

**Inverclyde Council
Annual Complaints Report
1 April 2019 – 31 March 2020**

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1. Background

In April 2013 the Council introduced a revised complaints handling procedure moving from a three stage to a two stage process in line with the guidance by the Scottish Public Services Ombudsman (SPSO). At the same time a new corporate wide system for recording complaints through LAGAN was rolled out across the Council.

In 2015 an audit was undertaken to provide management and the Audit Committee with an assessment of the adequacy and effectiveness of the governance, risk management and controls surrounding a number of key risks faced by both the Council and Inverclyde HSCP regarding complaints. There was a requirement to improve on a number of areas.

A corporate working group was established following the audit with representation across all services and chaired by a Corporate Director. The purpose of the working group was to address areas in the Council's complaint handling.

The Council's internal objectives to address issues that were identified in historic complaint handling were agreed to ensure that the Council has a robust approach to complaint handling. The complaint officer post has strengthened the robustness of the Council's complaint handling approach in the following areas:

- Increased awareness of the Council's complaint handling procedures.
- Ensuring training needs of staff with responsibility for complaint handling are identified and addressed.
- Improved corporate oversight of the complaints process.
- Improved monitoring of complaints.
- Regular review of the Council's complaint handling procedures for effectiveness.

The local authority complaint handler network (LACHN) is a national forum for local authority complaint handlers to meet quarterly to assist in the development of professional practice in relation to complaint handling. Inverclyde Council are represented at this forum by the complaint officer alongside representatives from 32 Scottish Local Authorities. The SPSO attend these meetings to support the ongoing development of complaint handling within local authorities and to achieve consistency in approach.

Inverclyde Council uses Inverclyde Leisure to deliver council services in the leisure industry and Riverside Inverclyde for urban regeneration within the area. While these organisations are separate to the Council they are subject to its control and the Council is responsible for ensuring the services provided meet the required standards and adhere to the complaint handling procedure. In doing this we must establish mechanisms to identify and act on complaint handling performance issues found.

The SPSO through LACHN network issued a survey to all local authorities to complete regarding complaint handling reporting being submitted to the network to review prior to formal reporting being issued to SPSO. The survey questions highlighted the requirements for Council's to report complaint handling performance for ALEOs. Inverclyde Council have two ALEO's they are Inverclyde Leisure and Riverside Inverclyde and they are required to adhere to reporting on complaints handled although they were not included at the time of the implementing the model complaint procedure.

Actions have been taken to address this and Inverclyde Council are now adhering to the reporting requirements set out by the SPSO.

Following the results of the survey that was completed by all of the local authorities, the SPSO confirmed that they would be moving to a quarterly submission of complaint handling statistical data from all Councils. This was intended to ease the collation of management information on annual basis. Inverclyde Council agreed to supply this statistical data each quarter, as it is currently prepared for the CMT on a quarterly and annual basis. The draft report is issued to the LACHN for discussion at the network meeting and any inconsistencies in data interpretation and analysis is resolved before the formal annual submission to the SPSO each year.

1.2 Current Procedures

Inverclyde Council co-ordinates the reporting of complaints to the SPSO this includes the HSCP, ALEOs, Inverclyde Leisure and Riverside Inverclyde. Each area is responsible for recording their complaints and providing their management information to Inverclyde Council to enable the consolidated statistical report to be produced quarterly and annually.

Inverclyde Council, the HSCP and both ALEOs, Inverclyde Leisure and Riverside Inverclyde follow the Model Complaint Handling procedure although there are slight differences between the health and social work complaints, the procedure provides a quick, simple, streamlined process with a strong focus on local, early resolution. This enables issues or concerns dealt with close to the event which gave rise to the complainant making the complaint.

As far as possible the complainant should be actively and positively engaged with the process from the outset.

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 5 working days.

Investigation stage two: Where complaints cannot be resolved at the frontline stage or those which are complex, serious or high risk, a thorough investigation will be undertaken. This typically requires more thorough examination in order to establish facts prior to reaching 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.

Scottish Public Service Ombudsman: Appeals of complaint outcomes are reviewed by the SPSO.

1.3 Governance Arrangements

Governance arrangements are in place to report and analyse complaints within Inverclyde Council as follows:

Heads of Service Meetings
 Service Review Meetings
 Corporate Management Team Meetings

Inverclyde Council log their complaints into LAGAN system. The Health and social work complaints are logged in two systems – datix for health complaints and their complaint log for social work complaints. Inverclyde Leisure and Riverside Inverclyde record their complaints on a complaint log spreadsheet.

This is supported by the Information Governance and Complaint Officer who promotes the complaint handling procedure and provides strategic direction for complaint handling to ensure a responsive, efficient and improved complaint handling service which meets the regulatory standards. Oversight and monitoring of complaint handling performance is undertaken to ensure the feedback mechanism is delivering continuous improvement. Quarterly recommendations on improvement areas are discussed with the Corporate Management Team.

2. Summary of Performance

2.1 Number of complaint received and closed

In the reporting period 1 April 2019 – 31 March 2020 Inverclyde Council, Inverclyde Leisure and the HSCP received and handled **389** complaints in the period and closed **358** complaints within this period.

The SPSO requires Inverclyde Council to include ALEOs and HSCP complaint statistical information in the quarterly and annual reports. It should be noted that oversight and day to day matters relating to complaints are supported separately.

This is the second year that the Council have reported a collective report on complaint handling performance that includes Inverclyde Council, HSCP, Inverclyde Leisure and Riverside Inverclyde.

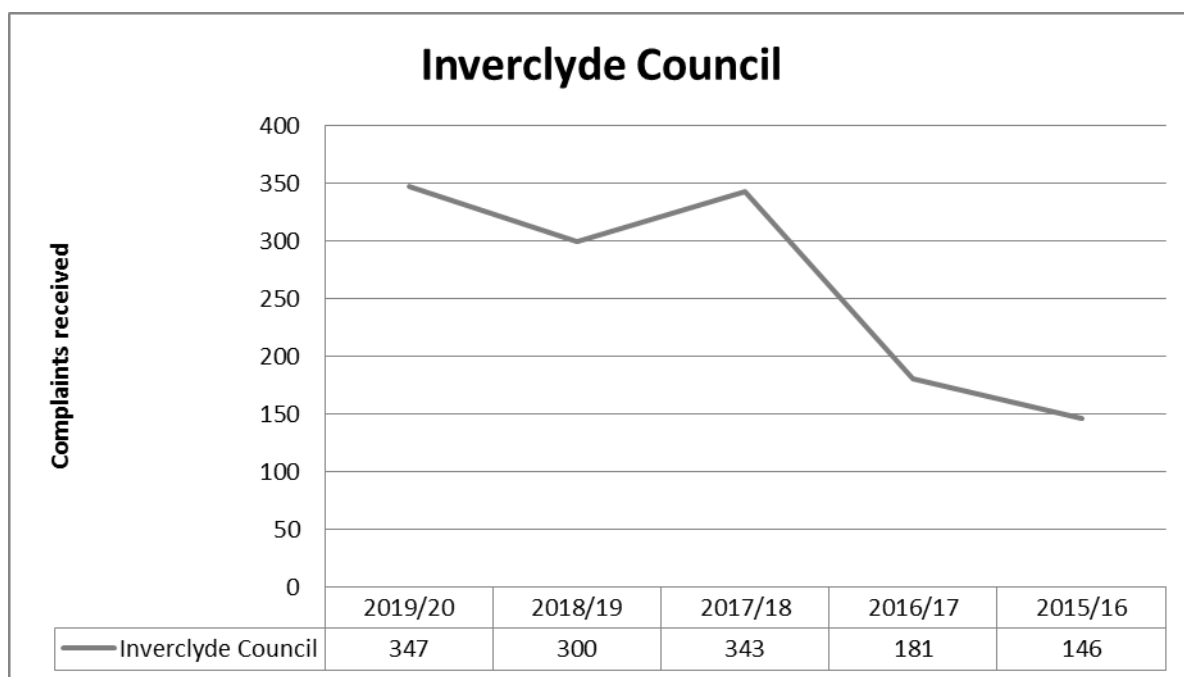
The statistics show an increase in the number of complaint received in Inverclyde Council, the HSCP and Inverclyde Leisure. It also reflects a full year of accurate reporting in each which can be used to benchmark future years performance.

Number complaints received					
	2019/20	2018/19	2017/18	2016/17	2015/16
Inverclyde Council	274	256	288	181*	146
HSCP	73	44	55		
Inverclyde Leisure	40	29**	8		
Riverside Inverclyde	2	13			

*Members are reminded that essential changes were made to the LAGAN in order to improve the complaint management system in preparation for it to be adopted as the universal complaint recording system for the Council. During this process closed complaint data was lost which impacts on the extent of complaints finally recorded in 2016.

** Inverclyde Leisure had a loss of data for the data covering the period 1 January 2018 to 31 March 2018 which will have impacted the extent of complaints finally recorded in 2018/19 the collective reporting of complaints.

Inverclyde Council's and the HSCP's complaints received volumes have increased when comparing to the complaint data for 2019/20, 2018/19 and 2017/18 as outlined in the graph below. The period 2019/20 reflects a full year of accurate recording of complaints which will support accurate benchmarking of future years. This could not be compared



The tables below outlines closed complaint breakdown by investigation stage and comparable data volumes for the periods in 2019/18 to 2016/17 inclusive.

	No of frontline resolution stage 1				No of complaint investigations stage 2			
	2019/20	2018/19	2017/18	2016/17	2019/20	2018/19	2017/18	2016/17
Inverclyde Council	220	214	225	121	20	8	17	23
HSCP	39	17	33	31	27	22	26	25
Inverclyde Leisure	40	29	7		0	0	0	
Riverside Inverclyde	2	12			0	1		

	No of complaint escalated			
	2019/20	2018/19	2017/18	2016/17
Inverclyde Council	21	13	21	7
HSCP	3	0	0	0
Inverclyde Leisure	0	0	0	
Riverside Inverclyde	0	0		

In respect of the complaints received there are occasions where they partially investigated and either withdrawn or are found not be appropriate for the complaint handling procedure and removed from the overall numbers. These are noted in the table below which is largely evidential in the Council's handling of complaints.

	Service requests				Withdrawn			
	2019/20	2018/19	2017/18	2016/17	2019/20	2018/19	2017/18	2016/17
Inverclyde Council	3	7	6	8	15	19	25	8
HSCP	0	0	0	0	0	0	0	0
Inverclyde Leisure	0	0	0		0	0	0	
Riverside Inverclyde	0	0			0	0		

	Not Council related / Invalid			
	2019/20	2018/19	2017/18	2016/17
Inverclyde Council	3	10	4	13
HSCP	0	0	0	
Inverclyde Leisure	0	0	0	
Riverside Inverclyde	0	0		

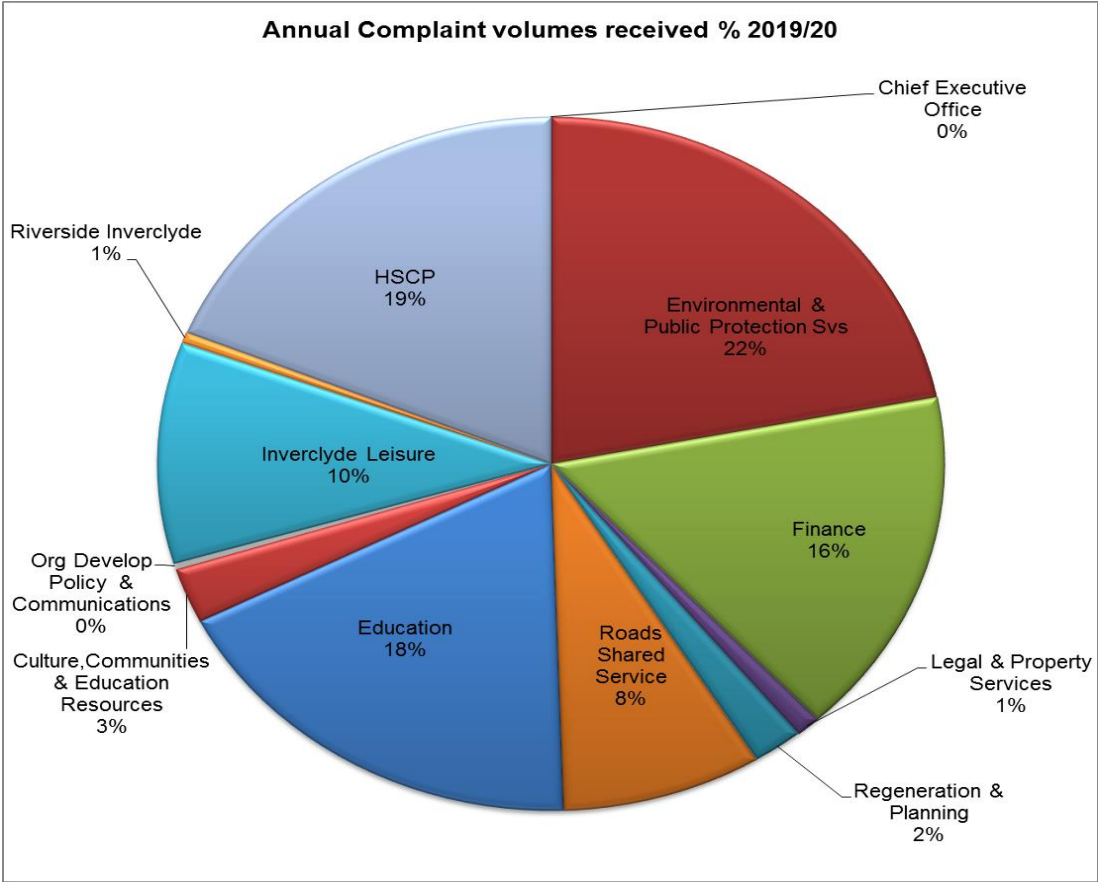
2.2 Complaint Trends

The table below provides a monthly breakdown of complaints received within each service over the period 1 April 2019 to 31 March 2020. For Inverclyde Leisure, Riverside Inverclyde and HSCP the breakdown is only provided for the annualised volumes.

	April 19	May 19	June 19	July 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Jan 20	Feb 20	Mar 20	Totals
Chief Executive Office	0	0	0	0	0	0	0	0	0	0	0	0	0
Environmental & Public Protection Services	4	7	3	6	15	7	6	5	3	7	14	8	85
Finance	5	5	5	4	6	8	5	3	0	12	6	4	63
Legal & Property Services	0	1	0	0	0	0	0	0	1	1	0	1	4
Regeneration & Planning	2	1	0	1	0	1	1	0	0	1	1	0	8
Roads Shared Service	2	1	0	4	3	1	0	5	3	2	3	8	32
Education	1	8	9	1	3	8	7	3	8	4	7	11	70
Culture, Communities and Educational Resources	0	1	1	0	0	0	2	2	0	0	4	0	10
Org Develop Policy & Communications	0	0	0	0	1	0	0	0	0	0	0	0	1
Inverclyde Leisure													40
Riverside Inverclyde													2
HSCP													73

Following the restructuring within Services in the early months of 2018 which brought the Environment and Commercial Service and the Public Protection Service under the one Service which altered the number of accumulated complaints received for the service. The Roads Shared Service has also been reported on their own. Therefore this will be the first year showing the overall true percentage of complaints received within each of the services following this restructure. Comparable data analysis will be available in the coming year 2020/21 to enable trends on incoming volumes to be tracked and compared for Inverclyde Council, HSCP and both ALEOs, Inverclyde Leisure and Riverside Inverclyde.

Outlined in the chart overleaf is the percentage of complaints received by each service compared against the total number of complaints received. The Chief Executive office and the Organisational development, Policy and Communications did not receive any complaints in the period



2.3 Timescales

The Council aim to resolve complaints quickly and close to where we provided the service. Where appropriate this could mean an on-spot-apology and explanation if something has clearly gone wrong and immediate action to resolve a problem. We have 5 working days to respond to your complaint within the stage one process.

Sometimes we will have to make some enquiries before we can respond to complaints if we cannot resolve the complaint at this stage, we will explain why, we may decide it is appropriate to extend the time to deal with the complaint by a further five days or we will move the complaint to stage two investigation if this is felt to be appropriate. In either scenario we will keep you informed and manage your expectations on timescales.

Stage two deals with two types of complaint: those that have not been resolved at stage one and those that are complex and require a more detailed investigation.

Where you have escalated your complaint to stage two because you remain dissatisfied with the outcome of our handling of your complaint, we refer to this as Escalated Investigation.

When handling a complaint using stage two we will

- Acknowledge receipt of your complaint within three working days;
- Where appropriate, discuss your complaint with you to understand why you remain dissatisfied and seek clarification on what outcome your looking for; and
- Provide you a full written response to your complaint as soon as possible and within 20 working days.

If our investigation is likely to take longer than 20 working days, we will agree revised time limits with you and keep you updated on progress.

Investigating officers are advised of the required dates for timescales on receipt of the complaint. Additional reminders are in place to support timely completion.

The table below outlines the Inverclyde Council's collective performance measures on timescales management across all stages of the complaint procedure.

Performance measures	Collective Inverclyde Council 2019/20
No of complaints – closed at stage 1 within 5 days	229
No of complaints – closed at stage 1 within 10 days (time extended)	11
% Complaints Meeting timescale incl those time extended within timescale	83.6%
Ave working days taken stage 1 complaints	3.7 days
Stage 2	
No of complaints – closed at stage 2 within 20 days	34
No of complaints – closed at stage 2 within 25 days (time extended)	2
% Complaints Meeting timescale inc those time extended within timescale	76.7%
Ave working days taken stage 2 complaints	18 days
Escalated Stage 2	
No of complaints – closed at escalated stage 2 within 20 days	14
No of complaints – closed at stage 2 within 25 days (time extended)	4
% Complaints Meeting timescale includes those time extended within timescale	75%
Ave working days taken escalated stage 2 complaints	18.3days

The table below outlines the management of complaints within the prescribed timescale broken down by each areas complaint. The comparable data is not available for Inverclyde Leisure as they have adopted the reporting of complaints within the period 2017/18.

Inverclyde Council Consolidated				
Stage	Performance Area	2019/20	2018/19	2017/18
1 Frontline resolution	No of complaints – closed at stage 1 within 5 days	229	222	214
	% Complaints Meeting timescale including those time extended	83.6 %	82%	81%
	Ave working days taken stage 1	3.7	4.1	4.4
	Stage 2			
2 Investigation	No of complaints – closed at stage 2 within 20 days	34	21	31
	% Complaints Meeting timescale including those time extended	76.7 %	68%	76.6%
	Ave working days taken stage 2	18 days	18.1	15.5
Escalated Stage 2				
2 Escalated Investigation	No of complaints – closed at esc stage 2 within 20 days	14	13	18
	% Complaints Meeting timescale including those time extended	75%	100%	85.7%
	Ave working days taken esc stage 2	18.3 days	14.0	13.8

		Inverclyde Council Only				HSCP				
Stage Frontline resolution	1 Performance Area	2019/20	2018 /19	2017 /18	2016 /17	2019/20	2018 /19	2017 /18	2016 /17	
	No of complaints – closed at stage 1 within 5 days	172	171	182*	104	39	12	22	30	
	% Complaints Meeting timescale inc those time extended	87%	80%	78%	86%	72%	71%	88%	96%	
	Ave working days taken stage 1	3.9	4.4	3.8	3	5.3	7.5	4.1	N/A	
Stage Investigation	2	No of complaints – closed at stage 2 within 20 days	14	7	9**	20	27	13	18	15
	% Complaints Meeting timescale inc those time extended	80%	88%	90%	86%	74%	59%	79%	60%	
	Ave working days taken stage 2	16.1	18.4	16.3	11.7	19.5	18.2	18.2	N/A	
Stage Escalated Investigation	2	No of complaints – closed at esc stage 2 within 20 days	14	13	18	0	3	0	0	0
	% Complaints Meeting timescale inc those time extended	81.8%	100%	86%	0	0%	0	N/A	0	
	Ave working days taken esc stage 2	15.7	14	13.8	0	31	0	0	N/A	

*One complaint has been included within stage one resolution as time extension was granted allowing 10 days for the complaint to be resolved and reported within timescales.

** Two complaints have been included in the stage two resolutions as time extension was granted allowing 25 days for the complaint to be resolved and reported within timescales

		Inverclyde Leisure***			Riverside Inverclyde****		
Stage Frontline resolution	1 Performance Area	2019/20	2018 /19	2017 /18	2019/20	2018/19	
	No of complaints – closed at stage 1 within 5 days	40	29	5	2	12	
	% Complaints Meeting timescale	100%	100%	83%	2	100%	
	Ave working days taken stage 1	1	1	3		1.6	
Stage Investigation	2	No of complaints – closed at stage 2 within 20 days	0	0	2	0	1
	% Complaints Meeting timescale	0	0	67%	0	100%	
	Ave working days taken stage 2	0	0	13.3	0	14	
Stage Escalated Investigation	2	No of complaints – closed at esc stage 2 within 20 days	0	0	0	0	0
	% Complaints Meeting timescale	0	0	N/A	0	0	
	Ave working days taken esc stage 2	0	0	0	0	0	

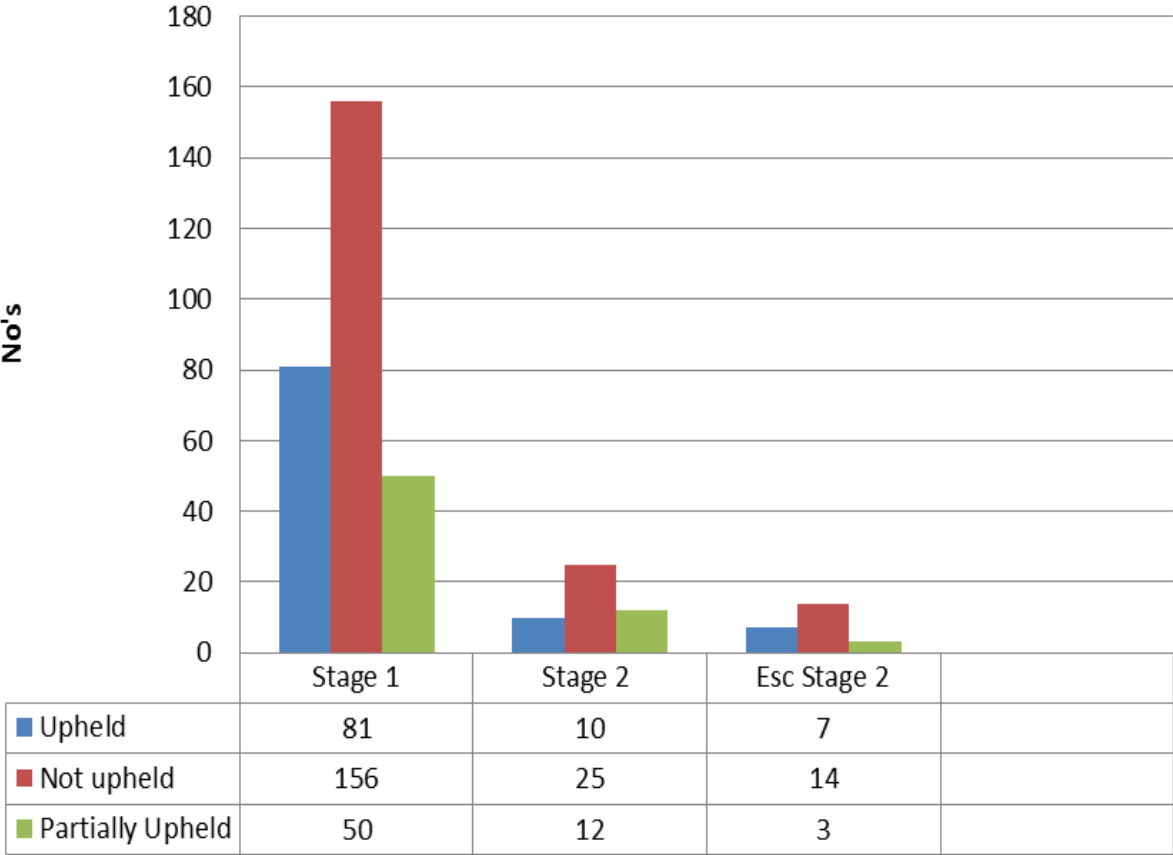
*** Inverclyde Leisure data only available from the period 2017/18

****Riverside Inverclyde data only available from the period 2018/19

Services must maintain focus on ensuring complaints received are recorded and that the complaint handling procedure is followed by officers, in particular with regards to timescales to resolve complaints at stage one and stage two. When comparing in isolation Inverclyde Council’s complaint handling performance we have seen timescales to resolve complaints increase in all stages which impacts the average days. The averages days to resolve complaints in all stages of the complaint procedure has increased in HSCP’s which was impacted by management resources available which will be an area for focus in the coming year.

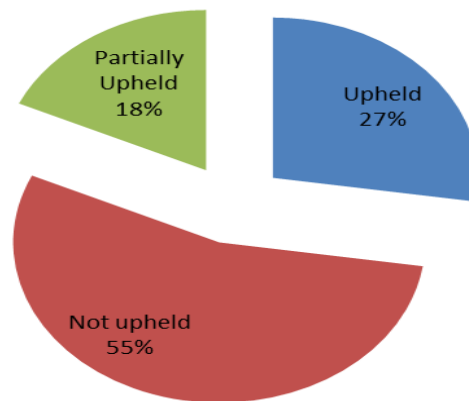
2.4 Complaint Outcomes

The graph below outlines the outcomes of investigations of all collective complaints following complaint investigation at each of the 3 stages a complaint may be taken through.



The pie chart below outlines the collective outcomes of all complaint investigations as a percentage of all complaints received.

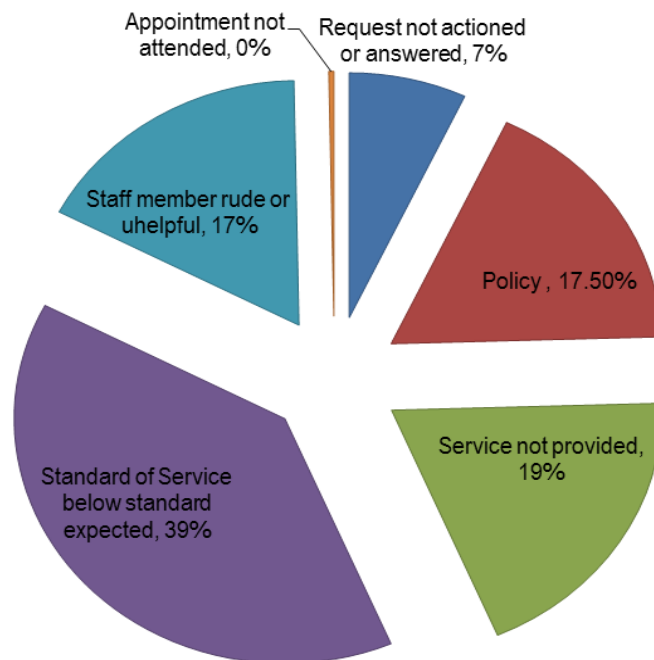
Collective Outcome % of Complaint Investigations



2.5 Complaint themes

Of the complaints which were upheld or partially upheld, they were examined for key themes. In some situations the complexity of some complaints were multi faceted although the true root cause was used to define this into a single theme. In doing this we have only included the complaints from Inverclyde Council only, as this level of information is recorded in the complaint handling system.

The top complaint theme was for these complaints was where the service delivered was below the expected standards at 39% of all complaints received. This has increased when comparing the complaint themes against the followin year.



2.6 Learning from complaints

Inverclyde Council is committed to reflecting on occasions when we may not get it right in order to highlight opportunities for improvement. As such, where a complaint has been upheld or partially upheld, the service determines what actions are required to support continuous improvement and prevent a repeat of circumstances that led to the complaint.

Service improvement recording commenced in November 2016 for Inverclyde Council only. Service improvement tracking requires to be developed for the HSCP as this is not currently in place. Inverclyde Leisure implemented their service improvement tracking in January 2020 which is reflective in the improvements seen in the last quarter of the year.

The Service Improvement table overleaf provides a selection of complaints across Services on the type of complaints received together with a update on the service improvements that have been implemented during the reporting period.

Service	Improvements Made
Education	<p>A complaint was received from parents who were arranging a meeting with the school. The meeting arrangements were to be confirmed with the parents although due to an oversight the arrangements were not confirmed which created some challenges for the parents on the day of the meeting.</p> <p>An apology was issued and the staff members were reminded of the importance of confirming appointments with parents.</p>
Roads	<p>A complaint was received from a service user who highlighted that there were communication issues in relation to modifications that were being made to parking arrangements at their property. The service user provided recommended guidance for the Council to consider when making these modifications to comply with legislation.</p> <p>An apology was provided for the communication issues that were encountered. On reviewing the recommended guidance the Council recognised that the proposed modifications were not suitable. Therefore, arrangements were made in line with the recommended guidelines for the modifications to be made.</p>
Finance	<p>A complaint was received from a service user who was upset following receipt of correspondence which detailed her late husband's name on the form and stating that he was liable for Council Tax.</p> <p>Prior to issuing the form, the council tax assessor should have ensured the form produced was issued to the current liable parties, which is held within the Council's electronic document management system. However this was not completed and resulted in the form being issued with the incorrect liable parties being noted on it.</p> <p>An apology was provided and changes have been made to the record to correct the details held for future correspondence being issued. Reminders were issued to appropriate staff to remind them of the</p>

	<p>importance of this check. A change has also been made to the document management system to ensure that this does not happen again.</p>
Finance	<p>A complaint was received about an error with the processing of a Direct Debit for payment of Council Tax.</p> <p>As a consequence of the error the complainant was not issued with an adjusted council tax notice to reflect the instalments and no direct debit payments requested from the complainants bank account this resulted in a reminder notice being issued to household.</p> <p>The corrections were made to reflect the correct instalments and the Direct Debit was set up. An apology was provided and coaching was provided to the officers involved.</p>
Environmental and Public Protection	<p>A complaint was received as the officer scheduled to attend the property to undertake a pest control visit did not arrive.</p> <p>The Council have established that the Service failed to make the appointment therefore an apology was provided.</p> <p>Learnings have been taken from the complaint. Where possible if a scheduled appointment cannot be kept the service will aim to notify the user.</p>
Roads	<p>A complaint was received from a service user about the lack of response and action following a report which was made about the condition of the pavement at the complainants' property.</p> <p>Further investigation into the matter found that the repair had not been made to the pavement or manhole as a result of an administration error.</p> <p>An apology was provided and the repair was scheduled. BT was responsible for the repair to the area around the manhole therefore the matter was transferred to them for action.</p>
Environmental and Public Protection	<p>A complaint was received about noise related issues being experienced by the complainant at their property.</p> <p>The Council investigated the initial complaint and updated the complainant although further noise issues were raised for investigation which the officer agreed to investigate.</p> <p>The officer did not update the complainant timely on the findings of the other issues that were raised which resulted in the complaint being made.</p> <p>An apology was provided and an update on all findings and actions that could be taken was issued to the complainant</p>
Roads	<p>A complaint was received from a service user about the street light directly outside his property which was removed and the time it would take to replace the light. Concerns were raised about the location and</p>

	<p>it being extremely dark for residents. Other residents had raised concerns and complaints about this with the Council</p> <p>The service user wants the light installation to be scheduled earlier than suggested in light of the concerns raised.</p> <p>An apology was provided and it was recognised that the time to resolve this and to have a permanent power supply was excessive. A solution was put in place to have a temporary power supply in the interim until such times that Scottish Power can put a permanent power supply in place.</p>
Inverclyde Leisure	<p>A Complaint was received from a customer about the pool temperature, cleanliness & wave machine not working at the Leisure Centre.</p> <p>An apology was issued for the matters that were complained about.</p> <p>The Pool Manager notified all staff that cleaning procedures must be adhered to. The cleaning schedules daily sheets must be signed off and checked by Shift leader to ensure standards are maintained. The staff were reminded that reactive maintenance procedure should be followed to report faults.</p>
Finance	<p>A complaint was received as the photographs supplied to support an application for an unoccupied/unfurnished exemption and zero occupancy discount for a property were misplaced and the direct debit mandate was not issued as requested.</p> <p>The internal quality control check failed to identify that the photographs had been scanned without the reference number and the processing team did not highlight the omission.</p> <p>An apology was given to the complainant and the direct debit mandate was issued to the complainant. Reminders were issued to the teams involved to remind them of the quality control check requirements to prevent the same error occurring.</p>
Environmental & Public Protection	<p>A complaint was received about the introduction of charges for the collection of garden waste and the payment methods available to elderly householders who are not technically conversant with online processes.</p> <p>An explanation was provided in relation to the rationale for introducing charges for this service.</p> <p>Payment options have been expanded to permit payments to be made by cheque when submitted along with a Garden Waste Permit Application form.</p>

It is important that a robust stage two investigation is completed by the complaint handler and that the complainant is provided with all of the relevant information before they are referred to the SPSO to investigate their complaint. This will ensure timely reviews of cases that are referred to the Ombudsman Whilst Inverclyde Council have

not had any complaints this year where this this has been an issue with our approach it is an important reminder. It is equally important, to ensure that when the SPSO requests information at the investigation stage of the complaint that they are provided with full information at his point rather than waiting to provide this at the provisional decision stage.

The SPSO has also highlighted that it is important that the Council responds to provisional decisions, if only to say we have no comments to add, as it can make a difference to the outcome and wording of the SPSO’s final decision. In circumstances where a complaint is upheld, the SPSO has reminded the Council to confirm to the SPSO whether it has agreed with its final recommendations as this will be reflected in their final decision. Not only does it demonstrate positive outcomes and approaches, it also helps the Council to display its commitment to learning from complaints.

2.7. Scottish Public Services Ombudsman right to appeal

Following a stage two investigation and written response, if a complainant remains dissatisfied with the outcome they have the right to appeal that decision with the Scottish Public Services Ombudsman (SPSO).

The table below outlines the number complaints received at the SPSO for Inverclyde Council and HSCP. The numbers have remained the same for Inverclyde Council. It is noted that the HSCP have seen an increase of 5 more complaints received in the period.

		Complaints received at the SPSO			
		2019/20	2018/19	2017/18	2017/16
Inverclyde Council		15	15	15	21
HSCP		11	6		

2.7.1 SPSO Reviews

The Ombudsman investigated one complaints for Inverclyde Council during the period 2018/19.

There were 10 complaints that were taken forward at the Early Resolution stage and 4 at the Advice stage. The outcomes reached on these are noted below. Only one case progressed to an Invesitgation and the SPSO did not uphold the complaint. The standard of the investigation was recognised as being to a high standard and would be an example for future complaint handling.

Please refer to Appendix 1 for Terms of Reference explanations that are used by the SPSO to assist you with the statistics that feature in the undernoted tables.

Stage	Outcome of Group	Inverclyde Council 2019/20	Inverclyde Council 2018/19
Advice	Not duly Made or withdrawn	3	4
	Out of jurisdiction (discretionary)	0	0
	Out of jurisdiction (discretionary)	1	0
	Outcome Not achievable	0	0
	Premature	0	4
	Total	4	8
Early Resolution	Not duly made or withdrawn	0	0
	Out of jurisdiction (discretionary)	1	1
	Out of jurisdiction (non-discretionary)	1	1
	Outcome not achievable	1	2
	Premature	0	0
	Proportionality	7	3
	Resolved	0	0
Total	10	7	
Investigation	Fully upheld	0	0
	Some Upheld	0	0
	Not Upheld	1	0
	Resolved	0	0
	Total	1	0
Total Complaints		15	15

The Ombudsman reviewed three complaints for the HSCP. One complaint was fully upheld, one complaint was upheld on some parts and one complaint was not upheld.

There were 6 complaints that were taken forward at the Early Resolution stage and 2 at the Advice stage. The decisions reached on these are noted below and did not progress to a full investigation following SPSO's review of the complaint.

Stage	Outcome of Group	HSCP 2019/20	HSCP 2018/19
Advice	Not duly Made or withdrawn	1	3
	Premature	1	0
	Total	2	3
Early Resolution	Not duly made or withdrawn	1	0
	Out of jurisdiction (discretionary)	2	0
	Out of jurisdiction (non-discretionary)	0	0
	Premature	0	0
	Proportionality	2	2
	Resolved	1	0
	Total	6	2
Investigation	Fully upheld	1	0
	Some upheld	1	0
	Not upheld	1	1
	Not duly made or withdrawn	0	0
	Total	3	1
Total Complaints		11	6

3.0 Developments

The changes in practice that were introduced by the SPSO last year in respect of the way decisions on cases are reviewed and dealt with by the SPSO have been embedded although the volumes that we receive are relatively low. Therefore it will continue to be an area of focus for the Council to ensure it comments on the draft preliminary decisions before a final decision is issued.

Additionally the new Support & Intervention Policy was introduced in April 2019 which was to encourage learning and support for all Local Authorities. The policy aims to address issues arising with complaint handling, engagement with the SPSO and the Scottish Welfare Fund Independent Review Service.

Whilst the SPSO has recommended that all Local Authorities should be completing customer satisfaction surveys regularly to gain true insight on how well they are handling complaints. The standardised approach was delayed this year to allow the work on Model Complaint Handling Procedures to be progressed and this will follow later in the year to ensure there is consistency in the approach adopted by Council.

The SPSO made changes to the format of the decision letter and the issuing of anonymised “decision notices”. These changes were as a result of feedback from local authorities on the changes introduced earlier this year. This move to decision notices removes personal data from the decision itself and supports the “privacy by design” approach in line with Data Protection legislation.

The complaint handling procedure was implemented into the Council’s Educational Establishments on 21 October 2019. In preparation for this, training has been undertaken for staff members investigating complaints and for the support staff who will be responsible for the administration of the complaints using the complaint handling procedure. The Education establishments will be handling the stage one complaints and any stage two complaint investigations will continue to be handled by Education Headquarters.

The SPSO issued the revised model complaint handling procedure which brings some changes to the current practices and reporting that this is provided.

The Council has been preparing for the implementation of the revised of the Model Complaint Handling Procedure (MCHP) although delayed its roll out as a result of the impact of Covid-19 on the Council’s Services. The changes that the (MCHP) will introduce will require to be in place by 1 April 2021 and the Council are preparing for this.

The changes are to the core text of the revised (MCHP), which is consistent across local authorities and all sectors except NHS. Outlined below is the over of the key changes that the MCHP will introduce

Structure and presentation

- The core text is standardised across all local authorities and sectors (with additional sector-specific text and examples in each version)
- It is presented in five parts to make relevant information easier to find
- The HSCP and Local Authority MCHPs have been combined

Resolving complaints

- The Council may **resolve** a complaint by agreeing any action to be taken with the customer, without making a decision on whether to uphold / not uphold.
- Therefore there must be a clear record of the resolution agreed and signposting to next stage of the procedure if this approach is adopted.

Agreeing complaint and outcome sought at stage 2

- The Council must agree the points of complaint and outcome sought with the complainant at the start of stage 2 (investigation)
- Where the points of complaint and outcome sought are clear, this can be done by setting these out in the complaint acknowledgement letter

Time limit for making complaints

- The six-month timeframe to make a complaint also now applies where the customer wishes to escalate to Stage 2 because they are unhappy with the Stage 1 response

Supporting staff

- The Council must share relevant parts of the complaint and response with any staff members complained about
- At stage 2, staff members must be given information about the complaint process and support available, and kept updated on any timeframe extensions

Equality and accessibility

- The Council should set out what kind of actions staff may take to support equal access to the complaints process (including for vulnerable groups)
- Organisations will customise this section to reflect local context

Complaints on social media (and other digital platforms)

- As a minimum, organisations must respond to complaints on the organisation's own social media channels by signposting to the complaint process and support available
- The Council will customise this section to reflect local policy and approach

Contact from MPs/MSPs

- The Council can set out details of local procedures but must ensure they comply with relevant legislation
- Where a complaint is brought by an MP/MSP, the organisation must handle it in line with the CHP and ensure they do not operate a two-tier system

Performance indicators

- The Council will report and publish on complaint statistics in line with performance indicators published by the SPSO
- These are currently being developed, and will include core performance indicators applicable to all sectors (similar to those released in the draft MCHP)
- Additional performance indicators to support benchmarking is being developed in consultation with Local Authority complaint handling networks

4.0 Positive Comments

A selection of positive comments and compliments that the Council has received from Service User across Services are noted below. This reflects the positive gratitude that service users have expressed from their experience with Council staff in the delivery of services.

Customer phoned in and complimented the street cleaner in the area who goes over and above his job when it comes to cleaning the area. He even cleaned up everything lying around at the recycling area near the old Homebase site.

A customer complimented the CSC for how straightforward the service have been in sorting matters relating to her mothers Council Tax..

A customer thanks the member of staff for her very kind assistance, patience and advice when dealing with her enquiry. Delighted and impressed with the service.

The customer expressed their thanks to the Street Cleaning Team for the clean-up of Mackie Avenue in Port Glasgow.

The customer expressed gratitude for helpign him sort out the power of attorney permission for her father and getting matters sorted in relation to her own account.

Customer thanked member of staff for their incredible service. Super appreciated.

5.0 Conclusion

Inverclyde Council is committed to investigating, learning from and taking action as a result of individual complaints where it is found that standards have fallen below the level we expect and where services could be improved. By listening to the views of service users who make a complaint, we can improve our services.

The coming year will see work on embedding the new changes that are being introduced and we will endeavour to ensure this is achieved to ensure the service user experience is positively impacted as a result of these changes.

Appendix 1 – Terms of Reference for the Stages in the Scottish Public Services Ombudsman’s Process

Stages in the SPSO Process

Assessment

This is the initial receipt stage where the SPSO check if they have enough information about the complaint, that the complainant has first complained to the relevant organisation, that the complaint is mature (i/e – that it has completed the relevant organisation’s complaints process) and that the matter is one the SPSO are allowed to look at.

Early resolution

This is where the SPSO confirm that the matter is one they are allowed to look at and is in jurisdiction and start gathering the information that they will need for an investigation. Some cases that could be investigated are closed at this stage if the SPSO are able to resolve them with the organisation, or if they consider there would be no significant benefit, or achievable outcome, from a full investigation. Prior to 1 April 2016, this stage was called ‘Early Resolution 1

Investigation

This is where the SPSO conduct the investigation and reach a decision on the complaint. This stage includes everything that, prior to 1 April 2016, was referred to as Early Resolution 2, Investigation 1 and Investigation 2.

Enquiries

Enquiries are a mix of telephone and online contacts. In responding to these, the SPSO’s advice team provide information and support and where appropriate refer people to other organisations that may be better placed to help.

Premature

This is an enquiry or a complaint that has been sent to the SPSO too early – i.e. before it has completed the relevant organisation’s complaints process. Prior to April 2016, the

SPSO recorded premature complaints received by phone as advice stage complaints. From April 2016, a number of these (the very quickly resolved ones) would be logged as signposting enquiries and not included in the premature rate calculation.

Out of jurisdiction

Some enquiries or complaints are about an organisation or a subject that the law says the SPSO cannot investigate. Sometimes there are complex technical or legal issues involved. If so, it can take time to check whether the SPSO can investigate. Where the SPSO find the law says they cannot take a complaint, the SPSO provide advice, where possible, about who might be able to look at it.

Complaints 'fit for SPSO'

These are complaints that the SPSO are able to investigate. This normally means that they have gone through the complaints process of a relevant organisation, and are about something that the SPSO can look at by law (the Scottish Public Services Ombudsman Act 2002).

Not duly made or withdrawn

Sometimes people choose not to pursue their complaint. This may be for personal reasons or because of a change in circumstances. Sometimes complainants do not give the SPSO all of the information that they need to take things further, or they may simply stop contacting the SPSO. Sometimes the organisation concerned have resolved the complaint to the person's satisfaction.

Outcome not achievable

This refers to the situation where the SPSO have not taken a complaint forward because it is not possible for the SPSO to achieve what the person wants them to do as a result of their complaint. An example of this would be where the person tells us that the only outcome they want is for a member of staff to be sacked. As disciplinary matters are for the organisation concerned to decide on, the SPSO cannot have a person sacked and so the outcome the complainant said they wanted would be unachievable. The SPSO do not often record this kind of outcome as, normally, when the SPSO explain that they cannot achieve something, they also then discuss what alternative outcome might be appropriate as a result of the complaint.

Complaints are more likely to be withdrawn before investigation has begun, but sometimes they are withdrawn during the investigation. If this happens when a case is close to completion and the Ombudsman feels it is in the public interest to publish her findings, she is entitled to do so. This course of action, however, is rare and before doing so the SPSO always consider the complainant's reasons for wishing to withdraw a complaint.

Resolved

In some cases, the SPSO receive complaints where it appears that we may be able to achieve the outcome being sought by the person complaining without carrying out an investigation. In these cases, the SPSO may contact both parties in order to try and resolve the case. If, following our intervention, an organisation offers a resolution which

is acceptable to the individual, or where the SPSO consider that the resolution offered is appropriate and addresses any outstanding injustice, the SPSO may close the case as resolved. Before doing so they SPSO would always consider whether it would be in the public interest to carry out an investigation, even where a satisfactory outcome has been achieved for the individual who has complained.

Proportionality

In some cases, the SPSO will decide that, even where a complaint is one that they could investigate, it would not be proportionate for the SPSO to do so given the need to use public resources effectively. The circumstances where we may make this decision include:

- Where the evidence suggests that the organisation being complained about (or another scrutiny body) has already carried out a thorough investigation into the complaints and steps have been taken to remedy the injustice. In these cases a review by the SPSO would serve no useful purpose.
- Where the sole outcome being sought by the person is not one the SPSO can achieve by investigating and making recommendations (for example where the complainant wants disciplinary action against staff) and there is no public interest in investigating further.
- Where the matter has already been investigated thoroughly by another public scrutiny body and the outcomes are similar to those that SPSO could achieve, then the complaint should be closed without investigation, unless there is public interest in investigating.
- Where investigating a complaint would not achieve any practical benefit for the person complaining, the organisation concerned or the public generally, because the injustices suffered are insignificant and have little or no practical consequences for the individual.
- Where it appears that an organisation has failed to respond to the complaint in line with their complaints procedure (for example where they have not addressed the complaints made to them) the SPSO may refer the case back to them to re-investigate. This reinforces the principle that they are responsible for providing proper responses to complaints and helps improve complaints handling standards.

Upheld complaint

Complaints where the outcome was 'upheld' or 'some upheld' are those where the SPSO investigated, and found that something went wrong. To recognise the validity of the complainant's experience, the SPSO uphold complaints wherever they find fault, even if this has already been recognised by the organisation. People come to us for an external, independent judgement and if the SPSO find something went wrong it is important for the complainant that the SPSO acknowledge this. The SPSO also include how the organisation responded to the complaint and any action that they took to put things right. Where an organisation responded well, the SPSO may also commend them for acknowledging the mistakes and the action they took to resolve this for the complainant.

All these complaints were 'fit for SPSO', and the SPSO gave a decision on them at the investigation stage of our process. Some of these result in the SPSO sending the organisation and the complainant a decision letter. The SPSO also publish a short summary of most of these complaints and their outcomes on the SPSO's website. Complaints that meet our public interest criteria are published in full.

Partially upheld and discontinued (obsolete outcomes)

The SPSO no longer use 'partially upheld' as an outcome. Many complaints have a number of aspects. We give a separate finding on each of these, the SPSO use the overall term 'some upheld'. This identifies where they have investigated a number of individual aspects, and have upheld one or some of these.] Cases were normally 'discontinued' when something happened that meant it was no longer appropriate to pursue the matter. This is now covered by other outcomes above