

## March 2020

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### COVID-19 update

Like everyone, we have been busy assessing the likely impact of the Coronavirus (COVID-19) on our ability to continue to deliver high quality services. We are constantly reviewing the Scottish Government's advice to ensure the advice we give is up-to-date and prompt.

We have robust business continuity plans in place for unforeseen events. However, the unprecedented circumstances we are facing present us, like our fellow public sector service providers, with substantial staffing challenges, which are already resulting in delays in our service provision.

We are responding to emails and phone enquiries; however, due to the impact on our resources, our response times will be affected. Please also be aware that our office is **not** open to walk-in visitors.

We appreciate that there may also be an impact on public service organisations' ability to continue to deliver services to the standards that they normally would, including complaints handling and providing SPSO with information within the required timescales.

Remember, the Model Complaints Handling Procedure allows for timescales to be extended where appropriate. This extension should be used by organisations where applicable. Please ensure to keep your customers updated where this extension is applied.

Where, because of COVID-19 contingency actions, an organisation is unable to provide information to SPSO within the required timescale, please contact SPSO directly to discuss this.

We will update our website with information for both public bodies under jurisdiction and complainants [here](#) as the situation develops. We will also issue [Twitter updates](#).

## Our findings

### Complaints

This month we:

- published one full investigation report available [here](#)
- published 69 decision reports available [here](#)
- upheld 33 complaints in full or part
- made 99 recommendations for learning and improvement

In our full investigation report: [201804489 Clear Business Water](#) we investigated the failure of the water provider to communicate reasonably and appropriately with the complainant.

We found that overall, the water provider's complaints handling fell below the standard expected of a licensed provider in the Scottish Water market:

- their correspondence with the customer was inconsistent and misleading
- their response to the SPSO's investigation enquiries was, in places, inaccurate which means we cannot be confident that the customer was billed correctly
- their handling of the customer's complaints was characterised by delays, inaccuracies and confusion, and
- they confronted the customer in an aggressive manner in their pursuit of payment, while they were aware that the bill was in dispute. Of significant concern were letters sent to the complainant from what appeared to be a separate debt collection agency acting for Clear Business Water when in fact they were both part of the same organisation.

We made six recommendations directly in relation to these findings. We asked the water provider to apologise to the complainant and review their earlier offer of a goodwill payment to them. We also asked them to ensure that they only issue correspondence which accurately reflects their billing, complaints and debt recovery processes. Clear Business Water have accepted our recommendations.

### Scottish Welfare Fund (SWF) Reviews

#### *Statistics*

In February we:

- responded to 101 enquiries
- made 75 decisions:
  - 21 community care grants
  - 54 crisis grants
- changed the council's decision on eight (38%) community care grants and 15 (28%) crisis grants

### *Stakeholder enquiry: referring applications back to the council*

In line with the Welfare Funds (Scotland) Act 2015, where the Ombudsman considers that a different decision should have been made by the council, we may quash the decision and

- a) direct the local authority to reconsider the application; or
- b) direct the local authority to provide the assistance concerned or other assistance (in line with the types of assistance that can be provided by the fund).

When deciding whether to make a decision on an application or to refer it back to the council, we make a judgement based on the individual circumstances of the case.

In many cases, and with crisis grants in particular, referring the application back to the council to reconsider would not be appropriate due to the urgency of the situation. Consideration is also given to the customer journey to minimise or avoid situations where the application is referred back and forth between the council and the Ombudsman. In such instances, we will make a decision on the application and direct the council to make an award (where appropriate).

In a proportion of cases, we decide it is more appropriate to refer the case back to the council. Examples include:

- where we disagree with the council's decision not to accept a late first tier review request
- where we are of the view that the council have missed key elements of the decision making process
- where the council have sought evidence from the applicant that was only provided once it reached the independent review stage

Relevant case summaries on this topic can be found [here](#). Further information on our processes and approach is detailed in our [case handling guidance](#), which is available on our website.

## **Complaints handling resources**

At the end of February, we hosted our Complaints Improvement Conference in Edinburgh. Many thanks to everyone who attended and participated in sharing experiences and working together to improve public sector complaints handling.

Presentation slides and materials from the conference are now available [on our website](#).

## We are hiring!

We are currently recruiting for **four** Independent National Whistleblowing Officer (INWO) Complaints Reviewers.

From July 2020 we will be taking on a new function as Independent National Whistleblowing Officer which will set the standards for complaints about the application of the local NHS whistleblowing processes, including examination of the decision-making and outcomes of the whistleblowing complaint.

INWO Complaints Reviewers will be responsible for delivering an efficient, effective and independent service to investigate whistleblowing complaints.

[Click here for further details and how to apply.](#)

## SPSO Strategic Plan consultation

Many thanks to everyone who submitted comments to our draft Strategic Plan 2020-2024. The consultation is now closed. We will publish the final document in due course.

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For further information contact:

Communications team

Tel: 0131 240 2990

Email: [communications@spsso.gov.scot](mailto:communications@spsso.gov.scot)

SPSO Assessment and Guidance team

Tel: 0800 377 7330

Email: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)