

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer - Citizen, Culture & Facilities****Audit Committee: 4 December 2024**

Subject: Scottish Public Services Ombudsman Complaints Report 2023-24**1. Purpose**

- 1.1** The purpose of this report is to present the Scottish Public Services Ombudsman (SPSO) report on complaints handling by West Dunbartonshire Council for the year 1 April 2023 – 31 March 2024.

2. Recommendations

- 2.1** It is recommended that Committee:

- Notes the contents of the report and the ongoing commitment at a service and strategic level to monitor complaints and ensure compliance with Scottish Public Services Ombudsman (SPSO) timelines.

3. Background

- 3.1** West Dunbartonshire Council administer the SPSO complaint handling model operating in line with all other Local Authorities. Complaints continue to be managed centrally by the Customer Relations team for all Council services. Complaints regarding West Dunbartonshire Health and Social Care Partnership (HSCP) are managed independently by the partnership.
- 3.2** Statutory appeals and reviews, such as planning decision appeals, continue to be directed to the relevant decision making body, and are not processed through the SPSO office.
- 3.3** The Complaints Handling Process is well established and understood by both Citizens and staff. Centralised complaints handling ensures an open and transparent process. Complaints are valued because they provide an insight into services, and how the Council is performing. The feedback offers valuable information helping to inform service planning, improve how services are delivered and ensure customer's voices are heard and views considered. Customers who remain dissatisfied with the final outcome of their complaint are openly directed to the SPSO to have their case considered for review.
- 3.4** In 2023 an audit of the complaints process was carried out by Internal Audit with a report provided to Audit Committee in December 2023. The objective of the audit was to assess the adequacy and effectiveness of the governance, risk management and control procedures in relation to the corporate complaints process. Following the audit report Customer Relations have

ensured all staff are aware of the complaints process and their responsibility to record and report all complaints. Work also has been undertaken with services to ensure central logging of complaints across all services.

- 3.5** West Dunbartonshire Council acts as factor for the buildings where we retain an interest with tenanted properties. Anyone who remains dissatisfied with the outcome of their complaint may also be signposted to the First-tier Tribunal for Scotland (Housing and Property Chamber). The Tribunal is an independent and impartial judicial body whose function is to review complaints from homeowners who consider their property factor has failed to perform its factoring duties or failed to comply with the Property Factors' Code of Conduct.
- 3.6** As a member of the Local Authority Complaints Handlers Network, the Council continues to fully engage in sharing of good practice and developing consistent approaches to complaints handling and reporting. Network meetings are held regularly, with SPSO in attendance at each meeting.

4. Main Issues

- 4.1** The SPSO delivers an annual report to each Local Authority detailing the number of complaints reported to its office. **Appendix 1** provides a breakdown of enquiries handled by SPSO relating to West Dunbartonshire Council for 2023-24 together with comparison data for 2022-23. **Appendix 2** is a summary breakdown of complaints received by the Council in 2023-24. **Appendix 3** shows Social Work complaints handled by the HSCP for the same period. **Appendix 4** offers a summary of 3 complaints which were fully investigated by the SPSO.
- 4.2** In the year 2023-24, SPSO received 29 complaints regarding the Council, an increase of 12 from 2022-23. The highest proportion of complaints made by West Dunbartonshire Citizens related to housing matters.
- 4.3** Of the 29 complaints to SPSO, 16 were handled at the Advice & Guidance stage. This is the initial receipt stage at SPSO where all enquiries are assessed. At this stage 10 were deemed as premature, which is terminology used by the SPSO when the complainant has not exhausted the Council's complaints process. A further 6 were handled as enquiries where SPSO would have offered information and support and can refer people to other organisations that may be better places to help such as the Financial Services Ombudsman.
- 4.4** The SPSO's Early Resolution stage is where SPSO start to gather the information they need for an investigation. Of complaints considered by SPSO at this stage 1 was closed as the subject matter was not in SPSO jurisdiction. A further 1 complaint failed the member of the public test, 1 was deemed out of time, i.e. it was not taken to SPSO within 12 months of becoming aware of the matter. A further 1 complaint was referred back to the Council.

- 4.5** A further 6 complaints were handled by the SPSO at the Early Resolution Stage. At this stage the SPSO applied discretion in 2 cases where it deemed insufficient benefit would be achieved by investigation. A further 4 complaints were closed by SPSO under good complaints handling meaning SPSO were satisfied complaints had been fully and appropriately investigated and responded to by the Council and SPSO could not achieve a better outcome.
- 4.6** The SPSO carried out full investigations into 3 complaints raised against West Dunbartonshire Council. Following a full investigation by SPSO 1 complaint was fully upheld. 1 complaint was deemed resolved as the SPSO had spoken with both the Council and the customer and the outcome sought was agreed without the need for a full investigation. The remaining 1 complaint was deemed not upheld. Appendix 4 provides a brief summary of each of the 3 fully investigated complaints.
- 4.7** The low number of complaints considered by SPSO is positive and reflects on the high level of effective complaints handling within West Dunbartonshire Council.
- 4.8** As outlined in Appendix 2, the Council handled 628 complaints internally in 2023-24. Of these, 543 were closed within 2023-24. The difference in complaints handled and closed is due to complaints being received during the reporting period, but still being worked on. The remaining 85 were closed in 2024-25 and will be included in appropriate reporting periods. When registering a complaint, residents preferred method is the online complaints form which accounted for 50% of all complaints received. The telephone is the next preferred method accounting for 35%.
- 4.9** As noted above, the number of complaints received in 2023-24 was 628. This represents a decrease of 2% when compared to complaints received in 2022-23 (642). It is important to continue to encourage capturing expressions of dissatisfaction. Complaints data provides services with valuable information to inform service improvement and understand the expectations of Customers.
- 4.10** Of the 543 complaints closed, 83% were resolved within SPSO timescales, including with extension where applicable, representing an increase of 3% from 2022-23 (80%). Customer Relations maintain a focus on right first time and is committed to ensuring the quality of responses remains high whilst seeking to improve response times again in 2024-25.
- 4.11** In line with this, the service continues to work to encourage a culture of welcoming complaints and ensuring services across the Council use the data provided to identify and progress complaints improvement activity.

5. People Implications

5.1 There are no people implications arising from this report.

6. Financial and Procurement Implications

6.1 There are no financial implications arising from this report.

7. Risk Analysis

7.1 There is a reputational risk in not responding to complaints in defined time periods within the two stage process. Complaints data is closely monitored, including response times and quality of response from services. Customer Relations continue to work to support services to improve response timescales and maintain quality of complaints management.

7.2 There is a risk that services do not learn from the complaints received and do not adapt processes or policies to stop it happening again. To reduce this risk complaints data is reported quarterly to Performance & Monitoring Group. Complaints data is also shared with Chief Officers and included within service Delivery Plans to ensure visibility and to assist in informing service improvements.

8. Equalities Impact Assessment (EIA)

8.1 The two stage process has been equality impact assessed at a National level. Locally, all aspects have been considered and assistance to navigate the complaints process is available for all customers.

9. Consultation

9.1 Not applicable to this report.

10. Strategic Assessment

10.1 Effective complaints handling contributes to all five Council strategic priorities.

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Date: 1 November 2024

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Appendices: Appendix 1 – SPSO Complaints Data
Appendix 2 - Summary of Council Complaints 2023-24
Appendix 3 - Summary of HSCP Complaints 2023-24
Appendix 4 – Summary of SPSO Complaints 2023-24

Background Papers: None

Wards Affected: All Wards

