
Monthly news from the Scottish Public Services Ombudsman

This month we are highlighting our **briefing note** about the Scottish Welfare Fund (SWF), in light of the Scottish Government's intended policy that the SPSO take on a new role in reviewing SWF decisions. This proposal is included in the Welfare Funds (Scotland) Bill that is before the Scottish Parliament. It would mean an extension of our jurisdiction (in relation to the SWF only) to include the ability to review and change decisions. We have not expressed a view on whether the new role should or should not come to us. We are a Parliamentary body and Parliament will make this decision when reflecting on the Bill.

Unusually, we are not laying any detailed investigation reports before the Parliament this month (there are several in the pipeline, but none ready for laying). We are laying a report on a record number of 90 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 June), we received 465 complaints. In addition to the two detailed investigation reports we laid before Parliament, we determined 439 complaints and of these we:

- gave advice on 323 complaints
- considered 49 complaints at our early resolution stage
- decided 55 complaints at our investigation stage.

We made a total of 103 recommendations.

Ombudsman's Overview



A changing role for SPSO?

The Scottish Welfare Fund (SWF) provides day-to-day living expenses to those on low incomes who are in crisis, as well as providing essential household items to those in need. SWF complaints came under our jurisdiction as part of a two-year interim arrangement in April 2013. The fund is administered by local authorities so the SPSO became the final point for complaints.

The Scottish Government consulted on the permanent arrangements for the SWF, including the options for review arrangements. Following the consultation, they confirmed their intended policy that the SPSO take on a new role in reviewing decisions. This would mean an unusual extension to our jurisdiction (in this area only), to include the ability to review and change SWF decisions. This would have a number of consequences, including adaptations to our current remit, processes and procedures.

As the briefing note outlines, if we are to take on the role, a number of important issues need to be factored in:

- **Accessibility, simplicity and timeliness:** we recognise that there will be a need to make decisions quickly and to be fully accessible to people who are more likely to be vulnerable and to have complex and multiple needs than the majority of our current service users. Given this vulnerability, any option must be genuinely accessible by them and it will be particularly important that we have the ability to respond quickly.
- **Reporting and learning:** we have always considered that learning from the experience of individuals is one of the best and most direct ways to improve services. Given this, we will communicate decisions appropriately and quickly, publicly report anonymised versions of individual decisions to ensure learning is shared and report annually on trends and themes identified from our handling of SWF reviews across Scotland, in line with our current approach.
- **Complaint vs review:** the proposal would give the SPSO two new powers in relation to the SWF. These are that we should be able to consider whether the decision is one that should have been made, and to direct the local authority to put in place an alternative decision if we consider a different one should have been made. There are both legal and practical implications of these additional powers, which are explained in detail in the briefing, including through case studies.

We are considering the proposal with the Government and the Scottish Parliamentary Corporate Body. The **briefing note** is intended to help inform the process of consultation and debate about the **Welfare Funds (Scotland) Bill** by setting out how we would approach taking on the new role. We will be providing further detailed written evidence to Parliament as part of the consultation process.

Complaints Standards Authority update



Local government

The local authority complaints handlers network agreed at their June meeting to develop a pilot approach to benchmarking performance to be rolled out between July and October. Members of the network are finalising a benchmarking methodology which will aim to demonstrate, amongst other things, how their approach will add value across the sector. The findings of the pilot will be reviewed at the network's next meeting in October.

The network is run by the sector for the sector and membership is open to all complaints handlers, managers and senior managers across the sector. If you are interested in becoming involved, please contact the CSA team directly at CSA@spsso.org.uk.

Local authorities are required to report annually on their performance in handling complaints. We have seen variations on the way in which the information is being presented and we would like to take this opportunity to remind councils that, as a minimum, they should report their complaints handling performance against the SPSO performance indicators for the **Local Authority Model Complaints Handling Procedure**.

Further Education

Following the second meeting of the complaints handling advisory group work is underway to address some of the agreed actions from that meeting. A webinar is planned for September to present an interactive session with new college staff on the complaints handling tool, and a guidance note for the sector on complaints reporting will be developed.

The group is run by the sector for the sector. It will meet again following the September meeting of the Quality Development Network Steering Group. We encourage any sector representatives who are keen to join, or to learn more about the group to contact the CSA team directly at CSA@spsso.org.uk.

Housing

For various reasons, including availability of staff, conflicting business priorities and accommodation issues, the planned June meeting of the housing complaints handling network did not take place. We will work with the chair of the network to reschedule this meeting and advise members accordingly. If you would like to attend future meetings of this network, please contact the CSA team directly at CSA@spsso.org.uk.

Model CHP for the Scottish Government, Scottish Parliament and associated public authorities in Scotland

The introduction of the model CHP for this sector has been positively received, with very few implementation issues identified. We are continuing to provide a small number of bodies with support, advice or guidance in relation to their implementation of the CHP. We are scheduled to meet with the Scottish Government in early August as they move forward with their CHP processes and complaints improvement project. We will continue to monitor compliance both through the complaints which SPSO is asked to consider and through the activities of the CSA. If and where there is a need for additional support we encourage organisations to contact us directly at CSA@spsso.org.uk.

NHS complaints procedures

In the past month we have met with NHS stakeholders, including the Government, a Community Health & Care Partnership and the Scottish Health Council (SHC) to consider the way ahead regarding the SHC's recommendation in their report *Listening and Learning – How Feedback, Comments, Concerns and Complaints Can Improve NHS Services in Scotland*. This said that the CSA should lead on the development of a more succinctly modelled, standardised and person-centred complaints process for NHS Scotland. We will continue to provide progress reports in future CSA 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, 23 July 2014

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

For further information please contact:

Emma Gray

Communications Team

Tel: **0131 240 2974**

Email: egray@spsso.org.uk

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.



COMMUNICATIONS TEAM

T **0131 240 8849**



SPSO WEBSITE

W www.spsso.org.uk



CONTACT US

T **0800 377 7330**

W www.spsso.org.uk/contact-us

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