

SPSO NEWS

January 2017

Monthly news from the Scottish Public Services Ombudsman

Today we are laying 75 reports before the Scottish Parliament, including one full investigation report about the NHS. This overview contains:

- learning from health and prison complaints
- 'Making the most of complaints', our forthcoming improvement conference
- Complaints Standards Authority news, including the new social work and NHS model complaints handling procedures
- an update from our Scottish Welfare Fund team

Ombudsman's Overview

Ensuring learning from complaints: In today's public interest report I emphasise again that failings are opportunities to learn and to prevent future mistakes. The investigation ([201508499](#)) was into a complaint that poor clinical care resulted in a man being left profoundly incapacitated. Given the seriousness of the outcome, I am concerned that the board did not formally review the man's care. I am further concerned that their investigation of the complaint did not identify learning points and did not result in robust remedial action being taken. My recommendations included that the board carry out an adverse event review and inform me of the steps they have taken to avoid a similar future reoccurrence.

This failure to learn from complaints is the focus of our March learning and improvement conference, 'Making the most of complaints'. [Read more about this on the Valuing Complaints website.](#)

Supporting organisations: As I said in my evidence to two Holyrood Committees earlier this month, one of the key aims of our new Learning and Improvement Unit (LIU) is to support organisations in maximising the learning from complaints to improve their services. Given the preponderance of health and local government complaints in our caseload, we are focusing our work on NHS boards, councils and

related scrutiny bodies, and other improvement stakeholders. To read our written and oral evidence to the Committees, please visit the policy section of our website: at <http://www.spsso.org.uk/consultations-and-inquiries>.

Prisoner complaints: Another sector the LIU is working closely with is the Scottish Prison Service (SPS). Today we are publishing reports of ten complaints about the SPS. A recurring theme of the recommendations they contain is the importance of documenting the rationale for decisions. A recurring failure to do so is a major contributor to the relatively high uphold rate in the prison sector, which was 55% in 2015–16 (an increase of 17% on the previous year). We regularly ask the SPS to ensure that staff follow proper process when they make decisions – for example that they are fully aware of relevant criteria and complete all appropriate documentation.

Another area we have previously highlighted to the SPS is the quality of their internal complaints committees (ICCs). In one of today's cases ([201508815](#)), we recommend that the SPS identify and address ICC training needs to ensure that staff give clear reasons for their decisions, including the evidence on which the decision is based. In a second report ([201603667](#)), we make a recommendation to improve the accuracy of written recording of discussions about requests for assistance and witnesses at ICCs.

We are pleased to be working with the SPS on a number of areas to support them in reviewing their complaints handling guidance, training staff in investigating complaints and further developing their complaints handling quality assurance systems. We are also grateful to the SPS for their help with our planned survey of prisoner feedback on complaints in 2017–18.

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

SPSO Learning and Improvement Conference

Making the most of complaints: Using learning to improve public services

15 March 2017, Central Hall, Edinburgh

We are continuing to take bookings for our Conference. It is designed for complaints handlers and those involved in quality, improvement and governance in public services. It is relevant to all sectors, including local authorities, health service providers, RSLs, the prison service, higher and further education and water authorities. It will provide a forum for sharing experience, as well as:

- tools to help your organisation realise the benefits of learning from complaints
- real-life examples of how complaints have improved council, health and housing services
- presentations from SPSO, public bodies, academics and regulators

Find out more about the event and download a booking form at www.valuingcomplaints.org.uk/conference2017

Complaints Standards Authority (CSA)

Social work complaints procedure

Following publication of the social work model complaints handling procedure (CHP) last month, we are ready to provide support and advice to organisations as they prepare for implementation in April 2017. The CHP – which is available on the Valuing Complaints website at www.valuingcomplaints.org.uk/complaints-procedures/local-authority-model-chp/social-work-complaints – places an emphasis on ensuring that customers have easy access to an efficient, customer-focused complaints service which responds to their concerns quickly and as close to the point of service as possible. It provides information about different complaint scenarios, including those that involve social work and another service or organisation, in addition to providing advice on a range of more complex social work issues, and the handling of complaints about integrated services. Councils are reminded of the

transitional arrangements which mean that all social work complaints received by them prior to 1 April 2017 should be taken through the current social work complaints procedure. SPSO's extended role in handling social work complaints will only apply where the original complaint is made to the local authority on or after 1 April.

The CHP Guide to Implementation provides the information that organisations will need to know when they are adapting and adopting it for their own use. However, the CSA would be keen to hear from any organisation that needs advice or support with this process. You can contact us directly at CSA@spsso.gsi.gov.uk.

We are also continuing to prepare for SPSO's extended role to consider professional judgements in relation to social work complaints from 1 April. We will prepare and deliver a series of awareness-raising sessions for staff in relation to social work itself and also wider issues that social work services may face. We are also continuing with our process to appoint independent professional advisers to ensure that we are best placed for our extended role.

NHS complaints procedure

The new NHS model complaints handling procedure (CHP) was published by the Scottish Government in October 2016. NHS boards and their service providers are required to implement the new procedure from 1 April 2017. In particular, boards are asked to ensure that:

- they provide their own organisation's CHP to the Scottish Government by 7 April 2017, in accordance with the Implementation Guide
- their primary care service providers are ready to implement the procedure, in accordance with the Implementation Guide
- staff are aware of the revised procedure, and in particular of the stronger focus on early resolution, and are empowered to implement it
- the appropriate reporting and monitoring mechanisms are in place.

We continue to work closely 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 sessions and will provide further information in future updates.

Complaints handling networks

Local Government

The local government complaints handlers network last met in November and the next meeting will be in March 2017. The network has introduced a working group to consider options for a more effective approach to reporting the annual complaints performance of all councils to facilitate benchmarking and improvement. The CSA is pleased to be part of this working group, which will meet early in 2017 and report its findings to the next meeting of the full network.

Further Education

The next complaints handling advisory group meeting will take place on 9 February 2017 at the College Development Network in Stirling. The meeting will consider its approach to planning for this year's annual complaints event.

Housing

The housing complaints handlers network will next meet in February 2017.

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.

Scottish Welfare Fund (SWF)

Communications and engagement

Recognising that the festive season can be a very difficult time for people facing crisis situations, we offered an emergency service between Christmas and New Year. This worked well and enabled us to respond to customer enquiries and process crisis grants in line with our statutory timescales.

A key area of focus for us in the coming weeks will be gathering feedback from applicants who have been through the independent review process. This feedback will be captured via customer surveys and used to help us develop and improve our service.

Statistics and reporting

We have responded to 534 enquiries and made 261 decisions (121 on Crisis Grants and 140 on Community Care Grants) since the scheme began on 1 April 2016 to the end of December 2016.

Casework outcomes

In recent weeks we have determined cases where it has been necessary for us to consider how grants have been fulfilled. In one such case, a council declined an application for a crisis grant as they did not consider that the applicant met the qualifying criteria. This decision was overturned at the first tier review stage and the council awarded a £20 fuel voucher for power. They also advised the applicant to use a food bank. We disagreed with this approach and awarded a higher amount, taking into account the £20 that had already been paid. This is in line with the SWF statutory guidance which states that councils should not use food banks as a substitute for paying a crisis grant if the application is successful.

In another case, an applicant submitted an independent review after being awarded a fridge freezer which she considered did not meet her needs. The applicant suffered from chronic health problems, the symptoms of which fluctuated day to day. On days when she was feeling well, she was able to batch-cook meals for herself and her 12-year-old son. This meant that on days when her symptoms were more severe, she or her son were able to defrost and reheat these pre-prepared meals in the microwave. Having assessed the capacity of the freezer compartment, we considered that it would not allow the applicant to store sufficient pre-prepared meals to meet her family's needs. We therefore upheld her review request and awarded a fridge freezer with increased capacity.

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, 25 January 2017

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

For further information, please contact:

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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