

Report No: **SLAB/2021/31**

Agenda Item:09

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| **Report to:** | The Board |
| **Meeting Date:** | 10th August 2021 |
| **Report Title** | Quarterly Complaints Report: April 2021-June 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** |
| This paper is suitable for publication. The information is not sensitive and we are obligated to publish data on complaints under the SPSO model code. |

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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 Procedure  Members discussed and **noted** the paper. |
| 15 May 2021 | Members were updated on complaints data for April 2020 to March 2021 and updated on the plans to implement the Revised Model Complaints Handling Procedure  Members discussed and **noted** the paper. |

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| **Report** |

**Background**

1. We reported to the Board at the last meeting on our plans to move to the quarterly publication of complaints data to bring us into full compliance with the Scottish Public Service Ombudsman’s Model Complaints Handling Procedure. This is the first of these quarterly reports and brings us back on track with timely reporting following some resource issues caused by a vacancy in the team.
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. **Resolved complaints** are a new category introduced by the revised Model Complaints Handling Procedure from April 2021. They are complaints where both SLAB and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.
5. This paper covers the first quarter of 2021, 1st April 2021 to 30th June 2021. In that period we received a total of 11 complaints, three of which were frontline complaints and eight investigation complaints. This compares to one frontline complaint and 11 investigation complaints in the same period last year.

**Analysis**

**Frontline complaints received**

1. See **Table 1** appended.
2. There were three frontline complaints resolved during the reporting period. All three were in relation to Civil Applications.
3. Of these, one was found to be ‘not upheld’, one ‘upheld’ and one was ‘resolved’.
4. The upheld complaint was in relation to poor communication or standard of service. An opponent had requested correspondence be sent via email and this was not done. An apology was issued and records amended to ensure correspondence was to be sent by email as requested.
5. All three frontline complaints were dealt with within the five day timescale.

**Investigation complaints received**

1. See **Table 2** appended.
2. Eight investigation complaints were received, of which seven (87.5%) were found to be ‘not upheld’. One was found to be ‘partly upheld’.
3. Five complaints were classed as being ‘dissatisfaction with SLAB policy or procedure’. Of those, none were upheld.
4. Two complaints were classed as “poor communication or standard of service” and one was partially upheld.
5. The partially upheld complaint was made to Civil Applications by a solicitor in relation to poor communication or standards of service. An apology was issued. There had been a minor miscommunication and no further action was required.
6. As part of our work to improve complaints handling reporting, we will look to see how our systems can assist us to more easily drill down into the detail of complaints to analyse if there are certain policies or procedures, or ways in which we are communicating that are generating a disproportionate number of complaints.
7. We continue to respond to complaints in a timely manner. Of the eight complaints responded to, six (75%) were responded to within the 20 working day deadline.
8. Civil Applications received most of the complaints (62.5%), which is consistent with previous reports and reflects what is a more complex procedure than many others, rather than the standard of service being supplied.
9. In terms of follow up and learning from complaints, there are no policy or procedural changes are 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. Initial sessions have been held with the managers dealing with the majority of complaints to address any questions they may have about the changes brought in by the revised process, and to discuss complaints handling generally. There will be further sessions held with more managers over the next few weeks.
3. The revised SPSO model sets out the importance of quarterly reporting. In line with our values, particularly on transparency and accountability, we will not rely solely on the publication of board papers to meet this requirement. We will be developing the complaints section of the website to include the quarterly data which should ensure that it has greater visibility that it would otherwise.
4. As previously reported, a separate review of further changes that could be made to discretional policy on our complaints handling is now being considered.

**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 Table  Appendix B: Investigation Complaints Table |

Table 1 – Frontline Complaints



Table 2 – Investigation Complaints

