

Chief Executive
Address

17 October 2019

Dear Chief Executive

Annual letter from SPSO

1. I am pleased to send you my annual letter, which includes statistics relating to cases we handled about your organisation in 2018-19 and news about developments in the SPSO. I hope you find it useful.
2. The statistics are to inform you about service issues the public have complained to me about. This is so that you can use it with your own complaints performance data to build a picture of what drives dissatisfaction with your organisation and whether there are systemic changes that you can make.
3. Learning from complaints is an intrinsic part of complaints handling and should be embedded in governance structures, to promote an organisational 'valuing complaints' culture. I encourage you to share the enclosed information widely within your organisation, especially with staff who have service delivery or service improvement responsibilities.

2018-19 complaints overview

4. This year, the health sector accounted for the largest proportion of cases received by the SPSO. This is primarily due to a decrease in complaints received about local authorities compared to last year. The decrease in cases is likely to be attributable to a combination of effective complaints handling within local authorities and services now being delivered by Health and Social Care Partnerships for which we have seen a large increase in complaints.

Complaints handling advice

5. During 2018-19 we provided support and guidance on enquiries from organisations on 259 occasions. By volume this was an increase of just over 13% on the previous year when we responded to 228 such requests. However, over several years we have seen a reduction in the requests we receive (for example, during 2015–16 we responded to 621 requests). As the model complaints handling procedure has become more firmly established, and we see a culture change towards valuing complaints and the improvement opportunities they provide, it is encouraging to see the number of requests for advice reduce.



Compliance with recommendations

6. We set a deadline for, and follow up, all recommendations until we are satisfied they have been implemented. Public bodies and complainants have the opportunity to comment on the timescales we set at both provisional decision and draft report stages.
7. Ninety-four percent of our recommendations were implemented within three months of the target date set. This is good performance by public bodies but we will continue to monitor compliance and will engage through our Support and Intervention Policy with organisations that consistently fail to meet timescales.

Provisional decisions

8. As you are aware from my letter of 28 June 2019, we changed our approach to closing complaints where we investigate and issue a decision letter rather than a report. Since February 2019, we share with you and the complainant our provisional views, giving you opportunity to comment if you think we have made factual inaccuracies/mistakes and/or you have new information that impacts on the provisional view. This makes our decision-making more transparent and gives you an opportunity to be involved.
9. Thank you to the organisations who have provided feedback on the change in our approach; it has been very helpful.
10. It is important that your organisation responds to provisional decisions, if only to say you have no comments, as it can make a difference to the outcome and the wording of our final decision. Where we have upheld a complaint against an organisation and made recommendations to which the organisation agrees, it is very helpful to be told this, as we will reflect it in our final decision. Not only does this demonstrate positive outcomes and approaches, it also helps you to display your commitment to learning from complaints.
11. We are still finding that some organisations are sending a lot of information at this provisional decision stage, which we would have expected them to have sent when we notified them of the investigation, and which we would have expected them to be aware of when responding to the initial complaint at Stage 2. We would ask you to be mindful of this, and to make sure your organisation provides us with relevant information during the course of our investigation.

Model Complaints Handling Procedures (MCHP) review

12. In 2018-19, we consulted with public bodies about your experience of the MCHP in order to improve public sector complaints handling. Responses are being analysed and will inform a review of the MCHP.
13. Thank you to everyone for your constructive feedback and comments.
14. The analysis of responses is being undertaken during 2019-20. Emerging findings include:
 - Satisfaction with the MCHP is high
 - 84% said the MCHP definition of a complaint is helpful



- SPSO guidance and tools are useful but we need to increase awareness of and access to the full range
 - Not all performance indicators are helpful. Feedback indicated a need for clarity about the requirement to test customer satisfaction, and about authorising extensions to timescales
 - More guidance about the use of social media to submit complaints would be helpful
 - The MCHP format and the website could be more intuitive and user-friendly, for example with greater use of hyperlinks within the documents.
15. Work is continuing into the 2019-20 year, with the aim of having an updated MCHP for implementation from 1 April 2020.

Support and Intervention Policy

16. As you will know, we developed our [Support and Intervention Policy](#) in 2018-19 and it went live in April 2019. The policy formalises the mechanisms we already use to offer support to organisations and take intervention when required. It offers more clarity to public bodies regarding what to expect from us, how and when.
17. Support action under the policy gives guidance and support to organisations to help them improve their practice or address poor performance.
18. 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.
19. This does not replace the advice and feedback we already give as part of our handling of complaints, nor does the policy prevent public bodies asking us for help and advice; but makes it clearer how we use our statutory powers in a more structured way to promote improvement.
20. More information about the Support and Intervention Policy is available [on our website](#).

Scottish Welfare Fund (SWF)

Overview

21. This year we saw a 34% increase from 2017-18 in total contacts with our service, largely accounted for by signposting enquires. We discovered this was primarily down to SPSO's telephone number appearing more prominently than some councils' contact details on online search engines.
22. There was a 7% increase in decisions we made. This shows that more applicants are reaching the final stage of the review process than ever before, but raises the question of why they feel the need to seek a review.
23. We disagreed with the council's decision in 51% of community care grant reviews and 32% of crisis grant reviews across Scotland. This is a marginal reduction on our



uphold rates last year of 52% and 35% respectively. While this is a small, but encouraging, step in the right direction, it suggests there is scope for further learning to improve the accuracy of decision-making.

Learning and improvement

24. We continue to promote and support the development of a culture where learning and improvement is embedded in SWF practice. This year our SWF team delivered three regional workshops for council decision-makers in Aberdeen, Edinburgh and Glasgow. These focused on hot topics for decision-makers, evaluating evidence and reasoned decision-making. We also welcomed visits from councils to enhance understanding of our role and deliver information on our findings.
25. This coming year, we plan to introduce an online tool to support decision-making as a further measure for learning and improvement.

SWF Guidance

26. We continue to highlight areas of the statutory guidance that would benefit from change as a result of findings from our casework. This year's recommendations included an emphasis on more structured, logical decision-making to promote accuracy in council's decision-making. We also noted our continued disappointment about poor accessibility to the fund, particularly in relation to the first tier review having to be in writing and around examples where there has been a failure to make reasonable adjustments for people with disabilities.

And finally ...

27. Please contact me if you have any questions or comments, or would like to discuss any aspect of this letter.

Yours sincerely

Rosemary Agnew
Scottish Public Services Ombudsman

CC: Council Leader
SPSO Liaison Officer
SWF Liaison Officer

