WHO DEALS WITH THIS?

ACCOUNTABILITY, COMPLAINTS AND CONTRACT MONITORING IN SCOTTISH LOCAL AUTHORITIES

SCOTTISH CONSUMER COUNCIL
Complaints and Contract Monitoring

Written by Jackie Welsh

Royal Exchange House
100 Queen Street
Glasgow G1 3DN

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Scottish Consumer Council
Chairman’s Preface

Much has been said recently about local authority accountability. Accountability is one of the key elements of Best Value, but very little has been said about how this accountability is experienced when a local authority service is delivered by a contractor. Members of the public should expect their local authority to monitor the performance of contractors and to take action when their performance falls short of the agreed level.

When a local authority uses a contractor, whether a private company or the council’s in-house team, it introduces a third party to service delivery: and the potential to confuse matters for consumers when things go wrong. As long ago as 1989 the Scottish Consumer Council highlighted this problem, in the context of school transport. Back then, parents were telling us that when they made a complaint to the school, they were told to contact the local authority; when they contacted the local authority, they were told to speak to the bus company; when they went to the bus company, they were told to see the school.

Making a complaint in the public sector can be hard enough without the potential for this sort of confusion. Given the increasing use of contracts in public service delivery, we decided to look at procedures local authorities have in place for dealing with complaints about services delivered by contractors in the field of education.

Our study focuses on five education services: school transport, school cleaning, school meals, school building repairs, and school grounds maintenance. We asked about how parents are given information on what to expect from the service; how complaints procedures are publicised; the ease of use of complaints procedures; and how complaints information is used to hold contractors to account for their performance.

Despite our survey being based on what should have been publicly available information (generally about council policy), many of the councils who replied to us found difficulty retrieving the information. The same problem was identified in a report we published in June about how local authorities manage common repairs when they share property with owner occupiers.

It is worrying that council officers appear to encounter difficulties in retrieving what would seem to us to be basic management information. If councils are to be able to demonstrate accountability and Best Value, they need access to the relevant information and the findings of both this report and the previous one suggest that systems for the retrieval of good quality management information need to be looked at carefully.
As to the findings of our survey, they were disappointing. The links between complaints and contract monitoring were weaker than we would have hoped. Whether a service is delivered by an in-house team or a private company, the local authority is responsible for making sure the service specified is carried out. When parents have cause to complain about one of the five services in our study, they should be able to trust that not only will their problem be resolved, but that the local authority is taking heed of their views and holding contractors to account.

We are not optimistic that this is happening across Scottish local authorities. We set out a number of recommendations, based on our survey findings, to improve this aspect of local authority accountability. These recommendations are aimed not only at local authorities, but also at CoSLA, the Accounts Commission, and the Scottish Office, each of whom needs to take appropriate action to bring about improvements to the accountability of local authorities.

Our report, of course, is limited to the five specific services we investigated. Much more needs to be known about how local authorities handle complaints against contractors in all their services and how they use complaints information to monitor and improve their services. We urge councils to investigate this area thoroughly.

November 1998

[Signature]
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Margaret Burns (Committee Chairman)
Jane Bennett
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Dougie Herd
Andrew Raven
Gerry Maher
Deirdre Hutton (ex-officio).
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Executive Summary

This report is a first step towards finding out what procedures local authorities have for dealing with complaints about services delivered by contractors. We are aware, through our previous research, of difficulties experienced by consumers when contractors deliver services on behalf of local authorities. Members of the public should expect their local authority to monitor the performance of contractors - whether in-house teams or private companies - and to take action when their performance falls short of the agreed level.

The contractor introduces a third party to service delivery, along with the potential to confuse matters for consumers when things go wrong.

The report is based on a survey which focused on five education services: school transport, school cleaning, school meals, school building repairs; and school grounds maintenance. We asked about how parents are given information about what to expect from the service; how complaints procedures are publicised; the ease of use of complaints procedures; and how complaints information is used to hold contractors to account for their performance.

We sent questionnaires to all 32 local authorities in Scotland, and received replies from 24.

We found the links between complaints and contract monitoring to be weaker than we would have hoped:

- Too many local authorities failed to provide parents with information about what to expect from the service.

- Information about making a complaint was not readily available to parents.

- Some councils did not specify in contracts how complaints should be handled, leaving room to pass parents around.

- There was little evidence of independent review of complaints.

- Despite evidence of how difficult it is for people to make complaints about public services, even when they are well informed, the local authorities in our study had an optimistic view of how easy it is for parents to make complaints.

- While most councils said they had written guidelines for monitoring complaints, they did not all have a policy of using complaints information to manage contracts.

Despite our survey being based on what should be publicly available information (generally about council policy), many of the councils who replied to us found difficulty retrieving the information. Eight councils did not manage to reply at all. This is an echo of what we found in a study we published earlier this year.
We have grave concerns about how local authorities can manage their services properly without good quality management information at their fingertips.

Information retrieval is vital to public accountability. Members of the public should expect information when they need it; Best Value depends on being able to produce information about intentions and performance; and the Scottish parliament will undoubtedly require more information from local authorities.

We repeat our call for the need to look at improving the accessibility of good quality information across local authority structures.

We also call on local authorities to strengthen the links between complaints information and contract monitoring.

We make the following eight recommendations to bring about these changes:

1. Elected members should make sure local authorities have policies for monitoring complaints information and for using this in assessing the performance of contractors

2. CoSLA and the Scottish Office should support further examination of the use of complaints information in monitoring contracts

3. Plain English summaries of the contract specification and standards for all services should be published and made accessible to consumers

4. Complaints procedures need to be publicised for all parents

5. Contracts should specify the complaints procedure

6. Complaints procedures should be easy to understand and should include independent review

7. CoSLA and the Scottish Office should support research into the experiences of people who make complaints about contracted out services

8. The Accounts Commission, CoSLA and the Scottish Office should pay close attention to the accessibility of good quality management information from local authorities.
Chapter 1  Introduction

Accountability, Complaints and contract monitoring

This report is about accountability. The accountability of local authorities towards their service users. However, it is not a contribution to the recent scathing coverage, which has related particularly to financial accountability. Rather, this report is about how local authorities can improve their services by using customer complaints information.

We look at the specific instance where the service is being delivered by a contractor: whether the local authority’s own in-house team, or a private company. What they have in common is that they have a written agreement to deliver a service to an agreed specification, on behalf of the local authority. If things go wrong, and the contractor fails to deliver to that agreed specification, it is service users who face inconvenience, disruption, or experience difficulties. The local authority must, in such instances, be alerted to service failure, and must take action to ensure the contractor makes appropriate improvements or changes. This report takes a preliminary look at how local authorities use complaints information to monitor contractors’ performance.

The delivery of services by contractors on behalf of local authorities received most attention during the era of compulsory competitive tendering (CCT). While CCT is for the time being replaced by Best Value, contracted services still have a significant role in local authority provision. Some local authorities have been contracting out services voluntarily where they have seen this as a sensible option, and the use of competitive tendering will play no less significant a role under Best Value than it did under CCT. Monitoring contracts, therefore, continues to be an important issue for local authorities and their customers in Scotland.

Accountability is one of the key principles of Best Value, as is continuing improvement. As we have argued in response to Best Value\(^1\), redress is an integral part of accountability. There is little point telling people about decisions and service performance if, unhappy with the outcome, they are unable to do anything about it. Complaints information should also play a key role in monitoring service performance, to promote continuing improvement.

Understanding customer complaints is a vital element of management information. While we would not suggest that complaints information alone will provide adequate means of monitoring contracts, we would seriously question the adequacy of any contract monitoring system that did not include customer complaints information. Our report, therefore, looks at this one aspect of contract monitoring, and we offer it as a contribution to developing good practice in the context of Best Value.

\(^1\) \textit{Best Value in Local Government: the consumer perspective.} Scottish Consumer Council 1997.
Aims of the study and research questions

The study aimed to look at how local authorities use complaints procedures in managing contracts. We focused on five education services: school transport, school cleaning, school meals, school building repairs, and school grounds maintenance. These services were selected following some preliminary research (see Methodology for a full explanation). We were interested in the delivery of these services by local authority in-house contractors, by private contractors, and by a mixture of these two.

The research looked in detail at complaints and contract monitoring in the five services. It was based on four key elements that are essential to using complaints information to monitor contractors’ performance:

- **Knowing what to expect**
  Service users need to know what to expect from the service. Often people have low expectations of public services, and so service failure on the part of a contractor may not come to the attention of the local authority. One way of helping people understand what to expect from the service, is to publish a plain-English summary of the conditions of contract. We therefore asked whether councils provided a summary of the conditions of contract, and if so, how this was made available to parents.

- **Publicising the complaints procedure**
  Even if people know that a contractor has failed to meet agreed service standards, they will need information about how to make a complaint. In addition, the contractor and the local authority need to be clear about how complaints are to be handled. Otherwise parents will continue to experience the problem, highlighted in our previous research, of being passed around from one part of the service to another. This weakens accountability, as no-one then takes responsibility for improving the service. Therefore, we asked whether councils had written complaints procedures, how parents got this information, and whether complaints procedures were specified in contracts.

- **Easy to understand procedures**
  The steps involved in making an initial complaint, and taking it forward if need be, must be sensible and easy to understand. Furthermore, there needs to be a mechanism for reviewing complaints that is, and is seen to be, independent. We asked who parents should take their complaint to in the first instance, to whom they should appeal if it was not resolved, and arrangements for independent review (not including the ombudsman or the sheriff court). We also asked councils how easy they thought it was for parents to make a complaint.

- **Accountability**
  Service providers need good quality management information to assess the performance of contractors, and to make improvements to the service. Complaints information should be one source of this management information. It is important to monitor complaints

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2 *Getting to School by Bus*, Scottish Consumer Council, 1989
information properly, not just as a management tool, but to instil customer confidence in the complaints procedure, that it is worthwhile making a complaint. One barrier to making complaints is the suspicion that nothing will be done about it anyway, and the same problem will keep occurring. We asked whether councils had a policy of using complaints information to manage contracts, and if so, what action had been taken as a result.

**Methodology**

We took a two-staged approach to the research.

First of all, we asked local authorities which services were carried out by in-house and by private contractors. We did this by writing a letter to all Chief Executives of Scottish local authorities in September 1997, asking about services contracted out to private companies. At this stage we were interested in all council services, not just education.

We received replies from only 17 of the 32 local authorities. Some of the local authorities reported that it had been difficult to find out the information we asked, because it spanned across different departments. We would regard a request for information about which services are contracted out as being of legitimate public interest, and an important one for accountability. We were surprised, therefore, that difficulties were experienced by local authorities in gathering the information. In our 1998 report on local authorities and common repairs\(^3\), we commented on similar concerns that the local authorities responding to our survey appeared to have difficulty finding straightforward management information. We recommended that local authorities look at ways of making information retrieval easier for all staff, particularly staff who are likely to be approached by members of the public or researchers for information. The likelihood of more detailed scrutiny of local authorities by the forthcoming Scottish parliament makes this a particularly important issue to address.

Next we decided to focus our study on education services, in particular five services that emerged from the first stage of the research: school transport, school cleaning, school meals, school building repairs, and school grounds maintenance. We decided to ask all local authorities about these five services. The reason for focusing narrowly was to make the study more manageable, and to improve the response rate from local authorities. By looking at these specific services, we hoped to be able to make an initial comparison of the way complaints information is used to monitor contracts. In particular we were interested in any differences between services delivered by in-house contractors and by private contractors. We therefore sent a postal questionnaire to all education authorities in February 1998, asking about their procedures relating to the five services.

The results of the postal survey are presented in chapter 2, and chapter 3 outlines our conclusions and recommendations based on the study.

\(^3\) *Factors in Common: how local authorities manage common repairs to property in mixed ownership in Scotland.* Scottish Consumer Council. 1998
Chapter 2  Findings

We sent postal questionnaires to each of the 32 education authorities in Scotland. The questionnaire asked about complaints handling and monitoring in each of five education services: school transport (other than that arranged for special educational needs), school cleaning, school meals, school building repairs, and school grounds maintenance. We received replies from 24 of the education authorities (see Appendix 2). We received a letter from Dundee City Council saying they considered the information to be commercially sensitive. Since we were asking about information and procedures which should be publicly available, this is a worrying position to take. We wrote back to Dundee City Council explaining this, and encouraging them to respond to the questionnaire. We received no reply.

In all, eight local authorities did not reply to our questionnaire. These are listed in Appendix 2. It has been suggested to us that this might be due to a difficulty in gathering the information we asked for. However, as we were asking straightforward questions about local authority policies, and as 24 councils did respond, we find it of some concern that eight councils did not manage to respond. We discuss, later in this report, the recurring problem of information retrieval from local authorities.

We asked whether each of the five services was delivered in-house by the local authority, by a private contractor, or by a mixture of both.

The following graph shows how the councils responded:

- In-house contractors tended to be used for school meals (23 councils), school cleaning (22), and grounds maintenance (17).
- Private contractors tended to be used for school transport (15 councils, with a further 9 using a mixture of in-house and private contractors).
- Repairs tended to be carried out by a mixture of both in-house and private contractors (16 councils).
**Knowing what to expect**

In 1993, the National Consumer Council prepared a report of its research into complaints handling in the public sector\(^4\). It found that one of the key barriers to making a complaint was knowing what to expect from the service in the first place. In such cases, service failure will not come to the attention of the local authority, and where a contractor is involved, a lack of accountability could result.

One way for people to know what to expect from a contracted out service, is to publish a summary of the conditions of contract. We asked about summary conditions of contract, for each of the five services, made available to parents.

Twenty-two councils answered this question.

- Only three councils said they provided a summary of conditions for **all** of the five services. These were Stirling, Clackmannanshire, and North Lanarkshire.

- Fourteen councils provided written summaries for one or some of the services. The most commonly provided of the five services was school transport (nine councils, plus the three who provided summaries for all the services).

- There were seven councils who did not provide a summary of conditions for **any** of the five services: North Ayrshire, East Lothian, Argyll and Bute, Angus, Aberdeen, Midlothian, Renfrewshire, and South Ayrshire.

The total number of councils providing summaries of conditions for each service was:

<table>
<thead>
<tr>
<th>Service</th>
<th>Councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td>12</td>
</tr>
<tr>
<td>School cleaning</td>
<td>9</td>
</tr>
<tr>
<td>School meals</td>
<td>9</td>
</tr>
<tr>
<td>School building repairs</td>
<td>4</td>
</tr>
<tr>
<td>School grounds maintenance</td>
<td>3</td>
</tr>
</tbody>
</table>

Several councils sent us leaflets about entitlement to free school meals and school transport, which did contain some limited information about the service. This, however, was not the same as providing a summary of the conditions of contract, which would have informed parents about what they could reasonably expect from the contractor. It may well be that many of the councils in our study underestimated the sort of information we were asking about, in which case the true picture could be very poor.

These results are disappointing. With regard to school transport, we highlighted in our 1989 report\(^5\) the need for written summaries of contract conditions for parents. Almost 10 years on, there are still a

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significant number of local authorities in Scotland without these. In terms of accountability, many local authorities are failing at this first step: informing people about the level of service to expect from contractors in these five services.

The findings were even more disappointing when we probed further. We asked how the information was given to parents (see Table 1 in Appendix 3). Of the three councils who said they provided written summaries for all of the services, only North Lanarkshire and Stirling said this was provided in leaflets. All three said the contract specification was available for inspection at council offices, and Clackmannanshire sent us a copy of their service level agreement for school transport. The information was not given in any other form by these three councils.

Of the 14 councils who provided written summaries for one or some of the services, only five councils gave the summary conditions in leaflets, with four of these also providing the information in school handbooks (East Dunbartonshire, Fife, Glasgow and Shetland). A small number of councils, including Glasgow, mentioned that the information was also available at schools.

None of the councils provided the information in newsletters or on posters. Indeed, other than by making the contract specification available for inspection at council offices (14 of the councils in our survey), it appears that information about what to expect from these services is not readily available to parents.

Publicising the complaints procedure

Complaints procedures need to be well publicised. A 1997 survey\(^6\) carried out by MORI for the Citizen’s Charter Unit, about complaints handling in public services, highlighted this issue. Of those with a complaint about local authority services, 41% did not know who to contact. Of those who were dissatisfied with a service, but did not make a complaint, 60% did not know who to complain to. Furthermore, despite almost a decade of the Citizen’s Charter initiative with its emphasis on redress, only 37% of complainers to local authorities believed the organisation had a formal complaints procedure. Most had seen no information about complaints handling by the local authority.

We asked about written complaints procedures for each of the five education services. Then we asked about information for parents, and for contractors, about these procedures.

Written complaints procedures

The good news was that, with only limited exception, all the councils in our survey said they had written complaints procedures for each of the five services. When we carried out our research into complaints handling in education in 1994\(^7\), we found only half of the education

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6 *Complaints Handling 1997.* MORI, research conducted for the Citizen’s Charter Unit.
authorities at the time had written complaints procedures. The findings of this current research, therefore, are encouraging.

The most common form of written complaints procedure was the council's corporate complaints procedure (15 or 16 councils across the services in our survey). The following table shows the number of councils with various written complaints procedures.

<table>
<thead>
<tr>
<th>Service</th>
<th>Council's corporate complaints procedure</th>
<th>Education department's own complaints procedure</th>
<th>School-based complaints procedures</th>
<th>Contractor's own complaints procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td>15 councils</td>
<td>11 councils</td>
<td>5 councils</td>
<td>3 councils</td>
</tr>
<tr>
<td>School cleaning</td>
<td>15 councils</td>
<td>9 councils</td>
<td>5 councils</td>
<td>13 councils</td>
</tr>
<tr>
<td>School meals</td>
<td>15 councils</td>
<td>9 councils</td>
<td>5 councils</td>
<td>12 councils</td>
</tr>
<tr>
<td>Building repairs</td>
<td>16 councils</td>
<td>9 councils</td>
<td>5 councils</td>
<td>6 councils</td>
</tr>
<tr>
<td>Grounds maintenance</td>
<td>16 councils</td>
<td>10 councils</td>
<td>6 councils</td>
<td>6 councils</td>
</tr>
</tbody>
</table>

It is interesting to note that in school transport, most likely to be delivered by a private contractor, the contractor's own complaints procedure was least popular.

Eleven of the councils said there was more than one complaints procedure available. While this can mean customers can make a complaint to several parts of the service as they prefer, it can also lead to confusion. Twelve councils gave procedures that varied between services within the local authority, which can be extremely confusing for parents. Only 11 out of the 24 councils listed complaints procedures that were consistent and not confusing across the five services, for example, the corporate complaints procedure in each case.

**Information for parents**

While the findings about written complaints procedures were encouraging, the same could not be said for information for parents about these procedures. Six councils did not have written information for parents about the complaints procedures. Table 2 in Appendix 3 shows how many councils provided information in different ways. The most common form of written information was leaflets, used by 12 councils. Other methods were school handbooks (6 councils), newsletters (4 councils) and posters (5 councils). Only eight councils used more than one method of providing written information for parents about their complaints procedures. East Renfrewshire and South Lanarkshire said they gave the information via school boards, while West Dunbartonshire said that information on making complaints was also advertised in the local press. Argyll and Bute had recently introduced a complaints procedure for the education service, and had written to all parents outlining the procedure.

Information about making a complaint was most likely to be given to parents at the stage when parents wanted to make a complaint (17 councils). In many ways, this is too late: many people are put off making complaints because they do not know how. Service providers are unlikely to know when parents are dissatisfied and unable to make a complaint. Table 3 in Appendix 3 shows how many councils gave information at different times.
Good practice did exist, however. Seven councils gave information to parents when they enrolled their child in a school (Stirling, East Dunbartonshire, Aberdeen, Fife, Glasgow, Shetland, and West Lothian). Nine councils displayed information about making a complaint, either in the school or in the council building. While this is to be encouraged, we did not explore how councils distributed the information for display or how they ensured it was actually displayed where parents could see it. Argyll and Bute Council had asked headteachers to put posters in local shops and on community noticeboards in more remote areas. Renfrew displayed information leaflets in all education and leisure establishments.

In all, information about making a complaint was not readily available to parents before they came across a problem they might want to bring to the local authority’s attention. We would question the point in having a written complaints procedure that is not effectively publicised. While it does mean staff may be better equipped to handle complaints, the existence of a written complaints procedure does not mean people will use it: they need to be aware of it. Even then, it can still be difficult to make a complaint to a local authority.

Some councils did indicate the while information for parents was not currently available, they were in the process of putting this right.

**Information for contractors**

One problem we encountered in our earlier study of school transport was that parents were passed around from one provider to another to deal with complaints. The 1997 Citizen’s Charter Unit survey revealed the same problem: over half of those with complaints about the local authority were passed on, usually several times, before their complaint was handled. Quite apart from being confusing and frustrating for parents, such action can lead to a sense of despair about getting a problem resolved.

It is important, for clarity, that the handling of complaints is specified in the contract.

We asked whether contracts (in-house or private) specified how complaints should be handled. The following table shows how many councils included this information in contracts.

<table>
<thead>
<tr>
<th>Service</th>
<th>Complaints handling not specified</th>
<th>Complaints handling specified in all cases</th>
<th>Complaints handling specified in some cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td>7 councils</td>
<td>13 councils</td>
<td>1 council</td>
</tr>
<tr>
<td>School cleaning</td>
<td>4 councils</td>
<td>18 councils</td>
<td>0</td>
</tr>
<tr>
<td>School meals</td>
<td>5 councils</td>
<td>18 councils</td>
<td>0</td>
</tr>
<tr>
<td>School building</td>
<td>7 councils</td>
<td>11 councils</td>
<td>1 council</td>
</tr>
<tr>
<td>repairs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School grounds</td>
<td>8 councils</td>
<td>13 councils</td>
<td>0</td>
</tr>
<tr>
<td>maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Again the results were disappointing. With school meals and school cleaning, 18 councils specified complaints handling in the contracts. Only 13 councils specified this in contracts for school grounds maintenance, 13 for school transport, and 11 for building repairs.

West Dunbartonshire, Shetland, and the Western Isles did not specify complaints handling in any contract. Some councils said complaints handling was inherent, rather than specified, in the contract, particularly where the authority’s complaints procedure was said to apply to in-house contractors. We would assert that, even with in-house contractors, the complaints procedure needs to be clearly set out in the contract.

**Procedures**

A good complaints procedure should have easy to understand steps. Clarity about who has the responsibility for dealing with complaints at different stages is important. We asked who parents should take their complaint to in the first instance, to whom they should appeal if it was not resolved, and arrangements for independent review (not including the ombudsman or the sheriff court). We did not distinguish between complaints made in writing and those made verbally: a good complaints procedure should treat both the same. Table 4 in Appendix 3 shows who was expected to handle initial complaints in each of the five services.

A consistent pattern emerged in this part of the research. Initial complaints were most commonly directed to a named local authority officer. In almost all of these cases, parents would be expected to appeal to another named local authority officer if the initial complaint was not resolved.

Similarly, a named local authority official would deal with appeals, in almost all cases, whether the initial complaint was directed to named school staff or to the contractor. With the exception of school cleaning and school meals, very few councils expected initial complaints to be handled by the contractor. The local authorities who formerly belonged to Strathclyde Region noted Strathclyde Passenger Transport Executive as their agent with regard to school transport, and as handling initial complaints.

An appeals committee of the local authority was mentioned by only one council (Stirling), in the case of school transport.

The clear picture of the significant role of the local authority in handling initial complaints, and moreso in handling appeals, is encouraging. It suggests that local authorities have been giving increased importance to complaints handling. But, given our findings about poor information about complaints procedures, and evidence of confusing procedures, we suggest the next stage should be for local authorities to look at their complaints procedures from their customers’ point of view.
We asked about arrangements for independent review of complaints about the five services. Very few councils gave a response to this part of the survey. The Chief Executive of the council was mentioned by North Ayrshire and Clackmannanshire councils, and East Renfrewshire said that while independent review arrangements were in place for transport, no circumstances had arisen for it to be used. Glasgow said that the Customer / Client Services Department carried out independent review of complaints concerning catering and cleaning. In March 1997 the Citizen’s Charter Unit published *Complaints Review Arrangements in Public Services*, giving advice and guiding principles on establishing independent review arrangements. We found little evidence of its influence in Scottish local authorities. Very few people in the 1997 MORI research for the Citizen’s Charter Unit\(^8\) said their complaint to the local authority had been reviewed independently.

In the 1997 MORI research, significant numbers (around a third) of people who had made complaints to local authorities had thought the process was difficult. We asked councils in our survey how easy they thought it was for parents to make a complaint about the five services. The following graph shows how easy the councils thought it was for parents, in each of the services, to make a complaint:

![Graph showing ease for parents to complain](image)

On the whole, the councils thought it was easy for parents to make complaints. They thought it relatively easier for parents to complain about school transport, cleaning, and meals, than about repairs or grounds maintenance. Aberdeen was the only council to acknowledge that parents might find it difficult to complain about repairs and grounds maintenance.

Local authorities’ views of how easy it is to make complaints are clearly different to the views expressed by service users in the 1997 MORI study. It would be interesting to compare this with parents’ views of how easy it is to complain about local authority education services in Scotland.

\(^8\) *Complaints Handling 1997*. MORI, research conducted for the Citizen’s Charter Unit.
**Accountability**

Finally, once an effective complaints procedure is established, and people know how to use it, it is essential that the information it generates is properly used by local authorities to monitor the performance of contractors. Customers must be able to trust that, having made a problem known to the local authority, the local authority will do something about it. This is a crucial element of accountability. In the 1997 MORI study, 43% of local authority customers with a complaint said the problem had happened before. There were very high levels of dissatisfaction with how local authorities handled complaints, and two-thirds of those who were dissatisfied said this was because nothing was done, or the same problem had happened again.

We asked whether councils had written guidelines for monitoring complaints about the five services. Table 5 in Appendix 3 shows how many councils had these.

Most of the councils said that they had written guidelines, at least in some instances, for monitoring complaints. Five councils had no written guidelines for each of school transport, building repairs or grounds maintenance. Four councils had no written guidelines for school meals, and three had none for school cleaning. Aberdeenshire, Shetland and the Western Isles were the only three who had no written guidelines for any of the services.

While most councils said they had written guidelines (at least in some instances) for monitoring complaints, we would emphasise that the usefulness of this will in part depend on how good the complaints procedures are from beginning to end in the first place. For example, monitoring complaints information will only be useful when there is a complaints procedure in place that people know how to use.

We asked whether it was the councils’ policy to use complaints information to manage contracts. Fifteen said that it was, and we asked what action had been taken in each of the five services as a result of using complaints information:

<table>
<thead>
<tr>
<th>Service</th>
<th>Change the price</th>
<th>Improve the service</th>
<th>Terminate the contract</th>
<th>Re-specify a contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td>7 councils</td>
<td>14 councils</td>
<td>12 councils</td>
<td>9 councils</td>
</tr>
<tr>
<td>School cleaning</td>
<td>5 councils</td>
<td>13 councils</td>
<td>1 council</td>
<td>5 councils</td>
</tr>
<tr>
<td>School meals</td>
<td>2 councils</td>
<td>11 councils</td>
<td>1 council</td>
<td>4 councils</td>
</tr>
<tr>
<td>School building repairs</td>
<td>2 councils</td>
<td>13 councils</td>
<td>5 councils</td>
<td>7 councils</td>
</tr>
<tr>
<td>School grounds maintenance</td>
<td>3 councils</td>
<td>12 councils</td>
<td>1 council</td>
<td>7 councils</td>
</tr>
</tbody>
</table>

The most frequent outcome of using complaints information was to improve the service. With school transport, the service most likely to involve a private contractor, a relatively high number of councils had terminated contracts as a result of using complaints information.
Terminating contracts, however, was relatively uncommon in the other services, as was changing the price. Several councils had re-specified contracts.

It would be interesting to explore the processes by which complaints information turns into action.

Five councils said they did not have a policy of using complaints information to manage contracts.

Our research, therefore, took a focused example of how local authorities use complaints information to monitor contractors. Each of the elements - knowing what to expect, understanding the system, easy to understand procedures, and accountability - was explored. These elements are essential to being able to properly use complaints information in contract monitoring. The next chapter presents our conclusions and recommendations, based on the findings of our research.
Chapter 3 Conclusions and recommendations

Conclusions

While the results of our research show encouraging signs that more education authorities have complaints procedures in place (than in our 1994 study\(^9\)), and that councils play a lead role in handling complaints about contractors, our findings were still on the whole disappointing.

It could well be argued that good practice is being developed, and improvements are taking place all the time. On the other hand, the Citizen’s Charter initiative, now replaced with Service First, has been advocating the importance of user-friendly complaints procedures for almost a decade. The consumer movement, and the private sector, have been doing so for far longer. Consequently there is no shortage of guidelines for establishing good complaints procedures. There is simply no excuse now for poor practice.

Whether a service contract is awarded to an in-house team or a private company, the local authority is responsible for making sure the service specified is carried out. Members of the public should expect their local authority to monitor the performance of contractors and to take action when that performance falls short of the agreed level. Therefore, when parents have cause to complain about one of the five services in our study, they should be able to trust that not only will their problem be resolved, but that the local authority is taking heed of their views and holding the contractor to account.

So far, in our limited study, the links between complaints and contract monitoring are weaker than we would have hoped. Too many local authorities failed to provide parents with information about what to expect from the service. In all, information about making a complaint was not readily available to parents before they came across a problem they might want to bring to the local authority’s attention. Some councils were not specifying in contracts how complaints should be handled, leaving room to pass parents around. While complaints procedures themselves tended to follow a consistent pattern, with the local authority taking a lead role in handling complaints, there was little evidence of independent review. Despite all this, local authorities had an optimistic view of how easy it is for parents to make a complaint about the services in our study. While most councils had written guidelines for monitoring complaints, they did not all have a policy of using complaints information to manage contracts.

A wider, and related, problem of accountability is the difficulty some local authorities appear to have in retrieving basic management information. By this we mean more than financial information: information about the policies in place and how the local authority is performing, which includes knowing the number of customers involved, their levels of satisfaction, and what they are making complaints about. We raised concern about this in our recent report Factors in Common\(^{10}\).

\(^{10}\)Factors in Common: how local authorities manage common repairs to property in mixed ownership in Scotland, Scottish Consumer Council, 1998.
It has occurred again in this study: during the first phase of the research, quite apart from the low response rate, many local authorities indicated that they found it difficult to find the information we asked for. We had simply asked for an indication of which services were contracted out to a private company. Similarly, although we achieved a more acceptable response rate in the questionnaire, it did take a long time for local authorities to complete them. Still, eight did not manage to reply at all. We were asking for relatively straightforward management information which any well-managed contract should have. It is hard to imagine how a contract can be managed without this information being readily available.

Information retrieval is a vital aspect of public accountability. Members of the public should expect information when they need it; Best Value depends on being able to produce information about intentions and performance; and the Scottish parliament will undoubtedly require greater information from local authorities. We repeat our call from Factors in Common for the need to look at improving the accessibility of good quality information across local authority structures.

This report has been about accountability. We would urge local authorities to look at strengthening the links between complaints information and contract monitoring. Elected members have a powerful role to play in examining how their council uses complaints to monitor contracts. CoSLA and the Scottish Office have a role to play in promoting good practice, supporting further research, and drawing up guidelines where necessary. The Scottish Office and the Accounts Commission have an important role in making sure local authorities make the best use of complaints information to be more publicly accountable in future.

Recommendations

1. **Elected members should make sure local authorities have policies for monitoring complaints information and for using this in assessing the performance of contractors**

When service users have cause to complain, they should be able to trust that not only will their problem be resolved, but that the local authority is taking heed of their views and holding the contractor to account. Most councils in our survey said they had written guidelines for monitoring complaints, although far from all had a policy of using this to monitor contracts. Elected members have a vital role, not only in setting council policy, but in monitoring it too. They are ideally placed to make sure their council has the appropriate policies in place.
2. **CoSLA and the Scottish Office should support further examination of the use of complaints information in monitoring contracts**

The links between complaints and contract monitoring were weaker than we would have hoped. Our research, however, was limited to specific services. There needs to be more research to find out about what happens in other local authority services. We suggest the Scottish Office and CoSLA look at promoting such research, with a view to preparing good practice guidelines for local authorities. While guidelines for complaints procedures exist, little attention has been given so far to the issue of holding contractors to account for poor service delivery.

3. **Plain English summaries of the contract specification and standards for all services should be published and made accessible to consumers**

Service users need to know what to expect from the service: this is the first step in accountability. This applies to in-house and private contractors alike. In our survey, only three councils provided a summary of conditions for all of the five services we looked at. Seven councils did not provide summaries for any of the services. Furthermore, where summaries were provided, they were not readily available, typically being made open to inspection at council offices. School handbooks could be an important vehicle for making this information available to parents. They could, for example, highlight the key expectations of a service, and tell parents where further information can be found.

4. **Complaints procedures need to be publicised for all parents**

Compared with our 1994 study on complaints in education, we saw an improvement in the number of councils who now had written complaints procedures. This was encouraging. However, six councils did not produce information for parents, and those who did, tended to provide it at the point when parents expressed dissatisfaction: in other words, too late. Councils should be aware of the range of formats and languages that might be appropriate, and of how to make the information accessible to all parents.

5. **Contracts should specify the complaints procedure**

Everyone should know who is responsible for handling complaints. Too many customers find they are being passed around, unable to find anyone to handle their complaint. The involvement of a third party - a contractor - can confuse matters for parents. We were disappointed, therefore, to find several councils did not specify complaints procedures in their contracts.
6. **Complaints procedures should be easy to understand and should include independent review**

We were encouraged at the consistent patterns of complaints handling in this research. However, there was also evidence of some confusing procedures, such as procedures which varied between services within authorities. Coupled with the disappointing findings about information for parents, we see a need for complaints procedures now to be developed from a consumer, rather than from a council, perspective. Furthermore, we found little evidence of independent review receiving due attention in complaints procedures. Complaints procedures should be easy to understand, should be well publicised, and should be seen to be fair.

7. **CoSLA and the Scottish Office should support research into the experiences of people who make complaints about contracted out services**

There is evidence of high levels of dissatisfaction with how local authorities handle complaints, and of difficulties being experienced by service users who try to make complaints. Unless local authorities realise how difficult it can be to make a complaint, they are unlikely to attempt to move towards a customer-oriented procedure. The local authorities in our study were unrealistically optimistic about how easy it was for parents to make a complaint about the five education services we looked at.

8. **The Accounts Commission, CoSLA and the Scottish Office should pay close attention to the accessibility of good quality management information from local authorities.**

Good quality information is an important basis for good decision making. We were concerned that, in an echo of previous research in another area of local authority provision, local authorities in this study said they had experienced difficulty in retrieving the information we asked for. The information we sought was largely about established council policies, which should be readily publicly available. Information retrieval is a vital aspect of public accountability, and one that is set to grow in importance under Best Value and with the establishment of the Scottish parliament. We suggest the Accounts Commission is well placed to bring together CoSLA and the Scottish Office to look at the issue of management information retrieval. Solutions need to be found to the problems of information retrieval in local authorities.
Appendix 1  The postal questionnaire

A.  KNOWING WHAT TO EXPECT FROM THE SERVICE

1. Please tell us whether each of the following services is delivered in-house by the local authority, or by a private contractor:

<table>
<thead>
<tr>
<th>Service</th>
<th>In-house contractor only</th>
<th>Private contractor only</th>
<th>A mixture of private/in-house</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School cleaning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School meals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School building repairs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School grounds maintenance</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Which of the following services have a summary of the conditions of contract, made available to parents?

- school transport
- school cleaning
- school meals
- school building repairs
- school grounds maintenance

3. If a summary of the conditions of contract are made available to parents, how is the information presented?

- contract specification available for inspection at council offices
- summary of conditions printed in newsletters
- leaflets giving summary of conditions
- posters giving summary of conditions
- summary of conditions included in school handbooks
- other, please specify

* Throughout this questionnaire, we refer to school transport other than that arranged for special educational needs.

B. UNDERSTANDING THE SYSTEM

4. Are there written complaints procedures for the following services?

- School transport
  - Yes - the council's corporate complaints procedure
  - Yes - the education department's own complaints procedure
  - Yes - school-based complaints procedures
  - Yes - the contractor's own complaints procedure
  - Yes - other, please specify
  - No

- School cleaning
  - Yes - the council's corporate complaints procedure
  - Yes - the education department's own complaints procedure
  - Yes - school-based complaints procedures
  - Yes - the contractor's own complaints procedure
  - Yes - other, please specify
  - No

- School meals
  - Yes - the council's corporate complaints procedure
  - Yes - the education department's own complaints procedure
  - Yes - school-based complaints procedures
  - Yes - the contractor's own complaints procedure
  - Yes - other, please specify
  - No

- School building repairs
  - Yes - the council's corporate complaints procedure
  - Yes - the education department's own complaints procedure
  - Yes - school-based complaints procedures
  - Yes - the contractor's own complaints procedure
  - Yes - other, please specify
  - No

- School grounds maintenance
  - Yes - the council's corporate complaints procedure
  - Yes - the education department's own complaints procedure
  - Yes - school-based complaints procedures
  - Yes - the contractor's own complaints procedure
  - Yes - other, please specify
  - No
5. How is information on making a complaint about these services given to parents?

- News letters
- Leaflets
- Posters
- School handbooks
- Other, please specify

*Please send us a copy of any of the above.*

6. When is the information given to parents?

- When parents want to make a complaint.
- When parents enrol their child in a school.
- Mass mailing to all parents.
- Displayed in the school.
- Displayed in the council building.
- Other, please specify

7. Is the handling of complaints specified in the contract (whether in-house or private)?

<table>
<thead>
<tr>
<th>Service</th>
<th>Yes - in all cases</th>
<th>Yes - in some cases, please specify</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>School transport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School cleaning</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School meals</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. Where the handling of complaints is not specified in the contract, how is the contractor made aware of complaints procedures?

- School building repairs
  - Yes - in all cases
  - Yes - in some cases, please specify
  - No

- School grounds maintenance
  - Yes - in all cases
  - Yes - in some cases, please specify
  - No
12. How easy do you think it is for parents to make a complaint about the following services?

- **School transport**
  - Very easy
  - Easy
  - Neither easy nor difficult
  - Difficult
  - Very difficult

- **School cleaning**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School meals**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School building repairs**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School grounds maintenance**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

D. ACCOUNTABILITY

13. Does the council have written guidelines for monitoring complaints about the following services?

- **School transport**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School cleaning**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School meals**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School building repairs**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

- **School grounds maintenance**
  - Yes - in all cases (in-house and private contractor)
  - Yes - for services delivered in-house
  - Yes - for services delivered by a private contractor
  - No

If yes, please send us a copy or summary of the guidelines.
14. Is it the council’s policy to use complaints information to manage contracts?
   - Yes
   - No

15. If yes, what has been done in relation to the following services?
    (Please tick all that apply)

   **School transport**
   - change the price
   - improve the service
   - terminate the contract
   - re-specify a contract
   - other, please specify

   **School cleaning**
   - change the price
   - improve the service
   - terminate the contract
   - re-specify a contract
   - other, please specify

   **School meals**
   - change the price
   - improve the service
   - terminate the contract
   - re-specify a contract
   - other, please specify

   **School building repairs**
   - change the price
   - improve the service
   - terminate the contract
   - re-specify a contract
   - other, please specify

   **School grounds maintenance**
   - change the price
   - improve the service
   - terminate the contract
   - re-specify a contract
   - other, please specify
**Appendix 2**

**Local authorities who responded to the questionnaire**

<table>
<thead>
<tr>
<th>The councils who responded:</th>
<th>The councils who did not respond:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aberdeen City</td>
<td>Dumfries and Galloway</td>
</tr>
<tr>
<td>Aberdeenshire</td>
<td>Dundee City</td>
</tr>
<tr>
<td>Angus</td>
<td>City of Edinburgh</td>
</tr>
<tr>
<td>Argyll and Bute</td>
<td>Highland</td>
</tr>
<tr>
<td>Clackmannanshire</td>
<td>Inverclyde</td>
</tr>
<tr>
<td>Comhairle nan Eilean Siar</td>
<td>Moray</td>
</tr>
<tr>
<td>East Ayrshire</td>
<td>Perth and Kinross</td>
</tr>
<tr>
<td>East Dunbartonshire</td>
<td>Scottish Borders</td>
</tr>
<tr>
<td>East Lothian</td>
<td></td>
</tr>
<tr>
<td>East Renfrewshire</td>
<td></td>
</tr>
<tr>
<td>Falkirk</td>
<td></td>
</tr>
<tr>
<td>Fife</td>
<td></td>
</tr>
<tr>
<td>Glasgow City</td>
<td></td>
</tr>
<tr>
<td>Midlothian</td>
<td></td>
</tr>
<tr>
<td>North Ayrshire</td>
<td></td>
</tr>
<tr>
<td>North Lanarkshire</td>
<td></td>
</tr>
<tr>
<td>Orkney</td>
<td></td>
</tr>
<tr>
<td>Renfrewshire</td>
<td></td>
</tr>
<tr>
<td>Shetland Islands</td>
<td></td>
</tr>
<tr>
<td>South Ayrshire</td>
<td></td>
</tr>
<tr>
<td>South Lanarkshire</td>
<td></td>
</tr>
<tr>
<td>Stirling</td>
<td></td>
</tr>
<tr>
<td>West Dunbartonshire</td>
<td></td>
</tr>
<tr>
<td>West Lothian</td>
<td></td>
</tr>
</tbody>
</table>
Appendix 3  Tables of findings

Table 1: How information containing a summary of conditions of contract is presented to parents

<table>
<thead>
<tr>
<th>Type of Information</th>
<th>Number of councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract specification available for inspection at council offices</td>
<td>14</td>
</tr>
<tr>
<td>Summary of conditions printed in newsletters</td>
<td>0</td>
</tr>
<tr>
<td>Leaflets giving summary of conditions</td>
<td>7</td>
</tr>
<tr>
<td>Posters giving summary of conditions</td>
<td>0</td>
</tr>
<tr>
<td>Summary of conditions included in school handbooks</td>
<td>4</td>
</tr>
</tbody>
</table>

Table 2: Format of complaints information given to parents

<table>
<thead>
<tr>
<th>Format of Information</th>
<th>Number of councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>Newsletters</td>
<td>4</td>
</tr>
<tr>
<td>Leaflets</td>
<td>12</td>
</tr>
<tr>
<td>Posters</td>
<td>5</td>
</tr>
<tr>
<td>School handbooks</td>
<td>6</td>
</tr>
</tbody>
</table>

Table 3: When information is given to parents

<table>
<thead>
<tr>
<th>When information is given to parents</th>
<th>Number of councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>When parents want to make a complaint</td>
<td>17</td>
</tr>
<tr>
<td>When parents enrol their child in a school</td>
<td>7</td>
</tr>
<tr>
<td>Mass mailing to all parents</td>
<td>0</td>
</tr>
<tr>
<td>Displayed in the school</td>
<td>6</td>
</tr>
<tr>
<td>Displayed in the council building</td>
<td>7</td>
</tr>
</tbody>
</table>

Table 4: Who handles initial complaints

<table>
<thead>
<tr>
<th>Initial complaints to:</th>
<th>named school staff</th>
<th>a named local authority officer</th>
<th>the contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>school transport</td>
<td>14 councils</td>
<td>19 councils</td>
<td>4 councils</td>
</tr>
<tr>
<td>school cleaning</td>
<td>10 councils</td>
<td>18 councils</td>
<td>10 councils</td>
</tr>
<tr>
<td>school meals</td>
<td>11 councils</td>
<td>17 councils</td>
<td>11 councils</td>
</tr>
<tr>
<td>building repairs</td>
<td>10 councils</td>
<td>20 councils</td>
<td>3 councils</td>
</tr>
<tr>
<td>grounds maintenance</td>
<td>12 councils</td>
<td>19 councils</td>
<td>4 councils</td>
</tr>
</tbody>
</table>
Table 5: Written guidelines for monitoring complaints

<table>
<thead>
<tr>
<th>Written guidelines</th>
<th>For services delivered in-house</th>
<th>For services delivered by a private contractor</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>In all cases</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School transport</td>
<td>12 councils</td>
<td>1 council</td>
<td>4 councils</td>
</tr>
<tr>
<td>School cleaning</td>
<td>14 councils</td>
<td>6 councils</td>
<td>0</td>
</tr>
<tr>
<td>School meals</td>
<td>13 councils</td>
<td>6 councils</td>
<td>0</td>
</tr>
<tr>
<td>School building repairs</td>
<td>12 councils</td>
<td>2 councils</td>
<td>1 council</td>
</tr>
<tr>
<td>School grounds maintenance</td>
<td>10 councils</td>
<td>7 councils</td>
<td>0</td>
</tr>
</tbody>
</table>