

Item: 3

Monitoring and Audit Committee: 14 November 2024.

Complaints and Compliments Handling.

Report by Corporate Director for Strategy, Performance and Business Solutions.

1. Overview

- 1.1. Learning from complaints is a key performance indicator set out by the Scottish Public Services Ombudsman (SPSO), and publication of an annual complaints performance report by an organisation is a requirement to satisfy this standard.
- 1.2. Complaints and compliments received for the period 1 April 2023 to 31 March 2024 are detailed in the Annual Complaints and Compliments Handling Report (the Annual Report), attached as Appendix 1 to this report.
- 1.3. The Annual Report contains the complaints handling statistics which correspond to the key performance indicators set out by the SPSO within their Model Complaints Handling Procedures.
- 1.4. 1.4. The Annual Report provides assurance that monitoring of practice and identification of trends in the Council's Complaints Handling Procedure is being undertaken, as well as examples of compliments received that demonstrate the positive impact and good practice being followed by Council employees.

2. Recommendations

- 2.1. It is recommended that members of the Committee:
 - i. Scrutinise the findings contained in the Annual Complaints and Compliments Handling report, attached as Appendix 1 to this report, in order to obtain assurance that appropriate monitoring of the Council's complaints handling is in place as required by the Scottish Public Services Ombudsman.

3. Background

- 3.1. The revised Model Complaints Handling Procedures (MCHP) from the SPSO were issued on 1 April 2021 with Part 4 of the revised MCHP covering complaints governance. It sets out the SPSO's requirements for reporting complaints and publicising complaints information.
- 3.2. The Council's performance is benchmarked by comparing with previous years' performance, the Scottish average, and other councils in Orkney's benchmarking family groups against a set of key performance indicators published by the SPSO.
- 3.3. For complaints handling, similar councils are grouped by their population density, and Orkney Islands Council's family group includes:
 - Comhairle nan Eilean Siar.
 - Argyll and Bute Council.
 - Shetland Islands Council.
 - Highland Council.
 - Scottish Borders Council.
 - Dumfries and Galloway Council.
 - Aberdeenshire Council.
- 3.4. The consistent application and reporting of performance against the SPSO's key performance indicators can be used to compare, contrast and benchmark complaints handling with other organisations. This will help share learning and enhance complaints handling performance.

4. Complaints Officers Group

- 4.1. Each of the Corporate Directorates has at least one nominated service complaints officer and a deputy. Their responsibilities include:
 - Recording complaints
 - Carrying out Stage 2 investigations (noting that other members of staff within services can be asked to carry out a Stage 2 investigation).
 - Drafting decision letters to customers.
 - Offering advice on the Complaints Handling Procedure to other staff in their Directorate.

- 4.2 The Complaints Officers Group meets quarterly to provide a forum for discussion of issues which may have impacted on complaint response, and to look at ways of driving forward improvement in complaints handling. Statistics and complaints improvement notices provided by service complaints officers form the basis of this report.

For Further Information please contact:

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Implications of Report

1. **Financial:** None arising directly from this report.
2. **Legal:** None arising directly from this report.
3. **Corporate Governance:** Not applicable.
4. **Human Resources:** Not applicable.
5. **Equalities:** An Equality Impact Assessment is not required for performance monitoring.
6. **Island Communities Impact:** An Island Communities Impact Assessment is not required for performance monitoring.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - Growing our economy.
 - Strengthening our Communities.
 - Developing our Infrastructure.
 - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - Cost of Living.
 - Sustainable Development.
 - Local Equality.
9. **Environmental and Climate Risk:** Not applicable.
10. **Risk:** Not applicable
11. **Procurement:** Not applicable.
12. **Health and Safety:** None arising directly from this report.
13. **Property and Assets:** Not applicable.
14. **Information Technology:** Not applicable.
15. **Cost of Living:** Not applicable.

List of Background Papers

[Annual Complaints and Compliments Handling Report 1 April 2022 - 31 March 2023](#)

Appendix

Appendix 1: Annual Complaints and Compliments Handling Report 1 April 2023 – 31 March 2024.



Annual Complaints and Compliments Handling Report

1 April 2023 – 31 March 2024

All our written information can be made available, on request, in a range of different formats and languages. If you would like this document in any other language or format please contact on 01856873535 or email [Strategy, Performance and Business Solutions](#)

1. Introduction – Learning from Complaints and Compliments

The Council values the views of residents on Council services and actively asks the public what their priorities are.

However, some of the most valuable information that the Council receives is when members of the public contact us either to:

- Complain and tell the Council when they think we could do better or that we have done something wrong, or
- Compliment the Council, when they tell the Council when it has got something right, and that they appreciate what staff have done for them.

1.1. Learning from Complaints

Learning from complaints is the eighth indicator set by the Scottish Public Services Ombudsman (SPSO), as referred to in Section 2 below.

The complaints received by the Council in 2023/24 helped in a number of ways, including the following:

- At Hatston site make sure gates are closed instead of using cones when large lorries are accessing, this ensures that the site is secure during operations as well as making sure the sign explaining the site closure is easily visible.
- Systems in schools to be reviewed on how behaviour and bullying is tracked, monitored and prevented. Anti-bullying to have a higher precedence going forward both with an Anti-bullying week but also through assemblies and in the curriculum. Further work to be done on the health and wellbeing indicators so that children can talk about their feelings more openly – with support particularly for those with additional support needs.
- Staff reminder about conduct and behaviour towards customers, even when challenging. Violence and aggression training has been arranged along with a discussion scheduled with HR and the relevant Service / Team Managers to assess how we can best support all our colleagues who work with the public, often in difficult or stressful situations.
- Extra diligence will be required with regards to where work vehicles are positioned during interments at cemeteries, particularly when the service is at the church itself. In terms of the timing of moving equipment and proceeding to backfill, we will be reinforcing that our operatives allow a reasonable amount of time for mourners to move on from the cemetery before carrying out their duties.
- Reminders given to staff about the importance of communication with service users so that any issues can be corrected as early as possible.
- The process of good practice in entering properties to complete a survey will be reviewed by the Building Standards Service Manager. Notes put on files in both

property and housing around health sensitivities of the tenant and how arrangements for visits should be made in the future.

- The complaint investigation established that there is a gap in Council internal processes for missed refuse collections by sub-contractors which may have resulted in collections at times slipping through the net, the process is being reviewed and appropriate changes will be made to resolve this going forward.

Lessons learnt from handling complaints have, since December 2020, been reported to Elected Members by way of a briefing. They are also reported to the Council's Corporate Leadership Team.

Complaints Officers in the different services provide feedback to their colleagues on any lessons learnt that relate to their services, and a regular bi-monthly meeting of Complaints Officers allows for the sharing of good practice and identification of any themes developing from complaints handling.

The Complaints Handling Procedure helps Council staff better understand how the way they deliver their services affects service users. It helps the Council improve how it provides services and its communication with service users. Quarterly training sessions on the Complaints Handling Procedure are also available for staff to access.

1.2. Learning from Compliments

Historically, the Council has paid much more attention to the complaints that it receives. However, the compliments received by the Council can also provide very valuable information.

During bad weather in January 2024 a significant number of customers contacted the Council to say they appreciated the services being provided.

During 2023/24 the Council received a total of 329 compliments.

Below are examples of compliments received by the Council during 2023/24:

- "Nothing but praise for the recycling team at Liberator today, I was standing outside holding on to my bins bucketing it down and the collectors told me to get inside, get myself warm and they would take care of it and even put my bins back into the garden for me."
- The Care at Home team received a letter from the son of a service user thanking the staff for their help with his mother during heavy snowfall. He was "off-island" at the time and was very impressed that not a single visit was missed. He said this was a 'tremendous achievement' and a 'huge blessing' to himself and his mother. He also thanked the office staff, whom he found to be "very friendly and understanding during those hectic days".
- "Senior Planner is being very helpful in providing ongoing guidance which is invaluable in allowing us to negotiate the various planning requirements. His assistance in meeting us to discuss in detail is very much appreciated, providing a team approach which is very sadly now lacking in other areas of Scotland. This helpful approach is

also very much appreciated by our client, who is now understanding that the planning process is assisting and is not obstructive he previously led to believed.”

- “Very pleasantly surprised to see just how many public toilets there are all around Orkney, and the consistent level of general cleanliness and supply with loo roll, hand soap, paper towels / air dryers, sanitary products etc. As a 50-something I remember that this was how it used to be pretty much wherever you went in the mainland UK, but it's now sadly pretty rare to find a public toilet. So, again, plaudits to Orkney for that 'old school' level of public service.”
- OHAC Finance Officer received a thank you email after explaining the charging process for residential care in Orkney, “Thank you so much for your help. You were very kind which I really appreciate, and I feel much more in control of the situation now I know what I need to do and what I need to face.”
- “We were waiting at the first barrier on Saturday night from about 5.30pm to 7.00pm when they finally opened again. I want to heap praise on the chaps who were manning the pickups. They got out of their cab, in the atrocious conditions, to come past the waiting cars to keep us updated. When they did open again the chap was standing in the road letting us know what the conditions were like and to drive ‘canny’. Great job!”
- “I just wanted to drop you a quick message to say thank you. I was the midwife in the back of the ambulance last night, retrieving a patient from Stromness. It was a very stressful situation with the blocked roads and having your team able to clear them so we could go by land to retrieve her was such a relief and meant less stress for our patient and for me, I didn't fancy a trip in the coastguard boat last night! I just wanted to say thank you. Your team were great and deserve all the thanks for putting themselves out in the middle of the night to help people they didn't know.”

The Council will continue to identify from the Compliments examples of good practice to be shared with staff across the organisation.

2. Background to Complaints Handling

Local authorities in Scotland have adopted the Model Complaints Handling Procedure produced by the Scottish Public Services Ombudsman (SPSO) to ensure that there is a standardised approach across all Scottish councils, to implement a consistent process for customers to follow which makes it simpler to complain, to ensure staff and customer confidence in complaints handling and to encourage organisations to make the best use of lessons learned from complaints.

The Indicators within this report have been produced by the SPSO in consultation with local authority stakeholders and Audit Scotland.

The points below are key to a successful complaints process:

The Council should:

- Identify service failures and take appropriate action.
- Identify where services need to improve.
- Identify poor complaints handling practice and put it right.

- Examine good practice and understand how we might repeat it in other areas.
- Identify trends in complaints and proactively address any issues.

The Model Complaints Handling Procedure sets out three types of complaint:

- **Frontline Resolution Stage One:**

- Frontline resolution should be attempted where there are straightforward issues potentially easily resolved with little or no investigation. This should be completed within five working days.

- **Investigation Stage Two:**

- Where complaints cannot be resolved at the frontline stage or where complaints are complex, serious, or high risk, a thorough investigation will be undertaken. This typically requires a more thorough examination to establish facts prior to reaching a conclusion. This should be completed within 20 working days.

- **Escalated Investigation Stage Two:**

- Where the complainant remains dissatisfied with the way the Council dealt with their complaint at frontline resolution, the complainant can request a detailed investigation under Stage Two of our complaints handling procedure. This must be undertaken before the complainant can take their complaint to the SPSO to review.

The Local Government Network of Complaints Handlers has Family Groups which bring together broadly similar councils. The Council is part of Family Group One (FG1) with Shetland Islands Council, Scottish Borders Council, Aberdeenshire Council, Comhairle nan Eilean Siar, Argyll and Bute Council, Dumfries and Galloway Council and Highland Council. Throughout the report the statistics for the Council have been compared with the average for Family Group One in 2023/24.

3. Executive Summary

The number of complaints received in 2023/24 was 192, this is higher than the previous year (166) and represents a 15% increase.

The rise in numbers was partly attributable to an increase in the number of complaints directed to schools around student behaviour and bullying.

Of the complaints received, 63% were closed off at Stage One, showing that in the majority of cases complaints were dealt with at the point closest to service delivery. The percentage of complaints closed at Stage One has fallen from last year though. Given that there has not been a significant increase in the number of Stage 1 complaints that were escalated to Stage 2 this indicates that an increasing number of complaints that were received were considered to be more complex and that it was felt a fuller response should be provided.

The average response time for responding to Stage Two complaints (i.e. those complaints requiring an investigation) was 21 days, which is just outwith the 20-day timescale prescribed by the SPSO, and higher than the average of 20.4 days which was recorded in 2022/23.

A number of the Stage Two complaints were particularly complex and required a significant period of time to investigate, which has contributed to the average response time.

4.5% of Stage One complaints required an extension of time to reply. This compares to 11.2% in 2022/23, presenting a more consistent timeousness of response to that provided over the previous year. This may also reflect an earlier view being taken to investigate more complaints directly under Stage 2 where it was foreseen that a fuller consideration of the elements of the complaint were required.

The Complaints Handling Procedure ensures that there is clarity and consistency in the processes to be followed when a complaint is received. This facilitates continuous improvement in the way services are delivered.

4. Indicators

4.1. SPSO Indicator 1

Number of Complaints received per 1,000 population

The population of Orkney is around 22,540.

In 2023/24 the Council handled 192 new complaints from service users. This means that, on average, 8.5 complaints were received per 1,000 residents in Orkney.

Expressed in another way, 1 in every 117 residents registered a complaint about the Council's services.

Comment

Compared to the 2022/23 figures, the amount of complaints per 1,000 population has risen from 7.4 to 8.5, an increase of 15%. This is also slightly higher than the average for FG1, of 7.7 complaints received per 1,000 residents.

4.2. SPSO Indicator 2

Number of Closed Complaints

In 2023/24, the Council received 192 complaints and concluded the responses to 167 complaints.

The Council aims to resolve complaints as soon as possible. Complaints that do not need investigation are called Stage One complaints and the Council aims to resolve these within 5 working days. 63% of the complaints closed by the Council (105 of 167 total complaints) were determined at this initial stage.

Some complaints are more complex and need investigation and the Council aims to resolve these within 20 working days. These are called Stage Two complaints and 24.5% of the Complaints closed by the Council (41 of 167 total complaints) were determined at this stage which provides additional time for a fuller response to be provided.

A further 12.5% of complaints (21 of 167 total complaints) were initially dealt with as a Stage One complaint and then 'escalated' to a Stage Two complaint because it was decided that further investigation was needed, or a request had been made by the complainant for consideration at Stage Two.

Comment

The Council is satisfied that the majority of complaints were able to be determined swiftly under Stage One. This is in accordance with an overriding principle of the Council's Complaints Handling Procedure, as suggested by SPSO guidance, to "take every opportunity to resolve service users' complaints at the first point of contact if at all possible".

There has been an increase in the number of complaints determined under Stage 2 over the previous year, some of which may be due to earlier identification of potentially more complex complaints which are then investigated more fully in the first instance.

The percentage of complaints requiring escalation has risen from the previous year and may be partially indicative of complainants' increasing willingness to request a more detailed investigation of an issue when dissatisfied even where a resolution under Stage 1 may have been attempted.

4.3. SPSO Indicator 3

Number of Complaints Upheld, Not Upheld or Partially Upheld at Each Stage

A complaint is defined as 'upheld' when it is found to be true or confirmed. A 'partially upheld' complaint results when there are several complaint issues raised and some, but not all, of them are upheld. Complaints are 'not upheld' when they are found to be unsubstantiated; that the service provided was of an acceptable standard in line with typical expectations; or if a request for service was misdirected as a complaint.

Stage One:

32% of Stage One complaints were upheld (FG1: 39%).

54% were not upheld (FG1: 46%).

14% were partially upheld (FG1: 15%).

Stage Two:

27% of Stage Two complaints were upheld (FG1: 18%).

51% were not upheld (FG1:53%).

22% of complaints were partially upheld (FG1: 29%).

Escalated complaints:

0% of escalated complaints were upheld (FG1: 26%).

66% were not upheld (FG1: 46%).

34% of complaints were partially upheld (FG1: 28%).

Comment

Given that around half of all complaints were either fully or partially upheld demonstrates that mistakes are being acknowledged, and apologies given with learning and improvement outcomes sought and implemented. The percentage of Stage One complaints upheld or partially upheld was slightly lower than the FG1 average, whilst a marginally higher proportion of Stage Two complaints were fully upheld by the Council than the average for other councils within FG1.

Although more complaints were escalated from Stage One to Stage Two over the past year the majority of these upon further investigation were not upheld. Around a third of escalated complaints were partially upheld indicating that a more detailed investigation had assisted in identifying additional issues which may not have been adequately addressed under the Stage 1 process.

4.4. SPSO Indicator 4

Average Number of Working Days to Provide a Full Response to Complaints at Each Stage

Stage One: average response time was 4.4 days (5.0 days for the Council in 2022/23) (FG1: 9.1 days).

Stage Two: average response time was 21 days (20.4 days for the Council in 2022/23) (FG1: 27.8 days).

Escalated cases: average response time was 12.6 days (21 days for the Council in 2022/23) (FG1: 26.7 days).

4.5. SPSO Indicator 5

Number and Percentage of Complaints Which Were Closed Within the Set Timescales (5 working days for Stage One, 20 working days for Stage Two and Escalated)

Stage One: 77% (65% for 2022/23) (FG1: 64.6%).

Stage Two: 64% (68% for 2022/23) (FG1: 59.8%).

Escalated complaints: 83% (50% for 2022/23) (FG1: 50.3%).

Total for all complaints: 74% (61% for 2022/23) (FG1: 58.2%).

Comments for 4.4 and 4.5

The average response time for closure of Stage One complaints has seen an improvement since last year, and the proportion of Stage One complaints closed within the SPSO's target timescale of 5 working days has also increased compared to the previous year and is now significantly above the FG1 average.

Average response times for Stage Two complaints, and the proportion of complaints closed outwith the 20-working day timeframe, have slightly increased over the last year, but the Council's performance still remains above the average of that of other councils

within FG1 for both average response times and percentage of Stage Two complaints closed within the SPSO timescales.

4.6. SPSO Indicator 6

Number and Percentage of Complaints at Each Stage Where an Extension to the 5 or 20 Working Day Timetable Has Been Authorised

Stage One: 4.5% of complaints closed at Stage One were granted an extension of time to reply (11% for 2022/23) (FG1: 17.1%).

Stage Two: 18.25% of complaints closed at Stage Two were granted an extension of time to reply (36% for 2022/23) (FG1: 27.8%).

Escalated cases: 0% of escalated complaints were granted an extension of time to reply (50% for 2022/23) (FG1: 14.6%).

Comments

The percentage of Stage One complaints requiring an extension has more than halved since last year. The Council would always aim to respond to complaints as quickly as possible, so maintaining this low percentage of complaints that require an extension is a positive indicator.

Where complaints may be more complex, requiring a more thorough investigation, then it is in line with the views of the SPSO that full and proper investigation of the complaint should be undertaken even if this sometimes means that this will take longer to resolve the complaint and require an extension of the time taken to reply. We have however seen a reduction in Stage Two complaints requiring an extension over the past year, and this proportion remains just below the average seen in FG1. The Council will continue to monitor the handling of more complex complaints to see whether identification of common issues or ways of improving information flow between investigating officers can continue to reduce the requirement for extension of the timeframes which has been seen since the previous year.

The numbers of escalated complaints are small in proportion to the total number of cases, with none requiring an extension this year, therefore the large drop in percentage of cases being granted an extension of time is distorted due to the small numbers involved.

4.7. SPSO Indicator 7

Customer Satisfaction with the Complaints Handling Process

Very little feedback has been received from customers over the past year in relation to the Council's performance in responding to complaints, and any responses collected can often focus upon the outcome of the complaint, rather than the customer's experience of the process, which is what the Council is actually attempting to measure.

Currently the low level of responses is insufficient to enable a report on customer satisfaction in line with the SPSO indicator and allow a reasonable view to be formed on how the public perceives the Council's handling of complaints. It is clear that work needs to be undertaken to encourage customer feedback. Going forward, it is planned to promote

use of the Customer Services Platform as a means by which easier communications with customers can be facilitated, and greater feedback on the Council's complaints handling process sought. A review of the current customer feedback forms used is also underway.

4.8. SPSO Indicator 8

Lessons Learned

Issues identified during the investigation of complaints are documented in the form of complaints improvement notices issued by the Complaints Officer from the service involved to the Service Manager. These can then be used as learning points or indicators to drive change.

A recurring theme found in complaints improvement notices during the year was around the importance of the provision of effective communication, and the Council has amended processes and implemented procedures within the relevant services in an attempt to address this.

Some issues around staff conduct towards Customers, particularly in challenging situations had also been identified, leading to additional training being made available and a review of Council policies to support positive engagement of service users.

It was also identified that an increased number of complaints were raised surrounding pupil behaviour in schools and a higher precedence on anti-bullying measures would be introduced going forwards.