

# SPSO NEWS

**September 2016**

## **Monthly news from the Scottish Public Services Ombudsman**

Today we are laying 62 reports before the Scottish Parliament, including one full investigation report about the NHS. This overview contains:

- key casework outcomes from today's reports
- our new survey for authorities
- an update from the Complaints Standards Authority on social work complaints
- training events, including a conference to be held in March
- the latest from our Scottish Welfare Fund team.

## **Ombudsman's Overview**

Last month (in August), we received 446 complaints. We determined 425 complaints and of these we:

- gave advice on 242 complaints
- considered 129 complaints at our early resolution stage
- decided 54 complaints at our investigation stage.

We made a total of 124 recommendations.

## **Key casework outcomes**

### **Failings in hospital care of a man with dementia**

Today's full public investigation (201508033) is about the care in hospital of a patient with dementia. This case has raised significant failings, particularly in the most standard elements of nursing care: effective care planning; keeping a patient safe; monitoring their condition; providing appropriate food and nutrition; record-keeping; and communication with relatives. Caring for this patient was not always made easy by his challenging behaviour, but the planning and communication around his care were all the more necessary because of his behaviour and incapacities. I also highlight the board's ineffective and unsystematic communication with a relative who had Welfare of Attorney powers and their failure to consistently involve her in clinical decision-making. Finally, I am particularly critical of the way the board handled this complaint and their lack of focus on their failings and ways to improve their services. I am drawing the case to the attention of all boards and asking them to satisfy

themselves that this could not happen to similar patients under their care. The report's eight recommendations also make for instructive reading and learning.

To enable learning and improvement, we publish reports of investigations on our website. You can search these by authority, date, subject and so on by visiting our website: [www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings)

## **Listening to our customers**

### **Authorities survey**

Earlier this month, we issued our first invitations to authorities to complete a survey about our service. This builds on the satisfaction survey for complainants that we set up in 2015-16. We are keen to add to this feedback by getting the views of authorities we deal with about their experiences of our service and to listen to any comments they may have about how we could improve.

The authorities survey is an annual, rolling electronic survey based on our service standards. These are a set of commitments about our communication, our openness and fairness, and our competence and responsibility. The survey also asks for feedback on the various ways we seek to support authorities and on our communications materials.

We will consider the feedback internally on a regular basis and may publish an analysis of our findings after the end of the full year.

## **Complaints Standards Authority (CSA)**

### **Social work complaints**

As we reported in our last update, work is progressing on plans for changes to how complaints about social work services are handled, which will come into effect in April 2017. Last week we had the second meeting of our steering group, which brought together social workers, local authority representatives, user group representatives and other key stakeholders. They heard about our progress in this area and provided constructive feedback, with a key focus on the development of a new complaints handling procedure (CHP) for social work services and progress on plans to bring the review of social work complaints to the SPSO.

The new CHP is being developed with significant input from members of a working group and details how complaints about social work services should be handled, with additional information focused on more complex complaints. This work is progressing alongside consultation work on a new customer-facing CHP for social work services. This will give members of the public the information they would need if they ever have reason to complain about social work services.

We are also preparing ourselves for the extension of our jurisdiction in relation to social work complaints. The new powers will allow us to look at actions taken by social workers and consider the merits of social work decisions, not just issues related to how the complaints have been handled. We will be recruiting advisers to assist us with this work, in much the same way we already do for health and other complaints. We will also be reviewing our internal guidance on complaints handling, to ensure it is suitable for social work complaints, once we have made further progress on our fact-finding visits to councils and complaints review committees.

For all previous updates, and for more information about CHPs, visit our dedicated website [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)

## SPSO Training Events

### Learning Event

In early March 2017 we will hold a conference in Edinburgh on the theme of **Learning and Improvement** with a particular emphasis on complaints handling practice and ensuring impactful outcomes. We will publicise details and content soon.

### Upcoming course (based in central Edinburgh)

**Complaint investigation skills (stage 2 of the model CHP):** 1-day open course, Tuesday 29 November

These are open to staff from all sectors. Full course details are available on the SPSO Training Unit website [www.valuingcomplaints.org.uk/training-centre/open-courses](http://www.valuingcomplaints.org.uk/training-centre/open-courses)

For general information, see our flyer: **SPSO Training 2016 (PDF, 40KB)**

For more information, and to book spaces, please contact [training@spsso.org.uk](mailto:training@spsso.org.uk)

## Scottish Welfare Fund

### Communications and engagement

This month we were pleased to welcome 14 councils to our local authority sounding board where we gathered useful feedback and shared some of our initial observations and findings. Key areas of discussion included the types of evidence we gather and when we can share this, how crisis grants are calculated, and the level of detail in decision letters. We also held our third-sector sounding board, during which we received useful feedback from organisations who represent applicants. In the coming weeks and months we also plan to visit a number of advice agencies to further raise awareness of our role.

### Reviews

In August we determined 31 cases which included 16 community care grants and 15 crisis grants. As with previous months, this differs significantly from the split during the last year of the previous process that was in operation until 1 April 2016. Under that process, where final reviews were dealt with by councils, the proportion of community care grants received was significantly higher. The reasons for this are unclear although it may be linked to us accepting review requests by telephone which was not possible under the previous process. We have previously highlighted that the number of applicants contacting us prematurely is very high and have outlined measures we have taken to address this, including adjusting our phone message. Our premature rate dropped from 43% in July to 33% in August, indicating that these changes are having a positive impact.

### Casework outcomes

This month we saw several review requests from applicants who have received crisis grants, but stated that the amount awarded was not sufficient to meet their needs. In some cases, applicants have advised that they phoned the SWF to make a further application but have instead been directed to the review process.

In one case a representative applied for a crisis grant on behalf of an applicant whose husband and seven children had recently joined her in Scotland from overseas. As such, the applicant's only household income was JSA as her child tax credits and child benefit were not yet in payment. The council awarded £936.60 to cover a period of 14 days and awarded a further payment of the same amount at first tier review. The representative asked us to independently review the decision, stating that the amount awarded was not enough to cover the applicant's living expenses. We did not uphold the review request on the basis that the council had

calculated the award appropriately in line with the guidance. The council had also awarded an additional payment at first tier review.

In another case, an applicant had signed off JSA to start a new job. He had a gap in income before he received his first wage and was seeking assistance from the SWF in the interim period. The council awarded a crisis grant for 14 days as they determined that this was the maximum period they could award for. The applicant asked for a review of this decision as he did not feel that the amount was sufficient to cover the full period for which he was in crisis. We noted that there were 20 days between the applicant applying to the fund and him receiving his first wage. As the duration of the crisis was known when the applicant made his application, we considered that it was appropriate to change the council's decision to extend the period of his award to cover 20 days.

## Compliance and follow-up

In line with SPSO practice, my office will follow up with the organisations to ensure that they implement the actions to which they have agreed.

**Jim Martin, Ombudsman, 28 September 2016**

The compendium of reports can be found on our website: [www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings)

For further information please contact:

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## The Scottish Public Services Ombudsman

The Scottish Public Services Ombudsman (SPSO) provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. Our service is **independent, impartial and free**.

We are the final stage for handling complaints about councils, housing associations, the NHS, prisons, the Scottish Government and its agencies and departments, the Scottish Parliamentary Corporate Body, water providers, colleges and universities and most Scottish public authorities.

We normally consider complaints only after they have been through the complaints procedure of the organisation concerned. Members of the public can then bring a complaint to us by visiting our office, calling or writing to us, or filling out our online complaint form.

We aim not only to provide justice for the individual, but also to share the learning from our work in order to improve the delivery of public services in Scotland. Our complaints standards authority promotes good complaints handling in bodies under our jurisdiction.

Communications team: T 0131 240 2974

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

Valuing Complaints website: [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk)

Contact us: T 0800 377 7330 [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)