

November 2021

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Our findings

Complaints

This month we:

- published 20 decision reports available [here](#)
- upheld 13 complaints in full or part
- made 46 recommendations for learning and improvement.

Decision reports: learning points

This month we published two cases that highlight the importance of having clear procedures and protocols in place:

- [201808786](#) – we found that a health board's Significant Adverse Event Review (SAER) did not sufficiently examine the actions of an out-of-hours GP service following an incident where a patient gained access to washing up detergent that had been mistakenly left out. While the SAER report was open, transparent and evidence-based, we highlighted a further shortcoming in that a transfer between two hospitals was not formally documented. We also found that there was delay in staff completing an incident report following the detergent incident, and a delay in completing the SAER.

We asked the board to apologise to the patient's family, ensure that documentation is improved to support delivery of safe, effective and person-centred care; and to ensure the out-of-hours service has clear protocols in place for escalations to hospital for medical review.

- [201809719](#) – we found that a patient should have had a thorough clinical review prior to a blood transfusion being prescribed. The health board did not follow their transfusion monitoring protocol and they acknowledged that this may have led to a delay in recognising the patient's deterioration. We noted that when the patient's observations and condition indicated a serious concern, a senior doctor should have been contacted, but instead nursing staff contacted the most junior doctor on duty. We found that, following the patient's death, the board contacted the Procurator Fiscal appropriately, but the case should have been referred back to them when the patient's family remained concerned and wished for further investigation.

We were satisfied that the learning already implemented by the board as a result of this case was appropriate, and satisfactorily addressed what had gone wrong in the patient's care. Our recommendations included the need to ensure that staff are clear about the procedures for reporting deaths to the Procurator Fiscal.

Scottish Welfare Fund reviews

Statistics

During October we:

- responded to 100 enquiries
- made 77 decisions
 - 11 community care grants
 - 26 crisis grants
 - 40 self-isolation support grants
- upheld five (45%) community care grants, six (23%) crisis grants and 15 (38%) self-isolation support grants

For the first time since the introduction of self-isolation support grants in October 2020, we received more of these grants than crisis grants. We signposted an additional 105 applicants to other sources of assistance this month. More than 69% of these were calling us instead of their local council in error.

Case studies

In recent weeks, we have handled a number of cases where we have disagreed with the council's decision regarding crisis grant exclusions. In these cases, we also noted that applicants had applied previously within 28 days but the councils concerned did not make an assessment of whether there had been a relevant change in circumstances between applications.

In one case, the applicant (C) asked us to review the council's decision to reject their crisis grant application. C said that they were in a crisis as they had spent their income and unexpectedly lost their job as they were unable to drive. They also stated that they had not been paid for the shifts that they had worked.

The council refused C's application at both stages of the process on the basis that C had already received three awards in the last 12 months and the circumstances of this application were not considered to be exceptional.

We reviewed the council's file and corresponded with C. C expanded upon their position and provided evidence in relation to the situation with their employment and bank statement evidence. We noted that C had applied within the last 28 days, but we deemed there to have been a relevant change of circumstances due to C losing their job. We took the view that the evidence supported C's position that they had been unable to work any further shifts without a car, and their contractual terms meant that they would not be receiving any wages for the time already worked. We considered this to be exceptional and that C was not at fault as the situation was unexpected and it was reasonable for them to rely upon expected wages. It was also not originally a condition of the job for C to be able to drive. We deemed that C's application met all the necessary criteria for an award. We changed the council's decision and awarded C £134.40. We provided the council with a material finding in relation to not making further enquiries before making their decision. We provided feedback about the lack of an assessment to consider whether there had been a change in circumstances within 28 days and feedback about both decision letters not referring to C's full circumstances.

Further examples can be found in the searchable directory [on our website](#).

Complaints handling practice guide

In our work with public organisations across Scotland, we are frequently asked about how to respond to people who are complaining in a way that the organisations find difficult (e.g. disrespectful or unconstructive) to deal with. At the same time, we have recently revisited our own [Engagement Policy](#) (formerly our Unacceptable Actions Policy), shifting emphasis to promote positive engagement and our value of being people-centred.

We have revised our complaints handling practice guide 'Supporting respectful engagement: handling difficult situations' to reflect our updated policy and aims to help organisations handle difficult situations. It includes, for instance an emphasis on using neutral language and non-judgmental approaches, and focusing on repairing a difficult situation rather than apportioning responsibility.

The [complaints handling practice guide](#) is available to view on our website and in a [downloadable PDF format](#).

For more guidance and resources, including our recently updated [phrase cards](#) (designed to help you when having challenging telephone conversations with complainants) please see our [support and guidance webpage](#).



Training – new open courses available

Our next open courses are available to book!

Good Complaints Handling open course

This course is aimed at staff who deal with complaints at stage 1 of the Model Complaints Handling Procedure. It is trainer-led, approximately 2.5 hours long, and delivered via Webex:

- 22 January 2022 (9:30-12:00)

Complaints Investigation Skills open course

This course is aimed at staff who investigate complaints at stage 2 of the Model Complaints Handling Procedure and will comprise of three trainer-led modules, each 2.5 hours long and delivered via Webex:

- Module 1 – 15 February 2022 (14:00-16:30)
- Module 2 – 17 February 2022 (09:30-12:00)
- Module 3 – 23 February 2022 (09:30-12:00)

For more information or how to book, please email training@spsso.gov.scot. Further details can also be found on our [training webpage](#).

Freepost SPSO – important information



It has come to our attention that some organisations may be advertising the incorrect Freepost address for the SPSO. The current and correct address is **Freepost SPSO**; this is **all** that needs to be written on the envelope (no street name, no postcode) and no stamp is required.

We kindly ask any organisation signposting to SPSO using a variation of this, or our old address, to update their communications material to reflect the correct address. This ensures that our service remains accessible and all mail reaches us as quickly as possible.

We are happy to provide complainants with Freepost envelopes on request.

Independent National Whistleblowing Officer e-bulletin

Our INWO team sends out regular updates with further information about the service. This month's bulletin discusses confidentiality around criminal matters, the importance of good record-keeping and provides information on the interviews we may conduct during the course of an investigation. To read about this and more, please see our [November e-bulletin](#).

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 have been 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

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

Website: www.spsso.org.uk