

February 2020

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 - Scottish Welfare Fund reviews
- Model Complaints Handling Procedures
- Training
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Our findings

Complaints

Investigation report

This month we are publishing one full investigation report: [201805020 Tayside NHS Board](#) relating to the unreasonable care and treatment of a woman who was referred for surgery to treat a type of kidney cancer, and died a month after the surgery.

We found that the decision to refer the patient for surgery was unreasonable as there was a low risk the cancer would harm her; and there was an exceptionally high risk from kidney surgery.

The report also highlights failings in the care and treatment provided to the patient in response to her worsening condition following surgery, in the nursing care provided, and in the medication prescribed when she was discharged home for end of life care.

We made ten recommendations directly in relation to these findings, which the Board has accepted. The Board was asked to apologise to the patient's family. We also made recommendations about service improvement, including; ensuring the Board gives full consideration to non-surgical treatment options for future patients with kidney cancer and reviewing the training needs of nursing staff.

We also found that the Board's communication with the patient and her family about her condition and treatment was unreasonable. The Board has already acknowledged and apologised to the family for this to our satisfaction. The Board told us they had already taken action to improve their communication with patients and their families so we asked for evidence of this.

Decision reports

We are currently in the process of upgrading our casework management system. While there has been no impact on our casework, we have decided to not publish any decision reports this month until work on our casework management system has been completed. We intend to resume publication of our decision reports next month.

Scottish Welfare Fund (SWF) Reviews

Statistics

In January we:

- responded to 110 enquiries
- made 87 decisions:
 - 21 community care grants
 - 66 crisis grants
- changed the council's decision on 8 (38%) community care grants and 16 (24%) crisis grants

This is the highest number of reviews determined in any month since the start of the independent review service in April 2016.

New information arising during the review process

Following a recent enquiry from a council about how we treat new information that comes to light during the independent review process, we thought it would be helpful to outline what our approach is.

In summary:

- We consider whether the council made the decision that should have been made.
- From time to time, new information comes to light during our review of an application.
- In order for us to take this information into account, it needs to have been in existence during the period the council considered the application.
- If it concerns information about circumstances occurring *after* the council considered the application, we are unable to take this into account and may signpost the applicant to make a new application.
- If the new information is relevant to the decision and forms the basis of us upholding a review, we give feedback to the council.
- We categorise our feedback under one of the following two categories, based on our assessment of the council's handling of the application.

1. **New information.** We use this where new information comes to light that is material to the decision but was not readily available to the council or could not have reasonably been gathered by the council.
2. **Insufficient information/inquisitorial failure.** We use this where the council has not made sufficient enquiries to make a robust decision. This may include not clarifying gaps in the evidence or investigating inconsistencies.

Related case studies can be found in the searchable directory [on our website](#) under the subject *Decision making with limited information*. This directory is updated monthly with new studies, so keep checking back for new content!

Next month, we will outline the circumstances under which we may choose to refer applications back to the council to reconsider.

Model Complaints Handling Procedures

On 31st January 2020 we published the revised [Model Complaints Handling Procedures \(MCHPs\)](#) for all sectors (except the NHS).

Following our extensive consultation, the MCHPs were 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
- revise the MCHPs in line with:
 - feedback from organisations under jurisdiction (via a consultation survey and individual feedback from contacts with SPSO)
 - issues identified in casework
 - recent research and good practice in relation to using alternative resolution approaches, promoting positive complaint behaviours and improving access to complaints for vulnerable groups.

Public bodies must implement the revised MCHPs over the coming business year, with full implementation by no later than 1 April 2021.

We also have a variety of resources and best practice guidance to help with handling complaints and implementing the revised MCHPs. These can be found [here](#).

Training

Our next open training course for the public sector is:

Complaint Investigation Skills

Tuesday 10 March 2020

This course is for managers, team leaders, complaints officers and any other staff involved in the investigation of complaints. The course aims to develop their awareness of what makes the experience of complaining a good one or a bad one and explores the investigation process from initial receipt to conclusion.

[For further information and to book a place, please visit our website.](#)

We are hiring!

We currently have three exciting opportunities:

- [Investigations Team Manager](#) – responsible for assisting the Investigations Manager to deliver an exemplary complaints handling service.
- [Assessment & Guidance Officer](#) – plays a pivotal role in handling incoming enquiries and provides relevant information and advice on the SPSO to all stakeholders.
- [Scottish Welfare Fund Case Reviewer](#) – responsible for delivering an efficient and independent service to review the decisions that local authorities have made on applications for Community Care Grants and Crisis Grants.

SPSO Strategic Plan consultation

The SPSO recently sent her draft Strategic Plan 2020-2024 to the Scottish Parliamentary Corporate Body for their consideration and comment. The plan covers the SPSO's vision, values and strategic aims for 2020-2024.

We also invite comments from individuals and organisations. The consultation is open until 28 February 2020. The draft Strategic Plan and information on the consultation is available [on our website](#).

Invitations to tender

We currently have the following open invitations:

Internal Audit Services

Closing date: 5pm Friday 21 February 2020

Website Services

Closing date: 5pm Friday 6 March 2020

Full details on both invitations and how to submit your tender can be found [here](#).

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.spsa.org.uk/contact-us

Website: www.spsa.org.uk