

## November 2020

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### Independent National Whistleblowing Officer advice line

Our Independent National Whistleblowing Officer (INWO) advice line opened on 1 November 2020 on Freephone 0800 008 6112.

This free service is open to all NHS providers, staff and members of the public wanting to find out more about the Standards and raising concerns, when they go-live on 1 April 2021.

The INWO team offers the following advice:

- information on transitional arrangements, including where whistleblowers need to go to raise concerns before 1 April 2021
- support and advice on implementation of the Standards
- general enquiries.

If you are interested in hearing about our INWO work in more detail, please [sign up to the INWO mailing list](#) to receive regular e-bulletins. The first edition, issued in October 2020, is available [here](#).

### Our findings

#### Complaints

This month we:

- published 51 decision reports available [here](#)
- upheld 27 complaints in full or part
- made 83 recommendations for learning and improvement.

### *Investigation report*

In addition to our decision summaries, this month we are publishing a full investigation report: [201807854 Greater Glasgow and Clyde NHS Board](#) relating to the follow-up care and treatment of a man who suffered a subarachnoid haemorrhage as a result of a ruptured aneurysm. The patient later died following a second aneurysm.

We found that there were unreasonable delays in him receiving care and treatment following the recurrence of a brain aneurysm. The report also highlights failings in communication; both between the staff involved in the patient's care and between the staff and the patient himself.

We made two recommendations directly in relation to these findings, which the Board has accepted. The Board was asked to apologise to the patient's family and ensure it has in place a streamlined and efficient system for highlighting reports of aneurysms and acting upon the report's findings. Whilst we also found failings in complaint handling, we made no further recommendations as the Board has implemented improvements since the time of this complaint.

### *Decision reports: learning points*

This month we are publishing a number of cases that relate to child protection procedures:

- [201900885](#) – we found that the council delayed in contacting a complainant after children, who were on the child protection register, went to live in the complainant's care. The council failed to visit the children weekly or support them with their special education needs. We also found that the council delayed in completing the kinship care assessment. Whilst the council acknowledged some of these failings, we made a further 11 recommendations for learning and improvement. These included apologising to the complainant and ensuring that carers for children on the child protection register receive prompt visits in order to safeguard the children's wellbeing, health and development.
- [201902182](#) – we found that the board failed to communicate appropriately with a complainant after child protection procedures were initiated in respect of their child. We also found that the board delayed in concluding these procedures and failed to record the outcome in their medical records. We made six recommendations which included an apology to the complainant and ensuring that families are given prompt and clear information about the child protection process.

## Scottish Welfare Fund reviews

### *Statistics*

During October, we:

- responded to 86 enquiries
- made 61 decisions
  - 14 community care grants
  - 47 crisis grants
- upheld eight (57%) of the community care grant decisions determined and 13 (28%) of the crisis grant decisions
- signposted an additional 113 applicants to other sources of assistance. In most cases this was to their local council.

### *Case studies: Self-Isolation Support Grant*

We became independent reviewer for a new type of grant called the Self-Isolation Support Grant on 12 October 2020. The grants provide a one-off payment of £500 to support those in work who have been asked to self-isolate by Test and Protect. Applicants must be on a low income and experience a reduction in earnings as a result of self-isolating to be eligible.

During the initial applications we reviewed, we observed a number of difficulties involving the transferring of data between the Test and Protect service and local authorities. We also noted some ambiguities within the current guidance which is still in draft form. We recognise that these are linked to the speed at which the new form of assistance was introduced but provided feedback regarding our concerns to the Scottish Government.

In one such case, the applicant (C) was self-employed and had recently been asked to self-isolate, preventing them from working as a taxi driver for a fortnight. The council initially refused the application on the basis of C not appearing to have an eligible benefit in payment. C requested a first tier review, in which they explained that they have a joint Tax Credits claim with their partner, in their partner's name. The council upheld their initial decision, explaining that the claim must be in the applicant's own name.

C submitted an independent review request. We obtained a statement of award from HMRC, confirming the joint claim. We considered that the draft guidance currently in place does not specifically mention joint claims, or state definitively that the benefits claim be in an applicant's name. We determined that to be included on a joint claim involves being means tested, and that the award is made for the household. On this basis, we assessed that the applicant was eligible for an award and instructed the council to provide the applicant with a £500 grant.

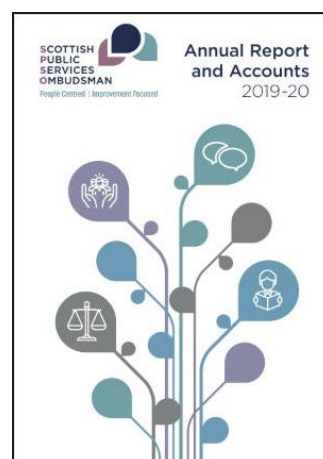
We provided feedback to the council regarding what we considered to be an overly rigid interpretation of the guidance, which was not consistent with the overall aims of the scheme, or with the approach applied to other benefits. However, we also acknowledged this is a new scheme, and that the guidance in its present form is in draft and has not been finalised.

Further examples can be found in the searchable directory [on our website](#) under the title *Self-Isolation Support Grant*.

## Annual report 2019-20

On 30 October 2020, we published our 2019-20 annual report. Highlights include:

- 4,332 complaints received and 4,099 complaints determined
- 1,038 Scottish Welfare Fund review applications received, 29% up on last year
- 58% uphold rate with 1,038 recommendations made for learning and improvement
- publication of updated Model Complaints Handling Procedures
- our Complaints Improvement Conference
- introduction of the Support and Intervention Policy
- significant progress made in preparing for the launch of the Independent National Whistleblowing Officer.



The Ombudsman, Rosemary Agnew, said:

*"The final few weeks of the operating year were challenging for everyone due to COVID-19 and it would be all too easy to let those weeks eclipse our achievements and challenges for the majority of the year. The report highlights these important achievements. I am pleased to report that we continue to maintain a consistently high level and quality of output, despite the rising caseloads for both complaints and Scottish Welfare Fund review applications."*

[You can read the report in full here.](#)

## New: Guidance on the revised Model Complaints Handling Procedures

On 31 January 2020, we published the revised Model Complaints Handling Procedures (MCHPs) for all sectors (except the NHS). Public bodies must implement the revised MCHPs by no later than 1 April 2021.

To assist organisations with implementation, we have produced a new video guide which highlights the key aspects and changes that have been introduced. This video, and a range of other useful resources, is available [on our website](#).

## COVID-19 information

We continue to monitor and follow the latest Scottish Government and NHS Inform guidelines. As such, our office remains closed to visitors.

We are offering a limited phone service on 0800 377 7330 and are receiving emails, post and are taking new complaints as normal. We will provide the best service we can, but ask you to be patient with us during this challenging time.

Our Scottish Welfare Fund (SWF) team is available by phone as normal on Freephone 0800 014 7299.

Please read our [website for more service information](#).

We also have detailed [information for public service organisations](#) looking for advice on complaints handling during the COVID-19 pandemic. If you are experiencing particular difficulties or issues please contact us directly on [CSA@spsso.gov.scot](mailto:CSA@spsso.gov.scot).

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For further information contact:

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SPSO Assessment and Guidance team

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Website: [www.spsso.org.uk](http://www.spsso.org.uk)