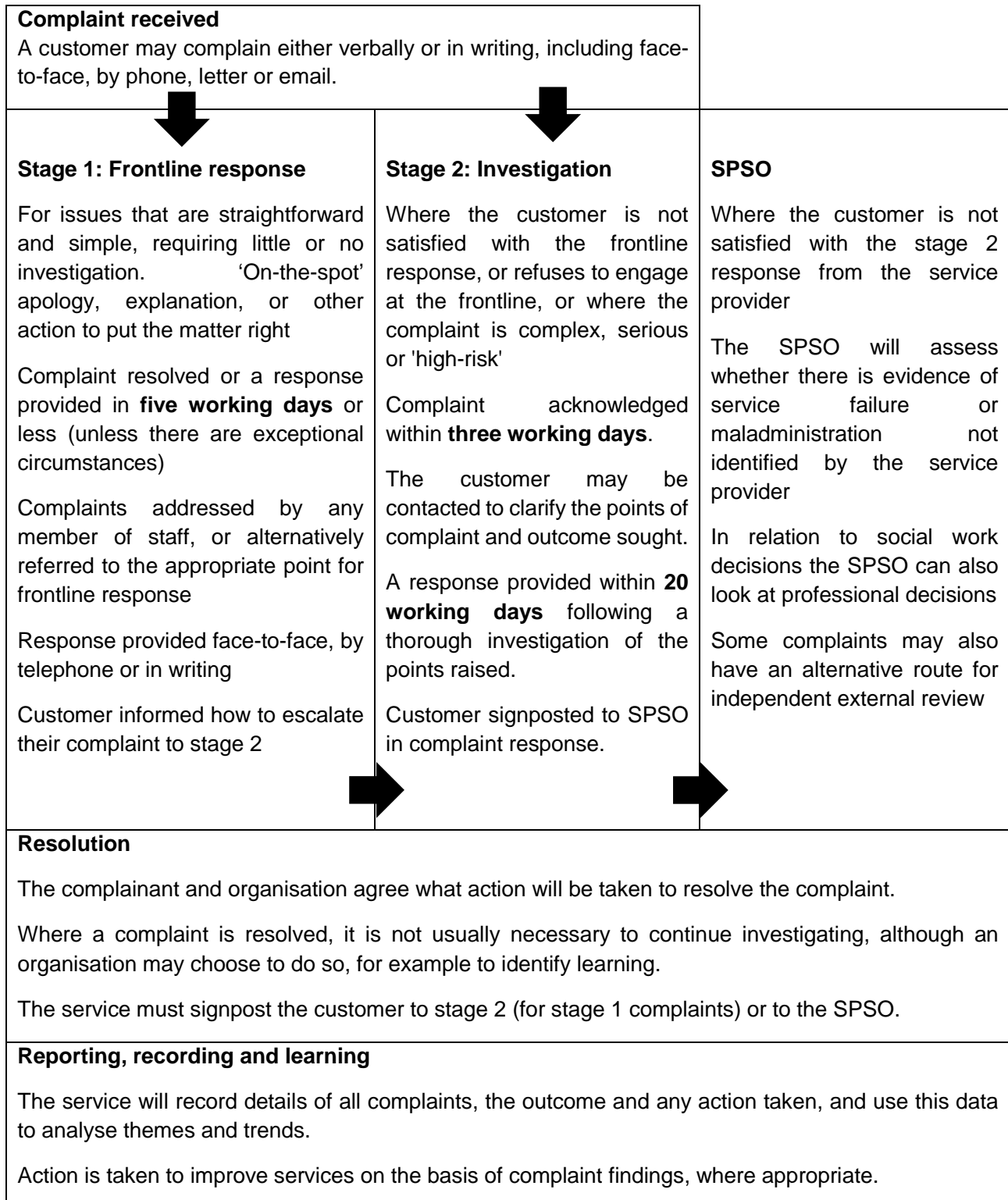
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The complaints handling procedure

1. The Complaints Handling Procedure (CHP) aims to provide a quick, simple and streamlined process for responding to complaints early. Where possible, the service will resolve the complaint to the customer's satisfaction. Where this is not possible, the customer will receive a clear and reasoned response to their complaint.



Resolving the complaint- Resolution Outcome

2. A complaint has the outcome “Resolution” when both the service and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld, part upheld or not upheld.
3. The service will try to resolve complaints wherever possible, although it is accepted that this will not be possible in all cases.
4. A complaint may have the outcome “Resolution” at any point in the complaint handling process, including during the investigation stage. It is particularly important to try to resolve complaints where there is an ongoing relationship with the customer or where the complaint relates to an ongoing issue that may give rise to future complaints if the matter is not fully resolved.
5. Where a complaint has the outcome “Resolution”, the service would not normally need to continue looking into the complaint or provide a response on all points raised. The service will keep a clear record of how a complaint was resolved, what action was agreed, and the customer’s agreement to this as a final outcome. In some cases it may still be appropriate for the service to continue looking into the issue, for example where there is evidence of a wider problem or potential for useful learning.
6. In all Resolution cases, the service will record the complaint outcome (Resolution) and any action taken, and signpost the customer to stage 2 (for stage 1 complaints) or to the SPSO (for stage 2 complaints)
7. If the customer and service are not able to agree a resolution, the service will follow the Complaint Handling Procedure to provide a clear and reasoned response to each of the issues raised.
8. **NOTE:** In almost all cases, services should review each complaint to understand whether the complaint outcome is **upheld, part upheld or not upheld**. Understanding one of these outcomes helps inform service improvement activity. The use of the “Resolution” outcome may impede service improvement activity if the complaint is not fully investigated.

What to do when the service receives a complaint

9. Members of staff receiving a complaint will consider four key questions. This will help to either respond to the complaint quickly (at stage 1) or determine whether the complaint is more suitable for stage 2:

What exactly is the customer's complaint (or complaints)?

10. It is important to be clear about exactly what the customer is complaining about. The customer may have to be contacted to provide more detail about the complaint.
11. The service will need to decide whether the issue can be defined as a complaint and whether there are circumstances that may limit the ability to respond to the complaint (such as the time limit for making complaints, confidentiality, anonymity or the need for consent). The service should also consider whether the complaint is serious, high-risk or high-profile.
12. If the matter is not suitable for handling as a complaint, this will be explained to the customer.
13. In most cases, complaints will be handled at stage 1 of the complaints procedure. If it is a complex complaint, it may need to be handled immediately at stage 2.

What does the customer want to achieve by complaining?

14. In most cases, the service will attempt to clarify the outcome the customer wants if this is unclear in the received complaint.

Can the customer expected outcome be achieved, or explain why not?

15. If a staff member handling a complaint can achieve the expected outcome, for example by providing an on-the-spot apology or explain why they cannot achieve it, they will do so.
16. The customer may expect more than can be provided. If so, the service will tell them as soon as possible.
17. Complaints which can be resolved or responded to quickly should be managed at stage 1.

If the service cannot respond quickly, who can help?

18. If the complaint is simple and straightforward, but the staff member receiving the complaint cannot deal with it because, for example, they are unfamiliar with the issues or area of service involved, the complaint will be passed to the appropriate service.
19. If the complaint is not simple and straightforward it may be handled immediately at stage 2.

Stage 1: Frontline response

20. Frontline response aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.
21. Any member of staff may deal with complaints at this stage (including the staff member complained about, for example with an explanation or apology). The main principle is to respond to complaints at the earliest opportunity and as close to the point of service delivery as possible.
22. The service may respond to the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again.
23. Complaints which are not suitable for frontline response will be identified early, and handled at stage 2: investigation.

Notifying staff members involved

24. If the complaint is about the actions of another staff member, where possible, the complaint may be shared with the staff member before a complaint response is provided.

Timelines

25. Frontline response must be completed within **five working days**. 'Day one' is always the date of receipt of the complaint (or the next working day if the complaint is received on a weekend or public holiday).

Extension to the timeline

26. In exceptional circumstances, a short extension of time may be necessary due to unforeseen circumstances (such as the availability of a key staff member). Extensions will be agreed with an appropriate manager.
27. If a complaint is expected to take more than five working days to look into, it should be handled at stage 2 immediately. The only exception to this is where the complaint is simple and could normally be handled within five working days, but it is not possible to begin immediately (for example, due to the absence of a key staff member). In such cases, the complaint may still be handled at stage 1.

Closing the complaint at the frontline response stage

28. If the complaint decision is communicated either face-to-face or on the telephone, there is not a requirement to write to the customer as well. The service will must:
 - tell the customer the outcome of the complaint. The council's outcomes are: resolution, upheld, partially upheld and not upheld;
 - explain the reasons for the decision (or the agreed action taken to resolve the complaint, or the agreed action taken to resolve the complaint; and
 - explain that the customer can escalate the complaint to stage 2 if they remain dissatisfied and how to do so (the customer should not be signposted to the SPSO until the customer has completed stage 2).

29. The service will keep a full and accurate record of the decision given to the customer. If the service is not able to contact the customer by phone, or speak to them in person, a written response to the complaint will be provided if an email or postal address is available, covering the key complaint points.
30. If the complaint is about the actions of a particular staff member/s, the service will share any part of the complaint response which relates to them (unless there are compelling reasons not to).
31. The complaint should then be closed and the complaints system updated accordingly.

Stage 2: Investigation

32. Not all complaints are suitable for frontline response and not all complaints will be satisfactorily addressed at that stage. Stage 2 is appropriate where:
- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage. Unless exceptional circumstances apply, the customer must escalate the complaint within six months of when they first knew of the problem or within two months of the stage 1 response, whichever is later
 - the complaint is not simple and straightforward (for example where the customer has raised a number of issues, or where information from several sources is needed before the service can establish what happened and/or what should have happened); or
 - the complaint relates to serious, high-risk or high-profile issues.
33. An investigation aims to explore the complaint in more depth and establish all the relevant facts. The aim is to resolve the complaint where possible, or to give the customer a full, objective and proportionate response that represents our final position. Complaints may be investigated by someone not involved in the complaint (for example, a line manager or a manager from a different area).
34. Details of the complaint must be recorded. Where appropriate, this will be done as a continuation of frontline response. If the investigation stage follows a frontline response, the officer responsible for the investigation should have access to all case notes and associated information.

Acknowledging the complaint

35. Complaints must be acknowledged within three working days of receipt at stage 2.
36. The service will issue the acknowledgement in a format which is accessible to the customer.
37. Where the points of a stage 2 complaint and expected outcomes are clear from the complaint, the service may set these out in the acknowledgement and ask the customer to get in touch if they disagree.
38. Where the points of complaint and expected outcomes are not clear, the customer may be contacted to discuss this further.

Agreeing the points of complaint and outcome sought

39. It is important to be clear from the start of stage 2 about the points of complaint to be investigated and what outcome the customer is seeking. The service may also need to manage the customer's expectations about the scope of the investigation.
40. Where the points of complaint are not clear, the service should contact the customer to confirm these. The service can contact the customer either by phone, face-to-face or in writing. A record of any discussion with the customer should be kept.
41. In all cases, the service must have a clear understanding of:
- **What are the points of complaint to be investigated?**
- While the complaint may appear to be clear, agreeing the points of complaint at the outset ensures there is a shared understanding and avoids the complaint changing or confusion

arising at a later stage.

The service will make every effort to agree the points of complaint with the customer if the points are unclear. In very rare cases, it may not be possible to agree the points of complaint (for example, if the customer insists on an unreasonably large number of complaints being separately investigated, or on framing their complaint in an abusive way). The service will manage any such cases in accordance with the council's Unacceptable Actions Policy.

- **Is there anything the service can't consider under the CHP?**

The service must explain if there are any points that are not suitable for handling under the CHP.

- **What outcome does the customer want to achieve by complaining?**

Where the outcome of the complaint is unclear the service may ask what outcome the customer is seeking. This may help direct the investigation and enables the service to focus on resolving the complaint where possible.

- **Are the customer's expectations realistic and achievable?**

It may be that the customer expects more than can be provided, or has unrealistic expectations about the scope of the investigation. If so, this should be made clear to the customer as soon as possible.

Notifying staff members involved

42. If the complaint is about the actions of a particular staff member/s, the service may notify the staff member/s involved (including where the staff member is not named, but can be identified from the complaint). The service may:

- share the complaint information with the staff member/s (unless there are compelling reasons not to);
- advise them how the complaint will be handled, how they will be kept updated and how the service will share the complaint response with them;
- discuss their willingness to engage with alternative complaint resolution approaches (where applicable); and
- signpost the staff member/s to a contact person who can provide support and information on what to expect from the complaint process (this must not be the person investigating or signing off the complaint response).

Investigating the complaint

43. The staff member investigating the complaint should consider:

- what happened? (this may include, for example, records of phone calls or meetings, work requests, recollections of staff members or internal emails)
- what should have happened? (this may include any relevant policies or procedures that apply); and

The Local Authority Model Complaints Handling Procedure

- is there a difference between what happened and what should have happened, and whether the service is responsible?

44. In some cases, information may not be readily available. The service will balance the need for the information against the resources required to obtain it, taking into account the seriousness of the issue (for example, it may be appropriate to contact a former employee, if possible, where they hold key information about a serious complaint).

Alternative complaint resolution approaches

45. Where the service think it is appropriate, the service may use alternative complaint resolution approaches such as complaint resolution discussions, mediation or conciliation to try to resolve the matter and to reduce the risk of the complaint escalating further. If mediation is attempted, a suitably trained and qualified mediator should be used. Alternative complaint resolution approaches may help both parties to understand what has caused the complaint, and so are more likely to lead to mutually satisfactory solutions.

46. Alternative complaint resolution approaches may be used to resolve the complaint entirely, or to support one part of the process, such as understanding the complaint, or exploring the customer's desired outcome.

47. If the service and the customer (and any staff members involved) agree to using alternative complaint resolution approaches, it is likely that an extension to the timeline will need to be agreed. This should not discourage the use of these approaches.

Meeting with the customer during the investigation

48. To effectively investigate the complaint, it may be necessary to arrange a meeting with the customer. Where a meeting takes place, the service will always be mindful of the requirement to investigate complaints (including holding any meetings) within 20 working days wherever possible. Where there are difficulties arranging a meeting, this may provide grounds for extending the timeframe.

49. As a matter of good practice, a written record of the meeting should be completed and provided to the customer. Alternatively, and by agreement with the person making the complaint, the service may provide a record of the meeting in another format. The service will notify the person making the complaint when to expect a written record of the meeting.

Timelines

50. The following deadlines are appropriate to cases at the investigation stage (counting day one as the day of receipt, or the next working day if the complaint was received at the weekend or on a public holiday):

- complaints must be acknowledged within **three working days**
- a full response to the complaint should be provided as soon as possible but not later than **20 working days** from the time the complaint was received for investigation.

Extension to the timeline

51. Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20 working day timeline. It is important to be realistic and clear with the customer about timeframes, and to advise them early if the service think it will not be possible to meet the 20 day timeframe, and

why. The service should bear in mind that extended delays may have a detrimental effect on the customer.

52. Any extension must be approved by an appropriate manager. The service will keep the customer and any member/s of staff complained about updated on the progress of the complaint.

Closing the complaint at the investigation stage

53. The response to the complaint should be in writing (or by the customer's preferred method of contact) and must be signed off by the appropriate manager or delegated officer who is empowered to provide the final response on behalf of the service.
54. The service will tell the customer the outcome of the complaint (whether it is upheld, partially upheld, not upheld or resolution). The complaint response in terms of good practice will:
- be clear and easy to understand, written in a way that is person-centred and non-confrontational;
 - avoid technical terms, but where these must be used, an explanation of the term should be provided;
 - address all the issues raised and demonstrate that each element has been fully and fairly investigated;
 - where appropriate, include an apology where things have gone wrong;
 - highlight any area of disagreement and explain why no further action can be taken;
 - indicate that if they are not satisfied with the outcome of the stage 2 process, they may seek a review by the SPSO.
55. Where a complaint outcome is **resolution**, the response does not need to provide a decision on all points of complaint, but should instead confirm and record the resolution agreed.
56. If the complaint is about the actions of a particular staff member/s, the service will share with them any part of the complaint response which relates to them, (unless there are compelling reasons not to).
57. The service will record the decision, and details of how it was communicated to the customer, on the complaints system.

Signposting to the SPSO

58. Once the investigation stage has been completed, the customer has the right to approach the SPSO if they remain dissatisfied. The service must make clear to the customer:
- their right to ask the SPSO to consider the complaint;
 - how to contact the SPSO.
59. The SPSO considers complaints from people who remain dissatisfied at the conclusion of the complaints procedure. The SPSO looks at issues such as service failure and maladministration (administrative fault), and the way the service has handled the complaint. There are some subject areas that are outwith the SPSO's jurisdiction, but it is the SPSO's role to determine whether an individual complaint is one that they can consider (and to what extent). All investigation responses must provide a signpost to the SPSO.

60. The SPSO recommends that the service use the wording below to inform customers of their right to ask the SPSO to consider the complaint. This information should only be included on the service's final response to the complaint.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about *[the organisation's sector]*. The SPSO is an independent organisation that investigates complaints. It is not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

If you remain dissatisfied when you have had a final response from *[the organisation]*, you can ask the SPSO to look at your complaint. You can ask the SPSO to look at your complaint if:

- you have gone all the way through the council's Complaints Handling Procedure
- it is less than 12 months after you became aware of the matter you want to complain about, and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of this letter (our final response to your complaint). You can do this online at

<https://www.spsso.org.uk/complain/form/start/> or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. Organisations who may be able to assist you are:

- Citizens Advice Bureau
- Scottish Independent Advocacy Alliance

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Their freepost address is:

FREEPOST SPSO

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Factoring complaints and complaints from shared owners

61. The SPSO does not normally look at complaints about our factoring service or complaints from shared owners. These complaints can be considered by the First Tier Tribunal for Scotland (Housing and Property Chamber). Their contact details are on their website: <https://www.housingandpropertychamber.scot/>

62. Where the complaint relates to social housing, the service should still signpost these complaints to the SPSO, as there may be some aspects the SPSO can consider (for example, if the customer is dissatisfied with how the service have handled their complaint). However, the service should also notify the customer of their right to approach the Tribunal if they are dissatisfied with our response to these kinds of complaint.

Post-closure contact

63. If a customer contacts the service for clarification when they have received a final complaint response, the service may have further discussion with the customer to clarify the response and answer their questions. However, if the customer is dissatisfied with the response or does not accept the findings, the service will explain that the service has already given them our final response on the matter and signpost them to the SPSO.

Appendix 1 - Timelines

General

1. References to timelines throughout the CHP relate to working days. The service does not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.
2. The service does not count school holidays as non-working days. Complaints received during school holidays should follow the same timelines as set out for frontline response and investigation, unless there are special circumstances which would extend these timelines.

Timelines at frontline response (stage 1)

3. The service will aim to achieve frontline response within five working days. The date of receipt is **day one**, and the response should be provided (or the complaint escalated) on **day five**, at the latest.
4. If the service has extended the timeline at the frontline response stage in line with the CHP, the response should be provided on **day ten** where possible.

Timelines at investigation (stage 2)

5. For complaints at the investigation stage, **day one** is:
 - the day the case is transferred from the frontline stage to the investigation stage;
 - the day the customer asks for an investigation or expresses dissatisfaction after a decision at the frontline response stage; or
 - the date the service receives the complaint, if it is handled immediately at stage 2.
6. The service must acknowledge the complaint within three working days of receipt at stage 2 i.e. by **day three**.
7. The service should respond in full to the complaint by **day 20**, at the latest. The service has 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline response stage.
8. Exceptionally, the service may need longer than the 20 working day limit for a full response. If so, the service will explain the reasons to the customer, and update them (and any staff involved) at least once every 20 working days.

Frequently asked questions

What happens if an extension is granted at stage 1, but then the complaint is escalated?

9. The extension at stage 1 does not affect the timeframes at stage 2. The stage 2 timeframes apply from the day the complaint was escalated (the service have 20 working days from this date, unless an extension is granted).

What happens if the service cannot meet an extended timeframe?

10. If the extended timeframe at stage 1 is not met, the service should consider escalating the complaint to stage 2.
11. If the service cannot meet the extended timeframe at stage 2, a further extension may be approved by an appropriate manager if there are clear reasons for this. This should only occur

in exceptional circumstances (the original extension should allow sufficient time to realistically investigate and respond to the complaint). Where appropriate, the service will keep the customer and any member/s of staff complained about updated on the progress of the complaint.

What happens when a customer asks for stage 2 consideration a long time after receiving a frontline response?

12. Unless exceptional circumstances exist, customers should bring a stage 2 complaint within six months of learning about the problem, or within two months of receiving the stage 1 response (whichever is latest).

Appendix 2 – The complaint handling process steps

A customer may complain verbally or in writing, including face-to-face, by phone, letter or email. Your first consideration is whether the complaint should be dealt with at stage 1 (frontline response) or stage 2 (investigation).		
	Stage 1: Frontline response	Stage 2: Investigation
Step 1	Always try to respond quickly, wherever possible	<p>Investigate where:</p> <ul style="list-style-type: none"> • The customer is dissatisfied with the frontline response or refuses to engage with attempts to resolve the complaint at stage 1 • It is clear that the complaint requires investigation from the outset
Step 2	Record the complaint and notify any staff complained about (where appropriate)	<p>Record the complaint and notify any staff complained about</p> <p>Acknowledge the complaint within three working days</p>
		<p>You may choose to contact the complainant to agree:</p> <ul style="list-style-type: none"> • Points of complaint; • Outcome sought; • Manage expectations (where required)
Step 3	Attempt to respond to the complaint within the five working day target	Respond to the complaint as soon as possible, but within 20 working days unless there is a clear reason for extending the timescale.
Step 4	The service should tell the customer how to escalate the complaint to stage 2 of the complaint handling procedure.	<p>Communicate the decision, normally in writing.</p> <p>Signpost the customer to SPSO and advise of time limits.</p>