

September 2020

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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@sps.gov.scot.

Our findings

Complaints

This month we:

- published 52 decision reports available [here](#)
- upheld 33 complaints in full or part
- made 99 recommendations for learning and improvement.

Learning points

This month we are publishing a number of cases about councils' handling of complaints about children's safety, wellbeing and attendance at schools:

- [201901739](#) – we found that the council failed to respond reasonably to the complainant's concerns about their child's safety at school. The complaint was upheld at the first stage of the complaints process by the school, and the school offered to put in place measures to support the child. However, we considered that they should have taken action earlier in response to the safety concerns raised (rather than waiting until a complaint was made). We also found that, at the second stage of the complaints process, the council only investigated the school's handling of the complaint and did not set out their position on the original complaint made.

We asked the council to apologise to the complainant and ensure that the school's Positive Behaviour Policy includes clear guidelines for teachers on actions that should be taken to safeguard the safety and wellbeing of children affected by behavioural incidents.

- [201809646](#) – we found that the council failed to communicate appropriately with the complainant about their children's poor attendance at school. While the school took some appropriate action to address the children's poor attendance, some of these actions were delayed and were not documented. We also found that the children's school did not have an up-to-date attendance policy in place in line with the council's instructions.

We asked the council to apologise to the complainant and review their attendance policy. We also asked them to ensure that the school has its own individual policy that will be made available on the school's website.

- [201900916](#) – we found that the council failed to share information about an independent school with the parents of a child who attended. The council had previously raised concerns about the school and the complainants became aware of this after their child was placed there. We considered that it would have been reasonable for the council to share their concerns about the school in some form with the complainants at the outset of the placement process.

We asked the council to apologise and ensure that in future, if there are concerns about an independent school that could reasonably be anticipated to impact on a child's placement there, then appropriate information is shared with the relevant parties.

Scottish Welfare Fund reviews

Statistics

During August, we:

- responded to 92 enquiries
- made 76 decisions
 - 18 community care grants
 - 58 crisis grants
- upheld eight (44%) of the community care grant decisions determined and 16 (28%) of the crisis grant decisions
- signposted an additional 106 applicants to their local council. Many of these applicants were contacting us in error, however some said that they were having difficulty getting through to their local council. In these instances, we asked the councils to phone the applicants back.

Case study: Applications impacted by the COVID-19 pandemic

In one case, the applicant (C) had asked the council for a crisis grant as they had lost their job due to the COVID-19 pandemic. As a consequence, they were unable to pay their rent and were made homeless. C had no funds for food.

The council declined the initial application on the basis that C did not have a national insurance number. C requested a first tier review of the decision, however, the council did not change their original decision, and noted that they should not be entitled to the fund on the basis of their immigration status and not being satisfied they had recourse to public funds.

We reviewed the council's case file and spoke with C's representative, a housing advisor (A). A advised that C had since applied for Universal Credit and was awaiting the outcome. We disagreed with the council's assessment that a national insurance number is required as the guidance states this is not a part of the eligibility criteria. As an EEA national, C was also not subject to immigration control and their application should have been assessed in the normal way. As such, we changed the council's decision and awarded C £175. We also provided the council with feedback about their initial decision letter not containing sufficient detail.

A number of other SWF case studies relating to applications impacted by the pandemic can be found in the searchable directory [on our website](#).

The Infected Blood Inquiry

The Infected Blood Inquiry was set up to examine:

- why men, women and children in the UK were given infected blood and/or infected blood products;
- the impact on their families;

- how the authorities (including government) responded;
- the nature of any support provided following infection; and
- questions of consent; and whether there was a cover-up.

The Inquiry has been in contact with SPSO and we have agreed to share some information relevant to their work. The Inquiry is keen to hear from anyone who may hold evidence or have experience relevant to their work.

More details can be found on their website: www.infectedbloodinquiry.org.uk

Tel: 0808 169 1377

Email: contact@infectedbloodinquiry.org.uk

For further information contact:

Communications team

Tel: 0131 240 2990

Email: communications@sps.gov.scot

SPSO Assessment and Guidance team

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