

Support and Intervention Policy: What it means for your organisation



Introduction

Support or intervention action is taken by our office to encourage good practice or address poor performance by an organisation under our jurisdiction. This leaflet provides information about what the SPSO's Support and Intervention Policy (SIP) means for organisations that we engage with across our four main functions, which are:

- 1** the final stage for **complaints about most devolved public services** in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges
- 2** the final stage for **complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned**
- 3** the independent review service for the **Scottish Welfare Fund**
- 4** specific powers and responsibilities to publish complaints handling procedures, and **monitor and support best practice in complaints handling.**

The information below sets out how you can expect to hear from us and what we will expect from you. It also covers the further support that SPSO can offer organisations, whether or not we are currently considering a case about you or review of your decision.

Action taken under this policy will normally be addressed through level 1 action in the first instance, with escalation to a higher level only where the issue remains unresolved or the organisation does not engage with SPSO's attempts to resolve the issue. However, we will not necessarily take action at every level. For example, level 2 or 3 action may be taken as a first step where the issues is significant or has potential for wider impact. [For full details of the policy please see here.](#)

Level 1 action - contact from an SPSO Officer/ a Case Reviewer / a Complaints Reviewer

We will provide informal feedback or advice (level 1 action) on minor issues or to encourage good practice, or follow up non-compliance with enquiries, findings or recommendations.

We encourage you to contact us to discuss the issue and seek advice. Feedback will be constructive and make reference to relevant good practice guidance, examples, tools or training available.

Timeframes for level 1 action: These will range from a single short contact to several weeks. SPSO staff will give your organisation a reasonable opportunity to respond or resolve the issue (if follow-up is required).

Level 2 action - contact from a Team Manager

For level 2 issues encountered in relation to public service complaints and NHS whistleblowing concerns, a Team Manager may make contact with the Chief Executive or head of your organisation.

For level 2 issues encountered in relation to Scottish Welfare Fund reviews, the Team Manager will make contact with the head of your department or service manager. If level 2 action fails to address the matter, we will consider escalating this to a level 3 action (or higher).

Level 3 action - contact from a Head of Service

If a level 3 action is identified, a Head of Service (Public service complaints or Scottish Welfare Fund & Independent National Whistleblowing Officer) will formally notify your organisation of the issue, usually direct to your Chief Executive or head of your organisation.

The formal notification will:

- > identify the issue clearly and the evidence on which our concerns are based
- > explain that we are taking action under our Support and Intervention Policy, the level of action being taken and how the matter may be escalated if not resolved
- > invite your organisation to comment on the issue or tell us about any action already being taken to address it and
- > explain any relevant SPSO support which is available.

Timeframes for level 2 or 3 action: Your organisation will have a reasonable opportunity to respond to the concerns raised (at least ten working days unless,

in relation to a Scottish Welfare Fund review, the issue concerns non-payment of an award which is time sensitive), taking into account the nature and complexity of the issue and any relevant circumstances. If the matter is not resolved or the issues reoccur (having allowed time for the agreed solution to take effect), we will consider higher level action.

Please note that we include details of any level 3-6 support and intervention action taken under this policy in our Annual Report. The information we normally include is:

- > the organisation involved,
- > the level and type of support and intervention action taken,
- > the reason why we took action, and
- > where appropriate, why the matter was escalated.

Level 4 action - contact from the Head of Improvement, Standards and Engagement

If a level 4 action is identified, the issue will be considered by the SPSO Leadership Team and the Head of Improvement, Standards and Engagement will formally notify your organisation of the ongoing unresolved issue by writing direct to your Chief Executive or head of your organisation.

The formal notification will:

- > clearly identify the issue and the evidence on which our concerns are based
- > explain that we are taking action under our Support and Intervention Policy, the level of action being taken and how the matter may be escalated if not resolved
- > explain how we have so far tried to resolve the matter and why this has not succeeded
- > invite your organisation to explain the reasons for the delays and tell us about action being taken to resolve the issue and
- > explain any relevant SPSO support which is available.

Timeframes for level 4 action: Your organisation will have a reasonable opportunity to respond to the concerns raised. This is usually ten working days unless the issue is an urgent matter. Timescales will take into account the nature and complexity of the issue and any relevant circumstances.

If the matter is not resolved or the issues reoccur, having allowed time for the agreed solution to take effect, the matter may be referred to the Ombudsman for formal action using powers under the SPSO Act 2002.

Level 5 or 6 action - contact from the Ombudsman

If a matter is escalated to level 5 or 6, the Ombudsman will write to the head of the organisation, explaining the action being taken and the reasons for this. The letter will set out the steps to be taken and timeframes, and give your organisation an opportunity to discuss and respond to the issues raised directly with the Ombudsman.

Timeframes for level 5 and 6 action: These will depend on the specific circumstances of the case. Your organisation will be informed before action is taken and usually given a formal opportunity to respond before action is taken.

More detailed examples of scenarios are available in the Appendix.



Appendix

Public service complaints (PSC)

Scottish Welfare Fund (SWF)

Independent National Whistleblowing Officer (INWO)

Action level	Situation	Actions we may take to resolve the situation	Contact from
Level 1	1. A member of the public tells us that they are experiencing difficulties in receiving a stage 2 complaints response from your organisation and they have already contacted you to request an update.	We will contact you and ask that you give the person a revised timescale for when they can expect their complaints response and that you keep them updated if timescales need to be extended further. We may also ask that you provide us with an update.	Assessment & Guidance Officer (PSC)
Level 1	2. We have sent a request for information to your organisation but have not received the information within the required timescale.	We will contact you immediately to chase up the information needed. The delay in responding may be noted as feedback when we issue a decision on your case.	Complaints Reviewer/ Case Reviewer (or Ombudsman in the case of Decision Reviews in PSC)
Level 1	3. We make a recommendation as a result of our investigation and it is not completed by the deadline we gave.	We will contact you immediately to chase up the information needed.	Complaints Reviewer (PSC/INWO)
Level 1	4. Our SWF casework data shows a recurrent issue in our findings about your organisation.	We will highlight that the issue we are providing feedback on is a recurring issue in the decision cover letter. We will give you a reasonable timeframe to respond.	Case Reviewer (SWF)

Action level	Situation	Actions we may take to resolve the situation	Contact from
Level 2	5. A member of the public has previously reported to us that they are experiencing difficulty in getting a stage 2 complaints response from your organisation and they have already made reasonable attempts to request an update but it is not clear when a response will be issued.	We will contact you and ask that you provide a response to the individual and let us know when you have done so. If you are not yet able to provide a response we ask that you tell us the reasons why and confirm when the response will be issued.	Assessment & Guidance Team Manager (PSC)
Level 2	6. We ask your organisation for information as part of our consideration of a case and your organisation does not respond to our enquiry by the deadline we gave and fails to respond to a reminder to comply.	<p>We will escalate the failure to respond to a team manager who may contact your Chief Executive (PSC/INWO/ service manager or head of department (SWF)) to advise them of the difficulties we are having and ask for them to ensure the information is provided within a reasonable timescale.</p> <p>We may give you feedback about your delays in responding as part of our decision.</p>	Team Manager
Level 2	7. We make a recommendation as a result of our investigation and your organisation does not respond by the deadline we gave and fails to respond to a reminder to comply.	We will escalate the failure to respond to a team manager who may contact your Chief Executive to advise them of the difficulties we are having and ask for them to ensure the information is provided within a reasonable timescale.	Team Manager (PSC/INWO)

Action level	Situation	Actions we may take to resolve the situation	Contact from
Level 2	<p>8. Our SWF casework data shows a recurrent issue in our findings about your organisation and this has been fed back as part of a previous decision.</p> <p>Our previous correspondence has not been responded to or the issue remains unresolved.</p>	<p>The Team Manager will decide on a case-by-case basis what action is appropriate. This may involve writing to the service manager/ head of department or your organisation to highlight the recurrent issue again and ask for them to ensure the issue is resolved.</p>	Team Manager (SWF)
Level 3	<p>9. We ask your organisation for information as part of our consideration of a case and your organisation does not respond by the deadline we gave and fails to respond to a Team Manager's request to comply.</p>	<p>We will escalate the continuing failure to respond to the relevant Head of Service, who will contact your Chief Executive or head of your organisation to seek resolution to this issue. This may include arranging a meeting to discuss the nature of the difficulties you are having in supplying the information needed.</p> <p>We will give you feedback about your delays when we issue our decision.</p>	Head of Service
Level 3	<p>10. We make a recommendation as a result of our investigation and your organisation does not respond to an enquiry by the deadline we gave and fails to respond to a Team Manager's request to comply.</p>	<p>We will escalate the continuing failure to respond to the relevant Head of Service, who will contact your Chief Executive or head of your organisation to seek a resolution to this issue. This may include arranging a meeting to discuss the nature of the difficulties you are having in supplying the information needed.</p>	Head of Service

Action level	Situation	Actions we may take to resolve the situation	Contact from
Level 3	11. Our PSC/ INWO casework data shows a recurrent issue in the complaints/ whistleblowing concerns we received about you.	The relevant Head of Service will arrange a meeting to discuss the issue and agree action to address this.	Head of Service
Level 3	12. Our SWF casework data shows a recurrent issue in our findings about your organisation and this has been fed back as part of a previous decision. Our previous attempts to contact you have gone unanswered or the response has not resolved the issue.	The Head of INWO & SWF will arrange a meeting to discuss the issue and agree action to address this.	Head of INWO & SWF
Level 4	13. A recurring trend in our interaction with your organisation continues, despite level 3 action (see above).	The Head of Improvement, Standards and Engagement will contact your Chief Executive or head of your organisation to agree a programme of tailored support to address the issue.	Head of Improvement, Standards and Engagement (after consideration of the issue by the SPSO Leadership Team)

Action level	Situation	Actions we may take to resolve the situation	Contact from
Level 5	14. Your organisation refuses to comply following level 3 and (usually*) level 4 action.	Following attempts to resolve the impasse through level 3 and (usually ¹) level 4 actions, the Ombudsman will formally intervene. They will contact your Chief Executive or head of your organisation to notify them that they are considering use of their statutory powers (see level 6 interventions below).	Ombudsman (with support from our ISE Team where appropriate)
Level 6	15. Your organisation takes action that the Ombudsman considers obstructs them in the performance of their functions.	We petition the Court of Session under section 14 of the SPSO Act 2002.	Ombudsman
Level 6	16. Your organisation refuses to comply, or the Ombudsman has significant concerns about your organisation, which have not been resolved through lower-level action.	We lay a report before the Scottish Parliament under sections 16 or 17 of the SPSO Act 2002.	Ombudsman
Level 6	17. We identify a failure by your organisation to comply with the MCHP, which has not been resolved through lower-level action.	We will issue you with a Declaration of non-Compliance under section 16D of the SPSO Act 2002. This will be made public.	Ombudsman

* The Ombudsman may decide that, due to the nature of the impasse, they will formally intervene (level 5) without taking level 3 or level 4 action.

How to contact the SPSO



Scottish Public Services Ombudsman
Bridgeside House
99 McDonald Road
Edinburgh EH7 4NS

If writing to us, please specify on the envelope if it is for the attention of SPSO, SWF or INWO.

Opening hours: Monday, Wednesday, Thursday, Friday 9am-5pm,
 Tuesday 10am-5pm



A freepost envelope can be supplied if this is required.



SPSO freephone	0800 377 7330
SWF freephone	0800 014 7299
INWO freephone	0800 008 6112



SPSO website	www.spso.org.uk
SWF website	www.spso.org.uk/scottishwelfarefund
INWO website	www.inwo.spso.org.uk
SPSO contact form	www.spso.org.uk/contact-form
SWF contact form	www.spso.org.uk/scottishwelfarefund/contact-form
INWO contact form	www.inwo.spso.org.uk/contact-form

Calls to and from SPSO phone lines may be recorded to check the quality of our service and help us do our job to help you. More details are in the privacy notice: **www.spso.org.uk/privacy-notice**. Please ask if you want to confirm if a call is or is not being recorded or if you would like to know what options may be available to you if you do not wish to be recorded.

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