

WEST DUNBARTONSHIRE COUNCIL**Report by Strategic Lead- Communications, Culture, Communities & Facilities****Audit Committee: 20 November 2019**

Subject: Scottish Public Services Ombudsman Complaints Report 2018/19**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 2018 – 31 March 2019.

2. Recommendations

- 2.1** It is recommended that Committee note the following:

- Note the information within this report
- Support a commitment to improve response times for complaints to ensure compliance with Scottish Public Services Ombudsman (SPSO) timelines
- Continue to encourage an improvement culture that welcomes complaints in any form so that we capture all expressions of dissatisfaction and use this information to drive future improvements
- Ensure each service uses the data provided to identify and progress improvement activity

3. Background

- 3.1** West Dunbartonshire Council adopted the SPSO complaint handling model operating in line with all other Local Authorities on 1 April 2013. Complaints continue to be managed centrally by the Citizen Relations team for all Council services with the exception of HSCP.
- 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 (CHP) is well established and understood by both citizens and staff. Centralised complaints handling ensures an open and transparent process. Complaints are valued by West Dunbartonshire Council because they provide an insight to services, and how the Council is performing. The feedback offers valuable information helping to inform service planning, improve how services are delivered and ensure citizen's views are heard. Citizens who remain dissatisfied with the final outcome of their complaint are openly directed to the SPSO to have their case considered for review.

- 3.3** West Dunbartonshire Council act as factor for the buildings where we retain an interest with tenanted properties. Anyone who remains dissatisfied with the outcome of their complaint is also 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 carry out their factoring duties or failed to comply with the Property Factors' Code of Conduct.
- 3.4** As a member of the Local Authority Complaints Handlers Network (LACHN) West Dunbartonshire continues to fully engage in sharing of good practice, and developing consistent approaches to complaints handling and reporting. Network meetings are held quarterly, with SPSO in attendance at each meeting, and are a valuable source of information and support across the sector. The LACHN continues to work on development of benchmarking criteria based on the reporting requirements from the Complaints Handling Model and this continues to be reviewed and discussed at meetings.

4. Main Issues

- 4.1** The SPSO delivers an annual report to each Local Authority detailing the number of complaints reported to its office. Appendices 1 and 2 show the letter from SPSO together with a breakdown of complaints received by them relating to West Dunbartonshire Council. Appendix 3 is a summary breakdown of complaints received by West Dunbartonshire Council in 2018/19. Appendix 4, Learning from Complaints, provides information on complaints where SPSO provided a decision report with recommendations. Appendix 5 offers information on Scottish Welfare Fund (SWF) enquiries handled by SPSO. Finally, Appendix 6 shows complaints handled by Health & Social Care Partnership (HSCP) for the same period.
- 4.2** In the year 2018/19 the SPSO received 26 complaints regarding West Dunbartonshire Council, compared with 35 in the previous year, a decrease of 34%. The highest number of complaints made by West Dunbartonshire citizens again related to Housing matters. Of the 26 complaints received by SPSO 6 were deemed as premature, which is terminology used by the SPSO when the complaint has not exhausted the Council's complaints process. Of the remaining complaints, 3 were considered by SPSO. Following investigation of these 3 complaints SPSO determined 1 to be fully upheld, 1 was partially upheld and was one deemed to be resolved. The remaining complaints were considered to be not duly made or withdrawn, outwith the jurisdiction of the SPSO or closed as the desired outcome was not achievable for the citizen or the Council.
- 4.3** As outlined in Appendix 2, the Council handled 596 complaints internally in 2018/19. Of these 502 were closed within 2018/19. The difference in complaints handled and closed is due to complaints being received during the reporting period, but still being worked on. The remaining 94 were closed in 2019/20 and will be included in appropriate reporting periods. Of the 502

complaints closed 90% were resolved within SPSO timescales, including with extension where applicable, representing an 18% increase from 2017/18. The data shows delays in responses were due to information not being provided to Citizen Relations within requested timescales leading to delays in providing responses to citizens.

- 4.4** Work is continuing to develop robust processes between Citizen Relations and Services to improve communication and performance. When registering a complaint our residents preferred method is the online complaints form, accounting for 37% of all complaints received. Email is the next preferred method accounting for 34%.
- 4.5** As noted above the number of complaints received in 2018/19 was 596. This represents an increase of 24% when compared to complaints received in 2017/18. While this increase is positive, under-reporting of complaints remains a concern, particularly for frontline services. Work continues to be undertaken to raise awareness of complaints processes and encourage staff to record complaints.
- 4.6** We continue to work to encourage a culture of welcoming complaints and ensuring each department uses the data provided to identify and progress complaints improvement activity. Work will be ongoing throughout 2019/20 to ensure the importance of learning from complaints is fully embedded into service improvement and planning and can be evidenced. More detailed reports now provide service specific analysis of issues from complaints and this information forms part of the regular performance reporting provided at Strategic Lead level.
- 4.7** During 2018/19 SPSO developed a Support and Intervention Policy and this was introduced in April 2019. The policy formalises the mechanisms already in use by SPSO to offer support to Local Authorities and to take more formal intervention when required. SPSO continue to offer support and training to Local Authorities through their Learning Improvement Unit (LIU) to assist in improving public services.
- 4.8** The Ombudsman's annual letter highlighted 94% of recommendations made by them as part of their investigation process were implemented within 3 months. It was noted they would continue to monitor compliance and will engage through their Support and Intervention Policy where required.
- 4.9** In February 2019 the SPSO changed their approach to closing complaints after investigation and now issue decision letters rather than a report. The SPSO also now issue provisional decision letters which detail the investigation and their findings. These are issued to both Local Authorities and the Complainant and allow parties the opportunity to question factual inaccuracies or provide supplementary information before a final decision is issued. It is hoped this will make the decision making process more transparent and SPSO stress this is not an opportunity to provide information which should have already been submitted.

4.10 The national Local Government complaints process is being reviewed for the first time since its adoption in 2013. West Dunbartonshire are involved in reviewing the draft amendments with concerns and comments being collated and returned to the SPSO.

4.11 The Ombudsman's Annual Letter references the Scottish Welfare Fund (SWF) for the first time for 2018-19. There were 4 complaints handled in 2018-19 for the SWF of which only 1 was upheld. The SPSO received 7 enquiries of which 4 were referred back to us or were deemed premature. Of the 3 enquiries where SPSO made a decision 2 were upheld and 1 was not upheld.

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 of not responding to complaints within defined time periods within the two stage process

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 citizens.

9. Consultation

9.1 Not applicable to this report.

10. Strategic Assessment

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

Malcolm Bennie
Strategic Lead
Communications, Culture & Communities
Transformation & Public Service Reform
Date: 30 October 2019

Person to Contact: Stephen Daly
Citizen & Digital Services Manager
Communication, Culture & Communities
Council Offices, Garshake Rd, Dumbarton
01389 737263

Appendices: Appendix 1 - SPSO Letter
Appendix 2 – SPSO complaints Data
Appendix 3 - Summary of Council Complaints 2018/19
Appendix 4 – Learning from Complaints
Appendix 5 – SPSO complaints Data for SWF
Appendix 6 - Summary of HSCP Complaints 2018/19

Background Papers: None

Wards Affected: All Wards