

SPSO NEWS

November 2016

Monthly news from the Scottish Public Services Ombudsman

Today we are laying 52 reports before the Scottish Parliament, including one full investigation report about the NHS. This overview contains:

- an update on our Learning and Improvement Unit
- key casework themes
- our customer satisfaction survey
- our annual report
- Complaints Standards Authority news
- learning event information and booking
- an update from our Scottish Welfare Fund work

Learning and Improvement Unit Update

As we've highlighted in previous commentaries, one of the key aims of our new Learning and Improvement Unit (LIU) is to support public bodies to help them prevent repeat service failings. We fundamentally believe that as well as putting things right for individuals, complaints can and should drive service improvement. We know that the public sector shares this vision and we have been very pleased with the positive response from authorities and complainants to this new strand of our work.

Key progress points to date:

- We are developing and enhancing tools and resources to promote the learning and improvement that stems from handling complaints well.
- We have secured support from stakeholders to consider changing the way we make recommendations. As well as continuing to ensure that recommendations address individual complainant's injustices, the onus will increasingly be on supporting authorities to identify and develop their own solutions for bringing about positive change to public services.
- We are building links with key scrutiny and improvement bodies to identify ways in which they can support improvement from complaints. In particular, we are exploring opportunities for improvement through more joined-up working and information sharing.
- We have identified medical consent as the systemic issue to focus our thematic report on. We are researching and drafting the report, which will be published early in 2017.

- We are designing and planning a cross-sector learning event. It will provide an opportunity for up to 200 practitioners to improve their complaints handling practice and ensure impactful outcomes. It will be held on 15 March (booking details below).
- We have presented at several high level external engagement events to raise awareness of the LIU work and received excellent feedback on these and support from a wide range of stakeholders.
- We have identified specific authorities to work closely with on areas that we think would benefit from such focused attention.

Key Casework Themes

Clinical treatment and diagnosis, complaints handling

Today's full investigation report ([201508652](#)) is about the care of a woman who died of a brain tumour. We found that her medical practice failed to recognise 'red flag signs' and features associated with headaches and to make an urgent referral to neurology specialists. We also identified failings in the care the board's out-of-hours staff provided, and the clinical treatment provided at hospital. We are critical of the board's investigation of the complaint and that they missed an opportunity to identify and address the failings in care and to reflect on and learn from what went wrong.

In several other cases published today, however, there is evidence of good practice of learning from complaints in the NHS and other sectors, as the examples below demonstrate. There is much good work being done in all sectors to ensure that complaints lead to positive change and we are keen to share such good practice.

Delay in sending ambulance and responding to complaints

Our investigation ([201507666](#)) found that the ambulance service had not only acknowledged but also taken appropriate action to address most of the concerns raised. They acknowledged from the outset that there had been a delay in the ambulance being dispatched. However, we found that they had acted in accordance with their call-out procedures despite this delay. They provided information on the action they took as a result of the delay including reviewing their shift capacity and putting further measures in place including training staff and new posts. On the concerns about the delay in responding to the complainant, the ambulance service accepted that there were failings as a result of which they had introduced a pilot method to record contact from individuals as part of their complaints handling.

Further education

This case ([201507832](#)) concerned a student who complained about the about poor administration of a course. In response to the student's complaint, the college had offered a free place on an equivalent course. We considered this was reasonable and although we did uphold some complaints handling aspects we noted that the college had taken action to introduce a new audit process to ensure that future complainants would be contacted at an appropriate time to explain delays and agree revised timetables.

To enable learning and improvement, we publish reports of investigations on our website. You can search these by authority, date, subject etc by visiting our website: www.spsso.org.uk/our-findings.

Customer Satisfaction Survey

Our 2015-16 customer satisfaction survey contains a lot of positive feedback and some areas for improvement.

Key points in brief:

- Respondents expressed high levels of satisfaction (of the 14 questions, 6 scored over 75% and 5 scored over 60%).
- Areas of dissatisfaction related to satisfaction with the outcome (47%), and timeliness (46%).
- The findings strongly reinforce the link between satisfaction and outcome.

We analysed the responses each quarter and findings and recommendations were discussed by our service improvement group and senior management team. The recommendations we have implemented throughout the year and some points for future action are summarised in the report.

It is also worth noting that the SPSO standards have now been adopted and are being developed by the Ombudsman Association with the British Standards Institute to be used as a common set of service standards for all UK and Ireland ombudsman and complaints handlers' schemes.

[Read the full report on our website.](#)

Annual Report

We published our 2015-16 annual report at the end of October. It highlights the work we are doing to further the impact of our recommendations by supporting public authorities to use complaints to bring about improvements in public services. Two thirds of our recommendations were about the NHS and a fifth about local authorities. The report also outlines the work we have done on leading the development of a model complaints handling procedure for the NHS in Scotland, and another key achievement in 2015-16 - the setting up of our new function as independent reviewer of the Scottish Welfare Fund.

[Download the SPSO Annual Report 2015-16 \(PDF, 680KB\)](#)

Complaints Standards Authority (CSA)

NHS Complaints Procedure

We have started working with NHS Education for Scotland to update the existing NHS feedback and complaints e-learning modules to reflect the changes in the new procedure. We are also working to develop a programme of education and awareness raising to support organisations to implement the new procedure and will provide further information in future updates.

Social Work Complaints Procedure

We have had our third meetings with both our working group and our steering group in relation to the new social work model complaints handling procedure (CHP). The steering group has now approved the draft model CHP and we are continuing to

liaise with the working group to finalise the CHP for publication in December. The new procedure will be made available for organisations to adapt and adopt from 1 April 2017.

How SPSO will handle social work complaints

Our complaints reviewers investigate complaints with the Ombudsman's delegated authority. They consider matters across all areas of our jurisdiction and, in preparation for our upcoming extended role in relation to social work complaints, we have recently recruited additional complaints reviewers. We are also recruiting for independent professional advisers to ensure that our complaints reviewers have access to appropriate professional advice when considering professional judgement in social work complaints. [Read the advert on our website.](#)

Our steering group has been very helpful in assisting with our research and preparations into the expertise required of professional advisers and we will also seek their input into areas for possible staff training.

Importantly, there will be a period of overlap between the current system for social work complaints and SPSO's extended role. Complaints made to local authorities up to and including 31 March 2017 must complete the existing process that ultimately culminates in a Complaints Review Committee (CRC). This means that local authorities will still need to be able to hold CRCs for some time after 1 April 2017. Our extended role will only apply where the original complaint is made to the local authority on or after 1 April 2017.

Complaints Handling Networks

Local Government

The local government complaints handlers network met on 3 November. The Improvement Service presented their interim analysis and findings of councils' annual complaints performance reports for the year 2015-16. A full report will be provided by the Improvement Service once all 32 councils have submitted the appropriate complaints information.

The network was provided with an update in respect of developing the new social work model CHP and SPSO's preparations for our future extended jurisdiction with these complaints.

A presentation introduced SPSO's Complaints Improvement Framework. Network members worked in groups to consider how good practice themes within the framework could be applied across councils and shared their findings with fellow members. Finally, the regular feature of a complaints surgery considered opportunities for improvement and, more generally, how councils could improve learning from complaints and the sharing of best practice.

Further Education

The next complaints handling advisory group meeting will take place on 30 November at the College Development Network in Stirling. The meeting will look at feedback provided by colleges with a view to establishing whether all colleges are

using the standardised complaints categories, or whether there is still work to do in this respect.

Housing

The next meeting of the housing complaints handlers network will be held in January 2017.

The chair of the housing complaints network and the CSA worked together to develop and deliver a joint session on 'Learning from Complaints' which was co-presented at the HouseMark Scotland event 'Customer Service: Being Excellent!' in November.

For all previous updates, and for more information about the networks and the CSA, visit our dedicated website www.valuingcomplaints.org.uk or email csa@spsso.org.uk.

SPSO Training

SPSO Learning Event

Making the Most of Complaints: Using Learning to Improve Public Services

15 March 2017, Central Hall, Edinburgh.

This event will use a mixture of presentations, hands-on workshops and good practice examples from public authorities that use learning from complaints effectively to make their services better. We will provide tools to help increase the positive benefits of complaints in supporting public authorities to prevent repeat failings and bring about change as a direct result of making the most of the learning.

[Read further information about the event download a booking form.](#)

For general information about our training unit, see our flyer: [SPSO Training 2016 \(PDF, 40KB\)](#).

For more information, please contact training@spsso.org.uk.

Scottish Welfare Fund

Communications and Engagement

Following visits to advice agencies last month, we are due to speak at this week's Scottish Independent Advocacy Alliance AGM to continue our engagement work with the third sector. To ensure that our website is as accessible as possible for our users, we have now completed implementing the changes suggested by the Plain English Campaign in their review.

Statistics and Reporting

We have responded to 395 enquiries and made 175 decisions (86 on Crisis Grants and 89 on Community Care Grants) since the scheme began on 1 April 2016 to the end of October 2016.

Having now handled a significant volume of enquiries and reviews, we are progressing our plans to share this information to enable the analysis of trends. Earlier this month we met with the Government to discuss the future reporting and sharing of the statistical data we are gathering.

Casework Outcomes

In recent weeks we have determined several cases where it has been necessary to explore whether the items applied for are excluded from the SWF.

In one case, an applicant from a rural area had applied for living expenses, including £200 for a minimum delivery of oil. He had recently lost his job, suffered a relationship breakdown and was also awaiting his first payment of Universal Credit. The council awarded him 14 days' living expenses plus an additional £6 for electricity but refused his application for oil as they said it was an on-going need and therefore excluded under Annex A of the SWF Statutory Guidance. We considered that his requirement for oil was a one-off need and therefore not excluded as per the council's assessment. We also assessed that a 28-day award for living expenses was appropriate as per section 7.9 of the guidance and awarded an additional amount to take account of this.

In recent weeks, we have also determined a community care grant review involving an application for a sleep monitor and a replacement fuse box. The council refused the items as they considered them to be excluded items under Annex A of the SWF Statutory Guidance. They assessed that the sleep monitor was a medical item and that the replacement fuse box was an on-going expense as the applicant was a homeowner and should be responsible for maintenance and repairs on an on-going basis. We took into account the circumstances of the case including the noted vulnerabilities and disagreed with the council's assessment that they were excluded items. However, we did not uphold the applicant's review request on the basis that they did not meet the priority level in place based on the evidence available.

Compliance and Follow-up

In line with SPSO practice, my office will follow up with the organisations to ensure that they implement the actions to which they have agreed.

Jim Martin, Ombudsman, 23 November 2016

The compendium of reports can be found on our website: www.spsso.org.uk/our-findings.

For further information please contact: **SPSO 4 Melville Street Edinburgh EH3 7NS**
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The Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman (SPSO) provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. Our service is **independent, impartial and free**.

We are the final stage for handling complaints about councils, housing associations, the NHS, prisons, the Scottish Government and its agencies and departments, the

Scottish Parliamentary Corporate Body, water providers, colleges and universities and most Scottish public authorities.

We normally consider complaints only after they have been through the complaints procedure of the organisation concerned. Members of the public can then bring a complaint to us by visiting our office, calling or writing to us, or filling out our online complaint form.

We aim not only to provide justice for the individual, but also to share the learning from our work in order to improve the delivery of public services in Scotland. Our complaints standards authority promotes good complaints handling in bodies under our jurisdiction.

Communications team: T 0131 240 2974

SPSO website: www.spsso.org.uk

Valuing Complaints website: www.valuingcomplaints.org.uk

Contact us: T 0800 377 7330 www.spsso.org.uk/contact-us