

January 2021

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We wish everyone a happy and healthy New Year 2021!

We recognise that these are very challenging times for all of us and thank public bodies for endeavouring to maintain services and complainants for their patience with us and Scottish public bodies.

Our findings

Complaints

This month we:

- published 34 decision reports available [here](#)
- upheld 17 complaints in full or part
- made 44 recommendations for learning and improvement.

Learning points

This month we are publishing a number of health cases relating to errors in the diagnostic process and its documentation.

[201908658](#) – we found that the board failed to accurately interpret a scan which led to a significant delay in diagnosing a patient with lung cancer. We also found an unreasonable failure to follow up test results and carry out a further scan. While the board identified failings during their complaint investigation, they did not explain how those had occurred or detail what action they were taking to ensure this did not happen again. Therefore, we made seven recommendations to the board, including apologising to the patient and carrying out an audit of x-rays and scans to ensure there is no systemic issue which may have affected other patients.

[201908577](#) – we found that the board failed to communicate reasonably with a patient regarding the malignancy of their tumour. While we considered that the treatment provided was reasonable, we were critical that clinic letters following the patient's surgery did not describe the tumour as malignant, and we noted that the size of the tumour was also not recorded. We asked the board to ensure that they inform patients of the type of tumour they have and clearly document such discussions.

[201902736](#) – we found that the board unreasonably failed to diagnose that a patient had had a stroke. The patient was diagnosed as having a reaction to prescribed medication following elective surgery and was discharged from hospital. The patient later returned to hospital and it was confirmed that they had actually suffered a stroke before being discharged.

We considered that there was little recognition of this diagnostic error or the effect this might have had on the patient in the board's complaint response. The response also did not disclose the fact that there was no documentation in relation to this aspect of their care in their records. We asked the board to apologise to the patient and ensure they are informed of the actions taken in response to this matter.

Scottish Welfare Fund reviews

Statistics

During December we:

- responded to 81 enquiries
- made 57 decisions
 - 13 community care grants
 - 22 crisis grants
 - 22 self-isolation support grants
- upheld seven (54%) of the community care grant decisions, eight (36%) of the crisis grant decisions and four (18%) of the self-isolation support grant decisions.

Case studies

In recent weeks we have observed some examples of councils not taking into account the impact of health issues when assessing community care grant applications.

In one such case, the applicant (C) applied for a community care grant to try and improve their living conditions following a bereavement and health issues. The council awarded some of the requested items but did not award a sofa or kitchen and hallway flooring. They assessed that these items did not meet the relevant priority level in place.

We reviewed the council's file and corresponded with C. The council had assessed that C's need for seating did not meet the necessary priority level as they had brought in a chair from the street that had been discarded by another home. As such they deemed that their need for seating had been met. We noted that the chair had been infested with fleas and had subsequently been disposed of. In any case, we did not consider that this represented appropriate seating, particularly given that C suffered from a spinal injury. We assessed that the approach taken by the council was not in line with the fund's principles of respect and dignity and changed their decision not to award a sofa. We did not change the decision in relation to the hallway or kitchen flooring as these are low use areas of the home, and we deemed that they did not meet the necessary priority level for an award.

Further examples can be found in the searchable directory [on our website](#) under the title '*Failure to take into account health conditions*'.

Complaints Investigation Skills training course

Our next online open Complaints Investigation Skills course will be in March 2021. This course is trainer-led and delivered online via Webex. It is aimed at staff who investigate complaints at Stage 2 of the Model Complaints Handling Procedure and has three modules:

- Preparing to investigate complaints: what people expect when complaining, influences on decision-making, summarising complaints, talking to complainants

- Investigating complaints: planning your investigation, key questions to ask, identifying sources of information, evaluating evidence
- Making and communicating decisions: good decision letters, meaningful apologies, appropriate remedies, learning from complaints.

Please contact training@spsso.gov.scot for costs and more information about how to book.

National Whistleblowing Standards training

The National Whistleblowing Standards (the Standards) come into force in Scotland on 1 April 2021 when the Ombudsman, Rosemary Agnew, takes up the role of the Independent National Whistleblowing Officer for the NHS in Scotland (INWO).

Scottish NHS organisations and contractors delivering services on behalf of the NHS need to prepare their staff (and others such as trainees and volunteers) for these changes. To help with this, the INWO has developed training on the Standards.

There are two learning programmes available:

- one programme is for staff who need an overview
- the other programme is for managers and more in-depth. This reflects their extra responsibilities for responding to concerns raised under the Standards.

[The programmes are hosted on NHS Education Scotland's Turas website](#). A certificate is available on completion of each learning programme.

Further information about the National Whistleblowing Standards and the Independent National Whistleblowing Officer service is available on the [INWO website](#). If you have any questions about the training please contact the team at INWO@spsso.gov.scot.

INWO e-bulletins

Our INWO team sends out regular updates with further information about the development of the service. If you would like to receive future e-bulletins from the INWO straight to your inbox, please [register here to sign up to the mailing list](#).

COVID-19 information

Our service provision during the COVID-19 pandemic has not changed over the last few months. We continue to monitor and follow the latest Scottish Government and NHS Inform guidelines.

Please read our [website for more service information](#), such as operating hours of our Freephone advice line.

We also have detailed [information for public service organisations](#) looking for advice on complaints handling during the pandemic. If you are experiencing particular difficulties or issues please contact us directly on csa@spsso.gov.scot.

For further information contact:
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Tel: 0131 240 2990
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SPSO Assessment and Guidance team
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