

January 2019

In this month's e-newsletter:

- New: Provisional decisions
- New: Support and Intervention Policy
- Review of Model Complaints Handling Procedure
- Independent National Whistleblowing Officer update
- Work with us
- Our findings this month: Complaints and Scottish Welfare Fund reviews
- Training

New: Provisional decisions and how we communicate

Complainants and public bodies both have the right to ask for a review of our decision. While this is not a statutory requirement, in the interest of fairness SPSO has always been keen to offer this option. As a learning organisation, we have been reviewing our practice and process in relation to decision reviews and have decided to make some changes in order to improve communications and our own efficiency.

The most significant change is to how we issue decisions when we close complaints by letter. From February 2019, before we make our decision, we will issue provisional decisions setting out our thinking and giving both complainants and public bodies an opportunity to highlight any factual errors or provide new information that they think will influence the outcome of the complaint. Our aim is to help both parties understand our decisions better and to give them the opportunity to engage with us in a different way at an earlier stage. Both parties will still be able to request a review.

From 1 February 2019 – 31 March 2019 we are trialling the process to make sure that we understand the impact, particularly on timescales and performance targets. This means from 1 April 2019 we should have a robust process and realistic performance indicators in place. We are also aiming, from 1 April 2019, to change the decision letters themselves. We intend to issue anonymised 'decision notices' with a covering letter to each party. By not being able to identify individuals from the decision itself, the approach contributes to a 'privacy by design' approach.

We will write to public bodies under our jurisdiction with further details in due course.

If you have any comments in the meantime, we would love to hear from you.

New: Support and Intervention Policy

We are finalising work on a Support and Intervention Policy, to be published in April 2019. The policy is aimed at encouraging good complaint handling practice and addressing poor performance. The policy will define clearly how and when we will offer support to public bodies and/or take intervention action. We will provide detailed information over the next couple of months.

Review of Model Complaints Handling Procedure

Thank you to all the organisations that completed our survey about the Model Complaints Handling Procedures. The survey closed on Monday 21 January 2019. We received a good response from all sectors and have a lot of feedback to work through. We are analysing the information and will update you when this is complete.

Independent National Whistleblowing Officer

We continue to work closely with the Scottish Government as they develop plans for introducing the Independent National Whistleblowing Officer. We have received positive feedback from a wide range of NHS stakeholders to our proposals for the National Whistleblowing Standards, and we look forward to being able to consult on these at the same time that the Scottish Government consult on the draft legislation. Any comments that we receive will be fed into the final version of the Standards.

Work with us

We are currently recruiting for a Team Assistant and a Building Coordinator. Closing date for applications for both roles is 30 January 2019.

Further details can be found on our website:

[Corporate Services Team Assistant](#)

[Building Coordinator](#)

Our findings

Complaints

This month we:

- are publishing 59 decision reports available [here](#)
- upheld 37 complaints in full or part
- made 125 recommendations for learning and improvement



In case [201706446](#), a health board did not meet the Treatment Time Guarantee for arranging surgery and due to poor communication in regard to this, the patient arranged treatment privately. We upheld the complaint and recommended that the board reimburse the amount that the operation would have cost the board.

For further information about our redress recommendations, our [Redress Policy is available online](#).



Making Complaints Work for Everyone
Learning from Complaints
December 2017



In case [201708677](#) we found that inappropriate and unprofessional language had been used by a key staff member in internal communication, minimising or dismissing the complainant's concerns rather than taking them seriously. We upheld the complaint, made a number of recommendations and referred staff to our report [Making Complaints Work for Everyone](#) which is based on research into staff attitudes to complaints and identifies the causes of negative staff experiences of complaints, including poor organisational support and a culture of blame. In the report, we offer a number of suggestions for resources that can help prevent

these difficulties while ensuring that the rights of the service user are properly observed.

Scottish Welfare Fund (SWF) Reviews

This month we provided our feedback to Scottish Government on the annual review of the SWF Statutory Guidance. Recognising that the guidance is not mandatory or binding on councils, we recommended that its statutory nature and the need to provide good reasons if it is not followed, be emphasised strongly to ensure the fair and consistent delivery of SWF across Scotland.

Our recommendations also included further guidance on

- how crisis grant calculations should be calculated;
- how changes of circumstances should be addressed;
- and further clarity around the processing of awards when SPSO instructs councils to make awards.

As highlighted last year, we again stressed that first tier reviews to councils should be allowed verbally to remove unnecessary barriers to the review process.

[For related case studies, please see our SWF website.](#)

Training

Our next open training course for the public sector is:

Complaint Investigation Skills

Wednesday 6 March 2019

This course is for managers, team leaders, complaints officers and any other staff involved in the investigation of complaints. The course aims to develop their awareness of what makes the experience of complaining a good one or a bad one and explores the investigation process from initial receipt to conclusion.

[For further information and to book a place, please visit our website.](#)

For further information contact:

Communications team

Tel: 0131 240 2990

Email: communications@spsso.org.uk

SPSO Assessment and Guidance team

Tel: 0800 377 7330

Email: www.spsso.org.uk/contact-us

Website: www.spsso.org.uk