

**REPORT TO: POLICY AND RESOURCES COMMITTEE ON 2 MARCH 2010**

**SUBJECT: COMPLAINTS MONITORING REPORT FOR PERIOD APRIL 2009 – DECEMBER 2009**

**BY: CHIEF EXECUTIVE**

**1. REASON FOR REPORT**

- 1.1 The Committee is asked to scrutinise the Complaints Procedure Monitoring Report for the period April 2009 – December 2009 and note the Council's performance against targets.
- 1.2 This report is submitted to Committee in terms of the Council's Administrative Scheme relating to the monitoring of complaints received by the Council.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Committee scrutinise the Complaints Procedure Monitoring Report for the reporting period.**

**3. BACKGROUND**

- 3.1 Complaints Monitoring has been revised following the development of an improved recording and monitoring system designed by the Council's ICT service. All complaints are now recorded on the Council's complaints database. However the implementation of the new complaints monitoring system has delayed the reporting during this financial year, therefore this is the first report utilising data from the new system.
- 3.2 The Complaints Policy has also been revised and is part of the agenda for this committee. This report supports the aim of the revised policy to improve customer relations by dealing fairly and openly with complaints from the public, to put things right where they have gone wrong and where possible using outcomes to make improvements to services.
- 3.3 In accordance with the policy, the complaints procedure is a two-stage process and its objective is to provide comprehensive responses that address, in a fair and impartial manner, all of the issues raised by complainants. Responses should support the Council's commitment to diversity and transparency in its dealings with the public and where possible remedies should be clearly linked to service improvement.
- 3.4 Directors report complaint outcomes quarterly to Service Committees and the Chief Executive reports overall performance including the outcomes of appeals quarterly to the Policy and Resources Committee and annually to the Audit and Performance Review Committee.

#### **4. PERFORMANCE INFORMATION FOR APRIL 2009 – DECEMBER 2009**

##### **4.1 Stage Two Complaints**

Stage two is where a complainant is not satisfied with the outcome of the Service Director's investigation. The complainant can appeal to the Chief Executive; this will be investigated by the Complaints Officer who carries out an independent review of the complaint and the Director's response. The Chief Executive's response to the appeal closes the case and exhausts the Council's Complaints Policy.

##### **4.2 Stage Two Complaints Investigation - Outcomes of appeals to the Chief Executive**

During the first three quarters of the current financial year a total of 44 complaints have been referred to the Chief Executive. Four cases have been upheld/ part upheld and the following remedies were offered:

- a reimbursement of an overcharge charge by revenues,
- the provision of facilities to facilitate flood alleviation work,
- two cases where procedures associated with planning applications required remedial action which was agreed and taken.

These outcomes provided acceptable resolutions for each of the complainants

The response from the Chief Executive closes the complaint and all appellants are advised of their right to proceed to the Ombudsman if they remain dissatisfied with the way their complaint has been handled.

##### **4.3 Complaint Review Committee**

This is a statutory function for dealing with complaints about Statutory Social Work Services. The Committee exists to examine independently social work complaints where the complainant remains dissatisfied with the response from the Council and the review by the Director of Community Services.

The Committee has considered three complaints this year; one in each quarter. On each occasion certain recommendations were made to the appropriate service committee. These have been approved and implemented.

##### **4.4 Ombudsman**

If a complainant still remains dissatisfied they can refer their complaint to the Scottish Public Services Ombudsman. The Ombudsman will normally expect a complainant to have exhausted the Council's complaints procedure before proceeding with the referral. The Ombudsman will then review the case papers to ascertain if there is a case to answer and that the complaint falls within the remit for investigation.

The Ombudsman can consider complaints about:

- Administrative failure
- Failure to provide a service

- Failure in a service provided

<b>Number of referrals to the Ombudsman</b>		
<b>Quarter 1 2009-10</b>	<b>Quarter 2 2009-10</b>	<b>Quarter 3 2009-10</b>
12	6	3

Following preliminary enquiries including, in certain cases, requesting information from the Council the Ombudsman decided not proceed to the investigation stage with any of the above referrals. This outcome may be a reflection that our concentration on investing time to carry out thorough investigations is the correct approach.

## **5. SUMMARY OF IMPLICATIONS**

### **(a) Single Outcome Agreement/Service Improvement Plan**

The Complaints Policy supports outcome 15 “Our public services are high quality, continually improving, efficient and responsive to local people’s needs. In particular, it addressed the commitment to be accountable to the community.

### **(b) Policy and Legal**

There is no legal requirement to develop a complaints policy however it does support the work of the Ombudsman whose service was established by the Scottish Public Services Ombudsman Act 2002. The Act created a modern complaints service based on the devolution principles of power-sharing, accountability, access and participation, and equal opportunities. The Complaints Policy also supports the customer care policy.

### **(c) Resources (Financial, Risks, Staffing and Property)**

The resources required to deliver this policy are contained within existing staff complements and non-staff operating budgets

### **(d) Consultations**

All departments are aware of the reporting arrangements for complaints information to committee and receive monthly reports on complaints performance.

## **6. CONCLUSION**

- 6.1 Over the past nine months, the Council has invested considerable time into revising its complaints policy and data collection to support monitoring. The Council has ensured that all complaints have been given a fair and impartial review initiating a number of service improvements. Further of the complaints that have been referred to the Ombudsman, no complaints were investigated by the Ombudsman reinforcing that our investigations were thorough.**

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 Background Papers: Held by author  
 Ref:

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