

**Report No: SLAB/2022/17**

**Agenda Item: 08**

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| **Report to:** | The Board |
| **Meeting Date:** | 16 May 2022 |
| **Report Title** | Combined Quarterly Complaints Report: October 2021 to March 2022 |
| **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:** | Marie-Louise Fox |
| **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 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. |
| 10 August 2021 | Members were provided with the first quarterly report for quarter 1 of 2021.  Members noted the low volume of complaints and requested that future reports explain why deadlines for responses were missed.  Members discussed and **noted** the paper. |
| December 2021 | Members were provided with the quarterly report for quarter 2 of 2021-2022.  Members discussed and noted the paper. |

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| **Report** |

**Background**

1. This report covers the third and fourth quarter of the 2021-2022 financial year. Quarter three covers 1st October to 31st December 2021 and quarter four covers 1st January to 31st March 2022.
2. Table 5 showing the number of complaints across all four quarters has been appended.
3. **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.
4. **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.

**Analysis**

**Quarter three, October – December 2021**

**Frontline complaints received**

1. See **Table 1** appended.
2. There were two frontline complaints resolved during the reporting period compared with three in the previous quarter. Criminal and Civil Applications each received one complaint.
3. The frontline complaint to Criminal Applications, from an applicant, was categorised as “poor communication or standard of service” and was partially upheld.
4. In this particular case it was accepted that the different financial eligibility tests should have been better explained to the applicant, an apology was issued and staff were reminded of the process.
5. Both complaints were dealt with within the five day timescale.

**Investigation complaints received**

1. See **Table 3** appended.
2. Seven investigation complaints were received, of which five were found to be ‘not upheld’. Two were found to be ‘partially upheld’. This compares to 10 in the previous quarter.
3. There was one complaint each to Civil Accounts, Civil Applications and Client Legal Services. Civil Finance received four complaints.
4. The Civil Accounts complaint and one of the Civil Finance complaints was partially upheld. No other complaints were upheld.
5. The partially upheld complaint in Civil Accounts, from a solicitor, was categorised as “a mistake in decision making”. It related to a specific issue in relation to A&A and Civil Legal Aid which is being reviewed as part of the GALA project. The account was paid and the matter with the solicitor settled.
6. The Civil Finance complaint that was partially upheld was from an assisted person and categorised as “poor communication or standard of service”. An apology was issued for a letter that lacked clarity. No further corrective action was necessary.
7. All complaints were dealt with within the timescale.

**Quarter four, January – March 2022**

**Frontline complaints received**

1. See **Table 2** appended.
2. There were three frontline complaints resolved during the reporting period compared with two the previous quarter. Both complaints were made to Civil Applications, were from solicitors and were categorised as a “mistake in decision making”.
3. Two complaints were upheld and the other not upheld. One upheld complaint resulted in the initial decision being changed and an apology issued for a minor error made.
4. The remaining upheld complaint, from a solicitor, concerned Civil Applications and concerned a minor error in the diversion of a phone call to an incorrect extension. An apology was issued and a process would be put in place to double check numbers before diverting calls.
5. Both complaints were dealt with within the five day timescale.

**Investigation complaints received**

1. See **Table 4** appended.
2. Six investigation complaints were received, of which two were found to be ‘not upheld’. This compares to seven the previous quarter. Two were found to be ‘partially upheld’ and two were ‘upheld’.
3. Two of the upheld complaints were made to Civil Finance. One related to poor communication and the matter was rectified with an apology issued. The other related to a mistake in decision making, which resulted in a review and reconsideration of the initial decision. No systemic failures were present.
4. There were two partially upheld complaints both of which related to perceived inaccurate information on the website concerning the tool that the public can use to help find a solicitor. The responses to these two complaints were slightly late (one day) as some time was taken to ascertain whether the complaints were actually from the same person. The complainers in the partially upheld complaints were not happy as a number of firms they had contacted had informed them that they did not offer legal aid. We are reliant on solicitors informing us of changes to the way in which they offer legal aid, such as the cases that they consider, or if they cease to offer the service. We are currently looking at ways to improve the information on the solicitor finder tool, which is part of a wider programme of work being done in relation to access to legal aid solicitors.

**Scottish Public Service Ombudsman Complaints**

1. If a complainer remains unhappy once the SLAB complaints process has been completed they have the option to have the outcome reviewed by the Scottish Public Services Ombudsman (SPSO).
2. There were three complaints in the reporting period referred to the SPSO by complainers. All three were not taken further by the SPSO who found that we had dealt with the complaints appropriately and reasonably.

**Conclusion**

1. Overall, complaint numbers remain low although the proportion of upheld or partially upheld complaints has risen, particularly in quarter four.
2. However, as with previous reports, there have been no serious systemic failures identified with upheld complaints relating to minor errors or omissions and the complaints that were referred to the SPSO were not taken further, which provides us with assurance the complaints handling system is operating effectively.

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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 has been drafted 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 Q3



Table 2 – Frontline Complaints Q4



Table 3 – Investigation Complaints Q3



Table 4 – Investigation Complaints Q4



Table 5 – All Quarters and Previous Years Comparison

