

July 2021

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Our findings

Complaints

This month we:

- published 24 decision reports available [here](#)
- upheld 15 complaints in full or part
- made 46 recommendations for learning and improvement.

Decision reports: Learning points

When we uphold a complaint, we will make a recommendation to address the failing. Obviously, like public bodies and complainants, we would rather there weren't failings in the first place, but if there are and the organisation has taken action as a result of good complaint handling, we acknowledge this and share good practice when we see it. For instance, if an organisation has identified learning from a complaint and acted upon it, no further remedy from us is necessary.

This month we are publishing a number of such cases where the organisation has already taken positive action as a result of the complaint:

[201911608](#) – we found that a housing association had failed to ensure a flat was in a reasonable condition before the tenant moved in. The flat required work which should have been identified and carried out while it was empty. The association recognised this, met with the complainant, apologised, paid them £500 compensation and arranged for repair work to be carried out within the property. We upheld the complaint but made no further recommendations due to the action already taken.

[201808455](#) – we found that a health and social care partnership failed to reasonably handle allegations made against a company who provided homecare services. While it was the responsibility of the Scottish Social Services Council (SSSC), rather than the partnership, to investigate the allegations themselves, we considered the partnership's communication with the complainant could have been better in that a lot of correspondence could have been avoided had the partnership explained their role and decisions more clearly to the complainant from the outset. We upheld the complaint and asked the partnership to apologise for the communication failings.

However, the partnership told us that they had learned from what occurred. They explained they had set up a joint operational Social Work, Adult Support and Protection, Care Inspectorate and Police sub-group to provide a forum for the sharing of information, assessment of risk, and agreement of actions, leads, timescale and communication. We also noted that the partnership were in the process of updating their Adult Support and Protection Large Scale Investigation Procedures, which they said should formalise these arrangements. We welcomed this action.

Scottish Welfare Fund reviews

Statistics

During June we:

- responded to 82 enquiries
- made 72 decisions
 - 13 community care grants
 - 49 crisis grants
 - 10 self-isolation support grants
- upheld eight (62%) community care grants, seven (14%) crisis grants and three (30%) self-isolation support grants.
- signposted an additional 154 applicants, including
 - 105 who contacted us instead of their local council in error
 - 24 who called at an earlier stage in the process and so we could not consider their case at independent review at that point. They were signposted back to the council or given advice about the process
 - 14 who noted that they had accessibility issues relating to contacting the council as there was no Freephone number in place or problems with the telephone number
- received six enquiries from councils seeking advice.

Case studies

Two of the three self-isolation support (SIS) grants we upheld in June related to whether the applicant could be considered to be on a low income. As part of this assessment, councils are required to assess applicant's income against a list of criteria. One of these is whether their household income would be less than the amount the household would receive if claiming Universal Credit plus an additional 25%.

C asked for an independent review of the council's decision. They had applied for a SIS grant as they had been in close contact with a positive COVID-19 case, and

were advised to self-isolate. C, a taxi driver, was unable to work from home so experienced a reduction in income.

The council declined the initial application on the basis that C was not advised by the Test and Protect service to self-isolate. C requested a first tier review of the decision but the council did not change their decision for the same reason.

We reviewed the council's case file and contacted C for further information on how they were notified to self-isolate and about their household income. Based on the information we received, we changed the council's decision. This was because we identified that C was advised to self-isolate by an equivalent UK service to the Test and Protect service. This is in line with section 11.21, which states that eligibility for a SIS grant is restricted to people who have received a public health request by the Test and Protect Service (or equivalent service across the UK) to self-isolate as a result of COVID-19, either because they have tested positive for Coronavirus or have recently been in close contact with someone who has tested positive.

We also sought a view on low income assessments from the Scottish Government as C was self-employed and therefore a calculation was necessary to determine their net income. In doing so, we assessed that their household income met the criteria relating to being in receipt of an income of Universal Credit plus an additional 25%. We assessed that they met the remaining eligibility criteria and instructed the council to make an award of £500. We also provided feedback to the council around their timescales for decision-making. Although we stressed that we were mindful of the operational pressures faced by the council, we highlighted that they had not handled the case in line with the timescales set within the guidance.

Further examples can be found in the searchable directory [on our website](#) under the title '*Self-Isolation Support Grant*'.

Complaints Investigation Skills open course

Our next online open Complaints Investigation Skills course will be held in September. It consists of three modules, each around 2.5 hours long:

1. **Preparing to investigate complaints:** what people expect when complaining, influences on decision-making, summarising complaints, talking to complainants
2. **Investigating complaints:** planning your investigation, key questions to ask, identifying sources of information, evaluating evidence
3. **Making and communicating decisions:** good decision letters, meaningful apologies, appropriate remedies, learning from complaints.

The dates and times of the modules are: 6 September 14.00-16.30, 14 September 09.30-12.00 and 23 September 09.30-12.00. For more information including costs and how to book, please email training@sps.gov.scot.

If you are interested in booking an online course in house for your organisation, we are currently taking bookings from January 2022. For more details about our in house courses, please [see our website](#).

Independent National Whistleblowing Officer webinars

We are currently developing a programme of webinars to take place in the autumn, covering topical issues that we have picked up from our enquiries and case work.

We have identified topics and set dates for the first two:

- The role of the confidential contact, Tuesday 7 September, 10am
- Good practice in receiving concerns, Wednesday 29 September, 12pm

The webinars will last 1 hour, with a short introduction, followed by 40 mins of presentation, and 15 mins for questions and answers. The presentation will be recorded, so we can provide it on our website afterwards, for anyone unable to make the meeting.

Please note these dates, and we will provide more details of how to sign up in the next newsletter. If you have any comments or feedback, please get in touch at INWO@sps.gov.scot.

INWO e-bulletins

Our INWO team sends out regular updates with further information about the service. [Our July e-bulletin can be found here](#).

If you would like to receive future e-bulletins from the INWO straight to your inbox, please [register here to sign up to the mailing list](#).

COVID-19 information

As lockdown restrictions are starting to be lifted, our office remains closed and our service provision is not changing.

Please read our [website for more service information](#), such as operating hours of our Freephone advice line.

For further information contact:

Communications team

Tel: 0131 240 2990

Email: communications@spsso.gov.scot

SPSO Assessment and Guidance team

Tel: 0800 377 7330

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