

SPSO NEWS

November 2017

This e-newsletter highlights:

- A public investigation report about a health board's treatment of a man who was discharged from hospital to a nursing home.
- Our 2016-17 annual report.
- An update from our Complaints Standards Authority, including details of a number of stakeholder engagements this month.
- Scottish Welfare Fund news, including details of our first SWF engagement event in February 2018.

This month we are publishing 54 reports of complaints we investigated about a range of sectors including local authorities, health, higher and further education, housing associations, the prison service and water authorities. [These are available on our website.](#)

Casework decisions

Of the 54 cases we are publishing this month:

- 30 are about the health sector
- 17 are about local authorities
- We have made recommendations in 35 cases.

This month, we are publishing one full public investigation report ([201600834](#)) about a board's treatment of a complainant who was discharged from hospital to a nursing home.

We found that the board failed to take reasonable steps to ensure that the complainant was in a position to make an informed decision about the move to a nursing home and that an opportunity for discharge home was missed. In particular:

- Staff failed to explore with the complainant the option of discharge home with a care package in a reasonable way.
- Staff failed to provide clear written information about the complainant's discharge, particularly around the financial implications of the move.
- Staff let the complainant retain an over-optimistic view about the potential of an NHS-funded operation to improve his health when clinicians considered this was unlikely.

- Finally, the board should have offered advocacy services to the complainant given his mental health problems to support him during a complex and uncertain time with extremely significant implications.

Although we did not uphold all of the complaints that the complainant brought to us, we have made a number of recommendations to address the failings that we found.

SPSO Annual Report 2016-17

This month we published our annual report for 2016-17, which covered the final year of office of the previous Ombudsman, Jim Martin.

Key figures from our annual report

- Over the year, we helped 5,508 people. This included handling 4,104 complaints and giving advice and support on 1,404 enquiries.
- Our overall complaint uphold rate was 52% and we made 1,379 recommendations for redress and improvement. Our learning and improvement team began work to develop and improve the impact of SPSO recommendations.
- We reviewed 437 Scottish Welfare fund decisions in our new role as independent reviewer of councils' decisions on community care grants and crisis grants.
- Our Complaints Standards Authority completed work on developing new complaints handling procedures for NHS and social work complaints. The new social work procedure saw SPSO's role extended, and we can now consider professional judgement in relation to social work complaints.

[You can read the report in full on our website \(PDF, 1.48MB\).](#)

Conference: Being complained about - What can we do to support public sector employees?

Tuesday 5 December 2017, Queen Margaret University, Edinburgh

On Tuesday 5 December 2017, in partnership with Queen Margaret University and the University of Glasgow, we will be holding a conference on this key topic. It is essential for organisations and service users that organisations know how to protect and support staff so that they can learn from, rather than fear, complaints.

Complaints can have a significant impact on those who are complained about. This can

include stress, anxiety, defensive working practices and reduced productivity. They can also undermine the confidence of individuals in how they deliver public services. Until now, limited research has been carried out about how complaints impact upon staff and about how staff can be supported when they are complained about. Queen Margaret University and the University of Glasgow will be joined by a range of speakers including Ombudsman, Rosemary Agnew, to share their research and experience on this topic.

Queen Margaret University events team are handling bookings for this event. [More details, including a draft programme and booking information, are available on the Queen Margaret University website.](#)

Complaints Standards Authority (CSA)

[The latest CSA update](#) includes:

- An update on stakeholder engagement activity, including attending and speaking at the launch of the research report '*Scotland's Model Complaint Handling Procedures: Exploring recent developments and the usefulness of complaint data for administrative justice research*' published jointly by the University of Glasgow and Queen Margaret University.
- Complaints handling procedure compliance checks.
- Details of recent and future complaint handlers' networks meetings.

SPSO training: E-learning

Our e-learning resources are once again available on our website and are free to access. Developed for frontline staff, each course consists of several modules to support staff in dealing with complaints. [Please see the training page of our Valuing Complaints website for more information.](#)

Scottish Welfare Fund

Communications and engagement

During November we attended workshops for SWF decision makers in Glasgow, Edinburgh and Dundee. The most common suggestion for improvement we fed back to councils during 2016-17 was to make communications clearer. To support this we delivered sessions at each workshop on drafting clear, personalised decision letters. While we acknowledge the time pressures councils face, we discussed ways in which clearer reasons can be provided

in the most efficient way. We plan to expand upon this topic at **our first SWF Engagement Event on 8 February 2018 in Glasgow**. Further information about this event and booking details can be found [on our website](#).

This month, we also received confirmation from the Scottish Government that the community care grant qualifying criteria applicable to those facing exceptional pressure to maintain a settled home is open to **individuals as well as families**. This is consistent with the way in which SPSO have interpreted the legislation and guidance, however, there had been variances in approaches amongst councils. We are confident that this notification will bring greater consistency in decision-making across Scotland.

SWF Statistics and reporting

During October 2017 the SWF team:

- Responded to 52 enquiries.
- Made 44 decisions (22 crisis grants and 22 community care grants).
- Recorded 71 findings during the month: 22 of these were findings which caused us to disagree with the overall decision (which we refer to as material findings).
- The most common material finding (10) concerned councils not following the guidance correctly.
- The highest number of enquiries were received from applicants in Glasgow, Edinburgh and South Lanarkshire.

We also noted a number of examples of good practice in October, including well-structured decision making templates and examples of third parties being contacted for further information to help inform robust decision making.

Casework outcomes

The guidance sets out that each item in an application should be considered in the context of the applicant's needs and given a priority rating. It further notes that decision letters must provide the reasons for any items not awarded. However, in recent weeks, we have observed examples of cases where councils have not assessed all of the items that applicants had applied for. [Further details about these cases, and what we decided, can be found on our Scottish Welfare Fund website.](#)

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