

May 2021

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Our findings

Complaints

This month we:

- published 77 decision reports available [here](#)
- upheld 56 complaints in full or part
- made 189 recommendations for learning and improvement.

Investigation report

In addition to our decision summaries, this month we are publishing two investigation reports. These are about cases of wider public interest, and our decisions are published in full detail.

- [201809851 Greater Glasgow and Clyde NHS Board](#) - we found that the Board failed to treat a patient with Cauda Equina Syndrome in line with the appropriate standards and that their actions resulted in an unreasonable delay in admitting and treating the patient. We also found that the Board failed to refer the patient for ongoing care or handle their complaint reasonably. This was a particularly concerning case, especially given this patient was treated shortly after the Board had assured us that learning and improvement had taken place following the issuing of report [201608430](#), in which similar failings were identified.

We made 13 recommendations directly in relation to these findings, which the

Board have accepted. These included asking the Board to apologise to the patient and ensuring that there are clear referral procedures in place between departments. We also asked the Board to implement effective complaint monitoring arrangements so that it can be identified when a new complaint concerns the same issue as a previous complaint, ensuring that outcomes and learning from previous cases are considered, as appropriate, in any new investigation.

- [201901758 Lothian NHS Board](#) – we found that the Board failed to provide a reasonable standard of care and treatment to a child in relation to their hearing. The Board failed to diagnose the child with hearing loss within a reasonable time and this caused, at the least, delayed speech with probable delayed development and social interactions.

We made six recommendations directly in relation to these findings. The Board engaged constructively with us about the implementation of the findings and recommendations, which they have accepted. These included asking the Board to apologise and to feed back our findings to the staff involved for learning and improvement. We also asked the Board to arrange for an external audit to be carried out on the testing of patients during the same time period of this complaint to ensure that there is no systemic issue or individual issue which may have affected other patients.

Scottish Welfare Fund reviews

Statistics

During April we:

- responded to 78 enquiries
- made 63 decisions
 - 14 community care grants
 - 42 crisis grants
 - seven self-isolation support grants
- upheld three (21%) community care grants, five (12%) crisis grants and two (29%) self-isolation support grants
- signposted an additional 165 applicants to other sources of assistance. More than 75% of these were calling us instead of their local council in error. Fifteen applicants were calling at an earlier stage in the process and we were not able to consider their case at independent review. They were signposted back to the council or given advice about the process. Fifteen applicants noted that they had accessibility issues relating to contacting the council as there was no Freephone number in place. We received fifteen enquiries from councils seeking advice.

Case studies

All three of the community care grants reviews we upheld in April concerned the council's assessment of the exceptional pressure qualifying condition. In one case, the applicant (C) applied for a grant for a number of household items. This was because they either did not have the items or because the items they had were in

poor condition and needed to be replaced. C stated that they were suffering from serious mental health problems and also had physical health issues.

The council assessed that the application met the eligibility criteria and made a number of enquiries in order to verify C's circumstances and that they were in receipt of support. They did not obtain confirmation of this and so deemed that C did not meet any of the qualifying conditions. At first tier review, C advised that they had met with their community psychiatric nurse (CPN) who had confirmed no one from the Scottish Welfare Fund (SWF) had contacted them. C advised the council to speak with their CPN as they would confirm their circumstances. The council carried out a first tier review but made no attempts to contact C's CPN and reiterated that C did not meet any of the qualifying conditions for a grant.

We reviewed the council's case file and contacted C for further information. They explained that they had moved into a new tenancy and also confirmed that they had experienced poor mental health in the past which had resulted in them being admitted to hospital. C gave us permission to contact their CPN who verified the health difficulties described. We considered that being without the requested household items in their new tenancy could have a detrimental impact on their health and wellbeing and ability to maintain the tenancy. As such, we deemed that the pressure they were facing was more than financial and that they met the criteria relating to exceptional pressure.

We changed the council's decision on the basis that insufficient enquiries had been made to carry out a robust assessment of C's circumstances. We awarded a bed, bedding, a washing machine and microwave. We provided feedback to the council about their decision letters as they were not in line with the SWF guidance.

Further examples can be found in the searchable directory [on our website](#) under the title '*Exceptional pressure qualifying criterion*'.

INWO: New leaflet for managers

Following positive feedback from NHS organisations regarding our *Raising whistleblowing concerns* leaflet for staff, we have now also developed a corresponding leaflet to assist managers who are receiving concerns. We encourage local NHS communications teams to adapt this leaflet, adding local contact details and any other additional content as appropriate.

This leaflet, along with other communications materials, is available to download from the [INWO website](#).

INWO e-bulletins

Our INWO team sends out regular updates with further information about the service. [Our May e-bulletin can be found here](#).

If you would like to receive future e-bulletins from the INWO straight to your inbox, please [register here to sign up to the mailing list](#).

Complaints handling timescales

We recently wrote to all public bodies with a reminder that handling complaints in line with the Model Complaints Handling Procedure (MCHP) is a legal requirement under the SPSO Act. For licensed providers who operate in Scotland there is a legal requirement to comply with the Statement of Complaints Handling Principles which states that an effective complaints handling procedure should have as few steps as necessary within an agreed and transparent timeframe.

Remember, timescales can be extended in appropriate circumstances; however, it is important to be realistic and clear about timeframes, and to advise the customer early if you think it will not be possible to meet the timeframes. It is also important to tell them why, and give them a revised timescale for completion.

While we understand that over the last year public bodies made their own decisions about what work to prioritise at the time, we expect organisations to have developed/be developing recovery plans for how to restore complaint handling services to normal.

[A copy of the letter issued is available to view on our website.](#) If you have any questions about this matter or implementation of the updated MCHP, please do not hesitate to contact our complaints standards staff by phone 0131 297 4814 or email csa@sps.gov.scot.

Complaints Investigation Skills open course

Our next Complaints Investigation Skills open course is available to book!

This course is aimed at staff who investigate complaints at stage 2 of the Model Complaints Handling Procedure and will comprise of three online trainer-led modules, each 2.5 hours long. These cover:

- Preparing to investigate complaints: what people expect when complaining, influences on decision-making, summarising complaints, talking to complainants
- Investigating complaints: planning your investigation, key questions to ask, identifying sources of information, evaluating evidence
- Making and communicating decisions: good decision letters, meaningful apologies, appropriate remedies, learning from complaints.

The open course will run over three dates in June 2021. [Please see our website for more information and how to book.](#)

COVID-19 information

As lockdown restrictions are starting to be lifted, our office remains closed and our service provision is not changing.

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

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.sps.gov.uk/contact-us

Website: www.sps.gov.uk