

December 2022

In this month's e-newsletter:

- Season's greetings
- Our findings this month
 - Public service complaints
 - Scottish Welfare Fund reviews
- SPSO launch updated training
- NHS good complaint handling practice guide
- Child friendly complaints
- Delays in allocating complaints
- Independent National Whistleblowing Officer (INWO)



As 2022 draws to a close, we would like to wish everyone a peaceful festive season, and all the best for a happy and healthy New Year.

Festive opening hours

Please note that for most business we will be closed from Friday 23 December 2022, reopening on Wednesday 4 January 2023.

Our Scottish Welfare Fund team will offer an emergency service on 28-30 December 2022.

Public service complaints can still be submitted via our [online complaint form](#) and INWO complaints can be submitted via the [INWO online complaint form](#). We won't be able to respond until we reopen on 4 January 2023.

Our findings

Public service complaints

This month we

- published 21 decision reports available [here](#)
- upheld 14 complaints in full or part
- made 44 recommendations for learning and improvement.

Decision reports: learning points

This month we published two cases highlighting the importance of obtaining informed consent: [202006891](#) and [202008527](#). In both cases we upheld these elements of the complaint, asked the NHS boards to apologise and ensure that complete and accurate consent documentation is recorded. Involving individuals in decisions around their own health is vital and is a topic we have previously discussed in our thematic report '[Informed consent: Learning from complaints](#)'.

Scottish Welfare Fund reviews

Statistics

During November we

- responded to 86 enquiries
- made 68 decisions
 - 17 community care grants
 - 50 crisis grants
 - 1 self-isolation support grant
- upheld 41% of community care grants, 22% of crisis grants and upheld the one self-isolation support grant closed
- signposted an additional 69 applicants to other sources of assistance
- received seven calls from councils seeking advice.

Support and Intervention Policy

We raised two new SWF related issues in line with our [Support and Intervention Policy](#). The first concerned case recording, and the council have since responded to advise of improvements they plan to make. The second was linked to applying a reason for refusal that is not supported by the guidance. The council are due to provide a response by early January.

Case studies

We regularly update the [searchable directory on our website](#) with sample cases to share learning from our findings. Follow the link to find out more!

SPSO launch updated training

We are excited to announce the launch of our new SPSO online training courses! From **Monday 9 January 2023**, you will be able to register for:

- **Good Complaints Handling** – a self-guided course aimed at staff handling complaints at stage 1 of the Model Complaints Handling Procedure (MCHP) or anyone involved in complaint handling looking to develop their knowledge.
- **Complaints Investigation Skills** – a trainer led course aimed at staff who investigate complaints at stage 2 of the MCHP.

Visit our [training page](#) for available dates, prices and more information on what you can expect from each course!

Good Practice Guide for NHS Complaints Handling

Resolving complaints

- Resolving a complaint is when both the organisation and the customer agree what action (if any) will be taken to provide full and final resolution for the customer, without making a decision about whether the complaint is upheld or not upheld.
- A complaint can be resolved at any stage of the complaints handling process.
- When a complaint is resolved, you do not normally need to continue looking into it or provide a response on all points of the complaint. However, you may wish to where there is evidence of a wider problem or potential for useful learning.

Equality and accessibility

- All public sector organisations are required to make their complaints service accessible to relevant groups under equalities and mental health legislation.
- You can use our guidance on [complaints with vulnerabilities](#) that highlights potential vulnerabilities and provides examples of possible adjustments we can make to our own service. You can use these examples when considering accessibility to your local complaints process.

Supporting staff

- Ensure your organisation is supporting staff who are the subject of complaints by:
 - sharing the relevant parts of the complaint with the staff involved;
 - signposting staff to support and information about the complaints process;
 - keeping staff updated about the progress of the complaint in addition to keeping the complainant updated;
 - sharing the relevant parts of the complaint response with the staff involved;
 - and having an engagement policy in place that supports staff and users to engage positively with each other, and protects staff from behaviours which can have a negative impact. Please see our [good practice guidance for organisations on handling difficult situations](#) for more information.

Other tips

- At the start of a stage 2 complaint, try to contact the complainant to confirm the points of complaint and desired outcome if they are not clear.
- If you need to extend the 20 working day investigation deadline, we recommend keeping the person making the complaint and any staff members involved updated at least once every 20 working days beyond the initial deadline.
- Explain to customers that you do not take complaints on social media but ensure to tell them how they can complain.
- Organisations should be careful not to operate a 'two-tier' complaint system with preferential treatment for some customers (for example MHP/MCHPs). Please see [best in class under our March 2021 Part 2](#) for more information.

NHS SCOTLAND

We recently launched a good practice guide for NHS complaints handlers. The guidance takes account of the changes made in the revised MCHP for other sectors, which were implemented in April last year. While this guidance is not statutory, it is intended to support NHS staff to handle complaints in line with current good practice and we strongly encourage NHS organisations to follow these approaches and integrate them into their local processes.

You can view and download the [NHS good practice guide](#) from our website.

Child friendly complaints

As highlighted in our [July newsletter](#), we are developing a child-friendly way for public bodies to handle complaints. We are working on our first draft of the guide that will be implemented by all public bodies under our remit. Following feedback from our engagement and testing work, we plan to carry out a targeted pilot with key services before holding a full public consultation.

[For more information and further updates, visit our webpage on child friendly complaints.](#)

Delays in allocating complaints

We previously reported that there was a delay of up to 11 months in allocating *some* complaints to a complaints reviewer due the impact of COVID-19. The current allocation time is now eight months and will continue to drop thanks to extra capacity and positive improvements in how we deliver our service.

It's important to note that the delay to allocation does not apply to everyone who brings a complaint to the SPSO and we have prioritisation systems in place to identify urgent cases. We encourage people to tell us if their circumstances change so that we can review the priority.

[For more information, please see our detailed information on delays.](#)

Independent National Whistleblowing Officer (INWO)

Investigation report

This month the INWO published a new investigation report. The INWO upheld both elements of the whistleblower's complaint, making recommendations for improvement and noting areas of good practice.

[The public report is available to read on the INWO website.](#)

Speak Up Week blog

Thanks again to everyone who took part in Speak Up Week and helped to make it a success. Our INWO team have now had a chance to collate all the feedback and analytics from the week and we share our reflections in a [blog post here](#).

INWO e-bulletins

Our INWO team sends out regular updates with further information about the service. If you would like to receive e-bulletins from the INWO straight to your inbox, please [register here to sign up to the mailing list](#).

[Previous e-bulletins can be accessed via our website.](#)

For further information contact:

Communications team

Tel: 0131 240 2990

Email: communications@sps.gov.scot

SPSO Assessment and Guidance team

Tel: 0800 377 7330

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

Website: www.sps.org.uk