

Learning from Complaints 2022/23

Quarter 1– 1 April 2022 to 30 June 2022

	No. of Stage 1 complaint's
No. of Stage 1 complaints received	1
No. escalated to Stage 2	1
Stage 1 – response in 5 working days	2 (100%)
Average no. of working days to respond	5 working days
Stage 1 - Extended to 10 working days	0
Average no. of working days to respond	0 working days
All stage 1 complaints – Average no. of working days for response	5 working days
Outcome at Stage 1 -resolved/upheld/partially upheld/not upheld	1 partially upheld/1 not upheld

	No. of Stage 2 complaint's
Stage 2 – no. escalated from Stage 1	1
Stage 2 – response in 20 working days	1 (100%)
Average no. of working days to respond	12 working days
Stage 2 – no. started at Stage 2	0
Stage 2 - response in 20 working days	0
Average no. of working days to respond	0 working days
Total number of Stage 2 complaints	1
Outcome -resolved/upheld/partially upheld/not upheld	1 partially upheld

Total Complaints submitted: 3

No. of Stage 1 complaints as a % of all complaints: 2 (66%)

No. of Stage 2 complaints as a % of all complaints: 1 (33%)

Complaints resolved as a % of all complaints: 0(0%)

Complaints upheld as a % of all complaints: 0(0%)

Complaints partially upheld as a % of all complaints: 2(75%)

Complaints not upheld as a % of all complaints: 1 (25%)

1 review by the Scottish Public Services Ombudsman (SPSO)

Outcome of Stage 1 Complaints: There were 2 complaints all relating to Council Tax.

One of the complaints partially upheld was concerning the length of time to provide a response.

Further details:

Complaint received from the CT Payer was regarding matters which were not the responsibility of LVJB as they were in respect of billing which is the responsibility of the constituent council responsible for the local authority area which in this case was West Lothian. The initial enquiry was received direct by a member of the LVJB Technical Team as the CT Payer had been advised by West Lothian Council that the issue regarding the billing was directly related to the Council Tax entry on the Valuation List which was the responsibility of the LVJB. The Technician tried to contact the CT Payer by telephone but were unsuccessful therefore emailed to explain that there was no provision with the legislation to allow for a change to the Band of their property and that any issues regarding billing must be address the local authority.

An apology for the delay in response was provided to the CT payer by the Divisional Valuer for the area and the complaint was forwarded to the local authority to allow them to reply to the complainant regarding the issues for which they had responsibility for direct.

There was a delay in the issue of the email to explain that there was no provision to amend the Banding of their property and the matter of billing should be addressed with the billing authority which had fallen short of the high standards of service we aim to provide. As the other matters raised in the complaint were regarding another organisation the complaint was partially upheld.

One of the complaints was not upheld.

Further details:

Complaint received from the Council Tax appellant about the Council Tax Appeals procedure.

The Complaint was regarding the Council Tax appeal process in general and specifically their own case. There was a delay in their case being cited for the Valuation Appeal Court (VAC), indicating it took 2 years to have their case heard at VAC.

Due to the nature of the complaint a member of the management team responded to the CT Payer in detail explaining that there is a statutory appeal process in place for Council Tax appeals and that due to the Covid-19 pandemic the number of available courts was reduced to protect the safety of the members of the VAC and appellants, in line with the Scottish Government guidelines. This meant there was a delay in hearing cases. Once these restrictions were lifted LVJB cited cases for the available court dates.

In particular, the issue was raised that a voice recording would be made to record the proceeding at the VAC. The reason for the recording and the lawful basis for the processing of their personal data, which is a legal obligation as defined in Section 35 of The Council Tax (Alteration of list and Appeals) (Scotland) Act 1993. Information was provided to the CT Payer as to the creation of a transcript, who would have access to the recording, what it would be used for, how long it would be kept and when a copy of the transcript would be provided to the complainant.

The CT Payer also mentioned that poor information on the VAC process had been provided and felt it was a disadvantage to the public suggesting that LVJB should improve the management of the appeal procedure as they had found our information/guidance on the appeal process to be woefully simplistic and misrepresentative. The CT payer was thanked for his suggestion for improving the appeals process and this matter would be raised with others in the organisation to allow us to

improve our service. The Privacy Notice on our website has been updated to provided information regarding recordings.

This complaint was not upheld.

There were no stage 1 complaints related to Electoral Registration or Valuation Roll.

Outcome of Stage 2 Complaints:

One complaint partially upheld was concerning the length of time to provide a response. This complaint was escalated by the complainant after receiving their stage 1 response.

Further details:

We received a stage 2 complaint from the complainant as the CT Payer asked for their complaint to be escalated from Stage 1. The complaint was responded by a member of the Management Team who was appointed as the Complaints Officer.

An acknowledgement was issued to the CT payer which outlined a summary of the nature of the complaint and advised that there are some things we can't deal with through our complaints handling procedure. These include:

- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf).

The Complaints Officer responded the apology again for the delay in the initial response advising that they would liaise with the staff member involved to ensure that future enquiries are dealt with promptly. The Complaints Officer sympathised with the complainant regarding the issues they had encountered in contacting West Lothian Council. The Complaints Officer tried to contact West Lothian Council but received no response so re-sent the CT Payers email and asked them to contact the CT Payer direct. The Complaints Officer explained that the CT Payer had now exhausted our internal complaints handling procedure and provided guidance on how to escalate the complaint to the SPSO.

This complaint was partially upheld due to the delay in our initial response.

Review by the Scottish Public Services Ombudsman (SPSO)

Stage 2 response to the original complaint was made in June 2021 with further questions received by the stakeholder, a CT Payer, extending the timeframe for the last response until October 2021. The CT Payer then contacted the SPSO to request that they investigate the handling of their complaint by LVJB. The SPSO contacted LVJB in May 2022 to advise that the stakeholder had raised a complaint with them, and they had investigated. They confirmed they found no grounds to the complaint that had been raised on LVJB's administrative function and advised that they were unable to comment on the Council Tax band as it was not within their remit to do so. The SPSO they would not take the matter further.

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