

23 August 2018

Dr. Grace Vickers
Chief Executive
Midlothian Council
Midlothian House
Buccleuch Street
DALKEITH
EH22 1DN

Annual Letter from SPSO

Dear Dr Vickers,

I am pleased to send you SPSO's annual letter. This year's letter includes statistics relating to cases we handled about your organisation in 2017-18. It also includes further information about our work which I hope you will find helpful.

We provide statistics to inform you about service issues the public have complained to me about. This is so that you can use it with your own data to build a picture of what drives dissatisfaction with your organisation and whether there are systemic changes that you can make.

Complaints data and reporting

SPSO statistics are just part of the detailed complaints picture that your organisation is responsible for gathering and publishing.

As you will know, in line with the model complaints handling procedure (CHP), each authority is required to report and publicise complaints information on a quarterly and annual basis. This includes the publication of your organisation's annual complaints report detailing your performance against the complaints performance indicators.

This annual performance information is more than simply a requirement of the model CHP; it is also an opportunity to understand your complaints and gain insight into your services. This, in turn, enables learning and improvement. The data is also an excellent platform for you and others in the sector to benchmark performance and to identify and work together on common challenges.

Ideally, learning from complaints should be embedded in governance structures, to promote an organisational 'valuing complaints' culture. I encourage you to share the enclosed information widely within your organisation, especially with staff who have service delivery or service improvement responsibilities.

This year we have noticed an increasing number of complaints are coming to us having first been handled by health and social care partnerships. When this happens, we log the complaint as relating to the HSCP as they have taken on the role of complaint handler. This also reflects the experience of the complainant who has dealt with the HSCP through their complaints process.

This means that if you have delegated any of your complaints handling to an HSCP, complaints that come to us through that route will not be reflected in the enclosed statistics. Details of HSCP complaints we have logged are on our website and you should confirm with the relevant HSCP whether any relate to services that they are delivering on your behalf.

The model CHP: Complaints performance indicators

Last year I asked you to reflect on how and when you collect, collate and report your complaints data to ensure that it is timely, robust, and has integrity. I am pleased to note that the most recent annual performance data from the sector was compiled by the complaints network quicker than ever before and through a revised process that reduces the potential for errors in reporting. However, we do not yet hold a full set of data as two local authorities did not submit their data within the timescale set by the network. The network's benchmarking activities can only achieve the best outcomes where we are able to compare and contrast performance across all local authorities. Therefore, I have asked my CSA staff to ensure that those authorities that have not yet submitted their data to do so as soon as possible. Going forward, the complaints network members have agreed to move to quarterly reporting of the key complaints performance indicators in 2018-19. This is a very positive move and will allow the group to compare and contrast current data as we go through the year.

I was disappointed, however, to note that across the local government sector, the average timescales for closing complaints at stage 1 of the complaints procedure is 8.1 working days (against a performance measure of 5 working days) and the average timescales for closing complaints at stage 2 of the complainants procedure is 23.8 working days (against a performance measure of 20 working days). This is a deterioration from the previous year's reported performance for the sector. I noted that only around a third of all councils close complaints within the timescales at each stage. Therefore, I would again encourage you, through your participation in the complaints network to actively support the benchmarking of your complaints handling performance to help drive up the overall levels of performance across the sector.

As part of this year's business plan, my Standards team will be working to assess the effectiveness of the model CHPs in place across the public sector in Scotland. I would encourage you to feedback to us on where the procedure works well and where it may be improved to ensure we put people at the heart of public service provision.

Uphold Rate

This year we have calculated the uphold rate using the number of complaints where we made a decision on the complaint, ie upheld, some upheld or not upheld. We feel that excluding withdrawn, resolved and otherwise incomplete investigations from this calculation

gives a more accurate representation of the performance of organisations and allows you to benchmark more effectively.

You will therefore find the figures for uphold rate this year do not directly compare with previous years.

For information, we have included both our new uphold rate calculation, and the old uphold rate calculation on the tables for your organisation.

Complaint Handling Marker

As you will be aware, in our complaints investigations we review to what extent authorities' complaints handling was in line with the requirements of the model CHP.

During 2017-18, we found that just over 22% of the cases we closed included one or more complaints handling failings. While it is pleasing to note that in many cases authorities identified shortcomings themselves prior to receiving feedback from us, I would like to draw your attention to the three key areas where authorities were likely to fail to meet the CHP requirements:

1. Identifying fully each issue being complained about and providing an accurate, proportionate and evidence-based decision for each complaint.
2. Communicating clearly with the complainant and managing their expectations in respect to the complaints process and likely outcomes.
3. In respect of timescales at stage 2 of the model CHP, keeping the complainant updated where timescales will not be met.

Even if you did not have a complaint upheld by us, or we didn't make any findings about complaint handling, you might find it useful to consider your organisation's performance in these three areas when reviewing annual complaints data.

As always we are keen to support you in developing and maintain good complaints handling practice.

Best practice website

All of our resources, guidance, updates and training opportunities for complaints handlers and governance teams are available on our website: www.valuingcomplaints.org.uk

In 2017/18, we also published a thematic report under the title 'Making complaints work for everyone', which was launched at our SPSO conference in December 2017. The report focuses on the impact of complaints on staff who have been complained about. It highlights that organisations need to actively support their staff through complaints processes and engage staff in positive and purposeful activities to manage and learn from complaints. Although focused on staff, it also makes reference to service users and how supporting staff can support service improvement.

If you haven't done so already, I'd encourage you to read it at <http://www.valuingcomplaints.org.uk/spsso-thematic-reports>

This website is regularly updated with further materials. If there are any other areas of information that you think it would be helpful to include, please contact Communications@spsso.org.uk .

Scottish Welfare Fund

A number of authorities asked us whether Scottish Welfare Fund reviews data could be included in our annual letter, so we have included a short summary. The full set of statistics were sent to you by the Scottish Welfare Fund team with the SPSO SWF Annual Report, at the end of July. They are also available on our website at <https://www.spsso.org.uk/scottishwelfarefund/statistics>

Customer service satisfaction

We are committed to continuous improvement of our own services. In this respect your feedback to us is crucial and I would be very grateful for any views you have on:

- challenges to implementing SPSO recommendations and how we could overcome them, and
- our service in general and ways in which we could improve.

You are welcome to write to me. Additionally we have relaunched a survey that is sent to all authorities with which we interact, on a rolling basis. I appreciate that we are all busy, but if you could complete the online questionnaire when you receive it it will help us understand your experience of our services, how we could improve (for everyone's benefit) and how we meet our service standards.

Please contact me directly if you have any questions or comments, or would like to discuss any aspect of this letter.

Yours sincerely



Rosemary Agnew
Scottish Public Services Ombudsman

CC'd:
Ms Lorraine Brown
Councillor Derek Milligan