

Report To: Policy & Resources Committee

Date: 15 November 2016

**Report By: Head of Organisational Development, HR
& Communications**

Report No: HR/28/16/CC

Contact Officer: Carol Craig-McDonald

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Subject: SPSO STATISTICS 2015/16

1.0 PURPOSE

- 1.1 The purpose of this report is to highlight the Scottish Public Services Ombudsman (SPSO) and Inverclyde Council's complaint handling annual statistical return for 2015/16.

2.0 SUMMARY

- 2.1 The report covers the period from 1 April 2015 to 31 March 2016 and includes complaints received and closed at Inverclyde Council with the exception of Health and Social Care Partnership which are reported separately. The report also includes complaints against Inverclyde Council handled by the SPSO during the same period.
- 2.2 The Council's complaint handling procedure was approved by Policy and Resources Committee in February 2016. This introduced complaint handlers to explicitly record when they uphold, partially uphold and do not uphold a complaint. This data, therefore, has not been reported within this report. This will be an enhancement to the reporting that will be produced in 2016/17.
- 2.3 Inverclyde Council recorded 146 complaints during the period 1 April 2015 to 31 March 2016. The SPSO handled 16 complaints against Inverclyde Council during the same period; this is a reduction on the previous year. Only 1 complaint directly to the SPSO was 'upheld' or 'some upheld' during this period.
- 2.4 Members should be aware that essential changes were made to 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 for April – September 2015 was lost which impacts on the extent of complaints finally recorded in 2015-16. Clearly with an upgraded system this should not occur in the future.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that the Committee note the contents of the complaints statistical annual return contained in Appendix 1 and 2 and that these be published on the Council website as part of the council's duty to report complaints data to the public.
- 3.2 It is recommended that the Committee note the content in the report and the development actions undertaken and ongoing to strengthen 2016/17 reporting and improved complaint handling across Inverclyde Council

**STEVEN MCNAB
HEAD OF ORGANISATIONAL DEVELOPMENT, HR & COMMUNICATIONS**

4.0 BACKGROUND

- 4.1 The Council has been working to develop improvements to its recording and reporting of complaints and is committed to encouraging learning from complaints handling. LAGAN is the Council's customer relationship management software and is used to record complaints. While the system has been in place for several years, an audit of complaints handling identified weaknesses in recording. To address this, a cross-Council steering group was created to drive forward improvements. An upgrade to LAGAN (now called KANA) was developed, with assistance from neighbouring North Ayrshire Council. And a new temporary position of complaints officer was created to support improved recording, handling and reporting on complaints.
- 4.2 The Council's complaint handling procedure was approved by Policy and Resources Committee in February 2016. This introduced complaint handlers to explicitly record when they uphold, partially uphold and do not uphold a complaint therefore has not been reported within this report. This will be an enhancement to the reporting that will be produced in 2016/17.
- 4.3 The complaint officer has been in post since September and is actively taking forward the development plan. Good progress is being made which will strengthen complaint handling across Inverclyde Council and will be seen through to conclusion.
- 4.4 An assurance statement issued by the SPSO to Inverclyde Council has been returned declaring the Council's commitment to learning from complaints.
- 4.5 The Council is required to report to the Policy and Resources Committee complaints and the Council's own annual statistical return is attached in Appendix 1. Appendix 2 includes the annual return from the SPSO which sets out the complaints received by them about Inverclyde Council. Appendix 3 of the report includes two case studies, published and anonymised by the SPSO, of complaints handled by them for Inverclyde Council during the reporting period.
- 4.6 During the compilation of the data for the Council's return to the SPSO for their annual reporting, it highlighted some inconsistencies in the complaints being recorded to the complaint management system LAGAN, this is in line with previously reported areas that required focus, which are being addressed as detailed in 4.1-4.3 above. One additional factor in this year's data which is new, is loss of closed complaint data from the period 1 April 2015 – September 2015, this has been a direct result of the necessary update to the LAGAN server where only open complaints were migrated.
- 4.7 A line by line review has been undertaken by the complaints officer on all complaints recorded covering the period to give confidence and assurance that the information we supply to policy and resources and the SPSO is as robust as possible. The review deepened the understanding on trends, learnings and service improvement opportunities across services. This will form part of the learnings approach which is a key aim that the SPSO is expecting Inverclyde Council to demonstrate moving forward.
- 4.8 The complaint officer has worked internally with key stakeholders and implemented the following actions since appointment to post in September:
- Collated and prepared the SPSO reporting for the 2015/2016.
 - Commenced key stakeholder meetings within service areas to focus on complaint handling within their service, root cause and service improvement planning and identifying areas for training, development and strengthening.
 - A standard complaint letter suite has been created covering all potential contact

points with the service user, delivering a consistent tone within the letters to be used across all council services.

- The complaint handling procedure and key timelines for complaint handling have been communicated to all staff dealing with complaints as well as a general awareness communication for all staff issued. Heads of service have been included in these communications to highlight the oversight arrangements being put in place to emphasise the senior level support for the complaints handling procedure.
- Helpful email reminders have been set up within the LAGAN system to aide timely complaint handling, and communication issued setting out expectations and timescales
- ICON intranet site has had a page set up as the complaint handling hub – all relevant information pertaining to complaints will be posted on this page making it accessible to all employees.

5.0 INVERCLYDE COUNCIL'S COMPLAINT HANDLING FOR 2015/16

5.1 Inverclyde Council has a two stage complaints handling procedure. Stage 1 is called frontline resolution and stage 2 is called investigation. The response time for stage 1 is 5 days and for stage 2 is 20 days.

5.2 The Council's annual statistical return for 2015/16 highlights that the Council handled 146 complaints of which 121 were closed during the period. The average time taken to respond at Stage 1 is 1.6 days and the average time taken to respond at Stage 2 is 22.3 days.

6.0 SPSO COMPLAINT HANDLING FOR 2015/16

6.1 During the period 1 April 2015 to 31 March 2016, the complaints received by the Scottish Public Services Ombudsman (SPSO) resulted in 16 complaints handled during the year. This equates to 1.02% of the total complaints against all Scottish Local authorities and is a reduction on the previous year.

6.2 The SPSO has five stages of complaint handling. These are: advice; early resolution 1; early resolution 2; investigation 1 and investigation 2.

6.3 10 of Inverclyde's complaints were handled at the advice stage with seven being rejected by the SPSO for being premature while two were classed as 'not duly made or withdrawn' and one out of the jurisdiction of the Ombudsman. Five complaints reached the second stage 'early resolution 1' where one was resolved and four considered out of jurisdiction. No complaints were considered at the 'early resolution 2' stage. One was examined and fully upheld at the investigation 1 stage and no complaints were examined at the 'investigation 2' stage of the SPSO complaints handling procedure.

7.0 IMPLICATIONS

7.1 Financial Implications - One off Costs

Cost Centre	Budget Heading	Budget Year	Proposed Spend this Report	Virement From	Other Comments

Financial Implications - Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact	Virement From (if applicable)	Other Comments

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7.2 Human Resources

N/A

7.3 Legal

N/A

7.4 Equalities

Has an Equality Impact Assessment been carried out?

YES (see attached appendix)

NO -

7.5 Repopulation

N/A

8.0 CONSULTATION

8.1 N/A

9.0 BACKGROUND PAPERS

9.1 Corporate Complaints, Policy and Resources Committee, 2 February 2016.

Appendix 1: SPSO Local Authority Complaints Handling Procedure - Performance Indicators (2015/16)

INDICATOR 1a		complaints received between 1st April and 31st March
1 (i)	total number of complaints received in the year	146
1 (ii)	population (mid year population estimates)	79500
1a	the total number of complaints received per 1,000 population	1.8

INDICATOR 1b		complaints closed between 1st April and 31st March
1 (iii)	total number of complaints closed in the year	121
1 (iv)	population (mid year population estimates)	79500
1b	the total number of complaints closed per 1,000 population	1.5

INDICATOR 2		
2 (i)	number of complaints - closed at stage 1	58
2a	the number of complaints closed at stage 1 as % all complaints closed	48%
2 (ii)	number of complaints - closed at stage 2	64
2b	the number of complaints closed at stage 2 as % all complaints closed	52%
2 (iii)	number of complaints - closed after escalation	0
2c	the number of complaints closed after escalation as % all complaints closed	0.0%

INDICATOR 3 - stage 1		
3 (i)	number of complaints - upheld at stage 1	0
stage 1	number of complaints - closed at stage 1 (frontline resolution)	58
3a	the number of complaints upheld at stage 1 as % of all complaints closed in full at stage 1	0
3 (ii)	number of complaints - not upheld at stage 1	0
stage 1	number of complaints - closed at stage 1 (frontline resolution)	58
3b	the number of complaints not upheld at stage 1 as % of all complaints closed in full at stage 1	0
3 (iii)	number of complaints - partially upheld at stage 1	0
stage 1	number of complaints - closed at stage 1 (frontline resolution)	58
3c	the number of complaints partially upheld at stage 1 as % of all complaints closed in full at stage 1	0

INDICATOR 3 - stage 2		
3 (iv)	number of complaints - upheld at stage 2	0
stage 2	number of complaints - closed at stage 2 (investigation)	64
3a	the number of complaints upheld at stage 2 as % of all complaints closed in full at stage 2	0
3 (v)	number of complaints - not upheld at stage 2	0
stage 2	number of complaints - closed at stage 2 (investigation)	64
3b	the number of complaints not upheld at stage 2 as % of all complaints closed in full at stage 2	0
3 (vi)	number of complaints - partially upheld at stage 2	0
stage 2	number of complaints - closed at stage 2 (investigation)	64
3c	the number of complaints partially upheld at stage 2 as % of all complaints closed in full at stage 2	0

INDICATOR 3 - escalated		
3 (vii)	number of complaints - upheld after escalation	0
escalated	number of complaints - closed after escalation	0
3a	the number of escalated complaints upheld at stage 2 as % of all escalated complaints closed in full at stage 2	0
3 (viii)	number of complaints - not upheld after escalation	0
escalated	number of complaints - closed after escalation	0
3b	the number of escalated complaints not upheld at stage 2 as % of all escalated complaints closed in full at stage 2	0
3 (ix)	number of complaints - partially upheld after escalation	0
escalated	number of complaints - closed after escalation	0
3c	the number of escalated complaints partially upheld at stage 2 as % of all escalated complaints closed in full at stage 2	0

INDICATOR 4 - stage 1		
4 (i)	sum of the total number of working days taken for all complaints closed at stage 1	93
stage 1	number of complaints - closed at stage 1 (frontline resolution)	58
4a	the average time in working days for a full response to complaints at stage 1	1.6

INDICATOR 4 - stage 2		
4 (ii)	sum of the total number of working days taken for all complaints closed at stage 2	1424
stage 2	number of complaints - closed at stage 2 (investigation)	64
4b	the average time in working days for a full response to complaints at stage 2	22.3

INDICATOR 4 - escalated		
4 (iii)	sum of the total number of working days taken for all complaints closed after escalation	0
escalated	number of complaints - closed after escalation	0
4c	the average time in working days for a full respond to complaints after escalation	0

INDICATOR 5 - stage 1		
5 (i)	number of complaints - closed at stage 1 within 5 working days	37
stage 1	number of complaints - closed at stage 1 (frontline resolution)	58
5a	the number of complaints closed at stage 1 within 5 working days as % of total number of stage 1 complaints	63.8%

INDICATOR 5 - stage 2		
5 (ii)	number of complaints - closed at stage 2 within 20 working days	36
stage 2	number of complaints - closed at stage 2 (investigation)	34
5b	the number of complaints closed at stage 2 within 20 working days as % of total number of stage 2 complaints	56.3%

INDICATOR 5 - escalated		
5 (iii)	number of complaints - closed after escalation within 20 working days	0
escalated	number of complaints - closed after escalation	0
5c	the number of complaints closed after escalation within 20 working days as % of total number of escalated complaints	0

INDICATOR 6 - stage 1		
6 (i)	number of complaints - closed at stage 1 where extension was authorised	0
stage 1	total number of complaints - closed at stage 1	58
6a	number of complaints closed at stage 1 where extension was authorised as % of all complaints at stage 1	0.0%

INDICATOR 6 - stage 2		
6 (ii)	number of complaints - closed at stage 2 where extension was authorised	0
stage 2	total number of complaints - closed at stage 2	64
6b	number of complaints closed at stage 2 where extension was authorised as % of all complaints at stage 2	0.0%

INDICATOR 6 - escalated		
6 (ii)	number of complaints - closed after escalated where extension was authorised	0
stage 2	total number of complaints - closed after escalated	0
6b	number of complaints closed after escalated where extension was authorised as % of all complaints escalated	0

Appendix 2: Inverclyde Complaints handled by SPSO

Complaints Determined by Outcome					
Stage Advice	Outcome Group	2015/16 Inverclyde Council	2015/16 Sector Total	2014/15 Inverclyde Council	2014/15 Sector Total
	Not duly made or withdrawn	2	321	3	380
	Out of jurisdiction (discretionary)	0	6	0	29
	Out of jurisdiction (non-discretionary)	1	5	0	25
	Outcome not achievable	0	6	0	42
	Premature	7	606	6	713
	Resolved	0	0	0	4
	Total	10	944	9	1,193
Stage Early Resolution 1	Outcome Group	Inverclyde Council	Sector Total	Inverclyde Council	Sector Total
	Not duly made or withdrawn	0	54	1	36
	Out of jurisdiction (discretionary)	0	104	1	56
	Out of jurisdiction (non-discretionary)	4	196	2	140
	Outcome not achievable	0	185	1	107
	Premature	0	58	1	42
	Resolved	1	29	0	35
	Total	5	626	6	416
Stage Early Resolution 2	Outcome Group	Inverclyde Council	Sector Total	Inverclyde Council	Sector Total
	Fully upheld	0	27	1	33
	Some upheld	0	20	0	18
	Not upheld	0	37	2	56
	Not duly made or withdrawn	0	1	0	0
	Resolved	0	1	0	3
	Total	0	86	3	110
Stage Investigation 1	Outcome Group	Inverclyde Council	Sector Total	Inverclyde Council	Sector Total
	Fully upheld	1	23	0	28
	Some upheld	0	36	0	26
	Not upheld	0	40	0	63
	Not duly made or withdrawn	0	4	0	1
	Resolved	0	4	0	1
	Total	1	107	0	119
Stage Investigation 2	Outcome Group	Inverclyde Council	Sector Total	Inverclyde Council	Sector Total
	Fully upheld	0	1	0	3
	Some upheld	0	0	0	1
	Not upheld	0	0	0	0
	Total	0	161	0	4
	TOTAL	16	1764	18	1842

	Inverclyde Council	Sector Total	Inverclyde Council	Sector Total
Total Premature Complaints	7	664	7	755
Premature Rate	43.6%	37.6%	38.9%	41.0%
Fit for SPSO Total (ER2, Inv1 & Inv2)	1	194	3	233
Total Cases Upheld / Some Upheld	1	107	1	109
Uphold Rate (total upheld / total fit for SPSO)	100%	55.2%	33.3%	46.8%

Appendix 3: Inverclyde Complaints handled by SPSO (case studies):

The Scottish Public Services Ombudsman (SPSO) publishes case studies of anonymised complaints examined. Below are two such complaints examined by the SPSO between the period 1 April 2015 to 31 March 2016.

Decision Report 201405826

Date: May 2015

Body: Inverclyde Council

Sector(s): Local Government

Subject: factual error in decision-making

Outcome: Not upheld, no recommendations

Summary

An advocacy agency complained on behalf of a client (Mr C) that the council had failed to take reasonable account of his circumstances when considering his application for a Community Care Grant under the Scottish Welfare Fund. We did not uphold Mr C's complaint because our investigation found no evidence that in their handling of Mr C's application, the council had not taken reasonable account of his circumstances or considered the matter properly under both the Scottish Government guidance and their own procedures.

Decision Report 201502712

Date: March 2016

Body: Inverclyde Council

Sector(s): Local Government

Subject: secondary school

Outcome: Upheld, recommendations

Summary:

Mrs C complained about how school staff handled a report of bullying of her daughter. While Mrs C was satisfied with the handling of the matter at the time, she became concerned some months later when the pupils involved in the bullying behaviour were given additional opportunities within the school. She raised this with the school, as she thought that the bullying incident had been recorded on the pupils' education record, but the school told her the bullying was only recorded on the school's bullying log. Mrs C was dissatisfied with this, and she was also concerned that the school referred to the incident as an 'allegation of bullying' in their later correspondence with her, whereas she thought it had been agreed that bullying had occurred.

The council said the school handled the incident appropriately and in line with their bullying policy (which encourages a restorative approach). We asked the council to clarify whether they had found that bullying had occurred as this was not clear from the bullying log, and they confirmed that the incident had been recorded as one of bullying behaviour.

After investigating the matter, we upheld Mrs C's complaint. We found that staff complied with most aspects of the school's and the council's policies, including involving parents, arranging a restorative meeting and supporting Mrs C's daughter. However, the bullying log completed by the school did not match the form set out in the council's policy, so there was no detailed contemporaneous record of the investigation and findings. We also found that staff did not appear to be familiar with the school's bullying policy which required the incident to be recorded on the pupils' records, and they were following the council's bullying policy instead (which did not include this requirement).

Recommendations: We recommended that the council:

- apologise to Mrs C and her daughter for failing to comply with some aspects of their policies in responding to their concerns about bullying; and
- review the school's bullying policy and reporting forms, to ensure that there is clear and consistent guidance on this process (and that this complies with the council's bullying policy and templates).