

June 2022

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Our findings

Complaints

This month we:

- published 13 decision reports available [here](#)
- upheld 9 complaints in full or part
- made 33 recommendations for learning and improvement.

Investigation report

In addition to our decision summaries, we are publishing one full investigation report: [202001373 Lanarkshire NHS Board](#) relating to the care and treatment of a patient with bile duct cancer.

We found that there was an unreasonable delay in diagnosing the patient's cancer, and that it is possible that they could have lived longer had this diagnosis been made earlier. We also found that the possibility of a cancer diagnosis was not communicated well enough to the patient and their family.

We made five recommendations directly in relation to these findings. These included asking the Board to apologise to the patient's family and ensuring cancer trackers are utilised early in cases like this to avoid delays in cancer diagnosis.

Decision reports: Learning points

At SPSO we are driven by our values of being **people centred, fair, independent and learning & improving**. This month we highlight the importance of the service we provide with a positive outcome achieved for someone. Last month we reported on case [202005368](#) in which we found that the complainant was not provided with information and advice about eligibility for a kinship care allowance and Kinship Care

Orders. We asked the council to complete an assessment in respect of the complainant's care of two children which, as far as possible, aimed to put them back in the position that they would have been in had the failings not occurred.

We are pleased to share that the council completed their assessment and have awarded the complainant an ex gratia payment equivalent to the amount of kinship care allowance that they would have received had they been appropriately informed about the need to obtain a kinship care order. This was a significant payment for the family. We thank the council for completing our recommendation promptly.

The outcomes we achieve are about more than payments. We also recognise the importance of an apology and someone knowing that learning has taken place. More information about our approach to resolving a complaint or request through recommendations for redress can be found in our [Redress Policy](#).

Scottish Welfare Fund reviews

Statistics

During May we:

- received 175 requests for review
- made 118 decisions
 - 17 community care grants
 - 59 crisis grants
 - 42 self-isolation support grants
- upheld 11 (65%) community care grants, 11 (19%) crisis grants and 15 (36%) self-isolation support grants
- signposted an additional 116 applicants to other sources of assistance. A high proportion of these contacts were calling us instead of their local council in error. Others reported accessibility issues including a lack of Freephone number or difficulties getting through
- responded to seven enquiries from councils seeking advice.

Case studies

In recent weeks we have observed cases where we considered that the council should have made a cash award based on equality considerations linked to neurodiversity.

In one case, the applicant (C) had applied for a community care grant for a number of household items. C advised that they suffered from mental health issues and had disengaged from services.

The council awarded items that they assessed met high priority. They explained that the items would be provided by their furnishing supplier. C asked for a first tier review of the decision, stating that the goods that were awarded were not suitable and did not meet their needs due to sensory issues. They added that they did not want contractors attending their home without knowledge of who they were. The council did not change the decision and advised that the award would be fulfilled by their furnishing service; stating that the applicant had received a previous award for flooring via the furnishing service.

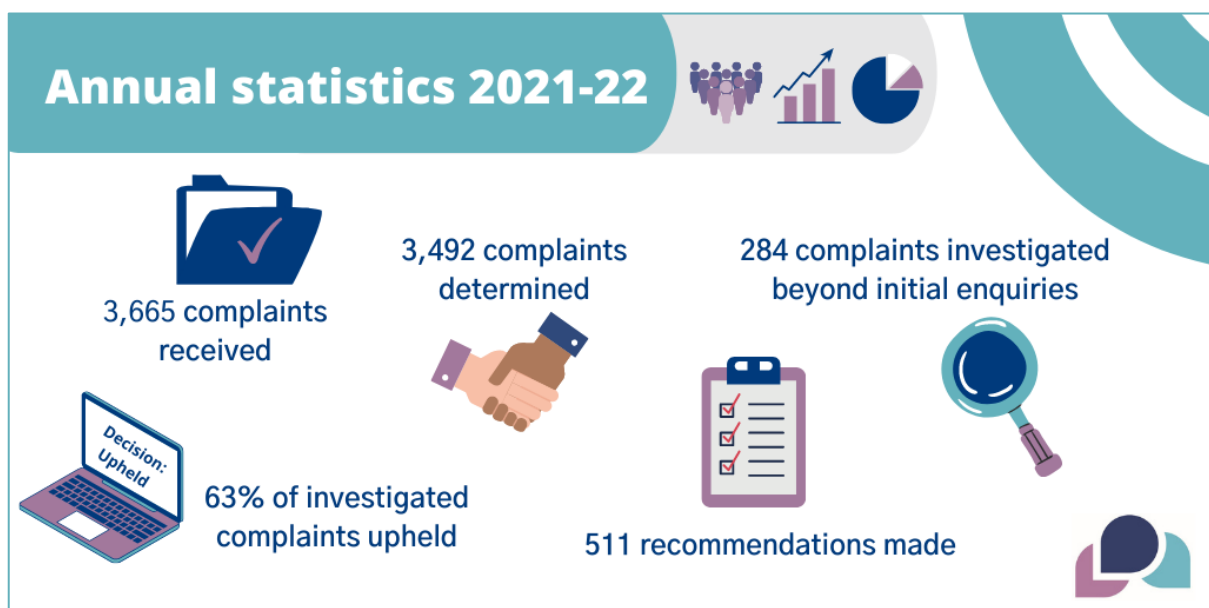
We reviewed the council's case file and contacted C and their GP for further information. C confirmed that they only wanted us to review the award for flooring. They explained that they had severe sensory issues and provided detailed descriptions of how this affected them. They said that they had disengaged from services, and found it difficult to accept their health diagnosis. Their GP confirmed that C had Asperger's Syndrome, ADHD and mental health issues.

We considered that the council were provided with information at first tier review that should have been considered and prompted further enquiries to be made. We changed the council's decision based on the available evidence as we were satisfied that a cash award was appropriate in line with section 4.51 of the guidance. This states that any specific needs due to equality considerations should be factored into the fulfilment of awards. When considering how the award should be fulfilled, we asked the council if their furnishing supplier could provide a sample of the carpet but they were unable to do this. They also said that they could not advise us of the cost that they would pay their supplier for the flooring. On this basis we advised that they should award the cost of affordable flooring plus fitting for all rooms. We also provided feedback to the council about their written communication.

Further examples can be found under the category '*Failure to take into account health conditions*' in the [searchable directory on our website](#).

Annual statistics

We recently published our annual statistics for 2021-22. These details the enquiries and complaints we have received and determined in the past year. Below are some of the highlights of this year, the full statistics are available on our website at [Statistics 2021-22 | SPSO](#).



We have also published information relating to our Scottish Welfare Fund Review service and whistleblowing function:

- [Scottish Welfare Fund statistics](#)
- [Independent National Whistleblowing Officer statistics](#)

Independent National Whistleblowing Officer webinar

In the spring our INWO team ran webinars for trade union reps. These provided union reps with information on their role in supporting staff to speak up. They covered the type of advice reps could give their members, including the benefits of ensuring staff are protected from detriment.

We have chosen the best video to share more widely, for those that were unable to attend the events. This video, along with other guidance and useful resources, can be found on our ['Training, guidance and resources' webpage](#).

INWO e-bulletins

Our INWO team sends out regular updates with further information about the service. [Our June 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

Our office is currently closed to visitors, with most of our staff continuing to work from home.

On 1 July 2022 we are moving to hybrid working. This means that we will be in the office more and can accept visitors again – but only with an appointment. It is important visitors make an appointment as hybrid working means that not everyone is in the office every day, and we want to be sure the person you need to speak to is available.

We will also be extending our Freephone advice line hours to four hours a day:

Monday	9 am – 1 pm
Tuesday	1 pm – 5 pm
Wednesday	9 am – 1 pm
Thursday	1 pm – 5 pm
Friday	9 am – 1 pm



Our Assessment & Guidance team are available to answer general enquiries or for advice on how to make a complaint. Calls outside of these hours can be arranged by appointment.

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