

September 2019

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New: Decision notices

In February 2019, we changed the way we issue our decisions, and we are now issuing provisional decisions on the complaints we accept for investigation, before making a final decision and closing complaints. Our provisional decisions set out our thinking and give 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.

Having taken feedback into consideration and having reflected on the new approach, from 1 October 2019, we are now also changing the format of our decision letters. We will issue identical anonymised 'decision notices' with a covering letter to each party, for both provisional and final decisions. By not being able to identify individuals from the decision itself, this also contributes to a 'privacy by design' approach.

Organisations under our jurisdiction will receive a letter from us this month outlining the changes. If you have any questions or comments about this change, please don't hesitate to get in touch.

Our findings

Complaints

This month we:

- are publishing 60 decision reports available [here](#)
- upheld 37 complaints in full or part
- made 109 recommendations for learning and improvement

Learning points

Communication and record-keeping were common themes in complaint decisions published this month, as can be seen from the cases highlighted below.

- [201806165](#) – we found that a hospital’s process for arranging follow-up appointments was susceptible to problems as it placed too great an onus on the patient. The board had already reflected on the case and made suggestions for improving their appointment system, but we considered that those changes would not go far enough. Even with the changes it would still rely on verbal communication between clinical staff, the patient and staff at the reception desk, rather than on clear records, so we asked the board to consider making further improvements.
- [201706467](#) – we found that a council had not followed their own unacceptable actions policy (UAP) reasonably when imposing restrictions on the complainant’s contact with them. We noted that in future the council must make a note and retain evidence of customer contact to justify any restrictions under their UAP. We also asked that all staff are reminded of the policy requirements, particularly the procedures to be followed on receipt of an appeal.
- [201801849](#) – we found that a patient had not been told of the potential risks of major vascular injury in advance of gallbladder removal surgery, or what actions may be necessary in the event of a serious complication. Additionally, the technical delivery, decision-making and note-keeping, as well as the surgical care provided during the operation fell seriously below the standard we would expect.

We made a number of recommendations, including asking the board to initiate a root cause analysis, to ensure that all surgical departments are aware of the requirement to obtain informed consent highlighting any material risks, and that a standardised consent process is developed and staff appropriately trained. We also highlighted that health boards should make the General Medical Council aware of concerns about a medical practitioner, and, if the relevant member of staff is also practicing outside of the UK, the board should also contact the relevant healthcare regulators in those countries.

Scottish Welfare Fund (SWF) Reviews

During August we:

- responded to 83 enquiries
- made 73 decisions
 - 28 community care grants
 - 45 crisis grants
- changed the council's decision on 12 (43%) community care grants and 18 (40%) crisis grants
- signposted an additional 55 applicants to alternative sources of assistance, which in most cases, was their local council

We now have a searchable directory of SWF case studies available on our [website](#).

Training

Our next open training course for the public sector is:

Complaint Investigation Skills

Tuesday 22 October 2019

Bridgeside House, Edinburgh

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](#).

SPSO Complaints Improvement Conference



We are excited that our next Complaints Improvement conference will be held on **Tuesday 25 February 2020** at Tynecastle Park, Edinburgh.

In light of our recent review of the model complaints handling procedure (CHP), the conference will have a focus on the revised CHP (to be launched in April 2020) and on how to develop a supportive complaints culture.

Further information, including how to book, will be available in next month's newsletter.

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