

Monthly news from the Scottish Public Services Ombudsman

This month we are laying one report about the NHS before the Scottish Parliament. We are also laying a report on 59 decisions about all of the sectors under our remit. These can be read on our website at www.spsso.org.uk/our-findings.

Case numbers

Last month (in July), we received 448 complaints. We determined 460 complaints and of these we:

- gave advice on 276 complaints
- considered 93 complaints at our early resolution stage
- decided 91 complaints at our investigation stage.

We made a total of 111 recommendations.

Ombudsman's Overview



Annual report

I laid our 2013-14 annual report earlier this month. It highlights the strength of our performance and our impact over the past year.

Its title '**Transforming Scotland's Complaints Culture**' is a bold one for an annual report. However, I believe it captures a turning point in the approach by public bodies to handling complaints. Through the work that we have led, in partnership with other organisations, people in Scotland now have better access to justice through standardised, accessible, effective complaints procedures. We are beginning to see a culture shift towards public bodies valuing the learning from complaints and using them to drive improvement.

There is work to be done, though, as the report also demonstrates. There are still barriers to complaining, and I recognise the courage and stamina it can take to make a complaint about a public service organisation.

We made final stage decisions on almost 900 complaints, providing individual justice to people failed by public services. We made almost 1,200 recommendations for redress and improvement, and followed them up rigorously to ensure that the failings are not repeated. The overall rate of upheld complaints rose to 50%, from 46% the previous year. Each upheld complaint represents an injustice to an individual and a failing by a public body. I expect those organisations – and other organisations – to learn from these mistakes so that we can continue to improve the quality of public services in Scotland.

Later this year, we will be publishing annual complaints reports about each of the sectors under our jurisdiction, highlighting key information, messages and analysis.

Aligning procedures in health and social care and social work

The annual report also highlights that there is work to be done at the strategic level to ensure that simple, accessible complaints procedures operate across the public sector. This relies on further policy and legislative change in a number of areas, including social care and social work. These services affect vulnerable people and I comment in the report on the pace of reform. If services are to be truly person-centred, that must include accessible, simple, effective complaints procedures. I make this point more directly in my recent response to the Government's consultations on the **Draft Regulations and Orders Relating to Public Bodies (Joint Working) (Scotland) Act 2014**.

Communicating test results

A key message from today's investigation report is the importance of good administration and the timely dispatch of test results between different parts of the NHS. The report explains that, during surgery to relieve back pain, a woman had a spacer put between the wrong vertebrae. Opportunities to uncover the mistake were missed, and the results of the scan that eventually revealed it were late. It is vitally important that when procedures or tests are carried out in different hospitals (and in this case in different health boards), there are systems in place to ensure that results are communicated as quickly as possible.

Housing decisions

Unusually, I am laying six short reports about housing this month. These make for useful learning for tenants, registered social landlords (RSLs) and other housing stakeholders. The decisions are about many of the subjects about which we most frequently receive complaints:

- decoration costs following internal improvements (201400434)
- housing allocation (201306208)
- neighbour nuisance and complaints handling (201304959)
- lighting in a close (201400336)
- implementation of unacceptable actions policy (201204721)
- right to buy (201306028)

We will publish our sectoral report about complaints about RSLs in the autumn.

Investigation Reports



Investigation report refs: 201302080 & 201402758

Clinical treatment; communication

Lothian NHS Board and Borders NHS Board

SUMMARY

Mrs C had surgery on her spine in June 2012, in which a spacer was inserted between two of her vertebrae. At her first routine follow-up appointment five months after the operation, she reported that she had started to have pain in her leg about a month after surgery. The consultant neurosurgeon in charge of her care ordered tests, and an x-ray was done in late November. The consultant also asked a Borders NHS Board hospital (which was more convenient to Mrs C) to do an MRI scan. The consultant did not review the x-ray nor did she look at the scan until February, when she found that the spacer had been inserted between the wrong vertebrae. Mrs C had a further operation in March.

Mrs C's husband complained to us that, as a consequence of Lothian NHS Board's actions, his wife suffered unnecessary pain and discomfort that impacted significantly upon her life, particularly as she was also recovering from radiotherapy treatment for breast cancer. During the course of the investigation we also identified a concern about the provision of the scan, which we also looked into.

I sought independent advice on the case from one of my medical advisers, who is a consultant neurosurgeon. The adviser said that it would not be common practice to obtain an x-ray after the follow-up appointment. Nevertheless, having done so, it would be possible to have realised the mistake by reviewing the x-ray. He thought it would be reasonable for the consultant to have done so within a week, but this did not happen. The adviser also said he would have expected the MRI scan to have been available to the neurosurgeon within a week of it being done in early December. Again, this did not happen.

I upheld the complaint that the care and treatment Lothian NHS Board provided to Mrs C was unreasonable. The board had already apologised for the mistake in the operation, and I do not require them to do so again. However, I recommended that the consultant neurosurgeon revisit her procedures for determining the level of surgery and consider doing two x-rays, one before incision and one with the wound open. Alternatively, she should consider doing only one x-ray but with the wound open and the spinal elements clearly visible.

As I found no conclusive evidence that Borders NHS Board did not provide the scan results at the time they told us they did, I did not uphold this complaint. I did, however, recommend that they review their procedures for the timely dispatch of radiology reports.

Complaints Standards Authority update



Local government

We reported last month that the model complaints handling procedure (CHP) requires local authorities to report annually on their performance in handling complaints, in line with SPSO requirements. The SPSO performance indicators for this were designed to help councils understand their complaints handling performance in more detail and ensure that they capture consistent and directly comparable information. This includes the volumes and types of complaints handled and key performance details, for example the time taken and the stage at which complaints were resolved. Key to assessing how effectively complaints are handled is understanding how the learning from them is shared both within and across local authorities. The annual reporting of performance should, therefore, demonstrate the arrangements councils have in place to learn from complaints.

So far, we have not seen these annual reports from all councils. We would take this opportunity to remind councils that, as a minimum requirement, their performance against each of the performance indicators should be published in their annual complaints report. They may, however, include additional information as they consider appropriate. Councils that have not yet provided SPSO with an annual complaints report may do so by emailing csa@spsso.org.uk and either attaching their council's report, or providing a web link to it. This is also the email address to which to send any questions about this or about any other aspect of the model CHP or compliance requirements.

The next meeting of the local authority complaints handlers network is on 31 October, where benchmarking of complaints performance will be the theme. The network group use the Knowledge Hub to share information about meetings and to seek or provide advice and guidance. The hub is becoming a valuable resource for complaints handlers in the sector as more people contribute to it. If any local authority representatives would like more information about the network, please contact CSA directly on csa@spsso.org.uk.

Housing

RSLs should also report on their complaints handling performance in line with SPSO requirements. We have provided self-assessment complaints indicators for the housing sector, developed in association with the Chartered Institute of Housing, the Scottish Housing Best Value Network and HouseMark, to monitor performance against the requirements of the model CHP.

The indicators, which are linked to the core recording, reporting and publicising requirements in the CHP, can be found on the **Valuing Complaints website**. The information RSLs publish will allow them to compare their complaints handling performance across the sector, building on their existing benchmarking arrangements.

It is hoped that there will be a network meeting of the housing complaints handling network in September. Members of the network, and those who have expressed an interest in joining, will be sent confirmation of the final date when it is agreed. If you are interested in this, please contact the CSA team directly at CSA@spsso.org.uk. Please also send any queries about the model CHP or monitoring and compliance arrangements to that email address.

Higher education

The higher education complaints network includes representatives from all institutions across Scotland. The next meeting will be on 3 October at Heriot Watt University, and the CSA will be in attendance. The model CHP has been in operation across this sector since 30 August 2013. We would remind universities that they are required to report on complaints handling performance annually in line with SPSO requirements. These requirements are in the CHP implementation guide, and include performance statistics on the volume and type of complaints and key performance details, such as the time taken and the stage at which complaints were resolved. Learning from complaints is a key requirement in annual complaints reporting, and institutions should clearly demonstrate the improvements to services or procedures made as a result of complaints, and the arrangements they have in place to learn from these.

Please direct any queries about the model CHP or monitoring and compliance arrangements to the CSA team at CSA@spsso.org.uk.

Complaints Standards Authority update



Further education

As with other sectors, we would remind all colleges of the requirements to report annually on their performance in handling complaints in line with SPSO requirements. The CHP implementation guide provides a set of indicators including statistics showing the volume and type of complaint as well as key performance details, for example on the time taken to resolve complaints and at what stage they were resolved. Colleges should also demonstrate the improvements to services or procedures made as a result of complaints, and the arrangements they have in place to learn from these.

The complaints handling advisory group is preparing a webinar for new college staff, about the sector's complaints handling tool. This is on target for September, and the advisory group will provide further information directly to colleges. The group also plan to include a session on complaints reporting at the October meeting of the Quality Development Network. Any sector representatives who want to join, or to learn more about the advisory group, should contact the CSA team directly at csa@spsso.org.uk.

Scottish Government

As part of our ongoing work with the Scottish Government we recently met with their complaints improvement group. Discussions included the SPSO's approach to handling complaints, the reporting and monitoring of complaints performance, and proposed changes to the way the Government will manage complaints in the future.

Network groups of complaints handlers have been successfully introduced in most other sectors. We hope that a similar approach can be introduced in the Scottish Government sector – this includes the government, the Scottish Parliament and a diverse range of associated public authorities in Scotland. The core business of organisations may vary, but processes for handling complaints, benchmarking performance, and sharing expertise and best practice in complaints handling are relevant both in and across sectors.

Any organisations interested in forming a complaints network should contact the CSA team directly on csa@spsso.org.uk.

NHS

In August, we met key NHS stakeholders to discuss the initial outline of a proposed approach to taking forward recommendations from the Scottish Health Council's review of NHS feedback and complaints. The recommendations relate to developing a standardised model complaints handling procedure in the NHS. We plan further discussions with the government and other stakeholders about developing the procedure, and will report on progress in future updates.

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, 20 August 2014

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

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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 National Health Service, prisons, the Scottish Government and its agencies and departments, the Scottish Parliamentary Corporate Body, water and sewerage 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. We have a programme of outreach activities that raise awareness of our service among the general public and promote good complaints handling in bodies under our jurisdiction.



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