

December 2020

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As this challenging year 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 period office hours

Please note that we will be closed from 12 noon on Wednesday 24 December 2020, reopening on Tuesday 5 January 2021. Complaints can still be submitted online via our [online complaint form](#); however, we won't be able to respond until we reopen.

Our Scottish Welfare Fund team will offer an emergency service on 29-31 December 2020.

Our findings

Complaints

This month we:

- published 34 decision reports available [here](#)
- upheld 20 complaints in full or part
- made 32 recommendations for learning and improvement.

Learning points

This month we are publishing a number of cases relating to the standard of record-keeping and procedures for documentation.

- [201902465](#) – we found that the board’s record-keeping was unreasonable and not of the required standard in relation to the assessment and prevention of a patient’s fall.

The falls risk assessment was completed within the stipulated policy timescale of 24 hours from admission. However, the decision not to do this during the immediate admission had been taken by a student nurse without oversight from a registered nurse.

Also, the incident report of the fall lacked clarity and consistency. The incident was initially mis-categorised as ‘minor’ and was not updated to ‘serious’ when the fracture was diagnosed. This meant the relevant escalation and review were not triggered.

The board indicated that a review had subsequently taken place, but we saw no evidence of this nor of the learning and improvement from it. The adverse event review findings were not shared or discussed with the complainant as they should have been, in keeping with national Being Open in NHS Scotland guidance.

We asked the board to review their record-keeping and their procedures to ensure accurate reporting and appropriate review and investigation.

- [201900907](#) – we found that the board had not documented a clear care plan to manage the complainant’s persistent and unresolved pain. Had there been one, this may have led to an escalation from nursing to medical staff and a review of the patient’s pain and may have expedited further tests. In our recommendations we highlighted documentation should also provide adequate reflection of clinical examination, review of observations, possible diagnosis, and plan of management.
- In case [201809611](#), we found that the authority failed to reasonably record and communicate their decision to ban a customer from their services. In relation to this, we would highlight information in the revised [Model Complaints Handling Procedure \(MCHP\)](#) under the chapter ‘Expected behaviour’ (in Part 1 of the MCHP). Accordingly, we advised the authority to

ensure a detailed procedure for dealing with problem behavior is in place and staff are supported in using this.

Scottish Welfare Fund reviews

Statistics

During November we:

- responded to 96 enquiries
- made 80 decisions
 - 15 community care grants
 - 44 crisis grants
 - 21 self-isolation support grants
- upheld six (40%) of the community care grant decisions determined, seven (16%) of the crisis grant decisions and seven (33%) of the self-isolation support grant decisions.
- signposted an additional 99 applicants to other sources of assistance, 19 of whom raised accessibility issues which concerned getting in touch with their local council. In addition to the above, we provided general advice to local authorities on 16 occasions throughout the month.

Case studies: Self-isolation support grant

Last month we shared some of the initial self-isolation support (SIS) grant decisions we made. SIS is a new grant aimed at providing one-off assistance to those on a low income who have been asked to self-isolate by the Test and Protect (T&P) service; and are in employment but can't work from home so would face a loss of income.

In recent weeks we have observed issues arising from T&P and the Protect Scotland app which have impacted directly on whether applicants have been deemed to meet the eligibility criteria. It was also brought to our attention that no mechanism had been established for customers to complain about the service they had received from T&P. Our colleagues in SPSO's Information, Standards and Engagement team have since followed this up with NHS National Services Scotland to ensure that the required complaint handling procedures are in place.

The following case summaries highlight recent issue in relation to self-isolation support grant applications:

- In one case, C, a taxi driver, applied for a self-isolation support grant after they were alerted by the Protect Scotland app that one of their passengers had tested positive for COVID19, and so were asked to self-isolate.

The council declined C's original grant application as they did not find C on the T&P service's daily list of 'close contacts' of COVID-patients and therefore assessed C did not meet the eligibility criteria for the grant. In our review we were able to establish that C did not appear on the list because the passenger did not know C's name and it was therefore impossible to add C to the T&P system. When we asked T&P for a general view of whether someone in C's situation should legitimately be self-isolating as per their guidelines, we were told that they should.

On the basis of the available information, we concluded that, on balance and in line with section 4.20 of the guidance, the applicant would have met the eligibility criteria, had there not been issues with T&P and the Protect Scotland app. As such, we changed the council's decision; however, we were not critical of their decision as they had followed the guidance.

- In a second case, the applicant's details also did not appear on the daily list sent to a council, detailing people who had been told to self-isolate. It transpired that this was due to the fact that C had not consented to the sharing of their data. However, even after they phoned T&P to change their consent, this information did not filter through to the council.

In our review we were able to verify that C appeared on the T&P database and that their reference number was valid. On this basis we changed the council's decision and recorded this under "new information". This was because we considered that the council made reasonable attempts to verify the information themselves and should not be criticised for the issues associated with T&P.

Further examples can be found in the searchable directory [on our website](#) under the title *self-isolation support grant*.

Training for complaint handlers

We are pleased to be able to offer a new online modular *Complaints Investigation Skills* course, available to book from January 2021. This will be aimed at staff who investigate complaints at Stage 2 of the Model Complaints Handling Procedure and will cover:

- investigation preparation and planning
- evaluating evidence
- making and communicating decisions
- sharing the learning from complaints.

For more information about course content and costs, please email: training@sps.gov.scot

Implementation of the revised Model Complaints Handling Procedure

The [revised Model Complaints Handling Procedure \(MCHP\)](#) was published 31 January 2020 under section 16B(5) of the Scottish Public Services Ombudsman Act 2002. Following a review of the original MCHPs and a sector-wide consultation, it was updated to:

- standardise the core text across all of Scotland's public services (to remove minor inconsistencies in how the MCHP operates within different sectors), while retaining individualised sector-specific content and examples in each version
- take account of feedback on complaints handling from public sector organisations
- address issues identified through SPSO's investigation of complaints

- incorporate good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups.

To allow for sufficient time to update procedures, the Ombudsman advised that public bodies may implement the revised MCHP at any time over the business year, but with full implementation required by no later than 1 April 2021. As a reminder, under the SPSO Act 2002 all organisations are required to comply with the MCHP.

Thank you to those organisations that have now implemented the revised model, and to those that have contacted us for advice and support as they move towards full implementation by April 2021. Once implemented, organisations should have appropriate self-assessment arrangements in place to provide assurance that complaints are handled in accordance with the MCHP, and to track performance as required of the MCHP.

We encourage you to contact our Complaints Standards staff for advice and guidance as your organisation prepares for implementation, by phone 0131 297 4814 or email csa@sps.gov.scot

Annual statistics for public service organisations

We have published annual complaints statistics for 2019—20 for individual public bodies on our website. These give insight into service issues that the people have complained to us about, and we hope this information will be used by organisations in tandem with their own complaints performance data to build a picture of what drives dissatisfaction and whether there are systemic changes that can be made to improve the service.

The organisational statistics can be found in the drop-down menu on our [2019-20 Statistics page](#).

COVID-19 information

Our service provision during the COVID-19 pandemic has not changed over the last few months. We continue to monitor and follow the latest Scottish Government and NHS Inform guidelines.

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

We also have detailed [information for public service organisations](#) looking for advice on complaints handling during the pandemic. If you are experiencing particular difficulties or issues please contact us directly on csa@sps.gov.scot.

And finally

Rosemary Agnew, the Ombudsman, would like to thank everyone for their patience over the last ten months - complainants and Scottish public bodies - and express her

heartfelt thanks to her team for maintaining as normal a service as has been possible during the pandemic.

For further information contact:

Communications team

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SPSO Assessment and Guidance team

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