

SPSO NEWS

March 2017

Monthly news from the Scottish Public Services Ombudsman

Today we are laying 69 reports before the Scottish Parliament, including one full investigation report about a council and one about a health board. In this overview, we highlight:

- key points from our investigations
- changes to how we present recommendations
- our thematic report on medical consent
- our complaints improvement conference
- Complaints Standards Authority news including the social work and NHS complaints procedures
- an update from our Scottish Welfare Fund team.

Key points from our investigations

The council investigation covers four cases ([201508737](#), [201508738](#), [201508193](#) and [201508082](#)) from one person about the management of projects to control small poster advertising within the city, and the council's poor handling of the person's complaints. We upheld multiple complaints about the council and made six recommendations to help them rectify their internal communication and complaints handling failings. We also asked them to conduct a full review of their management of all the various advertising projects from their inception and provide their findings to this office.

The complaint about a health board ([201508365](#)) concerned an incident that took place in the home of a man who was receiving end of life care at home from a district nurse. The board conducted an internal investigation into what happened, but the family were still unhappy and brought their complaint to us. We found that the district nurse's actions fell below acceptable professional standards and that the care provided was unreasonable. We made six recommendations for redress and

improvement. Given the sensitive nature of the complaint and in order to ensure the individuals involved are not identified, in accordance with the SPSO Act, we have not named the board in this report.

Housing association complaints

We also laid reports of four decisions about housing associations. We did not uphold a case ([201604921](#)) about a neighbour dispute, because we found that the association had taken sensible and sensitive steps to bring about a resolution. Another case ([201507742](#)) was resolved to the complainant's satisfaction when, following our enquiries, the association accepted there had been some confusion about their responsibilities in relation to a repair and offered the complainant a payment in recognition of the inconvenience she had suffered. They also explained the steps they would take to ensure staff were trained to avoid similar mistakes in future. In a case about the recovery of monies from a man when he terminated his tenancy ([201601169](#)) we found that the association were entitled to seek to recover costs from him and so we did not uphold his complaint. We upheld complaint handling aspects of a complaint ([201601405](#)) about a boiler repair, and asked the association to contact their insurer to reaffirm their offer of a goodwill payment from the contractor to the tenant.

To enable learning and improvement, we publish reports of investigations on our website. You can search these by reference number, organisation, date, subject etc by visiting [our website](#).

Changes in how we present recommendations

This month we have been finalising arrangements for a new way of presenting our recommendations, drawing on work we have undertaken to enhance their impact. We examined the over 1,500 recommendations we made in 2015-16, and found that, whilst around 40% focused on putting things right for individuals, around 60% of them aimed to ensure the organisation would learn in order to prevent the same thing happening again. We also surveyed public authorities for their views of our recommendations, held workshops for our complaints staff to provide input and used insights from our Customer Sounding Board. On the basis of this analysis and

feedback, we have developed a new way of presenting and recording recommendations which we will introduce in April 2017.

The key aim is to make our recommendations even more targeted and effective and to increase the information we capture about the types of recommendations made and the action taken. In the longer term, we also aim to support organisations to identify and develop their own solutions for preventing repeat mistakes and improving services, in a way that enables them to clearly measure the impact from the changes they are making as a result of complaints.

Thematic report on medical consent

In March 2017 we published our first ever [thematic report](#). Irrespective of the important subject matter, the report showed the underlying strength of putting similar or related complaints alongside each other, and using the collective power of complainants' stories to identify common issues and recommend solutions. The report explores the context for consent, given significant recent legal and policy developments in this area. We are keen to be able to be part of the solution as well as present issues, and so we put forward ways in which health organisations can address the problem. The report includes a practical tool (the consent checklist) for health organisations, scrutiny bodies and policy-makers to use in evaluating whether their consent processes are robust enough to avoid the common failings we see.

Improvement Conference

We held a cross-sector [learning event](#) in March 2017, bringing together the learning and improvement products we have developed and sharing these along with examples of good practice we have identified in other organisations. The conference provided an opportunity for up to 200 practitioners to improve their complaints handling practice and ensure impactful outcomes.

Complaints Standards Authority (CSA)

Social work complaints

The new social work complaints handling procedure (CHP) comes into effect from 1 April 2017. It brings social work complaints into line with the new NHS CHP and the approach to handling complaints across the wider public sector in Scotland. You can read the CHP on the [Valuing Complaints website](#).

Independent social work advisers will be supporting our complaints handlers in this new area of work. The advisers have now held two staff awareness sessions, providing an overview of social work and some of the key issues. Future sessions will be about specific areas, such as children and families and adult and older person's services.

We have also been focusing on the management of complaints by health and social care partnerships. Based on our work with one Integration Joint Board (IJB), we have developed a template CHP to help others develop an appropriate procedure for their IJB. This is now available on the [Valuing Complaints website](#). If IJBs or their partnerships have any queries they can contact the CSA for clarification, at CSA@spsa.gsi.gov.uk.

We also published our [third bulletin for the social work sector](#). It provides an update on our work and what the sector can expect as we move towards the implementation date. We have now finalised the leaflet about our role in relation to social work complaints which can be read on our [website](#).

NHS complaints

The Scottish Government's new NHS CHP comes into effect from 1 April 2017. Our main focus this month has been on working with NHS Education for Scotland and other partners to deliver a programme of regional events covering 'Feedback and Complaints and Duty of Candour'. We have also delivered awareness sessions to some primary care providers, and at the Patient Advice and Support Service and

NHS Complaints Personnel Association Scotland (NCPAS) regional events in Dundee and Glasgow.

Two health boards (NHS Fife and the Golden Jubilee Hospital) have led on testing the new CHP in order to share lessons across the sector. At an NCPAS meeting earlier this month, we were encouraged to hear that both organisations report early success (including the ability to record and report performance against the new complaints indicators) in testing the new procedure.

You can read the CHP on the [Valuing Complaints website](#).

Complaints Handling Networks

Local Government

The next meeting of the local government complaints handlers network is in April. The network will review the progress of its work on options for a more effective approach to reporting the annual complaints performance of all councils to facilitate benchmarking and improvement.

Further Education

The complaints handling advisory group met in March. Discussions included plans for this year's annual complaints event in May. We will provide further information in our next update.

Housing

The next meeting of the housing complaints handlers network is in April.

For all previous updates, and for more information about the networks and the CSA, visit our [dedicated website](#) or email csa@spsso.org.uk.

Scottish Welfare Fund

Communications and Engagement

This month we welcomed a number of councils to our final local authority sounding board of the financial year. We gathered valuable feedback about the wider

operation of the fund and about the independent review process. We also issued customer surveys for all cases determined in January and plan to continue this on a monthly basis going forward.

Statistics and Reporting

We have responded to 679 enquiries and made 370 decisions (174 on Crisis Grants and 196 on Community Care Grants) since the scheme began on 1 April 2016 to the end of February 2017. During February, we determined 54 cases including 25 crisis grants and 29 community care grants.

Casework Outcomes

In recent weeks we have determined cases where it has been necessary for us to assess whether the assistance requested fell within the exclusions listed in the guidance. In one such case an applicant, who owned her own property, applied for an orthopaedic mattress, electric shower and lever taps for her kitchen and bathroom. The council awarded a mattress but did not award the other items, stating that they were excluded as they were repairs to private property. The applicant had previously been awarded a shower unit from occupational health, which was still functional, but the electric shower itself was faulty. This meant the elderly applicant, who suffered from incontinence, arthritis and mental health problems, had to wash herself at the sink. We disagreed that replacing an electric shower was a substantial improvement to private property and instructed the council to make an award. The applicant had also applied for replacement lever taps as her existing taps were dripping, but we did not consider that these met the necessary priority levels.

In a previous case, an applicant applied to the council for a community care grant to pay for repairs to guttering at his privately owned property. The council assessed that the item was excluded as a substantial repair. We disagreed with this assessment as, having investigated further, the cost of the repair was less than £100. However, we assessed that the applicant did not meet the qualifying criteria and as such, did not uphold the review request.

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, 22 March 2017

The compendium of reports can be found on [our website](#).

For further information please contact: SPSO, 4 Melville Street, Edinburgh, EH3 7NS
Emma Gray Tel: 0131 240 2974 Email: emma.gray@spsso.gsi.gov.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 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