

August 2022

In this month's e-newsletter:

- Our findings this month
 - Public service complaints
 - Scottish Welfare Fund reviews
- Independent National Whistleblowing Officer investigation report
- Adviser open seminar

Our findings

Public service complaints

This month we:

- published 13 decision reports available [here](#)
- upheld 10 complaints in full or part
- made 27 recommendations for learning and improvement.

Decision reports: Learning points

This month we highlight the importance of ensuring possible causes of symptoms are fully investigated:

- [202102246](#) – we found that the health board failed to adequately investigate a patient's symptoms, taking into account their medical history. The patient, who had previously been diagnosed with breast cancer, became ill with symptoms thought to be associated with irritable bowel syndrome. Their symptoms persisted and a scan later showed a tumour attached to their kidney.

We asked the board to apologise to the patient's family and ensure appropriate and timely investigations, including radiological investigations, are carried out.

- [202105870](#) - we found that the health board failed to further investigate an anaphylactic cause for a patient who collapsed while driving following a wasp sting. While it was reasonable for the board to arrange for further investigations given that there were a number of potential causes for the blackout, the patient was only referred to an allergy specialist after a significant amount of time and correspondence from the patient.

We asked the board to apologise to the patient and ensure that potential cause for blackouts are fully investigated.

Scottish Welfare Fund reviews

Statistics

During July we:

- received 90 requests for review
- made 115 decisions
 - 21 community care grants
 - 48 crisis grants
 - 46 self-isolation support grants
- upheld five (24%) community care grants, 14 (29%) crisis grants and 22 (48%) self-isolation support grants
- signposted an additional 41 people to other sources of assistance
- received five calls from councils seeking advice.

In recent months, growing numbers of applicants have reported that they are struggling to cope with cost of living increases.

We have also observed an increase in the number of applicants seeking reviews of crisis grant applications who are in employment and not receiving any benefits. This appears to be linked to cost of living increases, which are making it difficult for people to meet their immediate living costs within the income they receive.

We have shared this trend with the Scottish Government and queried whether there are plans to issue additional guidance to councils on carrying out low income assessments for crisis grants. This follows on from our previous correspondence to the Scottish Government in June 2022, where we highlighted that the guidance which sets out how crisis grant calculations should be carried out would benefit from being updated to reflect the current climate, and to achieve greater consistency between councils.

Case studies

In one example case, C asked for an independent review of the council's decision. They had applied for a crisis grant as they had struggled to budget their income due to cost of living increases and did not have sufficient money to cover their family's essential living costs.

The council declined the application, stating that the applicant was not eligible for a grant due to their application history as they had received two awards in the past 12 months, referencing sections 2.31 and 2.32 of the SWF guidance. C asked for a first tier review but the council did not change their decision.

We reviewed the council's case file and contacted C for further information about their circumstances. We noted that C had only received two awards from the fund so their application history did not prevent a further award. The council had referenced

sections 2.31 and 2.32 of the guidance which were not applicable to C as they refer to sanctions to which C was not subject. We assessed that the application met the criteria for an award and upheld C's review request, instructing the council to make a payment of £400.00. We fed back to the council that they had not followed the decision-making process and that their notes did not contain sufficient information.

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

Independent National Whistleblowing Officer

First investigation report published

Today marks the publication of the first Independent National Whistleblowing Officer (INWO) report. The INWO, Rosemary Agnew, upheld two elements of the whistleblower's complaint, and made recommendations for improvement in relation to the handling of the concern in line with the National Whistleblowing Standards (the Standards); she did not uphold a third element. [The public report is available to read on the INWO website](#).

The INWO said: "It is important to me that the dedicated workers providing NHS services in Scotland feel safe to speak up about concerns, confident in the knowledge they will be listened to and learning take place. It is also important, that the NHS fosters a culture of speaking up and learning, and that there is recognition for organisations who do this well. Critical to this is confidence in the INWO's Whistleblowing Standards and complaint handling.

As you will see from my report, while I cannot share all of the detail, elements of the whistleblower's complaint were upheld, and I am encouraged by the NHS' acceptance of my findings and willingness to learn."

INWO e-bulletins

Our INWO team sends out regular updates with further information about the service. [Our August 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](#).

Adviser open seminar

A graphic for an 'Advisers Open Seminar'. It features a dark blue background with white text. The main title 'Advisers Open Seminar' is in a large, bold font. Below it, the date 'Thursday 1 September 2022' is written. To the right, a teal circle contains the time '6 PM - 7.30 PM'. Further right is an illustration of a teal desk calendar with a pink star on one of the dates. At the bottom right is the logo for the Scottish Public Services Ombudsman, which includes the text 'SCOTTISH PUBLIC SERVICES OMBUDSMAN' and the tagline 'People Centred | Improvement Focused'.

We are inviting experienced clinicians, registered with the GMC or HCPC, to join our register of professional advisers. Our professional advisers are a valued part of the complaints process, and ensure we are able to make fair and balanced decisions about health and social care complaints.

To find out more about the SPSO, the role of professional advisers and how to get involved, please join our online webinar on Thursday 1 September 2022 from 6pm-7.30pm.

You can [sign up to the webinar here](#). If you have any questions about the webinar, please contact communications@spsso.gov.scot.

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