

SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN



People Centred | Improvement Focused

Support and Intervention Policy: What it means for your organisation

The Scottish Public Services Ombudsman (SPSO) introduced a Support and Intervention Policy in April 2019 (revised August 2021). The policy co-ordinates all our activities to support organisations by promoting and sharing best practice. The full policy is available to view on our website or you can request a copy by contacting us – details are at the end of the leaflet.

This leaflet gives more detail about what the policy means for local councils in relation to the Scottish Welfare Fund (SWF) independent review service. It sets out how you can expect to hear from us in the course of a review being considered by 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 review of your decision.

1 Who we are

The Scottish Public Services Ombudsman (SPSO) has a wide remit, covering a variety of functions and services. Our service is free, independent and impartial.

We have four main functions:

- 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** specific powers and responsibilities to publish complaints handling procedures, and monitor and support best practice in complaints handling.
- 3** independent review service for the Scottish Welfare Fund (SWF) with the power to overturn and substitute decisions made by councils on Community Care and Crisis Grant applications.
- 4** the Independent National Whistleblowing Officer for the NHS in Scotland – final stage for complaints about how the NHS considers whistleblowing disclosures and the treatment of individuals concerned.

More information can be found on our website <https://www.spsso.org.uk/about-us>.

2 SPSO Support and Intervention Policy: an overview

Support or intervention action is action taken by SPSO to support and promote good practice or address poor performance by an organisation under our jurisdiction in relation to:

- > the organisation's handling of SWF applications,
- > the organisation's complaint handling (including learning from complaints),
- > the organisation's handling of whistleblowing concerns relevant to the Independent National Whistleblowing Officer (INWO), or
- > the organisation's engagement with SPSO investigations/reviews (including complaint, SWF and INWO cases).

This leaflet covers our interactions with local councils specifically in relation to the SWF, however the broad principles apply to all organisations we interact with in carrying out any of our functions.

What is a support and intervention action?

A useful question to ask is whether a lapse in good practice or non-compliance by a council has prompted additional action from SPSO. If so, the action taken is likely to be covered by the policy.

Support and intervention action reportable and actionable under this policy could include or be prompted by

- > additional action outside the routine progress of a case, such as following up an overdue request for information, having to request information that should have been sent to SPSO originally, or sending a grant application back to the organisation for further consideration.
- > issuing the same finding a number of times for a council and it has become a recurring issue rather than a 'one off' issue.

If we are taking action under our Support and Intervention Policy, we will let you know.

What is not a support and intervention action?

The following are unlikely to be support and intervention action

- > activity undertaken as part of the **normal progress of casework**, for example, making enquiries or reporting findings that SPSO do not deem to be recurring issues.
- > advice or support provided at a **council's request**, for example, requests for generic advice on case handling and associated activities, or for a visit to the SPSO.

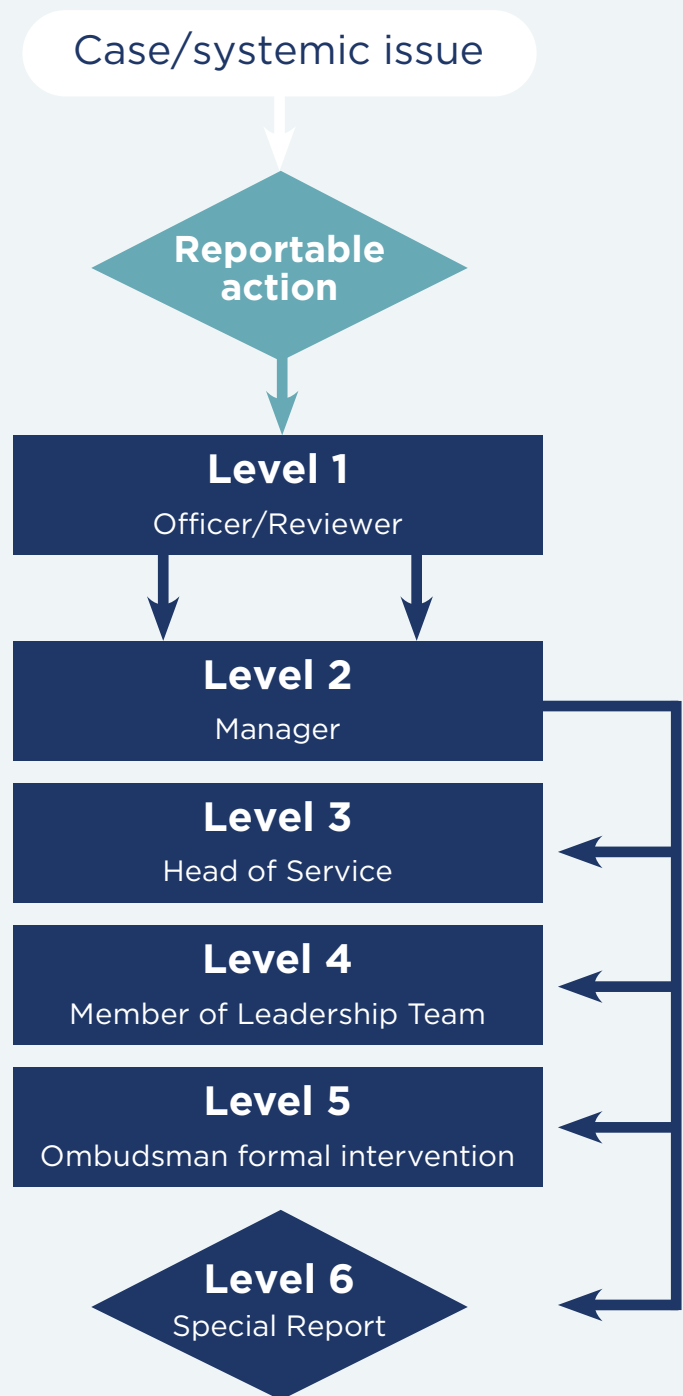
We encourage organisations to contact SPSO for advice and support, as often informal support can be arranged. Such action will not be taken into account in determining whether to escalate issues under this policy (except potentially as a mitigating factor). Ways in which we can support your organisation, whether or not we are considering a review of your decision, are covered later in this leaflet.

3 SPSO Support and Intervention Policy: what you can expect

This diagram illustrates how issues will be progressed through our Support and Intervention Policy, and the levels of action that we may take. Each of the later levels is usually an escalation from level 1. However, we will not necessarily take action at every level. For example, the Ombudsman may decide that, due to the circumstances, she will formally intervene (level 5 or 6) without taking level 3 or level 4 action. For more information about the SPSO's organisation structure, visit our website here www.spsso.org.uk/class-5-how-we-manage-our-human-physical-and-information-resources.

Where we decide to take action at level 2 or above we will let you know and set out the reasons for this.

The appendix gives examples of what actions SPSO may take at each of the levels and should be used as a guide.



Level 1 action

Level 1 actions are raised informally during our consideration of a case or as part of the decision letter.

Phone contact is encouraged to give the organisation an opportunity 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

If a level 2 action is identified, the SPSO SWF Team Manager may make contact with the head of your department/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

If a level 3 action is identified, a Head of Service (Head of Investigation or Head of Improvement, Standards and Engagement (ISE)) 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 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.

Level 4 action

If a level 4 action is identified, a member of the SPSO Leadership Team, often the Director, 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

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.

4 General support, information and guidance

Website

We have information and materials for decision makers on our website from past engagement events. This includes information relating to good decision-making, ensuring the SWF is accessible to all and quality assurance. We also have a directory of published case studies which can be searched by outcome, keyword and subject. This tool is updated regularly and allows us to share learning and inform improvement.

<https://www.spsso.org.uk/scottishwelfarefund/>

Leaflets

We have a suite of leaflets which cover most aspects of our service. These range from general information leaflets for members of the public about asking us for an independent review; our customer service standards; and information for advisers.

<https://www.spsso.org.uk/scottishwelfarefund/downloads>

Monthly newsletter

Every month we publish an newsletter featuring news, events, updates and an overview of both public service complaints and SWF findings. Some of these cases will be highlighted for learning and refer to related resources for organisations. We also publish an e-bulletin with news from our INWO team.

Sign up at www.spsso.org.uk

Statistics

We publish annual statistics on our website, including a breakdown of findings and outcome by council. These can be useful for benchmarking across the wider sector.

<https://www.spsso.org.uk/scottishwelfarefund/statistics-and-reports>

Guidance on supporting respectful engagement and handling difficult situations

In our work with public organisations across Scotland the SPSO is frequently asked about how to respond to people who are complaining in a way that the organisations find difficult.

We have produced a guide to help organisations and their staff in these situations. While this is generally aimed at complaints handlers within the public sector, the wider principles and available resources may be useful to staff in many customer facing roles. For example, we have created phrase cards for difficult conversations with some suggested strategies and approaches that staff can skim through and use as prompts when on the telephone.

<https://www.spsso.org.uk/complaints-handling-practice-guide>

5 Appendix

Situation	Actions we may take to resolve the situation	Action level	Contact from
<p>We have sent a request for information to your organisation but have not received the file within the required timescale.</p>	<p>We will contact you immediately to chase up the information needed. The delay in responding will be noted as feedback at the bottom of the decision cover letter when we issue the decision.</p>	<p>Level 1</p>	<p>Case Reviewer</p>
<p>Our casework data shows a recurrent issue in our findings about your organisation.</p>	<p>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.</p>	<p>Level 1</p>	<p>Case Reviewer</p>
<p>We ask your organisation for information as part of our review and your organisation does not respond to an enquiry by the deadline we gave and fails to respond to two requests to comply.</p>	<p>We will escalate the failure to respond to a manager who may contact your service manager/head of department to advise them of the difficulties we are having and ask for them to ensure that a response is received within a reasonable timescale.</p> <p>We will give you feedback about your delays in responding as part of our decision, if the decision has not already been issued.</p>	<p>Level 2</p>	<p>Team Manager</p>
<p>Our 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 of your organisation to advise them of the difficulties we are having and ask for them to ensure the issue is resolved.</p>	<p>Level 2</p>	<p>Team Manager</p>

Situation	Actions we may take to resolve the situation	Action level	Contact from
<p>Our 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 attempts to contact you have gone unanswered or the response has not resolved the issue.</p>	<p>A Head of Service will arrange a meeting to discuss the issue and agree action to address this.</p>	<p>Level 3</p>	<p>Head of Service</p>
<p>A recurring trend in our interactions with your organisation continues, despite level 3 action (see above).</p>	<p>A member of our Leadership Team will contact you to agree a programme of tailored support to address the issue.</p>	<p>Level 4</p>	<p>Member of SPSO Leadership Team (with support from our ISE team)</p>
<p>An organisation refuses to comply following level 3 and (usually*) level 4 action.</p>	<p>Following attempts to resolve the impasse through level 3 and (usually*) level 4 actions, the Ombudsman will formally intervene. She will contact the senior governance lead to notify them that she is considering use of her statutory powers (see level 6 interventions below).</p>	<p>Level 5</p>	<p>Ombudsman (with support from our ISE team)</p>
<p>An organisation refuses to comply or the Ombudsman has significant concerns about an organisation, which have not been resolved through lower-level action.</p>	<p>We lay a report before the Scottish Parliament under sections 16 or 17 of the <i>SPSO Act 2002</i>.</p>	<p>Level 6</p>	<p>Ombudsman</p>

How to contact the SPSO

We provide advice and support to councils on a range of SWF matters and can be contacted here:



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



A freepost envelope can be supplied if this is required.



Freephone **0800 014 7299**



Website **www.spsso.org.uk/scottishwelfarefund**



Online contact form **<https://www.spsso.org.uk/scottishwelfarefund/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.spsso.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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