

**Midlothian Council Annual Complaint Handling Report 2019/20 and
Revised Midlothian Council Complaints Handling Procedure****Report by Dr Grace Vickers, Chief Executive****Report for Information****1 Recommendations**

Council is asked to note:

- a) The publication of Midlothian Council's Annual Complaint Handling Report 2019/20
- b) The introduction of a revised Midlothian Council Complaints Handling Procedure with effect from 1 April 2021

2 Purpose of Report/Executive Summary

The purpose of this report is to inform Council of the publication of the Annual Complaint Handling Report 2019/20 and the introduction of a revised Midlothian Council Complaints Handling Procedure in line with the Model Complaints Handling Procedures (MCHPs) revised and reissued in 2020 by the Scottish Public Services Ombudsman (SPSO) and required to be implemented by 1 April 2021.

The documents referred to in recommendations a) and b) are available in Appendix B and C.

Date 12 May 2021**Report Contact:**

Claire Butters

Claire.Butters@midlothian.gov.uk

3 Background

3.1 The Scottish Public Services Ombudsman Act 2002 (as amended) provides the legislative basis for SPSO to publish the Model Complaints Handling Procedures (MCHP) for bodies under the SPSO's jurisdiction. Implementation of the Model Complaints Handling Procedure (MCHP) for local authorities was introduced in March 2012 and the Social Work MCHP published in December 2016 for implementation in April 2017.

3.2 The MCHPs have been developed to simplify and improve complaints handling by developing complaints handling standards. Standardising and streamlining complaints handling procedures ensures all MCHPs are closely aligned with key elements including:

- A shared definition of what is and what is not a complaint
- A two-stage process where complaints are resolved as close to the frontline as possible
- Frontline resolution of complaints within five working days
- An investigation stage of 20 working days, which provides the organisation's final decision
- Recording of all complaints
- Active learning from complaints through reporting and publicising complaints information

3.3 The SPSO revised and reissued all the MCHPs (except the NHS) in 2020, following consultation with all sectors. The new version includes a core text (which is consistent across all public services in Scotland) with some additional guidance and examples specific to each sector. The separate MCHPs for local authorities and social work have also been merged into a single MCHP, taking into account stakeholder views expressed through our public consultation in early 2019.

3.4 The purpose of the Local Authority MCHP is to provide a standardised approach to dealing with customer complaints across the local authority sector in Scotland. The procedural elements tie in very closely with those of the NHS complaints handling procedure (CHP), so where social work or care complaints cut across services, they can still be handled in (much) the same way as other complaints. In particular, the aim is to implement a standardised and consistent process for customers to follow which makes it simpler to complain, ensures staff and customer confidence in complaints handling and encourages local authorities to make best use of lessons from complaints.

3.5 Key changes introduced 1 April 2021 include the following:

- Core text standardised across all sectors.
- Social work and Local Authority MCHPs combined.

- The option to resolve a complaint by agreeing any action to be taken with the customer, without making a decision on whether to uphold / not uphold.
- Clear recording of the resolution agreed and signposting to next stage.
- The need to agree the points of a 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 out in a complaint acknowledgement letter.
- Allowing the six-month timeframe to make a complaint to apply where a customer wishes to escalate to Stage 2 because they are unhappy with Stage 1 response.
- Relevant parts of the complaint and response to be shared 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.
- The need to set out what kind of actions staff may take to support equal access to the complaints process (including for vulnerable groups).
- As a minimum, complaints raised via the council's social media channels must be signposted to the complaint process and support available.
- Complaints brought by an MP/MSP must be handled in line with the CHP to ensure that a two-tier system is not in operation.
- The council must report and publish on complaint statistics in line with performance indicators published by the SPSO.

3.6 The complete revised Local Authority Complaints Handling Procedure is detailed in Appendix C and includes the customer facing section published on our website [here](#).

4 Implementation

4.1 A request to the SPSO by the Local Authority Complaint Handling Network (LACHN), to postpone the implementation date of the revised CHP and necessary changes to practice was unsuccessful and as a result all Councils are required to adhere to the revised CHP with effect from 1 April 2021.

4.2 The revised CHP provides sufficient clarity in terms of raising awareness and understanding for officers involved in receiving and dealing with complaints. A number of the changes noted in 3.5 above, are captured in appropriate training/guidance notes developed and general refresher training, whilst offered to Feedback Officers and the Contact Centre, will be considered further as part of the wider training programme to support the new customer service e-platform following implementation of the revised procedure.

4.3 A key change to note is the introduction of a 'resolved' option. Which as stated in 3.5 above introduces the option to resolve a complaint by

agreeing any action to be taken with the customer, without making a decision on whether to uphold / not uphold. The ability to record this option and signpost to the next stage is also noted above and introduces a new statutory performance indicator for complaint reporting.

- 4.4** The revised CHP also highlighted the need to introduce an accompanying Unacceptable Actions Policy which is provided at appendix D which has been subject to a supporting IIA at appendix E.
- 4.7** For information, the Customer Service Improvement Officer is currently engaging with Digital Services with regard to the existing CRM platform and the new e-platform project team to ensure alignment of the system with the revised CHP and processes required to capture, monitor and report against our statutory requirements going forward.

4 Report Implications (Resource, Digital and Risk)

4.1 Resource

Completion of the Annual Complaints Handling Report and the introduction of the revised procedure sits within the current Customer Service Improvement Officer role. However, developing the complaints function to ensure a 'fit for purpose' and sustainable framework requires support from managers and services as part of the ongoing performance management and improvement agenda.

4.2 Digital

Future development work will be informed by the functionality of a new e-platform/CRM system

4.3 Risk

Failure to meet the statutory requirements as they relate to complaint handling and SPSO reporting presents a risk.

4.4 Ensuring Equalities

Whilst the revised procedure is not directly impacting on equalities, information is provided about the opportunity to reformat the document into a legible format or language to accommodate additional needs or those whose first language is not English. This is in line with the Equalities Act 2010.

Midlothian Council's Complaints Handling Procedure published on the website also includes information on how to get help to make a complaint and notes that Midlothian Council is committed to making our service easy to use for all members of the community. Further noting that, in line with our statutory equalities duties, reasonable adjustments

can be made to services accessible, including provision of information in another language or format, such as large font, or Braille.

4.4 Additional Report Implications (See Appendix A)

See Appendix A

Appendices

Appendix A – Additional Report Implications

Appendix B – Annual Complaint Handling Report 2019/20

Appendix C – Local Authority Complaints Handling Procedure (Revised)

Appendix D – Unacceptable Actions Policy

Appendix E – IIA for Unacceptable Actions Policy

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

Midlothian Council and its Community Planning Partners have made a commitment to treat the following areas as key priorities under the Single Midlothian Plan:

- Reducing inequalities in learning outcomes
- Reducing inequalities in health outcomes
- Reducing inequalities in economic circumstance
- Reducing the impact of climate change

The revised CHP incorporates specific actions to be taken to ensure equality and accessibility to the complaints procedure for all of Midlothian's residents/customer in order to reduce/remove barriers which may currently prevent individuals engaging with the process.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☐ Sustainable
- ☐ Transformational
- ☐ Preventative
- ☐ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☐ Preventative and Sustainable
- ☒ Efficient and Modern
- ☐ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

Revising the Council's CHP and approach to dealing with complaints supports continuous improvement in line with Midlothian's Route Map through and out of the crisis and ensures a continued focus on Best Value.

A.5 Involving Communities and Other Stakeholders

The revised CHP is being introduced to respond to changes set out in the national Model Complaint Handling Procedure which was subject to consultation by the SPSO with all sectors.

The Council uses the evidence from complaints as another form of customer feedback to assist in its delivery of services and processes within the divisions.

A.6 Impact on Performance and Outcomes

The SPSO have identified a set of statutory performance indicators for complaints which must be captured and reported against. The introduction of the revised CHP within Midlothian Council continues to address this requirement.

A.7 Adopting a Preventative Approach

Adopting a CHP supports the need to consider a preventative approach as a key feature of the procedure is to capture lessons learned and continuous improvement.

A.8 Supporting Sustainable Development

The content of this report whilst not directly contributing to sustainable development, does support the introduction of a complaint handling process which recognises the Council's responsibilities to respond to the people it serves and seeks to use the feedback provided to support continuous improvement and growth.

APPENDIX B

Annual Complaint Handling Report 2019/20

APPENDIX C

Revised Model Complaints Handling Procedure

APPENDIX D

Unacceptable Actions Policy

APPENDIX E

Unacceptable Actions Policy IIA