

SPSO NEWS

October 2017

This e-newsletter highlights:

- our forthcoming conference about the impact on staff who are the subject of a complaint and the ways in which organisations can support their employees through the process (Tuesday 5 December)
- an overview of some of the casework decisions we have published this month
- a Complaints Standards Authority update, including a new training course for staff in Health and Social Care Partnerships
- news from our Scottish Welfare Fund team, including details of our first SWF engagement event in February 2018.

This month we are publishing 72 reports of complaints we investigated about a range of sectors including local authorities, health, higher and further education, housing associations, the prison service and water authorities. [These are available on our website.](#)

Casework decisions

Of the 72 cases we are publishing this month:

- 38 cases are about the health sector
- 22 are about local authorities
- we have made recommendations in 36 cases

The majority of summaries we published this month were about investigations in the health sector. This is in line with our average: in 2016/17, 63% of our investigations were about the health sector. We have additional powers in health cases, as we can look at the professional judgement of health professionals. This means that we are able to consider what the health professional did and whether it was reasonable in the circumstances, so we will often be examining clinical evidence and seeking independent specialist advice.

Recommendations

In 36 of the 72 cases we have published this month, we have made recommendations for redress.

This month we have made:

- 24 recommendations asking organisations to apologise

- 12 recommendations to improve the way organisations handle complaints
- recommendations in 28 cases on how organisations can put things right in the future (a learning and improvement recommendation).

Learning and improvement recommendations

This month, examples of the types of recommendations we have made include:

- asking a college to ensure that they have clear and accurate information about course fees on their website and in their course brochure (201609166)
- a council's inspection policy for mutual house exchanges should ensure that properties are properly inspected by a qualified officer and provided to tenants in a structurally sound condition (201609177)
- asking a health board to make sure that patients undergoing elective caesarean section are fully informed of the possible complication and risk of bowel injury and give clear, informed consent (201607186)
- in a case about rent and council tax arrears, we recommended that communication between relevant council departments, particularly with regard to vulnerable tenants, should be improved (201604160)
- in a case where a woman attended court as a vulnerable witness and we found that there were inadequate arrangements in place to avoid contact between her and the accused, we recommended that there should be a clear process for the two agencies involved to communicate where they consider a witness would benefit from additional arrangements in the court building. (201603257)

Whenever we make a recommendation, we ask the organisation to provide us with evidence that they have implemented it by the deadline we set. We do not sign off a recommendation as complete until we are satisfied that this has happened.

Supporting organisations with tools and resources

When we make recommendations about apologies, we now specifically direct organisations to the revised SPSO guidance on apology (available from www.spsso.org.uk/leaflets-and-guidance). This clearly sets out what people can expect from an apology, and what we will expect to see in an apology when we receive a copy or record of it from the organisation.

Ombudsman visitors in October

This month, we have welcomed visitors from the Parliamentary and Health Service Ombudsman, and the Adjudicator's Office (who have a remit to investigate HMRC

complaints). These meetings have offered a valuable opportunity to share experiences across different Ombudsman offices.

Conference: Being complained about - What can we do to support public sector employees?

Tuesday 5 December 2017, Queen Margaret University, Edinburgh

On Tuesday 5 December 2017, in partnership with Queen Margaret University and the University of Glasgow, we will be holding a conference on this key topic. It is essential for organisations and service users that organisations know how to protect and support staff so that they can learn from, rather than fear, complaints.

Complaints can have a significant impact on those who are complained about. This can include stress, anxiety, defensive working practices and reduced productivity. They can also undermine the confidence of individuals in how they deliver public services. Until now, limited research has been carried out about how complaints impact upon staff and about how staff can be supported when they are complained about. Queen Margaret University and the University of Glasgow will be joined by a range of speakers including Ombudsman, Rosemary Agnew, to share their research and experience on this topic.

Queen Margaret University events team are handling bookings for this event. [More details, including a draft programme and booking information, are available on the Queen Margaret University website.](#)

Complaints Standards Authority (CSA)

[The latest CSA update](#) includes information about:

- a new training course to support staff in Health and Social Care Partnerships (HSCPs) to investigate complaints
- work we have been doing on analysing prevalent or recurring themes in complaints handling that have been identified in cases being considered by SPSO in recent months and how this work can feed into the complaints handlers' networks to support learning, improvement and good practice.
- dates for the diary for complaint handlers' networks meetings.

Investigation skills training

We are holding open courses in complaint investigation skills in Edinburgh on 28 November 2017. [Please see our Valuing Complaints website for further details and booking information.](#)

E-learning

Our e-learning resources are once again available on our website and are free to access. Developed for frontline staff, each course consists of several modules to support staff in dealing with complaints. [Please see the training page of our Valuing Complaints website for more information.](#)

Scottish Welfare Fund

Communications and engagement

As part of our on-going engagement work, we are pleased to announce that we will be hosting our first Scottish Welfare Fund Independent Review Service engagement event on Thursday 8 February 2018 in central Glasgow. This will be an opportunity for delegates to share good practice with a series of speakers, meet SPSO staff and participate in interactive workshops focusing on areas which will include:

- Promoting good decision-making
- Quality assuring decisions and the communication of decisions
- Managing unreasonable behaviour

The Scottish Public Services Ombudsman, Rosemary Agnew, will be speaking at the event, as well as speakers from a range of organisations involved in the delivery of the Scottish Welfare Fund and organisations supporting applicants.

This event is intended for practitioners with responsibility for SWF delivery in councils, and third sector stakeholders who support applicants. Places are limited so please book early.

[More information about the booking process, including price information and a booking form, is available on the SWF website.](#)

This month we also held our quarterly Local Authority Sounding Board where we discussed a number of topical issues including:

- how we handle the feedback we receive from local authorities regarding our decisions
- progress of the learning and improvement work we are working on this year, including the development of tools and resources for decision-makers and managers, and
- case studies which allowed for interesting discussion between the representatives from different councils

SWF Statistics and reporting

We responded to 75 enquiries and made 49 decisions (16 crisis grants and 33 community care grants) during September 2017. The highest number of enquiries were received from applicants in Glasgow, Dundee and North Lanarkshire. Of these cases, the most common finding concerned written communication. We observed many instances of councils' decision letters not being specific to the applicant's circumstances, and failing to provide sufficient information to enable the applicant to understand the reason for the decision. We plan to provide support and guidance regarding communicating decisions as part our learning and improvement project.

Casework outcomes

This month we had to consider the appropriateness of a council's decision to rescind an award. While there is no guidance regarding what steps councils should take if applicants do not collect their awards, we disagreed with the decision to rescind the award on this occasion.

We also considered cases where we used discretion to ensure that the items awarded met the specific needs of the applicant in line with section 4.49 of the guidance. [Further details about these cases, and what we decided, can be found on our Scottish Welfare Fund website.](#)

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