

REPORT TO: POLICY AND RESOURCES COMMITTEE - 25 JUNE 2012

REPORT ON: IMPLEMENTATION OF THE MODEL COMPLAINTS HANDLING PROCEDURE FOR LOCAL AUTHORITIES

REPORT BY: HEAD OF DEMOCRATIC AND LEGAL SERVICES

REPORT NO: 214-2012

1. PURPOSE OF REPORT

To advise the Committee of guidance from the Scottish Public Services Ombudsman on the implementation of a model Complaints Handling Procedure, and to recommend implementation of the procedure from 1 September 2012.

2. RECOMMENDATIONS

It is recommended that:

- a) the Council adopt the model Complaints Handling Procedure with effect from 1 September 2012, with the key differences from the current procedure being a change from a three-stage to a two-stage complaints process, more rigorous recording of complaints resolved at the frontline stage, more frequent monitoring of complaints statistics and more systematic recording of lessons learned from complaints
- b) the Head of Public Relations and Corporate Planning Officer are remitted to adapt the standard customer and staff guidance produced by the Scottish Public Services Ombudsman into appropriate leaflets for the public and staff and content for the Council's website and intranet.
- c) the Head of IT and the Corporate Planning Officer are remitted to arrange the necessary changes to the electronic complaints recording and monitoring system
- d) departments are asked to identify staff who would benefit from e-learning training modules on the complaints handling procedure and more detailed training on the skills required for complaints investigation
- e) the Corporate Planning Officer is nominated to take part in the SPSO's complaints handlers' network and to share information and good practice from the network across the Council
- f) relevant Chief Officers are asked to ensure that arms length external organisations and trusts for which they have responsibility are meeting the requirements of the model complaints handling procedure

3. FINANCIAL IMPLICATIONS

The cost of implementing the new complaints procedure will be contained within existing budgets. Staff resources will be required to amend the electronic complaints system, to produce written and online material for the public and staff and to ensure that staff are trained, especially for the frontline resolution stage of complaints handling.

4. BACKGROUND

- 4.1 The Public Services Reform (Scotland) Act 2010 gave the Scottish Public Services Ombudsman (SPSO) the authority to lead the development of model complaints handling procedures (CHP) across the public sector. The local authority model CHP was developed by SPSO in partnership with a working group of local authority complaints experts, and takes account of stakeholder views expressed through SPSO's public consultation. A copy of the model procedure has been sent to the Leader of the Administration, Leader of the Labour Group, Bailie Borthwick, Bailie Scott and Councillor Macpherson.
- 4.2 The purpose of the model CHP is to provide a standardised approach to dealing with customer complaints. In particular, the aim is to implement a consistent process for customers to follow which makes it simpler to complain, ensures that staff and customers have confidence in complaints handling and encourages organisations to make the best use of lessons learned from complaints.
- 4.3 The model CHP applies to all local authorities and all services, with the exception of Social Work. Social Work complaints are currently dealt with under legislative guidance and directions under the Social Work (Scotland) Act 1968. These arrangements are currently under review by the Scottish Government. Among the issues still being considered is whether or not Complaints Review Committees should be retained within the statutory Social Work procedures, or whether legislation should be amended to allow Social Work complaints to be handled according to the model CHP.
- 4.4 Where local authorities use arms length external organisations or trusts to deliver Council services, authorities are still responsible for ensuring that the services provided meet the required standard and that these bodies meet the requirements of the model CHP. It is recommended that relevant chief officers who have responsibility for such bodies are asked to ensure that they meet the requirements of the model CHP.
- 4.5 All local authorities are required to adopt the model as soon as possible within 2012/2013. The SPSO is requiring all Councils to submit complaints handling procedures which comply with the model by 14 September 2012, or to submit a realistic plan for compliance by 31 March 2013.

5. THE MODEL COMPLAINTS HANDLING PROCEDURE

- 5.1 The model CHP is provided as a template for local authorities to adopt. It explains the procedure to be followed in handling customer complaints, and includes sections on:
- what is a complaint?
 - the complaints handling process (which is in two stages - frontline resolution and investigation, with targets of 5 and 20 days respectively)
 - governance

There is also a 'customer-facing' summary of the CHP which is designed to provide standardised information on the complaints procedure to customers of all Scottish Councils, ensuring that everyone receives the same information about complaints regardless of which authority they deal with. To be compliant with the model, local authorities must adopt both the CHP and the 'customer-facing' CHP. A third document produced by the SPSO is a quick reference CHP guide for staff. This does not have to be adopted to ensure compliance, but has been developed to provide staff with a simple, at a glance overview of the CHP and is provided as an example of good practice. Local authorities may choose to adopt the 'staff-facing' guide in its entirety or to amend it to reflect their own wider guidance for staff. Copies of both the 'customer-facing' and 'staff-

facing' guides have also been sent to the Leader of the Administration, Leader of the Labour Group, Bailie Borthwick, Bailie Scott and Councillor Macpherson.

5.2 The model CHP is designed to be an internal document for each authority and contains references and links to more details on parts of the procedure, such as how to record complaints and the criteria for signing off and agreeing time extensions. Adopting the model CHP in its entirety will ensure that the Council meets the SPSO's test of compliance. There is some scope to adapt the model, e.g to reflect the Council's organisational structure and operational processes or to comply with corporate writing conventions or style guides. However, the model CHP cannot be amended to the extent that its substance is changed in a way which does not reflect its key aims. In particular, the following elements of the model CHP should not be amended, given the importance of ensuring a standardised approach across all local authorities:

- the definition of a complaint
- the number of stages
- the timescales at each stage
- the requirements to record, report and publicise complaints information

5.3 SPSO also say it is important that the information contained in the 'customer-facing' CHP is adopted in full by each local authority, although the information may be presented in a form appropriate to each Council (e.g. through leaflets or the website or as part of wider information on how a customer can provide feedback).

5.4 The guidance emphasises the importance of making customers aware of their right to complain. Information about the procedure should be easily accessible at all times, not just made available when a customer wishes to complain. Details of how to make a complaint must be widely publicised, simple and clear and made available in all areas of service provision. Local authorities should consider the most effective ways to ensure maximum accessibility, such as online information clearly visible on the front page of the Council's website. The guidance says that traditional methods such as leaflets can also be helpful and that local authorities should consider where these can most effectively be displayed. Customers must also, where appropriate, have the support they need to articulate their concerns and successfully navigate the complaints procedure. This may include, for example, frontline staff assisting the customer by writing the complaint for them. Local authorities should also take into account special needs, such as people with learning difficulties, people who are deaf or hard of hearing, the visually impaired and non-English speakers and make suitable arrangements where appropriate, including provision of interpreting services and information in a variety of formats and languages.

6 MONITORING

6.1 Compliance with the model CHP will be monitored by Audit Scotland in conjunction with the SPSO and in line with the principles of shared risk assessment. In year 1 following publication of the model CHP (2012/13) SPSO/Audit Scotland will assess whether or not a local authority has implemented the CHP, or has robust plans to do so. Councils are being asked to submit their procedure by 14 September 2012 following which the SPSO will assess whether or not the procedure complies with the model, including whether any additions or amendments to the model are appropriate and do not significantly alter its substance and whether the procedure is well-publicised and accessible. Local authorities who indicate that they have not fully implemented the CHP will be required to explain the reasons why, outline progress they have made and provide a clear implementation plan. Such authorities will be assessed as not having complied with the CHP by the September deadline. However, the SPSO will indicate whether, and to what degree, they have made progress and whether they have a clear plan for implementation by March 2013. In future years, SPSO expect each local authority to have appropriate self-assessment

arrangements in place to assure itself that its CHP is operating in accordance with the model.

6.2 From 2013/14, local authorities will be required to assess complaints handling performance around a range of high level performance indicators using existing self-assessment frameworks. This is designed to help Councils assure themselves as to how they are performing against the model CHP and to facilitate continuous improvement and benchmarking. The performance indicators will be developed by SPSO in consultation with local authority stakeholders and Audit Scotland during the course of 2012/13. The intention is to introduce a reasonable number of key high level indicators, focusing on how authorities are performing in terms of the number of complaints and timescales at the frontline resolution and investigation stages, but also aiming to capture performance in relation to organisational learning derived from complaints and how effective the authority is in using the outcomes of complaints to improve service delivery. An indicative list of indicators developed by SPSO is as follows:

- the total number of complaints received
- the number and percentage of complaints considered at the frontline resolution stage
- the number and percentage of complaints closed at the frontline resolution stage within five working days
- the number and percentage of complaints where an extension to the five working day timeline has been authorised
- the number of complaints upheld or not upheld at the frontline resolution stage as a percentage of all complaints closed at this stage
- the average time in working days to resolve complaints at the frontline resolution stage
- the number and percentage of complaints considered at the investigation stage
- the number and percentage of complaints resolved at the investigation stage within 20 working days
- the number and percentage of complaints where an extension to the 20 working day timeline has been authorised
- the number of complaints upheld at the investigation stage as a percentage of all complaints closed at this stage
- the average time in working days to resolve complaints at the investigation stage
- a statement outlining changes or improvements to services or procedures as a result of the consideration of a complaint
- a measure to assess customer satisfaction with the complaint service provided (as opposed to the outcome of their complaint)

SPSO say that further discussion is required on potential indicators, how these can be built into existing self-assessment arrangements and how performance information is used. They intend to take this forward through a proposed network of local authority complaints handlers.

7 **ADVICE AND SUPPORT**

- 7.1 The model CHP places a strong emphasis on early resolution of complaints, effective recording of complaints and on staff being properly trained and having the power to deal with complaints. All staff need to have an understanding of how to deal with complaints and the appropriate knowledge and skills to do so effectively. This includes being aware of how to identify complaints and when they are authorised to use a range of measures to achieve resolution, such as a simple apology where appropriate. It is for each local authority to identify the training needs of staff to ensure they have the skills and confidence to use the authority delegated to them. The SPSO training unit has developed a number of e-learning training modules to support the introduction of the model CHP, designed to support staff in dealing with complaints in the most appropriate way to achieve early resolution. Free access to this training material will be available through the SPSO online training centre. The SPSO training unit also provides training on complaints investigation covering the skills to investigate a complaint from initial receipt to conclusion, including techniques for effectively planning and managing the investigation and in relation to listening, problem solving and conflict resolution.
- 7.2 The SPSO are also in the process of upgrading their website to make available good practice guidance and other reference material on various aspects of complaints handling, and to host an online complaints handlers forum to help encourage discussion and sharing of best practice in complaints handling. They will also co-ordinate and support a local government complaints handling network. The remit of this group will include identifying, developing and evaluating best practice, supporting complaints handling practitioners and providing a forum for benchmarking complaints performance. The network will be used to help take forward work in areas such as developing standardised complaints recording categories and performance indicators.

8. **IMPLICATIONS FOR DUNDEE CITY COUNCIL**

- 8.1 The Council already has a well-established complaints procedure, which is well publicised through the website and leaflets at all reception areas. We also have an electronic system for recording and monitoring complaints, developed by the IT Division, which is used to produce an annual report on the number of complaints; the breakdown by department, nature of complaint and channel; the number of days taken to resolve; and the 'root cause' of upheld complaints.
- 8.2 However, adoption of the new model Complaints Handling Procedure will require us to make a number of changes to current processes, as follows:

8.2.1 Complaint Stages

We currently operate a three-stage complaints process, with complaints being considered at the service level, then by the Chief Officer of the department, then by the Chief Executive if the complainant remains dissatisfied. Adoption of the model CHP requires us to move to a two-stage process, comprising of frontline resolution and investigation. It is suggested that the involvement of officers at these stages may depend on the nature of the complaint. Straightforward complaints may be dealt with at the frontline stage by officers directly involved in providing the service, with the investigation stage being handled by more senior management within the department. More complex or serious complaints may immediately go to senior management at the first stage, with escalation for the investigation stage to the Chief Executive or Head of Democratic and Legal Services. In all cases, officers dealing with complaints at either stage may feel it appropriate to brief the next level of management on the complaint and how they propose to deal with it. Identifying the appropriate people to deal with complaints at the frontline and investigation stage, and the extent to which they should involve more senior officers

in reviewing their proposed response, is perhaps the key issue for the Council to consider in adopting the model procedure. This has been discussed by the Chief Executive's Strategic Management Team and will continue to be reviewed as experience of using the new procedure develops.

Changing the complaint stages requires us to revise the information provided to the public and staff, and to change the operation of our electronic complaints recording and monitoring system.

8.2.2 Recording of Frontline Resolution

We currently encourage departments to record complaints on the electronic system, but understand that complaints will not necessarily be routinely recorded where they can be resolved quickly and easily 'on the spot' without the need for much investigation. Adoption of the model CHP will require us to take a more rigorous approach to the recording of complaints resolved at the frontline stage.

8.2.3 Monitoring of Complaints Statistics

At present, the Chief Executive's Department produces an annual report on complaints statistics which goes to the Scrutiny Committee. Adoption of the model will require us to produce more regular reports (at least quarterly) and to expand the range of indicators on which we monitor performance as indicated in para 6.2 above. The electronic complaints recording and monitoring system will need to be amended to allow for this and to ensure that we capture all the details required by the SPSO.

8.2.4 Learning from Complaints

Our electronic complaints system does attempt to capture the root cause of upheld complaints and gives scope for those dealing with complaints to record any action taken e.g. to change processes, train staff etc. However, adoption of the model CHP will require us to do more to identify the cause of complaints and record changes made as a result of complaints, in the form of case studies or examples.

8.2.5 Information for Public and Staff

It is proposed that we adopt the SPSO's standard leaflets for the public and for staff, and issue these to reception areas and relevant staff to replace the current leaflets, as well as updating the information on the website and intranet.

8.2.6 Training

Each department should identify staff who should complete the SPSO e-learning training module on the model complaints handling procedure, and staff who would benefit from more in-depth training on the skills required for complaints investigation.

9. **POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality and Impact Assessment and Risk Management. There are no issues in this regard to report on. The model complaints handling procedure takes account of equality and diversity issues.

10. **CONSULTATIONS**

The Chief Executive and Director of Corporate Services have been consulted in the preparation of this report.

11. **BACKGROUND PAPERS**

'The Local Authority Model Complaints Handling Procedure - Guide to Implementation' published by the Scottish Public Services Ombudsman.

Standard guidance for customers and staff on complaints published by the Scottish Public Services Ombudsman

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