

February 2019

In this month's e-newsletter:

- New: Provisional decisions
- New: Support and Intervention Policy
- Scottish Welfare Fund Statement of Practice amendment
- Our findings this month: Complaints and Scottish Welfare Fund reviews

New: Provisional decisions

Thank you to all public bodies sending us feedback about the provisional decisions we started issuing from 1 February 2019.

As highlighted in last month's e-newsletter, before we make our decision, we are issuing provisional decisions to public bodies and complainants, setting out our thinking and giving both parties an opportunity to highlight any factual errors or provide new information that they think will influence the outcome of the complaint.

Our aim is to help both parties understand our decisions better and to give them the opportunity to engage with us in a different way at an earlier stage. Both parties will still be able to request a review.

Between now and April we would appreciate any further feedback you have so we can reflect on the new approach to fully understand the impact.

New: Support and Intervention Policy

Our new Support and Intervention Policy will come into place on 1 April 2019. In March we will write to public bodies, giving them access to the policy document in advance of the launch in April.

This policy formalises the mechanisms we already use to offer support to organisations and take intervention when required. It will offer more clarity to organisations regarding what to expect from us, how and when.

In short: a support action taken by SPSO is just that, support we give to help public bodies improve their practice or address poor performance; intervention action is more formal and will usually require the public body to take specific action to improve performance in relation to complaints handling, handling of Scottish Welfare Fund reviews or engagement with SPSO investigations and reviews.

This will not replace the advice and feedback we already give as part of our handling of complaints, but makes it clearer how we will use our statutory powers in a more structured way to promote improvement; nor does the policy prevent public bodies

asking us for help and advice as you do now. We do want you to contact us if you need help in relation to complaint handling.

The policy will be published on our website, sent to public bodies in March and be available in next month's enewsletter.

Scottish Welfare Fund Statement of Practice amendment

The Statement of Practice sets out how we consider, investigate and respond to Scottish Welfare Fund reviews. Following the introduction of the Data Protection Act 2018, we have decided to amend the language used in Section F that relates to consent. Our practice has not changed, neither has the basis on which we obtain information, the amendment is simply to reflect changes in the way consent is understood in line with Data Protection. You can find our Statement of Practice [here](#).

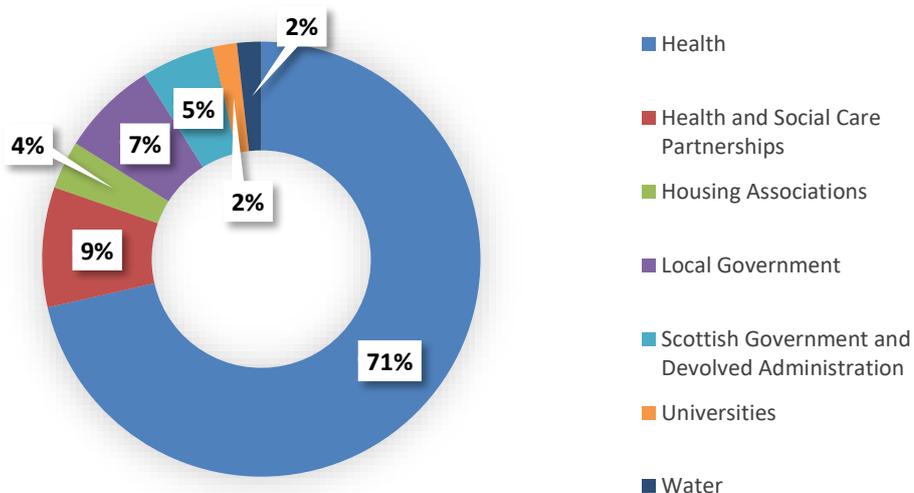
Our findings

Complaints

This month we:

- are publishing 56 decision reports available [here](#)
- upheld 34 complaints in full or part
- made 78 recommendations for learning and improvement

This month we are publishing at least one report about each sector under our jurisdiction, with the exception of colleges. As in most months, the majority of our reports are about the health sector. The distribution of complaints by sector for this month is represented in the chart below.



- We handled one complaint about a patient's removal from a medical practice list. Relevant guidance sets out that, other than in cases involving violence or aggression, a patient whose behaviour is giving cause for concern should be given a written warning by the practice. This did not happen in case [201803006](#), and therefore we upheld the complaint.
We have further information about complaints relating to the removal from GP or dentists' registers [available in a factsheet on our website](#).
- In case [201707213](#), while we decided that the practice had acted reasonably regarding the prescription of medication, we identified failings in relation to complaints handling; we found the tone of written correspondence to be confrontational, and the information given about the complaints process insufficient.
We have a large number of resources relating to complaints handling available on [our website](#), including a [template complaint decision letter](#).

Scottish Welfare Fund (SWF) Reviews

During December we:

- responded to 95 enquiries
- made 71 decisions (25 community care grants and 46 crisis grants)

This is one of the highest number of decisions made in any month since the start of the service in April 2016. We also recorded an additional 103 contacts from applicants who were not yet ready for us to carry out an independent review. A number of these applicants reported difficulties getting in touch with their council due to a lack of free phone numbers; shortened opening hours, or that the number cut them off. We gave applicants assistance making contact with their local council where appropriate.

[For related case studies, please see our SWF website.](#)

For further information contact:

Communications team

Tel: 0131 240 2990

Email: communications@spsso.org.uk

SPSO Assessment and Guidance team

Tel: 0800 377 7330

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

Website: www.spsso.org.uk