

**CLACKMANNANSHIRE COUNCIL**

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**Report to Audit & Scrutiny Committee**

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**Date of Meeting: 12<sup>th</sup> December 2024**

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**Subject: Annual Complaints Report 2023/24**

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**Report by: Senior Manager, Legal and Governance**

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## **1.0 Purpose**

- 1.1. This report presents an overview of performance in relation to complaints handling during the year 2023/24.

## **2.0 Recommendations**

- 2.1. It is recommended that Committee note, comment on and challenge the performance of Council services in handling complaints.

## **3.0 Considerations**

- 3.1. Complaints provide a first-hand account of customers' views and experiences and can highlight problems we may otherwise miss. This can help us address a customer's dissatisfaction and prevent the same problem from happening again. Complaints also offer valuable information that can help us to improve services and customer satisfaction and is an important aspect of overall performance management.
- 3.2. Clackmannanshire Council's commitment to customer service is reflected in our values, in particular: Be the **Customer** - Listen to our customers, communicate honestly and with respect and integrity.

## **Complaints Handling Procedure**

- 3.3. A complaint is:

An expression of dissatisfaction by one or more members of the public about our action or lack of action, or about the standard of service provided by us or on our behalf.

- 3.4. Complaints we receive are dealt with according to our Complaints Handling Procedure (CHP), which is in line with guidance produced by the Scottish Public Services Ombudsman (SPSO). The full CHP can be found on the Council website: <https://www.clacks.gov.uk/site/documents/customerfeedback/clackmannanshirecouncilscomplaintshandlingprocedure/>

- 3.5. The CHP follows a 2-stage process:

Stage 1 (frontline response) aims to respond quickly (within five working days) to straightforward complaints that require little or no investigation.

Stage 2 is appropriate where:

- the customer is dissatisfied with the frontline response or refuses to engage at the frontline stage;
- the complaint is not simple and straightforward and therefore requires investigation; or
- the complaint relates to a serious, high-risk or high-profile issue.

- 3.6. If, after the Council has fully investigated the complaint, the customer is still not satisfied with the decision or the way the Council has dealt with the complaint, then they can refer it to the SPSO.
- 3.7. By recording and tracking complaints we can analyse the causes of complaints, identifying any common themes or possible systemic problems, and ensuring that complaints are being dealt with efficiently and appropriately.
- 3.8. Under the Local Authority Model Complaints Handling Procedure (LAMCHP), councils are required to publish annual performance information against a number of indicators, including complaints volumes, outcomes and timeliness of response.
- 3.9. The Complaints Performance Report for 2023/24 is shown in the appendix to this report. A breakdown of complaints by Directorate, service area and classification is also included in the appendix.

#### **4.0 Improvement Actions**

- 4.1. The figures provided in the Complaints Performance Report are unlikely to be a true reflection of the number of complaints received into the Council which is believed to be due to both a lack of awareness and understanding of process and under-reporting of complaints using our online system. This is a recognised issue, and we are in final testing for the implementation of a new online complaints system, which will significantly improve our use of data and monitoring of complaints. A refresh of the Complaints Handling Procedure, with training and support will be rolled out in conjunction with the new complaints system. Lee Robertson, Monitoring Officer and Senior Manager of Legal and Governance, sponsors this and is working closely with Complaints Monitoring Officers from each service.
- 4.2. The data provided in the appendix to this report, shows declining trends when compared with previous years, particularly in terms of complaints handling within the agreed timeframes at both stage 1 and stage 2 levels. Whilst this is a disappointing direction of travel, significant efforts are being made to ensure that management of complaints in a timely manner is a priority for services. Complaints data is reported regularly to Audit and Scrutiny committee for each Directorate through business plans, and Senior Leadership Group and each Senior Management Team regularly monitor complaints and complaints management information. Early indications show an improving trend in response timeframes in 2024/25 as a result of this increased focus.

4.3. The data provided in the appendix to this report also shows cases reviewed by the Scottish Public Services Ombudsman, cases investigated by the Ombudsman over the reporting period and the decision recorded. More information on these cases can be found by visiting the SPSO website which can be found here [We are Scotland's Ombudsman | SPSO](#)

## 5.0 Sustainability Implications

5.1. There are no sustainability implications arising directly from this report.

## 6.0 Resource Implications

### 6.1. Financial Details

6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

6.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

### 6.4. Staffing

## 7.0 Exempt Reports

7.1. Is this report exempt? Yes  (please detail the reasons for exemption below) No

## 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box )

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

Customer Charter

## Complaints Handling Procedure

### 8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes   
No

### 9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

### 10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix: Annual Complaints Performance Report 2023/24

### 11.0 Background Papers

- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)  
Yes  (please list the documents below) No

#### Author(s)

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Lee Robertson	Senior Manager, Legal and Governance Monitoring Officer	2087

#### Approved by

NAME	DESIGNATION	SIGNATURE
Chris Alliston	Strategic Director, Partnership and Performance	

## APPENDIX - ANNUAL COMPLAINTS PERFORMANCE 2023/24

- 1.1 Clackmannanshire Council aims to provide the highest possible quality of service to our customers, but we recognise that sometimes things can go wrong, and we fail to meet expectations. We value all complaints and use information from them to help us improve our services.
- 1.2 We manage complaints in line with the Scottish Public Services Ombudsman (SPSO) Local Authority Model Complaints Handling Procedure, which consists of 2 stages:  
**Stage 1:** (Frontline response) covers straightforward complaints that require little or no investigation, and should be responded to within 5 working days;  
**Stage 2:** (Investigation) concerns complaints that have not been successfully resolved at Stage 1, or more complex or serious complaints that require investigation. Stage 2 complaints should be answered within 20 working days.
- 1.3 This report presents the Council's performance in relation to complaints handling from 1st April 2023 until 31<sup>st</sup> March 2024, against key performance indicators defined by the SPSO. More information on our complaints handling processes can be found [Comments and Complaints](#)

### SUMMARY OF COMPLAINTS 2023/24

- 1.4 In the reporting period the Council received 263 complaints about the services it provides, which is an increase of 10 complaints compared with the previous year. This included 206 complaints managed at stage 1 of our process and 57 which were managed at stage 2. 57% of all complaints were managed within the timeframes set out in the Council's policy. The majority, of complaints relate to services in the Place Directorate (55.9%) and the People Directorate (32.7%) with smaller proportions relating to services in Partnership and Performance and Health and Social Care Partnership. Table C below shows the breakdown of complaints by service area, with the largest proportion relating to Environment and Waste (32%) and Education and Schools (20.5%). Table D shows a further breakdown of complaints by sub-service with the highest proportion of complaints relating to waste management (23.9%).
- 1.5 In 2023/24 15 complaints were reviewed by the Scottish Public Services Ombudsman (SPSO) and 2 complaints were investigated by the Scottish Public Services Ombudsman (SPSO) with 1 of these upheld and 1 not upheld. More information on these complaints and decisions recorded by the SPSO can be accessed here [We are Scotland's Ombudsman | SPSO](#).
- 1.6 The Council reports on complaints data on an annual basis, although scrutiny of service level complaints data is provided through regular Directorate business plan reporting, and complaints forms part of regular internal monitoring and reporting at service and directorate level. The Council is currently in the process of completing user testing for its new complaints handling system which is due for completion in 2024. This system will help improve the availability of data and performance monitoring practices and will

enable robust reporting of complaints information by the Council and its services.

1.7 The following tables provide detailed performance data relating to the SPSO performance indicators; more information about these indicators can be found here [Performance and reporting | SPSO](#)

1.8 A breakdown of complaints by Council Directorate, service area and classification of complaints is also set out below. This includes complaints considered and investigated by the SPSO.

#### Performance Against Scottish Public Services Ombudsman Measures

		2020/21	2021/22	2022/23	2023/24	
		Clacks	Clacks	Clacks	Clacks	Scotland
<b>1</b>	Number of formal complaints received - Council	246	283	253	263	57,015
<b>1a</b>	Number of complaints received per 1,000 population	4.8	5.5	4.9	5.2	10.5
<b>1b</b>	Number of complaints closed per 1,000 population	3.8	5.5	4.2	5.2	10.2

		2020/21	2021/22	2022/23	2023/24	
		Clacks	Clacks	Clacks	Clacks	Scotland
<b>2(i)</b>	Number of complaints closed at stage 1 within 5 working days as % of total number of stage 1 complaints	78.7%	60.9%	73.1%	55.8%	67.1%
<b>2(ii)</b>	Number of complaints closed at stage 2 within 20 working days as % of total number of stage 2 complaints	80.0%	75.0%	57.9%	61.4%	63.4%
<b>2(iii)</b>	Number of escalated complaints closed within 20 working days as a % of total number of escalated stage 2 complaints	70.0%	66.7%	61.9%	50%	61.6%

		2020/21	2021/22	2022/23	2023/24	
		Clacks	Clacks	Clacks	Clacks	Scotland
<b>3(i)</b>	Average time in working days for a full response to complaints at stage 1	5.8 days	6.1 days	6.8 days	11 days	6.3 days
<b>3(ii)</b>	Average time in working days for a full response to complaints at stage 2	19.6 days	20.4 days	25.5 days	29 days	20.7 days
<b>3(iii)</b>	Average time in working days for a full response to complaints after escalation	26.9 days	17.9 days	24.7 days	31 days	18.6%

		2020/21	2021/22	2022/23	2023/24	
		Clacks	Clacks	Clacks	Clacks	Scotland
4(i)(a)	Number of complaints upheld at stage 1 as % of all complaints closed at stage 1	29.6%	25.9%	25.0%	8.7%	40.7%
4(i)(b)	Number of complaints not upheld at stage 1 as % of all complaints closed at stage 1	53.3%	42.4%	41.7%	25.7%	28%
4(i)(c)	Number of complaints partially upheld at stage 1 as % of all complaints closed at stage 1	17.2%	14.0%	17.3%	16.0%	14.5%
4(i)(d)	Number of complaints resolved at stage 1 as % of all complaints closed at stage 1	n/a	17.7%	16.0%	15.9%	16.8%
4(ii)(a)	Number of complaints upheld at stage 2 as % of all complaints closed at stage 2	0.0%	10.7%	26.3%	12.2%	18.3%
4(ii)(b)	Number of complaints not upheld at stage 2 as % of all complaints closed at stage 2	60.0%	42.9%	31.6%	29.8%	49.7%
4(ii)(c)	Number of complaints partially upheld at stage 2 as % of all complaints closed at stage 2	40.0%	46.4%	42.1%	26.3%	20.7%
4(ii)(d)	Number of complaints resolved at stage 2 as % of all complaints closed at stage 2	n/a	0.0%	0.0%	0%	11.3%
4(iii)(a)	Number of escalated complaints upheld at stage 2 as % of all escalated complaints closed at stage 2	10.0%	6.7%	14.3%	15%	24.6%
4(iii)(b)	Number of escalated complaints not upheld at stage 2 as % of all escalated complaints closed at stage 2	60.0%	46.7%	42.9%	10%	46.7%
4(iii)(c)	Number of escalated complaints partially upheld at stage 2 as % of all escalated complaints closed at stage 2	30.0%	40.0%	42.9%	35%	21.0%
4(iii)(d)	Number of escalated complaints resolved at stage 2 as % of all escalated complaints closed at stage 2	n/a	6.7%	0.0%	30%	7.7%

Note: 9.7% of stage 1 complaints were escalated to stage 2; 24.1% of stage 1 complaints do not have an outcome recorded on the complaints system.

Note: 31.6% of stage 2 complaints do not have an outcome recorded on the complaints system

Note: 10% of escalated complaints do not have an outcome recorded on the complaints system

Note: Scottish benchmark data is the latest available (2021/22).

## Complaints Data 2023/24 Breakdown by Directorate; Service and Classification

Tables A & B: All Complaints by Directorate and Stage 2023/24

<b>All Complaints by Directorate</b>	<b>% of total complaints</b>
People	32.7%
Place	55.9%
Partnerships and Performance	3.8%
Health and Social Care Partnership	7.6%

<b>Complaints by Stage and Directorate (number)</b>	<b>Stage1</b>	<b>Stage 2</b>	<b>Total</b>
People	58	28	86
Place	128	19	147
P&P	9	1	10
HSCP	11	9	20
Totals	206	57	263

Table C: Complaints by Service Area 2023/24

<b>All Complaints by Service Area</b>	<b>% of total complaints</b>
Children's Services	5.7%
Criminal Justice	6.1%
Development/Planning	9.5%
Education/schools	20.5%
Environment/waste	32%
Finance and Revenues	1.5%
Health and Social Care	7.6%
Housing	11.4%
Property	2.7%
Customer Service	1.1%
Legal and Governance	0.8%
Other	1.1%

Table D: Complaints by Sub-Service 2023/24

<b>All Complaints by sub service</b>	<b>% of total complaints</b>	<b>All Complaints by sub service</b>	<b>% of total complaints</b>
Buildings Maintenance	1.5%	Leisure Services	1.5%
Burial Grounds	0.8%	Libraries	0.8%
Child Protection	4.6%	Roads/footways	2.3%



Criminal Justice services	6.1%	Lighting	0.8%
Customer Services	0.8%	Non-elderly provision	3.0%
Early years	0.4%	Workforce/Employees	4.2%
Elderly Provision	3.0%	Planning and Building Standards	1.5%
Environmental Health	1.9%	Primary Schools	7.6%
Equipment and adaptations	0.8%	Public Archives	0.4%
Facilities Management	0.4%	Repairs	6.8%
Fleet	0.4%	Revenues	1.5%
Children's Services (general)	1.1%	Secondary Schools	6.5%
Housing	1.1%	Street Cleaning	0.8%
Lands Maintenance	5.3%	Tenancy and estate mgt	3.4%
Legal Services	0.4%	Travel and transport (education)	1.9%
Other	2.9%	Waste Management	23.9%
Traffic Management	1.5%		

Table E: All Complaints by Classification

<b>All Complaints by Classification</b>	<b>% of total complaints</b>
Communication	6.4%
Education	6.4%
Employees	14.8%
Policy and Procedure	7.2%
Service Provision	60.3%
Other	4.9%

Table F: Complaints by Response

<b>Complaints by Timeframe</b>	<b>% On time</b>	<b>% Out with time</b>
Stage 1 Complaints (managed with 5 day timeframe)	55.8%	44.2%
Stage 2 Complaints (managed within 20 day timeframe)	61.4%	38.6%

Table G: Complaints Investigated by SPSO in 23/24

<b>Complaint Investigated by SPSO 23/24</b>		
Number of Complaints	Upheld	Not Upheld
2	1	1
Classification	Policy/Administration	Handling of application

Table H: Enquiries and Complaints Reviewed by SPSO in 2023/24

<b>Subject</b>	<b>Clackmannanshire Council</b>
Building Control	0
Economic Development	0
<b>Education</b>	<b>2</b>
<b>Environmental Health &amp; Cleansing</b>	<b>2</b>
Finance	0
Fire & Police Boards	0
<b>Housing</b>	<b>2</b>
Land & Property	0
<b>Legal &amp; Admin</b>	<b>1</b>
National Park Authorities	0
<b>Other</b>	<b>1</b>
Personnel	0
<b>Planning</b>	<b>2</b>
Recreation & Leisure	0
<b>Roads &amp; Transport</b>	<b>1</b>
<b>Social Work</b>	<b>3</b>
<b>Subject unknown or Out of Jurisdiction</b>	<b>1</b>
Valuation Joint Boards	0
Welfare Fund - Community Care Grants	0
Welfare Fund - Crisis Grants	0
<b>Total</b>	<b>15</b>

Table I: Enquiries and Complaints Reviewed by SPSO by Outcome Group 23/24

<b>Stage</b>	<b>Outcome Group</b>	<b>Clackmannanshire Council</b>
<b>Advice</b>	A&G - Complaint submissions - mature	0
	<b>A&amp;G - Complaint submissions - premature</b>	<b>4</b>

	<b>A&amp;G - Enquiries</b>	<b>2</b>
	Organisation not in jurisdiction	0
	<b>Total</b>	<b>6</b>
<b>Early Resolution</b>	Cause and impact test not met (s 5 (3))	0
	<b>Discretion – Insufficient benefit would be achieved by investigation</b>	<b>3</b>
	Discretion – Alternative action proposed	0
	Discretion – Alternative route used or available	0
	<b>Discretion – Good complaint handling</b>	<b>2</b>
	<b>Discretion – Referred back</b>	<b>1</b>
	Discretion – Resolved - both parties satisfied with proposed outcome	0
	Member of the public test not met (s 5 (6))	0
	No response to contact	0
	Organisation not in jurisdiction	0
	Premature	0
	<b>Right of appeal to court/tribunal/Scottish ministers (s 7 (8))</b>	<b>1</b>
	Subject matter not in jurisdiction	0
	Time limit (s 10)	0
	Unable to proceed	0
	<b>Total</b>	<b>7</b>
<b>Investigation</b>	<b>Fully upheld</b>	<b>1</b>
	Not duly made or withdrawn	0
	<b>Not upheld</b>	<b>1</b>
	Resolved	0
	Some upheld	0
	<b>Total</b>	<b>2</b>
<b>Total</b>		<b>15</b>

