

Report No: **SLAB/2021/17**

 Agenda Item: **07**

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| **Report to:** | The Board |
| **Meeting Date:** | 17th May 2021 |
| **Report Title** | Complaints Update 2020-2021 |
| **Report Category** | For Discussion |
| **Issue status:** | Business as usual |

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| **Written by:** | Stuart Drummond, Corporate Governance and Policy Officer and Andrew McIntosh, Corporate Support Manager |
| **Director responsible:** | Anne Dickson |
| **Presented by:** | Andrew McIntosh |
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| **Link to Board or Committee Remit** |
| This paper is linked to the Board’s function of overseeing performance.  |

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| **Delivery of Strategic Objectives** |
| Select the Strategic Objective(s) relevant to the issues  | 1. We deliver a high quality user focussed service
2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery
3. We engage with users and delivery partners across the legal aid and justice system to inform good design of our system and services
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| **Publication of the Paper** |
| We have considered this paper for its suitability to be published. We recommend to the Board that the paper is published. The information is not sensitive. |

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| **Previous Consideration** |
| **Meeting** | **Detail** |
| 15 March 2021 | Members were updated on complaints data for April 2019 to March 2020 and updated on the plans to implement the Revised Model Complaints Handling ProcedureMembers discussed and **noted** the paper. |

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| **Report** |

**Background**

1. We reported to the Board at the last meeting on complaints data for the year 2019-20. This had been delayed due to shortage of resources. This report covers the year 2020-21 and represents a return to timely reporting of complaints data. As we move into 2021-22 we will move to the quarterly publication of complaints data to bring us into full compliance with the SPSO’s Model Complaint Handling Procedure.
2. **Frontline complaints** are issues that are straightforward and easily resolved with little or no investigation required. These complaints have a response deadline of five working days.
3. **Investigation complaints** are those that have not been resolved at the frontline or for issues that are serious, complex or high risk. These complaints have a response deadline of 20 working days.
4. This paper covers the period 1st April 2020 to 31st March 2021. There was a total of 61 resolved complaints, 15 of which were frontline and 46 investigation complaints.

**Analysis**

**Frontline complaints received**

1. See **Table 1** appended.
2. There were 15 frontline complaints resolved during the reporting period. In the same period in the previous year there were 16 frontline complaints resolved.
3. Of these, 14 were found to be ‘not upheld’ and one ‘partly upheld’. In the same period in the previous year there were 14 “not upheld” and one “partly upheld”.
4. The partially upheld complaint related to Civil Accounts and a solicitor who was unhappy with the way in which their account had been handled. An apology was issued to the solicitor and no further action was required.
5. The Civil Legal Assistance Office account for 12 of the 14 frontline complaints, none of which were upheld. The majority of these are from members of the public seeking a service in non-core areas of work and being dissatisfied that they had to be signposted or referred.
6. 14 of the frontline complaints (93%) were dealt with within the five day timescale.
7. We will shortly be running a number of sessions with managers to discuss complaints handling generally on the back of the new SPSO Model being adopted. The recording of frontline complaints will be covered as part of this to encourage consistent recording across the business.

**Investigation complaints received**

1. See **Table 2** appended.
2. 46 investigation complaints were received, of which 34 (74%) were found to be ‘not upheld’. 11 were found to be ‘upheld’ and one ‘partly upheld’.
3. In the same period in the previous year 56 investigation complaints were received, of which 47 were found to be ‘not upheld’. Only six were found to be ‘upheld’ and two ‘partly upheld’.
4. 20 complaints were classed as being ‘dissatisfaction with SLAB policy or procedure’. Of those, 19 were found to be ‘not upheld’.
5. We continue to respond to complaints in a timely manner. Of the 46 complaints responded to, 41 (89%) were responded to within the 20 working day deadline.
6. The distribution of complaints across departments is similar to the previous complaints update with Civil Applications receiving 28 (61%) of complaints. The majority of these (89%) were not upheld. One complaint was partially upheld in relation to poor communication and standard of service and an explanation and apology were issued. Of the two upheld complaints, one was in relation to poor communication and standard of service and an explanation and apology were issued and the other was a complaint in relation to a mistake in decision making. This resulted in an apology and a review of the decision. All of upheld or partially upheld complaints were from solicitors.
7. Four of the eight complaints to Civil Finance were upheld. Three of those were from applicants in relation to poor communication or standard of service. Full explanations and apologies were provided. These were isolated incidents and no further follow up was required in terms of staff performance. The fourth upheld complaint was from a solicitor in relation to dissatisfaction with SLAB procedure or policy. In this case the matter was reviewed, fault admitted and the matter resolved to the complainer’s satisfaction. This was not a question of the procedure being problematic, rather than an isolated incident of the proper procedure not being followed.
8. The remaining upheld complaints all related to minor administrative or technical errors and all complainers were apologised to and provided with an explanation.
9. No major policy or procedural changes were required to address any of the issues raised in the complaints.

**Revised Model Complaints Handling Procedure (MCHP)**

1. The revised Model Complaints Handling Procedure was adopted by SLAB on 1st April 2021. This was accompanied by staff guidance and internal communications.
2. Sessions are being finalised with complaints managers to address any questions they may have about the changes brought in by the revised process, and to discuss complaints handling generally.
3. As reported in the March 2021 Complaints Update, a separate review of further changes that could be made to discretional policy on our complaints handling will be made in the second half of 2021-22.

**Conclusion**

1. Overall, we are comfortable that there is nothing within the subject matter or pattern of complaints that would suggest systemic failures.

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|  | **Governance Links** |
| 1 | **Finance and Resources**No issues of note. |
| 2 | **Risk** Complaints are an important way in which we can assess our service. Acting as a result of upheld complaints is a key control for several risks that we face. |
| 3 | **Legal and Compliance**Our complaints handling procedure follows a mandatory model supplied by the Scottish Public Services Ombudsman.  |
| 4 | **Performance**No issues of note. |
| 5 | **Equalities Impact**An equalities impact assessment will be carried out in relation to the changes made in line with the revised MCHP. |
| 6 | **Privacy Impact and Data Protection**Nothing to note. |
| 7 | **Communications and Engagement**This paper will be published as part of our ongoing commitment to publish board papers. |

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| **Conclusion and next steps** |
| Members are asked to note and comment on the report.  |

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| **Appendices/Further Reading** |
| Appendix A: Frontline Complaints TableAppendix B: Investigation Complaints Table |

Table 1 – Frontline Complaints



Table 2 – Investigation Complaints

