

# **Scottish Borders Council Annual Complaint Performance Report 2022/23**

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# 1. Overview

## 1.1. Introduction

This is the council’s annual complaints performance report that provides information on customer complaints received and closed between 1 April 2022 and 31 March 2023.

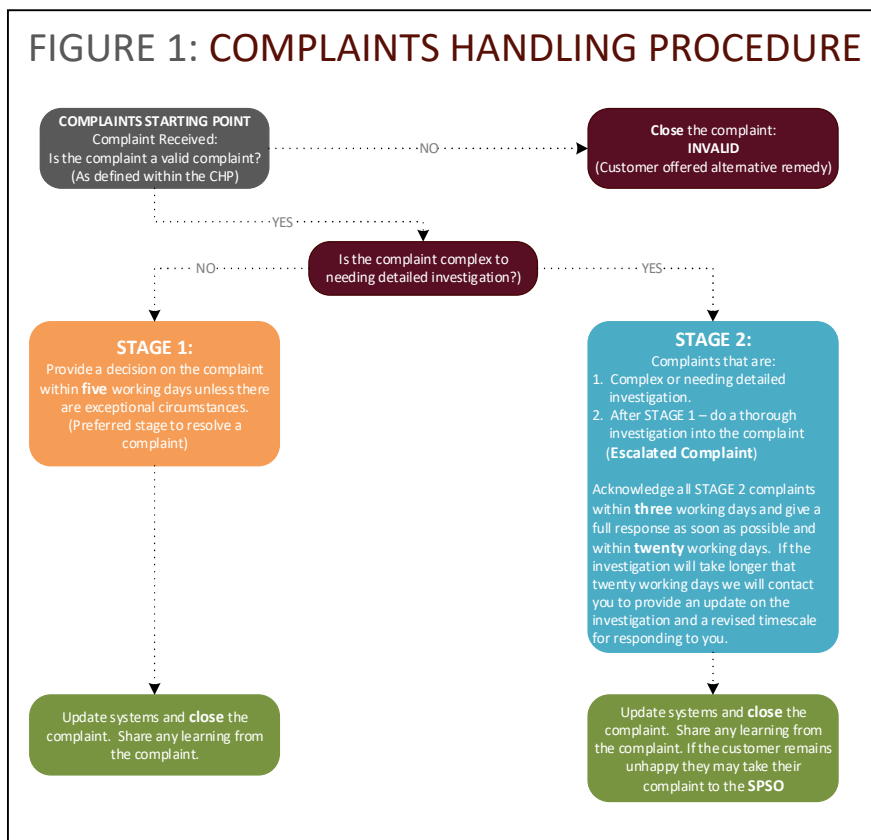
Scottish Borders Council always aims to provide the highest possible quality of service to the residents, business owners and service users within the Scottish Borders. However, there are times when things go wrong and we fail to meet the expectations of our customers.

The council’s complaints procedure provides a clear and structured way to provide feedback on what has gone wrong with a council service. The process to resolution should be straightforward and timely. Listening to our customers helps us to put things right, improve our services and learn from our mistakes.

This report provides us with an opportunity to share how well we are performing.

## 1.2. Corporate Complaints Procedure

The objective of the Complaints Handling Procedure (CHP) is to resolve customer dissatisfaction as close to the point of service delivery and as soon as possible at Stage One in the procedure. Figure 1 is a flow chart of SBC’s CHP. Complaints can be raised online, by email, in person, by telephone or by letter.



Complaints performance is reported on a quarterly basis to both the council’s Senior Leadership Team and the council’s Executive Committee. All complaints performance statistics are reported to the public and are available on the council’s website.

## 2. Complaint Performance Statistics

This report presents how SBC performs based on eight key performance indicators developed by the Scottish Public Services Ombudsman (SPSO) in conjunction with all 32 Scottish Local Authorities.

The number of valid complaints closed in 2022-23 was 813. This is a decrease on the number closed in the previous year. The council will continue to analyse complaints to help inform service improvement, identify training opportunities for our staff and to help prioritise our activities to meet the changing needs of the residents of the Scottish Borders.

Complaint benchmark data for 2022-23 is accurate at the time of publishing this report. Where applicable, this report has included the Scottish local authority national average and Family Group performance indicators for comparative information. The council’s performance relating to the processing of complaints performs well against the Scottish national averages in some indicators, specifically those relating to Stage One, but performance is poorer in relation to indicators that measure timeliness of responses.

### 2.1. Indicator 1: Complaints received per 1,000 population

This indicator records the total number of ‘Valid’ complaints received by SBC during the financial year (April to March) as a rate per 1,000 population. In 2022-23 SBC received **1131** complaints of which **265** were closed as ‘Invalid’. The remaining **866** were handled as ‘Valid’ complaints. This is equivalent to 7.5 received complaints per 1,000 population.

Table 1 provides SBC’s total complaints closed per 1,000 population over the past 6 years along with the Scottish and Family Group Averages for 2022-23. The table shows that there has been an increase in the number of complaints closed by SBC and the complaints closed per 1,000 population in 2022-23.

**Table 1: Complaints received per 1,000 population**

Measure	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Population Total	114,530	115,020	115,270	115,510	115,240	116,020	923,900	5,047,300
Total number of Valid	670	625	725	780	849	866	5538	58,845
Number of complaints per 1,000	5.8	5.4	6.3	6.8	7.4	7.5	6.0	11.66

### 2.2. Indicator 2: Closed complaints

This indicator provides information on the number of complaints closed at Stage One, Stage Two and Stage Two – Escalated complaints as a percentage of all complaints closed. Table 2 provides the performance information for this indicator.

The term ‘closed’ refers to a complaint that has had a response sent to the customer and at the time, no further action was required to respond to the customer.

Stage Two - Escalated complaints are those complaints that have been resolved at Stage One initially, but the customer was not satisfied with the response they received. When the customer requests that the same issue is considered again at Stage Two, of the CHP, these complaints are called 'Stage Two - Escalated' complaints.

**Table 2: Closed Complaints**

Complaints Closed as a % of all complaints closed	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	75%	78%	75%	85.4%	83.0%	85.6%	77.0%	87.6%
Stage Two	21%	17%	21%	12.2%	13.6%	9.3%	16.9%	8.3%
Stage Two - Escalated	4%	4%	5%	2.4%	3.4%	5.0%	6.1%	4.1%

### 2.3. Indicator 3: Complaint Outcomes

There is a requirement for a formal outcome to be recorded for each complaint. There are five outcomes, upheld, not upheld, partially upheld, resolved or invalid. In 2021 the Scottish Public Services Ombudsman (SPSO) introduced the fifth outcome for complaints. This was called Resolved. In 2022/23 SBC was able to measure the numbers of Resolved and partially upheld complaints from October 2022 when the new system was introduced.

This indicator measures the percentage of complaints, which were upheld, not upheld, partially upheld, or resolved at each stage. The results can be seen in Tables 3a, 3b, 3c and 3d. Additional information has also been included in relation to the reasons for invalid complaints (table 4).

**Table 3a: Upheld Complaints**

Complaints upheld	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	42%	37%	48%	36.6%	50.5%	39.5%	30.8%	39.3%
Stage Two	38%	45%	47%	38.5%	37.4%	38.2%	19.2%	30.4%
Stage Two - Escalated	50%	39%	30%	22.2%	44.8%	43.9%	24.1%	22.4%

**Table 3b: Not Upheld Complaints**

Complaints not upheld	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	58%	63%	52%	63.4%	49.5%	34.5%	38.1%	27.2%
Stage Two	62%	55%	53%	61.5%	62.6%	46.1%	54.9%	42.1%
Stage Two - Escalated	50%	61%	70%	77.8%	55.2%	34.1%	37.2%	42.6%

**Table 3c: Partially Upheld Complaints**

Complaints partially upheld	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	4.7%	9.2%	16.2%
Stage Two	15.8%	22.5%	20.0%
Stage Two - Escalated	22.0%	28.0%	24.3%

**Table 3d: Resolved Complaints**

Complaints resolved	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	21.3%	22.0%	16.1%
Stage Two	0.0%	3.4%	7.7%
Stage Two - Escalated	0.0%	10.7%	10.7%

**Table 4: Reasons for Invalid Complaints**

Reason for Invalid Outcome	No. of Invalid Complaints
First time request for a service	126
Request for compensation only i.e. insurance	15
Council is not responsible for the service the complaint is about	63
Matters complained about are in court or have already been heard in court	1
Matters raised have previously been considered	7
There is an alternative right to appeal	4
There is insufficient information	28
HR Related Matter	7
Logged in Error or Duplicate Complaint	14
<b>Total</b>	<b>265</b>

Of these invalid complaints approximately 74% are logged by customers themselves using an online form.

#### 2.4. Indicator 4: Average times

Indicator 4 represents the average time in working days to close complaints. Indicator 4 performance can be seen in Table 5.

**Table 5: Average times**

Average times	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	4.0	4.6	5.3	5.9	7.1	5.7	6.4	7.0
Stage Two	17.7	18.2	22.5	23.1	30.5	27.7	23.6	19.4
Stage Two - Escalated	18.0	14.9	32.4	41.6	42.2	31.6	29.6	23.7

The average time taken to close complaints at Stage One, Stage Two and Stage Two - Escalated has improved in 2022/23, however, SBC's performance is still below that of the Family Group and the Scottish Averages, with one exception. SBC's average working days to close a Frontline complaint is better than the Family Group and Scottish Average. Looking at the Family Group and the Scottish Average data there is a national picture of worsening performance for this indicator, with the exception of the Scottish Average for closing the Investigation Stage.

#### 2.5. Indicator 5: Performance against timescales

This indicator reports the percentage of complaints at each stage that were closed in full within the set timescales of 5 and 20 working days. These include cases where an extension to the timescale has been authorised. Indicator 5 performance can be seen in Table 6.

**Table 6: Performance against timescales**

Performance against timescales	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	86%	81%	77%	80%	80.6%	77.3%	75.1%	75.0%
Stage Two	67%	74%	60%	66%	49.6%	39.5%	58.5%	70.1%
Stage Two - Escalated	54%	79%	24%	22%	27.6%	26.8%	41.5%	57.7%

## 2.6. Indicator 6: Number of cases where an extension is authorised

SBC always aims to respond to complaints as quickly as possible. There are, however, times when a complaint is particularly complex and it is not feasible to fully investigate the issues within the prescribed timescales. In these situations SBC agree with a complainant to extend the timescale for closing the complaint.

This indicator reports the percentage of complaints at each stage where an extension to the 5 or 20 working day timeline has been authorised. Indicator 6 performance can be seen in Table 7.

**Table 7: Number of cases where an extension is authorised**

Percentage of cases where an extension is authorised	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	FG 1 Average 2022-23	Scottish Average 2022-23
Stage One	4%	3%	2%	1%	1.3%	3.9%	17.1%	5.8%
Stage Two	18%	11%	5%	3%	8.7%	23.7%	20.9%	10.6%
Stage Two - Escalated	31%	4%	6%	6%	10.3%	7.3%	17.7%	16.8%

## 2.7. Indicator 7: Customer Satisfaction

SBC runs a Complaint Handling Customer Satisfaction Survey on an ongoing basis. Customers are contacted approximately one week after their complaint is closed inviting them to provide feedback on their experience. Indicator 7 performance can be seen in Table 8. This indicator provides information on the levels of customer satisfaction with the complaint handling procedure and process.



The survey asks the customer to state how satisfied or dissatisfied they are with:

- Information about the complaints procedure being easy to access
- How easy they found it to make their complaint
- If they were happy that the Investigating Officer fully understood their complaint
- They were given the opportunity to fully explain their complaint
- That the points of their complaint were identified and responded to
- The response to their complaint was easy to understand
- Overall how satisfied they were with the handling of their complaint

They were also asked:

- If they were told if the response was going to take longer than the set timescales (five working days at stage 1 and 20 working days at stage 2)
- If they were clearly told what the next stage of the complaints process was for them

**Table 8: Customer Satisfaction**

<b>Survey Invitations Sent:</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2021/22</b>	<b>2022/23</b>
No. survey Invitations Sent	225	131	57	166	488	251
No. closed complaints	691	645	725	780	849	813
% of customers invited to respond to the survey	33%	20%	8%	21%	58%	30.9%
<b>Return Rate:</b>						
No. Returned	25	33	25	41	84	48
% Return Rate	11%	25%	44%	25%	17%	19.1%
<b>Responses:</b>						
Either Fairly or Very Satisfied	60%	49%	43%	58%	42%	45%
Either Fairly or Very Dissatisfied	20%	30%	38%	23%	37%	33%

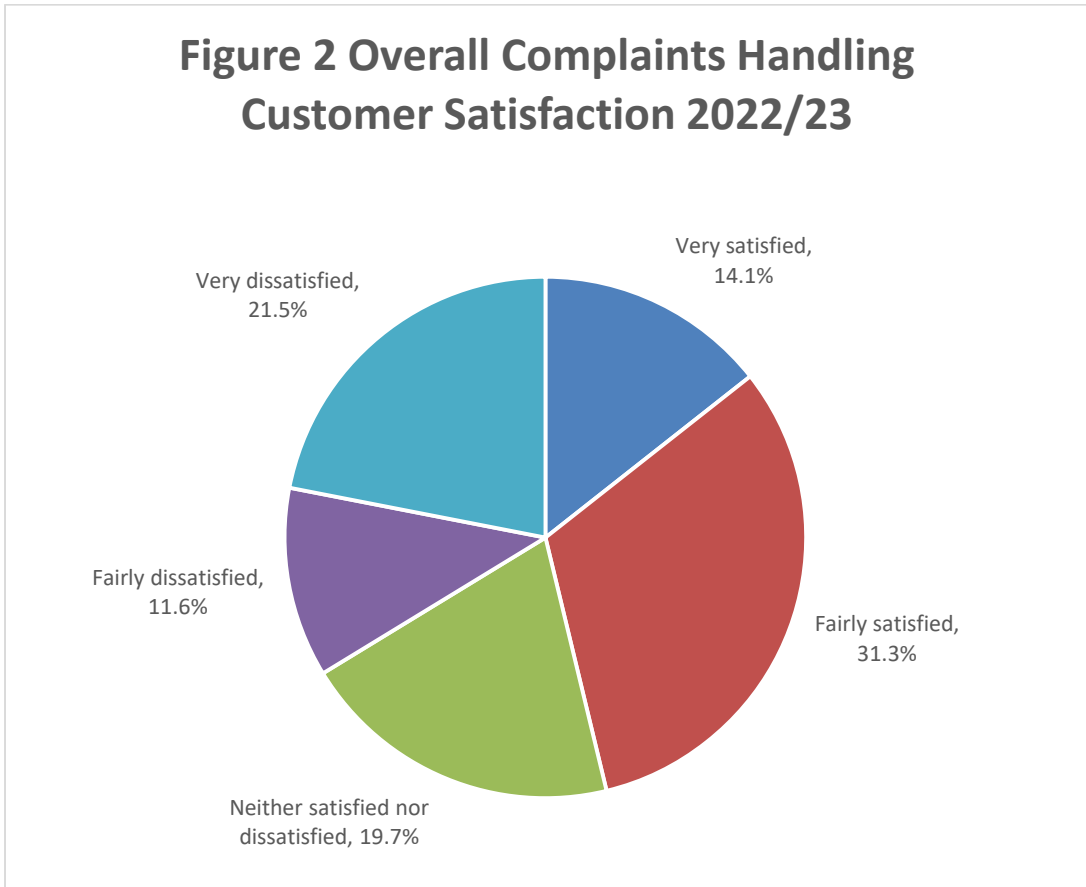
In 2022/23 the survey questions that received the highest satisfaction levels were:

- I found it easy to make my complaint – 60.4%
- Information about the complaints procedure was easily accessible – 58.3%
- I was given the opportunity to fully explain my complaint – 56.3%

In 2022/23 the survey questions that received the lowest satisfaction levels were:

- Overall, I was satisfied with the handling of my complaint – 50.0%
- I was happy that the Investigating Officer fully understood my complaint – 45.8%
- The points of my complaint were identified and responded to – 39.6%

**Figure 2 Overall Complaints Handling  
Customer Satisfaction 2022/23**



In 2022/23, approximately 31% of customers who made a complaint were invited to respond to a survey about their satisfaction with SBC’s handling of their complaint. The survey return rate has increased slightly from 17% in 2021-22 to 19% in 2022-23. In 2022/23, satisfaction with complaints handling has improved slightly.

In addition to recording complaints, SBC also records compliments. These compliments are submitted by customers online, or are received by Customer Advice and Support Services officers over the phone on the 0300 number or in emails sent to the enquiry mailbox. It should be noted that SBC also receives compliments directly to officers but these are not always recorded, and therefore cannot be included in these figures.

In 2022/23, the Council recorded approximately 110 recorded unsolicited comments and compliments for the services provided. This was a slight decrease from 112 in 2021/22. Of these 80 were compliments. These compliments related to areas such as curb-side waste and recycling, roads, community recycling centers, neighbourhoods, cemeteries, adult social care and customer services. Some examples of these compliments are as follows:

*“I want to thank the refuse collectors of yesterday. Access was impossible and I assumed that they wouldn’t be able to collect my rubbish, but they must have returned later by another route in order to collect. Very many thanks to them.”*

*“This is just a note of thanks to your Pest Control Team. I booked a call-out to deal with wasps yesterday morning and your Pest Control Officer attended at 8am this morning. Very impressed with the speed of the service. The lady I spoke to yesterday was also very pleasant and efficient.”*

*"Please convey to the Roads Department how impressed we are with the recent road resurfacing on Dingleton Road outside our house, - it was quick, it was efficient, and the road is transformed. Thank you!"*

*"I wish to thank you for the provision of motorhome parking. We Stayed on Saturday & Sunday, and supported local businesses spending money in Hawick & Denholm. The new service point is excellent, as supporters of Campra we feel it is vital to give you feedback for supporting motorhome / campervan parking. We look forward to visiting the town again in the future."*

*"I have been very impressed with the wildflower planting in Duns. It is beautiful! So want to thank whoever came up with the idea and those who put in the work to get the borders looking so nice."*

*"Thank you for passing on my request to have the gutter cleaned at the front of my home. A council cleaning lorry did the whole village today. A large thank you to the driver who took time to remove all the weeds in the gutter in our cul-de-sac, it has made a huge difference."*

*"Customer wanted to complement the man who was working in Shawpsrk Cemetery, Selkirk today. He went above and beyond his responsibilities and made a very difficult and sad day a lot easier".*

*"Customer emailed in to say how lovely and helpful the bin men were today. They had forgotten to put out their bin. The customer had to run down the street with her bin, and one of the workmen noticed this and came back to help her and take her bin to the lorry to be emptied".*

*"The customer had a fall around the Tait Hall area in Kelso on Monday. A Council Employee with a white van with black bin bags on the back assisted her. She thinks he was emptying the public waste bins in that area. She is hoping the department can find out who this was because she wants to give thanks and give him a gift as he was so helpful and kind".*

*"Can you please pass on our thanks to the carers for their great care and support they have given mum and us as a family over the last 12 years. She was very fortunate to have such caring people support her (& dad before he died ). We are all heartbroken she has gone, and I know it will be strange for some of the carers who have been part of her life for many years. From all of us. Thank You".*

*"Just wanted to commend Hawick for the excellent motorhome facilities at Victoria road car park. We drove down from Falkirk yesterday and have had a lovely stay here and spent time (and money) in the town yesterday. Hopefully other towns will follow your example".*

*"Please could you let the two guys who were performing the hedge cutting duties in the village today know that their work is very much appreciated. They took great care and precision to trim the hedge on Feuars Park despite the quite atrocious weather conditions. Thank you fellas. Nice job!"*

*"I live in Eyemouth and I had to contact to comment on the excellent service provided during this icy weather. It is not just the main roads that have been kept clear and safe, our pavements have also been gritted on a daily basis making it safe for everyone to go out. I work in another Local Authority area and it is an absolute disgrace, even the council car parks are a sheet of ice! So well done it is appreciated".*

*"I would like to pass on my thanks to A at customer advice. I contacted the council about my council tax and she was very helpful and friendly and completely put my mind at ease when I was very worried. I moved from another Local Authority area and you don't get the same service there that's for sure!"*

## 2.8. Indicator 8: Learning from Complaints

Formal complaint reports are provided to the Corporate Management Team on a monthly basis and complaints performance information is provided to Elected Members on a quarterly basis through our Corporate Public Performance Report.

We take all complaints seriously, and the information gathered from them is invaluable in helping to continually improve our services. Since the introduction of the Complaints Handling Procedure, many changes and improvements have been made to services as a result of complaints and some examples of case studies are detailed in this section.

### **Case Study One**

Customer A contacted the Council three times requesting information on the section and lair number of a relative. They were understandably upset that they did not receive a response to their enquiries.

It was found that an old email address for the cemetery's team, that was no longer monitored, was still available in the Council's email directory and unfortunately, the enquiries had been sent to that email address. The Cemetery's team have now requested the old email address is closed down, so this doesn't happen again.

### **Case Study Two**

Customer B complained that potholes on the road leading to his home had not been fixed, despite assurances that repairs to this section of road would be prioritised.

It was found that whilst these repairs had been added to the work plan, they were not marked as a priority. Officers have been reminded that all repairs need to be programmed along with all other competing priorities or this can affect delivery timescales. It is important that officers have this conversation with customers before agreeing to prioritise works. Officers have also been reminded of the importance of following up on issues where customers have been provided with assurances.

### **Case Study Three**

Customer C complained that the road outside their house was temporarily closed with no warning for surface dressing. This caused access issues for the residents who had no opportunity to make alternative arrangements.

It was found that officers had anticipated that a convoy system would be put in place during the surface dressing works, allowing residents access. Unfortunately, when officers arrived on site they discovered that the road was not wide enough to safely operate a convoy system. Residents have been assured that any further works in the area that require a road closure will be advertised in the normal manner and advance warning signs will be provided in advance.

#### **Case Study Four**

A number of customers complained about excessive verge cutting on some of the roads in and around Kelso. They felt that this was having an adverse effect on the habitats of bees and other invertebrates. They also felt that cutting the verges later in the year would be more beneficial to nature.

Officers explained that the Council's grass cutting policy has been changed and verge cutting takes place only once per season now. The specification is to cut the grass 1 meter into the verge, leaving the remainder of the verge untouched to provide a wider diversity of habitat. Grass cutting is extended at junctions to maintain visibility at sections of roads which have a greater volume of traffic travelling at higher speed. Some unclassified roads verges are not always cut and are left untouched all summer providing road safety is not impacted. However, there are localised sections of road that have been maintained by the landowners, and the Council has no control over this grass cutting.

Officers also explained that, given the scale of the operation and the need to address the issue of road safety it is not possible at this time to modify our current grass cutting timing. In order to shorten the period of grass cutting and slightly delay the operation, this would require a much larger fleet or number of contractors and would be financially unsustainable within the current funding envelope.

Officers committed to continue to look into the possibility of delaying cutting completely for one year at more rural sites to try and leave sites untouched for one season as well as other opportunities to try and reduce the impact of our operation of flora and fauna.

#### **Case Study Five**

A number of customers complained that their children's school bus passes did not arrive before the start of the school term. Many children were left stranded at bus stops.

All school bus operators were given lists of the children that were allocated to their routes, so the children could catch the buses until their bus passes were ready. The Council also committed to reviewing the timeline for home to school transport planning, with the aim of having passes and arrangements in place before schools closed for the holidays.

#### **Case Study Six**

A customer complained that the street that live on is never cleaned. The gutters are filthy and detract from the area.

The Council explained that the street wasn't cleaned because parked cars line the street and prevent the street sweeper machine from reaching the gutters. The Council committed to trying to clean the street at different times through the day, i.e. early in the morning.

### 3. SPSO LEARNING AND IMPROVEMENT

Customers can ask the SPSO to look at their complaint once we've fully investigated, if they're still not satisfied with our decision or the way we handled the complaint.

In 2022/23, the SPSO received 21 and closed 22 complaints about SBC. This is equal to 2.0% of all complaints received by the SPSO in relation to the Local Authority sector, or 1.9% of all complaints closed by the SPSO in relation to the Local Authority sector. The numbers of complaints that go to the SPSO are a very small proportion of all the complaints made about Scottish Local Authorities; this is illustrated in Figure 3.

**Figure 1: Illustration of SPSO complaints of all complaints for 2022/23**

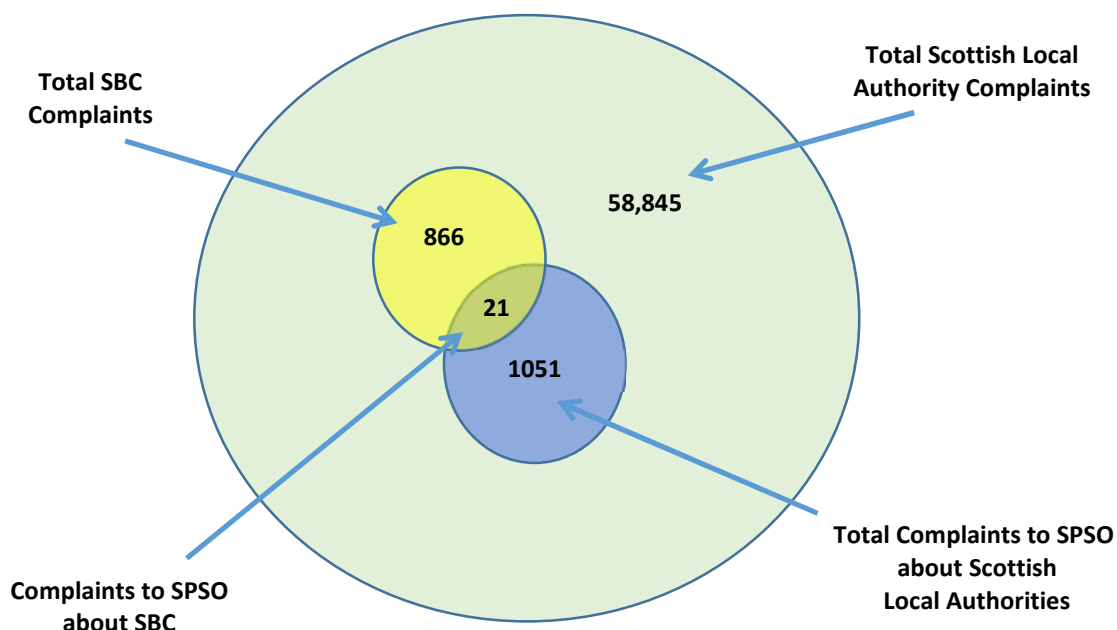


Table 9 below shows the number of complaints about SBC received by the SPSO and this as a percentage of the Local Authority Sector

**Table 9: SPSO Complaints Received by Year**

SPSO Received Complaints /Year	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
SPSO Received Complaints about SBC	20	27	11	41	15	25	21
SBC Complaints as % all for Scottish Local Authority sector	1.3%	1.8%	0.8%	3.3%	1.6%	2.1%	2.0%

Table 10 below shows how SBC compares to the Scottish Local Authority Sector in relation to complaints closed by the SPSO.

**Table 10: SPSO Closed Complaints for SBC / Year**

SPSO Closed Complaints for SBC / Year	2020/21			2021/22			2022/23		
	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %	SBC Count	SBC %	Sector %
<b>Closed</b>	17	1.80%	1.70%	21	1.90%	2.00%	22	1.90%	2.00%
<b>Stage SPSO Complaint Closed</b>									
Advice	6	1.60%	40%	10	2.30%	39.10%	5	1.20%	36.80%
Early Resolution	10	2.00%	53%	9	1.40%	57.50%	15	2.10%	61.00%
Investigation	1	1.60%	7%	2	5.30%	3.40%	2	8.00%	2.20%
Premature	2	0.80%	27%	8	2.70%	26.30%	0	0.00%	0.30%
<b>SPSO Decision</b>									
Fit for SPSO	1	1.60%	7%	2	5.30%	3.40%	2	8.00%	2.20%
<b>Upheld / Partially Upheld</b>	<b>0</b>	<b>0%</b>	<b>4%</b>	<b>1</b>	<b>4.00%</b>	<b>2.20%</b>	<b>1</b>	<b>5.30%</b>	<b>1.70%</b>

In 2022/23, the SPSO undertook two investigations into complaints about SBC. The published Case Studies for these complaints are detailed below. Case Study One was partially upheld and there were two recommendations, and Case Study Two was not upheld and there were no recommendations.

#### **Case Study One:**

C complained that social work failed to reasonably assess A's needs following a hospital admission, in relation to whether they required 24-hour care, and C's concerns that social work ignored clinical opinions.

The SPSO took independent advice from a social worker. They considered that it was reasonable for social work to have concluded initially that A did not technically meet the criteria for residential care and was functionally fit to be discharged home with a support package. While they noted that the opinions of others were taken into account in arriving at this conclusion, they considered that there was a failure to fully examine the emotional impact on A of potentially being discharged. The council had already acknowledged that there could have been more detailed discussion with A's GP and further exploration of the views of a specialist nurse from the psychiatry team, which the SPSO agreed with. The SPSO also considered that some wording used in the social work assessment to describe A's reactions could have been perceived to lack empathy and compassion. The SPSO upheld this complaint.

A suffered a stroke three days after the initial social work assessment was concluded. They were in temporary accommodation at the time, awaiting further assessment. It was subsequently agreed that A required 24-hour care. They remained in the temporary facility until their transfer to a care home, but died a month later. C complained that a delay in social work re-assessing A delayed their transfer to a care home, which meant the transfer took place during lockdown when the family were unable to support A with the move. The council advised that A was re-assessed in a timely manner once a care home vacancy became available. The SPSO considered that it was reasonable for the assessment to be updated once a vacancy arose and were satisfied that the delay was due to a lack of available places and not due to a failing on the part of social work. The SPSO did not uphold this complaint.

**Recommendations:**

The SPSO asked the council to:

- Apologise to C for failing to give enough weight to the emotional impact on A of potentially being discharged and for the wording used to describe A's reactions.

What the SPSO said should change to put things right in future:

- Appropriate weight should be given to the emotional impact of discharge on clients. Social workers should be aware of the impact of language used and where it may be perceived to lack empathy and compassion.

**Case Study Two:**

C cares for their spouse (A) who has Alzheimer's disease. C complained about the council's social work department, after they took action under their Adult Support and Protection (ASP) procedures, including obtaining a warrant to remove A from home. C complained that false allegations about them resulted in the warrant being issued and served. They complained that social work staff had presented unsubstantiated claims of neglect and abuse during the ASP proceedings.

The SPSO took independent social work advice. They noted that there was evidence that C was experiencing stress in their caring role and that there was a difficult relationship with social work. They noted that there were periods during which A was locked in the house alone and C had mentioned that A may have bruising on them and would not allow access for a GP to assess A at that moment in time. The SPSO found that there was sufficient evidence to indicate that the council had a statutory duty to investigate the circumstances and put in place an action to safeguard A's welfare.

The SPSO found that the council followed the ASP process reasonably, seeking input from C and relevant professionals. A number of actions were agreed to ensure that both C and A had the support they needed in place and once it was established that the appropriate support was in place the ASP process was ended. The SPSO were also satisfied that it was reasonable for certain meetings to take place without C and A's involvement. Therefore, the SPSO did not uphold this part of C's complaint.

C also complained about the council's communication in respect of these matters. The SPSO found that the council had attempted to communicate clearly and openly with C. The SPSO considered that the circumstances themselves and the stress and anxiety involved likely contributed to a breakdown in communication. Therefore, the SPSO did not uphold this part of C's complaint.



## 4. 2022/23 Complaint Summary

In 2022/23, the council received 866 valid complaints and this represents an increase of 17 from the 2021/22 figure of 849.

85.6% of all complaints closed by the council were resolved at Stage One (Frontline Resolution), 9.3% of complaints resolved at Stage Two (Investigation) with the remaining 5% of complaints being resolved at Stage Two – Escalated.

The average times taken by the council to resolve Stage One, Stage Two and Stage Two – Escalated complaints were 5.7 days, 27.7 days and 31.6 days respectively. The council's overall performance relating to the timeliness of processing complaints has decreased for all stages. Processing timeliness for Stage Two complaints has decreased by approximately 10%. Of the 76 Stage Two complaints, only 30 were answered on time. That said, the council's performance in closing complaints on time at Stage One is better than the Family Group and only 2% lower than the Scottish Averages and accounts for 85.6% of all the complaints submitted. SBC's performance at Stage Two and Stage Two - Escalated complaints is worse than the Family Group and Scottish Averages.

77.3% of Stage One complaints were closed within 5 days and 39.5% of Stage Two complaints were closed within 20 days, which is a drop of 10% when compared to 2021/22. The percentages in 2020/21 & 2021/22 were 66% and 49.6% respectively. 26.8% of Stage Two - Escalated complaints were closed within 20 working days compared to 27.6% in 2021/22. The Scottish National Average for 2022-23 is 75% and 70.1% for Stage One and Stage Two resolution respectively. SBC's performance at Stage One in relation to the Scottish and Family Group averages is positive. The Scottish National Average for 2022-23 for Stage Two - Escalated complaints is 57.7%.

In 2021 the Scottish Public Services Ombudsman introduced a fifth outcome for complaints. This is called Resolved. In 2022/23 SBC was able to measure the numbers of Resolved and partially upheld complaints for the first time from October 2022 when the new system was introduced. There are some teething issues with the use of the resolved outcome category because the outcome is not being used as it is sometimes being confused with closing a complaint. Unfortunately, this means that the Resolved figures are higher than they should be.

The percentage of Stage One, Stage Two and Stage Two - Escalated complaints that were upheld in 2022/23 were 39.5%, 38.2% and 43.9% respectively. SBC's upheld rates were higher than the Scottish National Averages for 2022/23 that were 39.3%, 30.4% and 22.4%.

SBC's upheld rates have dropped significantly compared to 2021/22, this is because from October 2022 we have been recording partially upheld as an outcome. Previously complaints in this category would have been part of the upheld figures. By now recording partially upheld outcomes, this allows us to better benchmark with the Family Group and Scottish Average.

2022/23 is also the first time that SBC have reported on the reasons for invalid complaints. This was following a request from Elected Members for more information relating to invalid complaints. It should be noted that approximately half the invalid complaints are actually classed as first-time requests for a service, which fall outwith the scope of the complaints procedure. In addition, approximately 74% of these invalid complaints are raised by customers themselves using an online form.

In 2022/23, the number of surveys issued decreased significantly compared to 2021/22. However, we achieved a return rate of 19.1%, which was up from 17% in 2021/22. The percentage of customers either fairly or very satisfied has increased with 45% fairly or very satisfied. We continue to have more customers say they are fairly satisfied with the handling of their complaint than any of the other categories. See Figure 2.

The survey question that received the highest satisfaction levels was, I found it easy to make my complaint – 60.4%. The survey question that received the lowest satisfaction levels was, Overall, I was satisfied with the handling of my complaint – 50.0%.

In 2022/23, the Council also received approximately 110 unsolicited comments and compliments for the services provided. This was a slight decrease from 112 in 2021/22. Of these 80 were compliments. These compliments related to areas such as curb-side waste and recycling, roads, community recycling centers, neighbourhoods, cemeteries, adult social care and customer services.

Overall, there has been a decrease in both the numbers of complaints received and closed in 2022/23 compared to the previous year. In 2022/23, for the first time we have recorded partially upheld and resolved complaints. This has had an impact on the upheld and not upheld complaint statistics. Given partially upheld and resolved have only been recorded since October 2022, it will take another year of reporting before we can meaningfully benchmark these statistics. The council's performance relating to the processing of complaints performs well against the Scottish National averages in some indicators, specifically those relating to Stage One, but performance is poorer in relation to indicators that measure timeliness of responses. Work continues to be done on pursuing overdue complaints more vigorously, which will hopefully have a positive impact on the indicators in 2023/24.

## 5. Live Borders Complaints

Live Borders has a Complaints Handling Procedure that aligns with SBC’s and the SPSO’s Model Complaints Handling Procedure (MCHP). The Volume of all complaints, comments and compliments for 2022/23 are presented below as well as overall figures for 2016/17, 2017/18, 2018/19 and 2019/20 for comparison. Figures for 2020/21 are missing due to service closures for much of the year as a result of Covid.

Complaints 2022/23	Q1	Q2	Q3	Q4	2022/23	2021/22	2019/20	2018/19	2017/18	2016/17
Price	0	2	0	0	2	7	4	8	14	16
Booking/access/info	11	9	9	13	42	32	61	87	55	78
Quality	7	6	10	4	27	17	45	47	47	27
Staff attitude	1	2	1	3	7	5	9	19	11	4
Other	2	7	3	5	17	24	37	21	47	8
<b>Total</b>	<b>21</b>	<b>26</b>	<b>23</b>	<b>25</b>	<b>95</b>	<b>85</b>	<b>156</b>	<b>181</b>	<b>174</b>	<b>133</b>
Comments	0	0	0	0	0	0	31	72	87	64
Compliments					21	14	25	12	21	8

The number of complaints recorded has increased from 85 in 2021/22 to 95 in 2022/23. However, this is still a decrease since 2019/20 when there were 156 complaints. In 2022/23 there were no recorded comments and number of compliments has increased by a third.

**Channel:**

In 2022/23 83% of complaints were received via email of the website with the remaining 17% by telephone or letter.

**Price:**

The number of complaints concerning price (2%) continues to indicate that our price point is right for the Borders.

**Booking / access/ information:**

This continues to be the main cause for complaint (44%). We have introduced a new app which greatly simplifies the booking process and we hope to see a decrease in the number of complaints concerning booking / access /information going forward.

**Staff Attitude:**

In 2022/23 the number of complaints about staff attitude has increased slightly from 6% in 2021/22 to 7%.

**Quality:**

The number of complaints concerning quality has increased from 20% in 2021/22 to 28% in 2022/23. They concerned temperatures and cleanliness in the main and 66% of these were upheld

**Other:**

There were a number of other complaints (18%) and several of these concerned noise, from children playing outside a community centre to a town hall clock chiming during the night.

**ANNUAL COMPLAINT PERFORMANCE REPORT | 2022-23**

<b>Complaints Received</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total 2022/23</b>
Stage 1	21	23	21	25	90
Stage 2	0	1	1	0	2
Stage 2 - Escalated	0	2	1	0	3
Total received	21	26	23	25	95
Received online	1	7	10	7	25
% received online	4.8%	26.9%	43.5%	28.0%	<b>26.3%</b>
Complaints received per 1,000 population	<b>0.18</b>	<b>0.22</b>	<b>0.20</b>	<b>0.22</b>	<b>0.82</b>

<b>Complaints Closed</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total 2022/23</b>
Stage 1	21	22	22	25	90
Stage 2	0	1	1	0	2
Stage Two - Escalated	0	1	2	0	3
Total Complaints Closed	<b>21</b>	<b>24</b>	<b>25</b>	<b>25</b>	<b>95</b>

<b>Compliant Outcomes</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total 2022/23</b>
<b>Stage 1</b>					
Upheld (No.s)	3	8	9	13	33
Upheld (% of all complaints closed at Stage 1)	14.3%	36.4%	40.9%	52.0%	36.7%
Not Upheld (No.s)	14	10	9	7	40
Not Upheld (% of all complaints closed at Stage 1)	66.7%	45.5%	40.9%	28.0%	44.4%
Partially Upheld (No.s)	4	5	3	5	17
Partially Upheld (% of all complaints closed at Stage 1)	19.0%	22.7%	13.6%	20.0%	18.9%
Resolved (No.s)	0	0	0	0	0
Resolved (% of all complaints closed at Stage 1)	0%	0%	0%	0%	0%
<b>Stage 2</b>					
Upheld (No.s)	0	0	0	0	0
Upheld (% of all complaints closed at Stage 2)	0%	0%	0%	0%	0%
Not Upheld (No.s)	0	1	0	0	1
Not Upheld (% of all complaints closed at Stage 2)	0%	100%	0%	0%	50.0%
Partially Upheld (No.s)	0	0	1	0	1
Partially Upheld (% of all complaints closed at Stage 2)	0%	0%	50.0%	0%	33.3%
Resolved (No.s)	0	0	0	0	0
Resolved (% of all complaints closed at Stage 2)	0%	0%	0%	0%	0%

## ANNUAL COMPLAINT PERFORMANCE REPORT | 2022-23

Compliant Outcomes	Q1	Q2	Q3	Q4	Total 2022/23
<b>Stage Two - Escalated</b>					
Upheld (No.s)	0	1	1	0	2
Upheld (% of all complaints closed at Stage 2 - Escalated)	0%	100%	50.0%	0%	66.7%
Not Upheld (No.s)	0	0	0	0	0
Not Upheld (% of all complaints closed at Stage 2 - Escalated)	0%	0%	0%	0%	0%
Partially Upheld (No.s)	0	1	0	0	1
Partially Upheld (% of all complaints closed at Stage 2 - Escalated)	0%	50.0%	0%	0%	33.3%
Resolved (No.s)	0	0	0	0	0
Resolved (% of all complaints closed at Stage 2 - Escalated)	0%	0%	0%	0%	0%

Closed within authorised timescale	Q1	Q2	Q3	Q4	Total 2022/23
Closed at stage 1 within 5 working days	19	18	19	23	79
% Closed at stage 1 within 5 working days	90.5%	78.3%	90.5%	92.0%	87.8%
Closed at stage 2 within 20 working days	0	1	1	0	2
% Closed at stage 2 within 20 working days	0%	100%	100%	0%	100%
Stage Two - Escalated and closed within 20 working days	0	1	1	0	2
% Stage Two - Escalated and closed within 20 working days	0%	50.0%	100%	0%	66.7%

Average time (working days) spent responding to complaints	Q1	Q2	Q3	Q4	Total 2022/23
Stage 1	3.2	2.8	2.7	2.8	2.9
Stage 2	0.0	6.0	17.0	0.0	5.8
Stage 2 - Escalated	0.0	20.0	19.0	0.0	9.8

### 5.1 Live Borders Learning from Complaints

#### Staff Attitude:

In one case a child was upset at their swimming lessons, we engaged with the parent with understanding, resulting in the child being moved to an earlier lesson time when they were less tired.

## 5.2 2022/23 Comments & Compliments

Compliments are shared with our staff or the facility concerned, and the upward management structure. Compliments in the main are about our staff, their friendliness, helpfulness and knowledge. We are proud of our people.

An Example includes:

*“The transformation in his confidence, ability and most importantly his enjoyment of swimming has been vast since he started with you. It is a joy to watch you working with the children. You are so enthusiastic and encouraging, which clearly makes the children enthusiastic too”.*