



**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. 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 organisations. It sets out how you can expect to hear from us in the course of a complaint 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 complaint about you.



1 Who we are

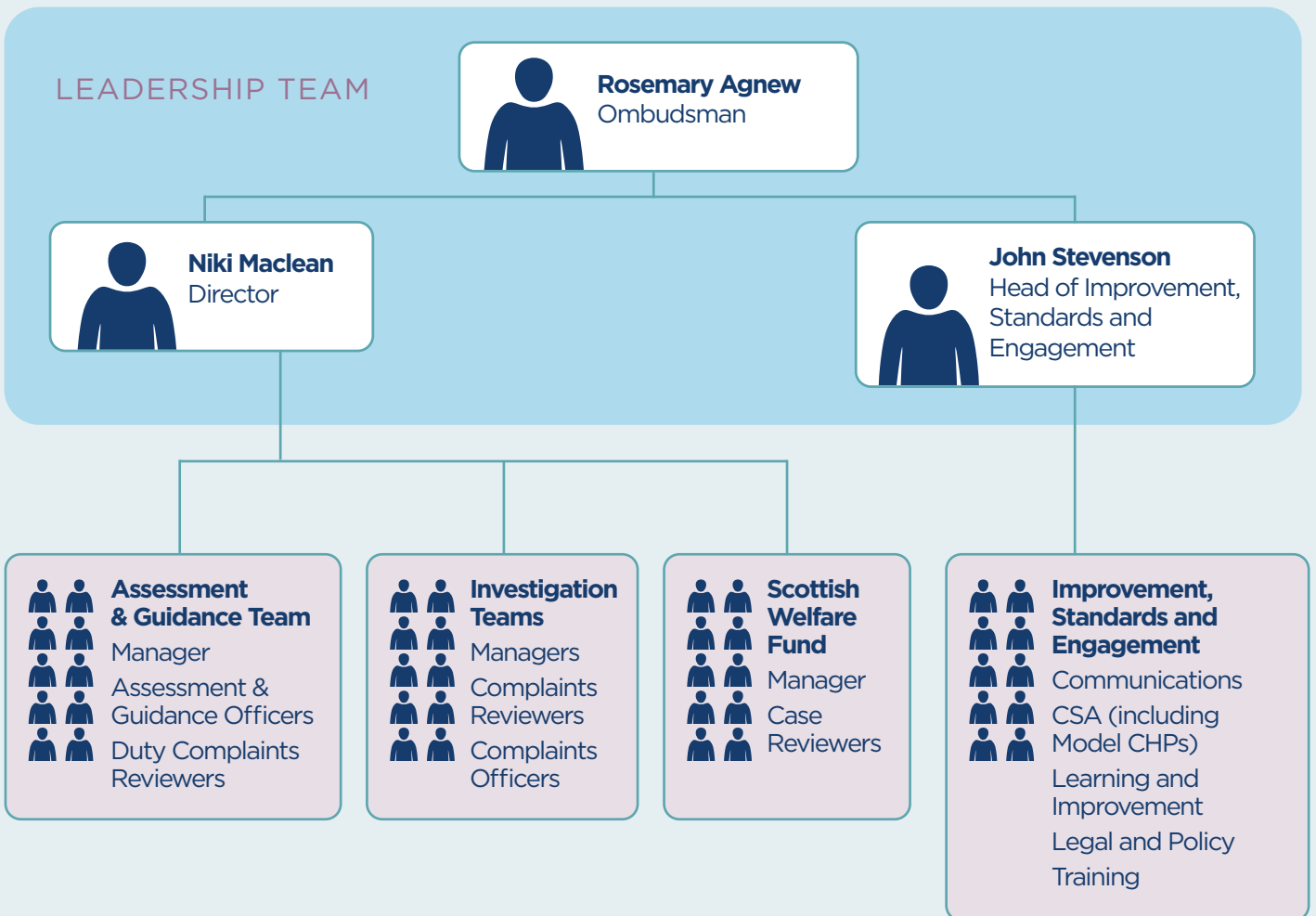
The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about most public services in Scotland. Our service is free, independent and impartial.

We have three main functions:

1 We look at complaints about Scottish public bodies, usually after they have been considered by them through the Model Complaints Handling Procedure (CHP). We try to put things right when there has been a failing in a public service. An important part of our work involves sharing lessons from complaints to improve the delivery of public services. We do this by publishing our findings to inform improvement and by providing regular updates about our work.

2 We drive improvement in complaint handling in public services. This work is led by our Improvement, Standards and Engagement (ISE) team drawing on the statutory powers we have as the Complaints Standards Authority (CSA). The ISE team works with complaint handlers in organisations across the public sector to ensure compliance with the Model CHP and to provide support, training and resources to improve complaints handling.

3 We provide the independent review service for the Scottish Welfare Fund (SWF). We conduct independent reviews of decisions that councils make on Community Care and Crisis Grant applications.



2 SPSO Support and Intervention Policy: an overview

Support or Intervention action is action taken by SPSO to encourage good practice or address poor performance by an organisation under our jurisdiction in relation to:

- the organisation's complaint handling (including learning from complaints)
- the organisation's handling of SWF applications, or
- the organisation's engagement with SPSO investigations/reviews (including complaint and SWF cases).

This leaflet covers our interactions with organisations who we may consider complaints about. Separate information is available about the SPSO Support and Intervention Policy for our SWF Independent Review service.

What is a Support and Intervention action?

A useful question to ask is whether a lapse in good practice or non-compliance by an organisation has prompted additional action and/or resources from SPSO. If so, the action taken is likely to be covered by the policy. Where casework prompts additional action outside the routine progress of a case (such as following up overdue enquiries or recommendations, or sending a complaint back to the organisation for further investigation), this would be a reportable action and handled under the policy. If we are taking action under our Support and Intervention Policy, we will let you know.

What is not a Support and Intervention action?

Activity undertaken as part of the **normal progress of casework** is not usually a support or intervention action (for example, making enquiries and recommendations or findings). Advice or support provided at an **organisation's request** is not a support or intervention action (for example, requests for tools, generic advice on complaints handling and associated activities or for a visit to the SPSO). Organisations are encouraged to contact SPSO for advice and support, and 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). The ways in which we can support your organisation, whether or not we are considering a complaint about you, 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 nature of the impasse, she will formally intervene (Level 4) without taking Level 2 or Level 3 action.

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



More detailed examples of scenarios are available in the Appendix.

Level 1 action

We will provide informal feedback or advice (Level 1 action) whilst communicating with an organisation about a premature complaint, informally during our consideration of a case or as part of the decision letter. Level 1 action covers (for example) SPSO staff following up on overdue or incomplete responses to enquiries or evidence demonstrating that recommendations have been carried out. We encourage phone contact 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). An SPSO team manager may make contact with your Chief Executive or head of organisation if there are on-going delays or problems in resolving the issue. If the issue remains unresolved, or your organisation fails to respond or engage within the timeframe, we will consider escalating the matter for a Level 2 action (or higher).

Level 2 and 3 action

A member of our Leadership Team will formally notify your organisation of the issue (usually this will be 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
- 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 action: Your organisation will have a reasonable opportunity to respond to the concerns raised (at least ten working days), 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.

Timeframes for Level 3 action: Any deadlines, review dates and measures of success will be identified in the action plan. If the matter is not resolved or the issues reoccur, we will consider escalating the matter for Level 4 or 5 action.

Level 4 and 5 action

The Ombudsman will write to the head of the organisation, explaining the action to be 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 with the Ombudsman.

Timeframes for Level 4 and 5 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 Who to contact in SPSO

We always have a **Duty Complaints Reviewer** who sits in our Assessment and Guidance Team who is able to answer general queries about the Model CHP and offer suggestions for good practice solutions to common complaint handling problems. If more in-depth discussions are needed then our ISE team are there to help.

Our **CSA Officers** (part of the ISE team) are the SPSO experts on the Model CHP; what it covers (and doesn't). They and other colleagues in the ISE team also give advice about good complaint handling practice and learning from complaints.

Our **Complaint Reviewers** are always happy (and keen) to discuss the individual complaints about your organisation that have been brought to us by members of the public. We will always give you the direct contact details for the person assigned to each case. You can contact them to discuss any questions or concerns you have, for example what we are investigating or the information we have asked you to give us.

Did you know?

Organisations can bring a complaint about themselves to SPSO too. Section 2 (2) of the SPSO Act 2002 allows the SPSO to look at an issue brought to us by an organisation (in certain limited circumstances).

Our Legal and Policy Officer can advise organisations further about this.



5 General support, information and guidance

We can help support your organisation's:

- complaint handling processes
- complaint investigations
- governance of complaints
- learning from complaints

Sector-specific networks

These are run by complaints handlers in the sectors themselves with support and input from SPSO. There are currently networks for Local Authority (including a specific Social Work network), Health, Housing, Further Education, and Higher Education complaints professionals. Our CSA team can put you in touch with the network relevant to your organisation.

Email CSA@spsso.org.uk

Website

We have information for complaint handlers in public bodies on a dedicated part of our website. This site includes detailed information, guidance, self-assessment tools, best practice examples and more.

www.valuingcomplaints.org.uk

Leaflets

We have a suite of leaflets which cover all aspects of our service. These range from general information leaflets for members of the public about making a complaint; guidance on making an apology or financial redress; and subject-specific factsheets.

www.spsso.org.uk/information-leaflets

Monthly newsletter

Every month we publish an newsletter featuring news, events, updates and an overview of the cases we have investigated. Some of these cases will be highlighted for learning and refer to related resources for organisations.

Sign up at www.spsso.org.uk

Statistics

We publish annual statistics on our website and issue some organisations with their individual statistics by letter. These letters are issued to health boards, local authorities, the Scottish Prison Service and larger water suppliers.

www.spsso.org.uk/statistics



5 General support, information and guidance

Guidance on dealing with problem behaviour in complaint management

The most common questions we receive from complaints handling staff in public bodies is how to respond to the behaviour of people who are complaining in a way they find difficult. We have produced a guide to help organisations and their staff deal effectively with the most common problems that can occur when managing complaints. Our own Unacceptable Actions Policy is also available for reference.

www.valuingcomplaints.org.uk/handling-complaints/resources

Decision-making tool for complaint investigators

Complaint investigators need multiple skills to carry out their role effectively. They need to be good listeners, project planners, critical thinkers, reasoned decision makers, effective communicators and change managers. Investigators within an organisation also act as critical friends to their own organisation similar to the work of internal auditors. This can be a difficult balance to achieve and even harder to demonstrate. This tool has been designed to help guide investigators through this challenging process.

www.valuingcomplaints.org.uk/handling-complaints/resources

Complaints Improvement Framework

This self-assessment guide can be used to assess your organisation's complaints handling performance.

www.valuingcomplaints.org.uk/handling-complaints/resources

Templates

We have a range of templates and sample documents which organisations can tailor to their requirements. These include: sample phrase cards for difficult conversations, investigation plan template, decision letter template.

www.valuingcomplaints.org.uk/handling-complaints/resources

Training

We provide a range of training solutions for public sector complaint handlers, including:

- Open courses, available to individual participants from all public sector organisations in Scotland
- E-learning, free and available to all public sector organisations
- In-house training for up to 20 staff at a venue provided by you
- Bespoke training, tailored to suit your individual organisation's requirements.

For more information about all of our training courses, you can visit

www.valuingcomplaints.org.uk/training or email our Training Unit at training@spsso.org.uk

6 Appendix: examples of actions we may take under our Support and Intervention Policy

Situation	Actions we may take to resolve the situation	Action level	Contact from
<p>1 A member of the public reports difficulty in getting a Stage Two complaint response from your organisation.</p> <p><i>We record this as Level 1 action where we have evidence that the organisation's complaint handling has not complied with the Model CHP.</i></p>	Contact you to find out more about how your organisation is dealing with the complaint.	n/a	Assessment & Guidance Officer
	In exceptional circumstances we may agree to look into the complaint without waiting longer for your organisation's response. We will notify you if this is the case. You will have an opportunity to comment on our decision.	Level 1	Duty Complaints Reviewer
<p>2 We receive a complaint where your organisation's Stage Two complaint response does not fully respond to the points raised.</p>	We might decide to send the complaint back to your organisation for further investigation at Stage Two. We will notify you if this is the case and give you our reasons for doing this.	Level 1	Duty Complaints Reviewer or Complaints Reviewer
<p>3 In the course of our investigation (or as a result of a request for a review of our decision) we find issues in your organisation's handling of a complaint at Stage Two.</p>	<p>We will give you feedback about the issue(s) we identify when we issue our decision.</p> <p><i>Please note: We will also provide you with feedback where we find good and excellent practice in your organisation's complaint handling.</i></p>	Level 1	Complaints Reviewer (or Ombudsman in the case of Decision Reviews)
<p>4 We ask your organisation for information as part of our investigation or review of our decision and your organisation does not respond to an enquiry by the deadline we gave.</p>	We will contact you immediately to chase up the information needed. The delay in responding will be noted as feedback when we issue a decision on your case.	Level 1	Complaints Reviewer (or Ombudsman in the case of Decision Reviews)
<p>5 We make a recommendation as a result of our investigation and it is not completed by the deadline we gave.</p>	We will contact you immediately to chase up the information needed.	Level 1	Complaints Reviewer

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Situation	Actions we may take to resolve the situation	Action level	Contact from
<p>6 We ask your organisation for information as part of our investigation 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 Chief Executive to advise them of the difficulties we are having and ask for them to ensure the information is provided immediately.</p> <p>We will give you feedback about your delays in responding as part of our decision summary or decision review letter (in the case of decision reviews).</p>	Level 1	Manager
<p>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 two requests to comply.</p>	<p>We will escalate the failure to respond to a 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 immediately.</p>	Level 1	Manager
<p>8 We ask your organisation for information as part of our investigation and your organisation does not respond by the deadline we gave and fails to respond to a Manager's request to comply.</p>	<p>We will escalate the continuing failure to respond to a member of our Leadership Team, who will contact your governance lead 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> <p>We will give you feedback about your delays when we issue our decision.</p>	Level 2	Member of SPSO Leadership Team (or their appointed representative)
<p>9 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 Manager's request to comply.</p>	<p>We will escalate the continuing failure to respond to a member of our Leadership Team, who will contact your governance lead 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>	Level 2	Member of SPSO Leadership Team (or their appointed representative)

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Situation	Actions we may take to resolve the situation	Action level	Contact from
10 Our casework data shows a recurrent issue in the complaints we received about you.	A member of our Leadership Team will arrange a meeting to discuss the issue and agree action to address this.	Level 2	Member of SPSO Leadership Team (or their appointed representative)
11 A recurring trend in our interactions with your organisation continues, despite Level 2 action (see above).	A member of our Leadership Team will contact you to agree a programme of tailored support to address the issue.	Level 3	Member of SPSO Leadership Team (with support from our ISE Team)
12 An organisation refuses to comply with an enquiry or recommendation following Level 1 and (usually*) Level 2 action.	Following attempts to resolve the impasse through Level 1 and (usually*) Level 2 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 5 interventions below).	Level 4	Ombudsman (with support from our ISE Team)
13 Your organisation takes action that the Ombudsman considers obstructs her in the performance of her functions.	We petition the Court of Session under section 14 of the <i>SPSO Act 2002</i> .	Level 5	Ombudsman
14 An organisation refuses to comply with an SPSO recommendation, or the Ombudsman has significant concerns about an 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 <i>SPSO Act 2002</i> .	Level 5	Ombudsman
15 We identify a failure by your organisation to comply with the Model CHP, which has not been resolved through lower-level action.	We will issue you with a Declaration of non-Compliance under section 16D of the <i>SPSO Act 2002</i> . This will be made public.	Level 5	Ombudsman

* The Ombudsman may decide that, due to the nature of the impasse, she will formally intervene (Level 4) without taking Level 2 or Level 3 Action.

How to contact the SPSO



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



Freepost SPSO

(this is all you need to write on the envelope,
and you don't need to use a stamp)



Tel **0131 240 8849**
Freephone **0800 377 7330**



Websites
www.spsso.org.uk
www.valuingcomplaints.org.uk

Please contact us if you would like this leaflet in another language or format (such as large print, audio, BSL or Braille).