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Our ref: AN/KM
23 October 2012

Dear Duncan

CARE INSPECTORATE – NEW COMPLAINTS PROCEDURE

I am writing to inform you of the new complaints procedure which has been established by the Care Inspectorate. As you will recall, the Scottish Government undertook in our response to the "Report on Inquiry into Regulation of Care for Older People" ("the Report") to write to the Committee with further information in due course, and this letter therefore follows through on that commitment.

Inquiry into the Regulation of Care for Older People

As you will recall, during the Inquiry into the Regulation of Care for Older People, the Health and Sport Committee noted its view that the complaints process is a positive and important element of the risk-based approach to inspections used by the Care Inspectorate, as it can alert the Care Inspectorate to potential problems with a care service to which it can then respond. Accordingly, the Committee indicated that it was vital that service users, carers and staff who witness poor care, but are unable or unwilling to raise concerns with a service provider directly, are aware of the Care Inspectorate's complaints procedure.

The Committee welcomed in its Report the commitment made by Nicola Sturgeon MSP, the then Cabinet Secretary for Health and Wellbeing, to support the Care Inspectorate in raising the profile of the complaints process, and I know that the Committee had also indicated that it wished to receive additional information about this new approach in due course.

Previous Complaints Procedure

As way of background, the Care Inspectorate has a duty under the Public Services Reform Act 2010 ("the PSR Act") to establish a procedure by which a person (or someone acting on a person's behalf) may make complaints (or other representations) in relation to:

- The provision to the person of a care service; or
- The provision of a care service generally; or
- The exercise by the Care Inspectorate of, or failure by it to exercise, any of its functions under the PSR Act.

As the Committee are aware, the Care Inspectorate established a National Enquiry Line on 1 April 2011 which provides a fully staffed central point to deal with complaints, general enquires or concerns. The National Enquiry Line deals with over 2000 calls per month on quality of care issues. It also signposts members of the public to other relevant bodies to raise concerns such as Scottish Social Services Council (SSSC), Healthcare Improvement Scotland (HIS) or Scottish Public Services Ombudsman (SPSO).

Over the past year, the Care Inspectorate has been strengthening the range of ways in which it receives and acts on information on services and is encouraging everyone to play their part in providing information on the quality of all types of services. To this end, they carried out a consultation exercise on its complaint process at the end of last year. The review process also included consultation focus groups with people who had made or had had to respond to complaints. The consultation sought views and invited consultees to respond to its survey about future arrangements for complaints handling. The Care Inspectorate's report on the findings of the consultation indicated that there was an overwhelming support from the consultees for a quicker and simpler procedure and clearer decision-making process and outcomes.

New Complaints Procedure

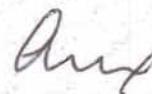
The Care Inspectorate started rolling out their new complaints procedure on 8 October 2012. This will be an ongoing process, with incremental changes being made until March 2013, which will allow for the Care Inspectorate's IT systems to adapt to the new procedures.

Key features of the new complaints process are;

- Reduction of the turn around times by the Care Inspectorate from 28 to 20 days;
- Quicker and streamlined 3-stage process; and
- Simpler structure of possible outcomes: "upheld" or "not upheld" removing the previous used "non-upheld" findings;
- A new "error response" process which will give the provider subject to a complaint, the opportunity to challenge any points of factual accuracy before a complaint is formally resolved.

I attach further information on the new complaints process issued by the Care Inspectorate which I hope will assist the Committee.

Finally, I would like to assure the Committee that Scottish Ministers are committed to supporting the Care Inspectorate in the work they are doing to promote their complaints processes with the objective of encouraging more people to come forward if they have concerns about the treatment they, their relatives or friends are receiving.



ALEX NEIL

Procedure for handling complaints

Publication code: COMP-1012-027

Publication date	8 October 2012
Version number	1
Author's initials	YL
Job title	National Complaints and Quality Assurance Manager
Responsibility for this document	Director of Operations (Intelligence and Complaints)
Review date	8 October 2015
Key changes made since last version of document:	
	This is the first version of this document.

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1. Introduction

The Care Inspectorate is the independent scrutiny and improvement body for care and children's services across Scotland. We regulate and inspect care services and carry out social work and child protection inspections. We make sure that people receive the highest quality of care and that their rights are promoted and protected.

The Care Inspectorate is governed by law (The Public Services Reform (Scotland) Act 2010). As such, we must have a procedure for receiving and investigating complaints, from members of the public or their representatives, about the care services they use. Our procedure must be available even when the service provider has a complaints procedure in place. People can also make a complaint about us, so we have procedures for handling these complaints. We have developed this procedure taking into account the Scottish Public Services Ombudsman (SPSO) 'Guidance on a Model Complaints Handling Procedure'. Appendix E at the back of this document gives more detail on how the Act describes our duties to do with complaints and the SPSO guidance

Complaints received by the Care Inspectorate fall into two groups and this document set out our procedures for handling either:

- complaints about care services
- complaints about the Care Inspectorate.

2. Purpose of the Care Inspectorate complaints policy

People who use care services, their carers and representatives and members of the public have a right to complain about the performance of the services we regulate, or about the performance of the Care inspectorate. We believe that providing a clear and easily accessible complaints procedure is an essential part of our duties as a regulator. It ensures that the interests of people who use care services and their carers are at the heart of all we do.

We value complaints. They help us to get an accurate picture of the level and quality of services being offered and delivered from the perspective of people using or choosing registered care services. We use this vital source of feedback and learning to help services improve. Complaints can also provide an early warning of more serious problems in a service. By making our complaints procedure easy to access and use, it helps us to identify problems earlier and make improvements before those problems escalate.

2.1 Principles

We take complaints very seriously and are committed to handling them in a professional way. Our complaints handling procedure follows these principles.

Focused on people who use or have an interest in care services

- Puts the complainant at the heart of our complaint handling process.
- Listens to, respects and treats complainants with dignity.
- Ensures complainants feel supported in bringing a complaint to us.
- Observes complainant confidentiality where appropriate.
- Tries to resolve complaints as close to the point of complaint as possible.

Easy to find and use

- Easily understood and available to all
- Well publicised
- Designed to support the needs of minority and vulnerable groups
- Supported by easy read leaflets.

Simple and timely

- Has as few stages as possible and supports complaints being completed, where possible, within 20 working days of agreeing the matters for complaint. Where timescales cannot be met for good reason, we will keep complainants informed of those reasons and give a revised date.
- We will clearly describe our remit and the roles and responsibilities of staff.
- Complaints about matters outside our remit, or which should be dealt with by another body or regulator, will not be investigated by us.

Thorough, proportionate and consistent

- How we investigate and resolve the complaint will be proportionate and appropriate to the circumstances of the case.
- Investigations, outcomes and actions will be consistent from one complaint to another whilst being flexible in considering the needs of the individual complainant.
- If the complaint is upheld, the provider must take appropriate action.

Objective, impartial and fair

- Objective, with conclusions based on the facts and evidence.
- Staff involved in complaints handling will be professional, impartial, independent and accountable.
- Policies will be in place to deal with unacceptable actions or behaviour.
- All those involved in the complaints process will be treated fairly.

Seeks early resolution

- We will encourage complainants who wish to complain about a registered care service to try and resolve their complaint close to the source of their complaint where appropriate. For example, we will encourage the complainant to use the care service provider's complaints procedure. However, we will advise them that they can ask us to investigate from the outset or if they are not satisfied with the provider's investigation.
- We focus on resolving complaints about the Care Inspectorate, informally and as early as possible and 'getting it right first time'.
- We will clarify the outcome that the complainant wants at the outset.
- We will carry out a formal investigation when necessary and ensure that a further internal review is available if the complainant is still dissatisfied.

Supports improvement

- We will use the information we hold about complaints to support quality improvement in service delivery.
- We will make Information about complaint outcomes publicly available on our website.
- We will use Information about complaints to assess risk, measure performance, identify trends, highlight problems, demonstrate improvement and share best practice.

2.2 What is a complaint?

A complaint is an expression of dissatisfaction about:

- a registered care service's action or lack of action, or about the standard of service provided by, or on behalf of, the service
- an action which has or has not been taken by the Care inspectorate.

You can find out more about which matters we cannot investigate at 2.7

2.3 Who can make a complaint?

Anyone can make a complaint, including:

- anyone using a care service, their carer or representative
- anyone dissatisfied with the service being provided by a registered care service.

Complainants may ask anyone to advise them about how to make a complaint and to be an advocate for them during a complaint investigation. We will help complainants to make a complaint and will offer advice and guidance on how to use our procedure.

Where a complainant needs independent help to make their complaint, an independent advocacy service may be able to help. More information about these services can be found at:

Scottish Independent Advocacy Alliance
Melrose House
69a George Street
Edinburgh
EH2 2JG
Website: www.siaa.org.uk
Tel: 0131 260 5380
Fax: 0131 260 5381

2.4 When you can make a complaint – time limits

You should make a complaint as soon as you are aware of an issue or concern. This should help reach a quick resolution. However, we recognise that this is not always possible, so we will consider complaints up to six months after the cause of the complaint has happened.

We will not investigate complaints about events that are more than six months old, except in exceptional circumstances. Anyone asking us to investigate a matter more than six months old will need to clearly explain their reasons for not raising this with us within the six month timescale.

The passage of time may prevent us holding a full and fair investigation. Even where a complainant has given good reason for not raising matters sooner, we still have to consider the practicality of investigating long past incidents and providing a meaningful outcome before we agree to investigate. Because of this we reserve the right to refuse to investigate after six months.

2.5 How to make a complaint

You can make a complaint:

- at any of our offices
- by phone (National Enquiry Line: 0845 600 9527)
- by letter
- by email
- by using our website www.careinspectorate.com

A list of our offices and contact details is available on our website and in Appendix D.

To find out more, contact our Comments and Complaints Coordinator by calling 01382 207100 or writing to:

Comments and Complaints Co-ordinator
Compass House
11 Riverside Drive
Dundee. DD1 4NY

2.6 What we can investigate (registered care services)

We make sure that all care services have a clear and easily available complaints procedure as a condition of their registration. We encourage complainants to raise their concerns with the registered care service in the first instance, if possible. This is because many issues can be addressed directly by the service, within a short period of time. However, anyone may choose to complain directly to the provider or to us, or to both.

<p>Examples of complaints we can investigate</p> <p>At the start of the complaints process, we will agree with the complainant the individual complaint parts that we will investigate. For example the complaint part could relate to:</p> <ul style="list-style-type: none">• the quality of food provided to a person living in a care home and how they are supported to have their meals• access to appropriate learning and play for a child in a nursery• the number of staff that are trained and who have the necessary skills to meet a person’s support and care needs.• complaints about individually registered social care services.
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2.7 What we cannot investigate – (registered care services)

If the complaint subject is not part of our remit or is better dealt with by another organisation, we will advise the complainant and either contact the other

organisation ourselves or, tell the complainant how they can get in touch with the relevant organisation.

If we refer the complaint to another body, such as a local authority social work department or the Police, we will keep a record of this and work closely with them where appropriate. However, we will not be responsible for actions that the other body takes.

Examples of complaints we cannot investigate

- A complaint following the death of a person in a care home, where the complainant wants to establish whether poor service provision had been a causal factor in the death. We could not investigate this as a doctor is responsible for determining the cause of death. In such circumstances we would be restricted to investigating any complaint about the standards of care delivered but would not include an opinion on the extent to which this may have been implicated in the death of the resident.
- A complaint about an individual employee's employment contract with a care service. We will however investigate complaints which relate to employment procedures and practices, for example recruitment and training.
- Child and adult protection issues – these will be referred to the relevant local authority and/or the Police.
- Pricing policy of a care service provider
- A complaint about social work as the responsibility for assessing individual needs will remain with local authorities. All local authorities are required to have procedures in place to respond to any complaints about how they carry out, or fail to carry out, their social work duties. If the individual or their representative remains dissatisfied with the outcome they can request that the public sector ombudsman investigate. SCSWIS cannot, therefore, respond to complaints about the quality or nature of individual assessments or decisions about the level or type of provision arising from these assessments.

2.8 What we can investigate (complaints about the Care Inspectorate)

We will consider investigating complaints about the Care Inspectorate where it concerns our remit under the Public Services Reform (Scotland) Act 2010. This includes where the complainant has concerns about;

- how we go about our business, for example if we did not follow our own policy
- how an individual employee has behaved, for example the behaviour of an employee did not meet the Care Inspectorate code of conduct.

2.9 What we cannot investigate (complaints about the Care Inspectorate)

We will not consider a complaint against the Care Inspectorate where the complaint is about:

- possible or actual enforcement action
- the findings of an inspection
- inspection report content
- dissatisfaction with the outcome of our complaint investigation
- decisions about an application for registration
- Care Inspectorate policy position.

We will not investigate a complaint made by people who are deemed vexatious.

Our Comments and Complaints Co-ordinator can provide information, advice and assistance to anyone wishing to make a complaint. Contact details are provided in section 2.5 of this document.

3.0 Special cases or circumstances

3.1 Working with other regulatory and public bodies

The Care Inspectorate works with a number of other regulatory bodies, including:

- Scottish Social Services Council (SSSC)
- Education Scotland (formerly HM Inspectorate of Education)
- Health and Safety Executive
- Healthcare Improvement Scotland (HIS)
- local authorities
- the Police
- Scottish Housing Regulator
- Registrar of Independent Schools
- Fire and Rescue Services and
- Mental Welfare Commission for Scotland.

We are developing formal working agreements with each of these organisations to share appropriate information on matters of joint interest, such as complaints.

Although some other organisations may have an interest in complaints concerning registered care services, such as the NHS and local authorities, we have primary responsibility on all matters relating to investigating complaints which are covered by the provisions of the Public Services Reform (Scotland) Act 2010, regulations made under that Act and the National Care Standards appropriate to that service.

Where a complaint raises matters that are suitable for, or require, joint working, we will let the complainant and the provider know about this and keep them informed.

Where a complainant raises matters about the competency of staff who must be registered with a professional body, we will redirect the complainant to the appropriate professional regulatory body.

3.2 Investigation by other authorities and/or suspension of complaints activity

Sometimes a complaint may contain aspects that another organisation will have an interest in. Where this happens and they propose to investigate the same issues, we will work with them to agree how the matter should be handled, by whom and within

what timescales. We will notify the complainant and we can either run our investigations concurrently with the other organisation's, or suspend it.

Where we consider that our role in an investigation is secondary, for example when the police or another regulatory or statutory body are investigating a matter, we may wait for their findings before deciding what action to take. However, where we are concerned that other people using a care service are being affected, we can agree with the other body what we can do to protect the interests of people using care services. If we do suspend an investigation we will inform the complainant of the reasons why and will advise how long the suspension may continue.

We will notify all other relevant bodies immediately when we receive a complaint that concerns any of the following.

- Allegations of abuse or neglect of service users.
- Conduct which may be a criminal offence.
- Serious malpractice.
- Circumstances that indicate a present or potential risk to the health or welfare of service users.

We will also tell these authorities the action we propose to take or that we have already taken.

Other relevant authorities may include:

- the police
- local authorities
- health boards
- the Health and Safety Executive
- the Mental Welfare Commission for Scotland
- children's rights officers
- the Scottish Social Services Council.

Our investigation will consider the views of any other organisation that has an interest.

3.3 Anonymous complaints

We accept anonymous complaints - when the complainant does not wish to identify themselves to us. We do consider such complaints as they may give an early warning of unacceptable or dangerous care practice, which might otherwise continue.

We assess each anonymous complaint and will only investigate if we think that there may be substance to the complaint and that investigation is likely to be in the best interests of the people using the service. With anonymous complaints full investigation may not be possible. Because of this, we may be unable to reach a final decision.

Where possible, we will tell the complainant about this limitation at the time they make the complaint (for example if the complaint is made by telephone). We may

also be unable to contact the complainant later, for more information or to tell them the outcome of any investigation that takes place.

3.4 Confidential complaints

Where at all possible, we will respect the wishes of complainants who identify themselves to us but ask for their identity to remain anonymous to the service provider throughout the investigation. However there will be exceptions to this. For example, where it appears that a criminal offence may have been committed we will pass any relevant information to the police to investigate. If this is the case, we will tell the complainant about this.

4. The Care Inspectorate complaint handling procedure

Our procedure aims to provide a quick, simple and streamlined process for complaint handling.

Our policy is to encourage complainants to raise matters of concern in the first instance with the provider. However, if the complainant wishes the Care Inspectorate to investigate the matter and it falls within our remit we will investigate.

When our complaints procedure has been fully exhausted but a complainant is still not satisfied, they are entitled to complain to the Scottish Public Services Ombudsman (SPSO).

4.1 Stages of the Complaints Procedure

The procedure involves three stages following initial contact. Initial contact is the point where we make all reasonable efforts to fully understand the complainant's concerns and to clarify the outcome they are looking for.

Complaints will generally come to the National Complaints Team. Here, staff dedicated to this function will be responsible for all aspects of complaint handling. However, any member of our staff could potentially be the first point of contact for a complainant and where possible, they can attempt to resolve a complaint there and then. All staff will be aware of our complaints procedure and will have the authority to resolve such complaints if they can.

4.1.1 Early informal resolution stage

- For complaints about registered services, we will encourage complainants to raise their complaint with the care service in the first instance. All registered providers must have a complaints procedure in place and record any complaint made by a person using, accessing or visiting a care service. Where a complainant is happy to raise the matter directly with the provider, we will not investigate matters further at this time unless the complainant advises us that their complaint has not been resolved satisfactorily. At this point we will consider implementing our formal complaint investigation procedure.
- For complaints about the Care Inspectorate, we will attempt to resolve the complaint informally. An informal resolution is appropriate for issues that are straightforward and easily resolved. An 'on-the-spot' apology, explanation, or other action may resolve the complaint quickly, usually within five working days or

less. Such complaints can be addressed by any member of Care Inspectorate staff or alternatively be referred to the Comments and Complaints Co-ordinator to be considered further. Complaint details, outcome and action taken will always be recorded and used for service improvement.

4.1.2 Formal investigation stage

Not all complaints are suitable for informal resolution and not all complaints will be satisfactorily resolved at this stage. The formal investigation stage is for complaints that are either unsuitable for, or have not been resolved at informal stage.

Who handles complaints at the formal investigation stage?

- For complaints about registered care services, following the decision to formally investigate, the Complaint Inspector Manager (CIM), who will oversee the investigation, will allocate a Complaint Inspector (CI) from their team. The CI will be the key point of contact for the complainant from then on and will contact the complainant to confirm this. The CI will then contact the complainant to explore the detail of the complaint and agree what is to be investigated. The CI will then conduct the investigation and draft a report on findings. The CIM and CI will then jointly agree the complaint outcome letter before it is issued.
- For complaints about the Care Inspectorate, the Senior Manager for the National Complaints Team will allocate the complaint for investigation to a senior member of Care Inspectorate staff.

Timescales for investigation

All complaints will be acknowledged in writing within **three working days** – or immediately if the complaint is submitted to our website.

We aim to provide a response within **20 working days** from the time the matters for investigation were agreed with the complainant. During the investigation stage, we will be aiming to 'get it right first time'. We aim to establish all of the facts relevant to the points raised and provide a full, objective and proportionate response.

If the response is delayed for good reason, we will tell the complainant why, and provide a revised completion date.

4.1.3 Complaint review stage

Once a complaint investigation is complete and where a complaint part has not been upheld, the complainant can request a review of the investigation of their complaint. The complainant must submit a request for a review within 14 working days from the date that they were issued with the final resolution letter. If a review is not requested within 14 working days it will be time barred unless there are exceptional circumstances which prevented the complainant requesting a review within the 14 day timescale.

We will not consider a request for a review on the basis that the complainant simply disagrees with the outcome of the complaint investigation. A review is only available to the complainant – not the complained against.

The National Complaints Senior Manager will assess any request for a review. We will only accept a request for review if we can judge there is evidence that:

- we missed available information during the investigation that would likely have had an impact on the outcome of the complaint part
- the investigator did not give appropriate or balanced consideration to the evidence
- we didn't interview someone with relevant information that the complainant highlighted as a key contact before the investigation started
- we have not followed our own complaints procedure during the investigation
- the investigation process itself was flawed.

Following initial assessment to ensure the request meets any of the above criteria, the case will be reviewed by either a senior member of staff, or by our Complaints Sub-committee.

There will be only one opportunity for the complaint to be reviewed.

We will aim to complete a complaint review undertaken by a senior manager of the Care Inspectorate within **20 working days** of the case being passed to the senior manager.

For those cases reviewed by a senior manager of the Care Inspectorate, the National Complaints Senior Manager will issue a final decision letter to the complainant. This decision will be the final decision and will contain the findings, conclusions and any action to be taken, if appropriate. The letter will advise the complainant of their right to pursue matters with the Scottish Public Services Ombudsman, if they are not satisfied.

For those cases reviewed by the Complaints Sub-committee, the sub-committee will aim to convene within **28 working days** of the decision to activate the review process. Reviews by the Complaints Sub-committee will be held in private.

The Complaints Sub-committee will consider the procedure and process followed by the staff who investigated the complaint and the initial investigation outcome in accordance with the terms of reference approved by the Board.

Within **60 working days** from the date we receive the review application the Complaints Sub-committee will issue its final decision, detailing its findings, conclusions and any action to be taken, if appropriate. The Convenor of the Sub-Committee will notify the complainant of the review outcome in writing within seven working days of reaching a final decision.

The letter will advise the complainant of their right to pursue matters with the Scottish Public Services Ombudsman (SPSO), if not satisfied. The Ombudsman can be contacted at:

SPSO

FREEPOST EH641

Edinburgh

EH3 OBR

Website: www.spsso.org.uk

Email: ask@spsso.org.uk

Tel: 0800 377 7330

We will provide all available information to the Ombudsman to help with further enquiry and/or investigation.

In our response, following a formal investigation, we will provide the address and contact details for the Scottish Public Services Ombudsman (SPSO). If the complainant remains dissatisfied following our investigation, they will have the option to contact the Ombudsman to outline the reasons for their dissatisfaction. As a result the Ombudsman may further investigate to identify if there is any evidence of maladministration or issues that have been overlooked in our investigation that merit further consideration. To help the Ombudsman with his enquiries we will make available the records of our investigation and any interviews that took place at the complaint review stage.

5.0 Outcomes of complaints

5.1 Outcomes

Our role is to make a decision on each case by taking into account all the available facts and evidence. We do this by carefully considering the views and opinions of both the person making the complaint and those being complained about.

We make our decisions based on facts and evidence as well as an assessment of the circumstances. We aim to deliver a complaints process that is impartial, independent and accountable. We use the term 'part' to describe each separate allegation of the complaint that we have agreed we will investigate. We will apply one of the following two outcomes to each complaint part:

- **Upheld:** used where our investigation has established the facts giving rise to a complaint
- **not upheld:** used where our investigation has not established the facts giving rise to a complaint.

5.1.1 Correcting factual errors within complaint outcome letters

We are committed to ensuring that our complaint outcome letters contain accurate information. However, where factual inaccuracies are confirmed we will amend the complaint outcome letter.

5.2 Action we may take following a complaint

5.2.1 Registered care services

Where a complaint is upheld, any action we take will be based on the professional assessment of Care Inspectorate staff. The action may be determined by the seriousness of what we found during our investigation and the impact on people using the service. We may:

- make recommendations as to how a service might improve
- make requirements to deliver the necessary improvements
- require the service to provide an action plan to demonstrate how and when the service will improve
- re-grade a service
- serve a formal improvement notice under Section 62 of the Act which, if not acted upon, could result in us cancelling the service's registration.

- vary or impose additional conditions on the service registration under Section 66 of the Public Services Reform (Scotland) Act 2010.

5.2.2 The Care Inspectorate

Where a complaint about the Care Inspectorate has been upheld, action may be progressed as appropriate through the Care Inspectorate disciplinary procedure and/or the performance management process but no further action will take place under the complaints procedure.

Complainants **will not** be advised of any internal proceedings involving named staff but, they may be informed of any recommendations/lessons learned that have been recommended to be taken forward by the Care Inspectorate to improve its service.

6.0 Monitoring complaints

The information we gather through investigating complaints gives us valuable information about the quality of care services and helps us to support service delivery improvements. Our Chief Executive is responsible for ensuring that our Complaints Procedure is effective and that our approach is independent, consistent and fair. We are committed to learning from complaints about the way we carry out our functions and will review the issues arising from the complaints we receive, how they were handled, the outcomes and lessons learned. Because of this we will record and monitor all complaints and outcomes and, in our public Annual Report each year, we will report on:

- number and type of complaints
- geographic location of complaints
- care service sectors involved in complaints
- the nature of investigations and the time they took to conclude
- any national trends identified by sector, provider and geographical area
- number of requests for reviews
- number of complaints against the Care Inspectorate.

We will also make national recommendations, based on the trends we identify from our complaints investigations, that support and drive improvement within care services and influence relevant national policy.

We do not publish full reports of complaints investigations, but we do publish a summary of 'upheld' complaints in the 'care services' list on our website.

7.0 Managing complainants' expectations

We investigate complaints in an independent, impartial and fair way. We believe that complainants have a right to be heard, understood and respected and we aim to be as open and accessible as we can.

Occasionally, the behaviour or actions of complainants makes it very difficult for us to deal with their complaint.

Examples of behaviour that may be considered unacceptable include:

- persistent refusal to accept a decision made relating to a complaint

- persistent refusal to accept explanations relating to what can or cannot be done about the complaint
- continuing to pursue a complaint without presenting any new information
- subjecting staff to behaviour that is offensive or unreasonably demanding.

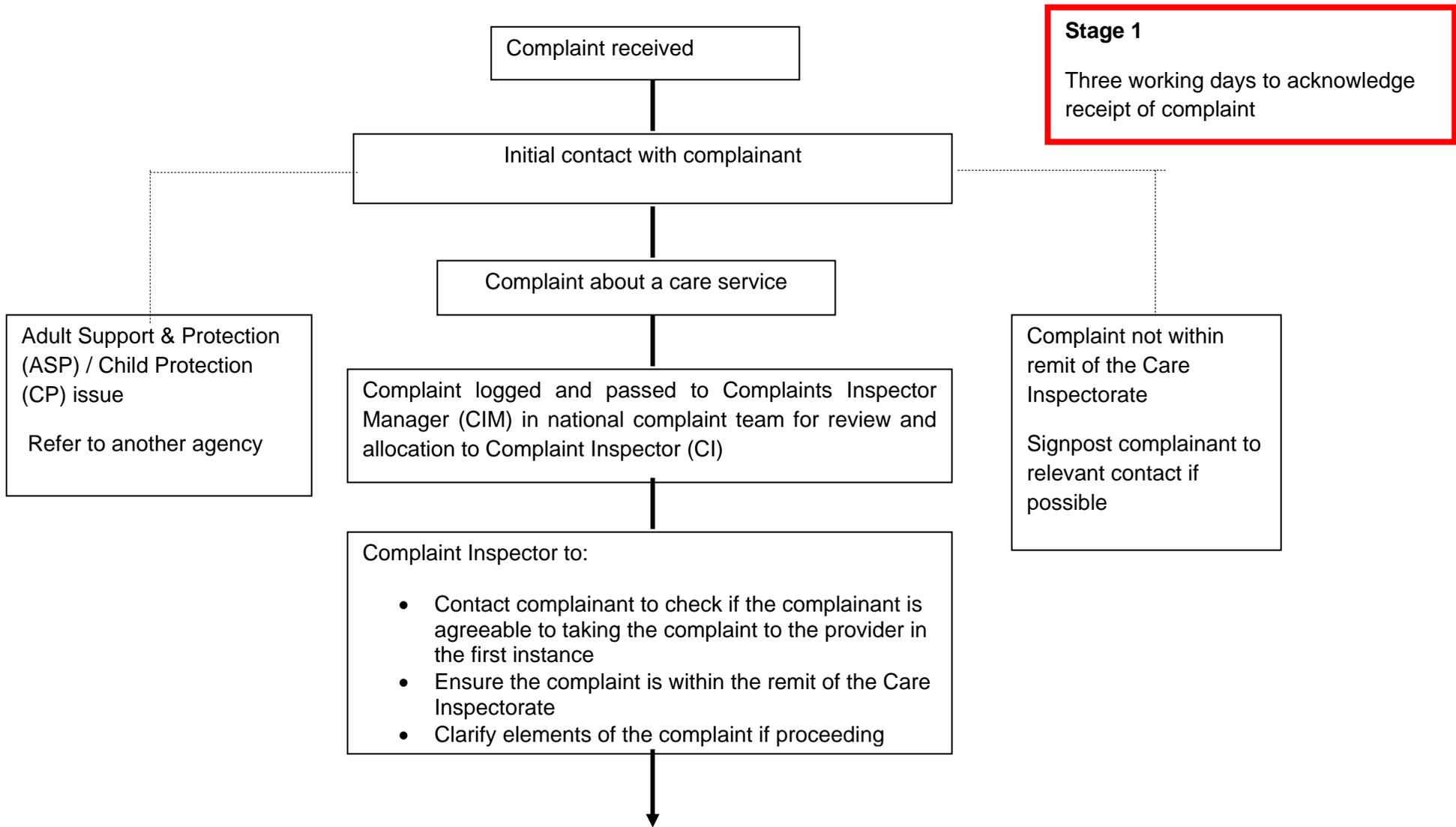
In a small number of cases those actions become unacceptable because they involve abuse of our staff or our process. When this happens we consider the impact of the actions on our ability to do our work, provide a service to others and to protect our staff. In these cases we will take appropriate action. We have a zero tolerance approach to any violence or abuse towards our staff.

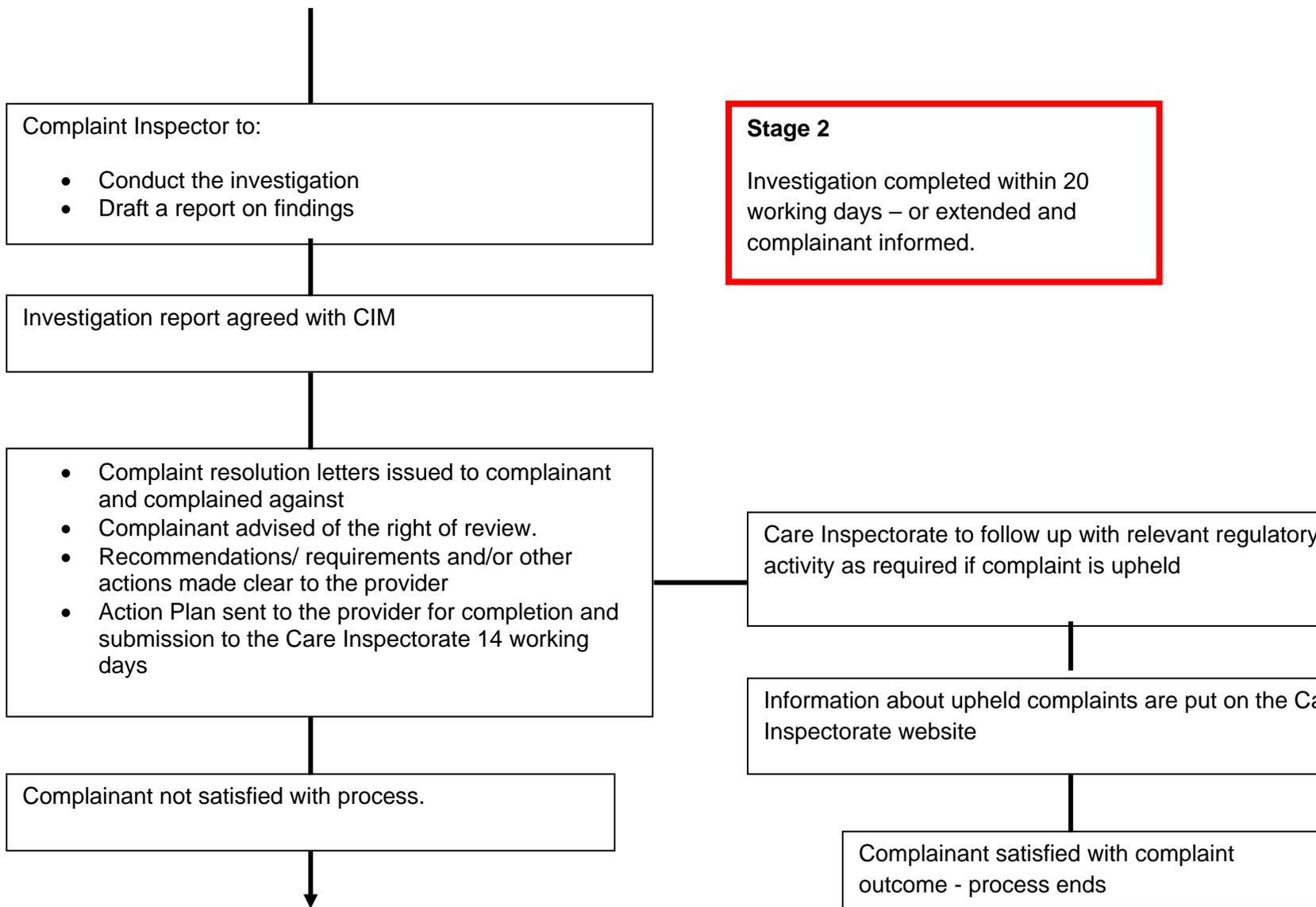
The approach we take in these situations is detailed in our Unacceptable Actions Policy.

8.0 Speaking with people during a complaint investigation

We recognise it is good practice to offer interviewees the opportunity to have someone with them during interview and we are keen to support this. However, it is up to the Care Inspectorate whether we agree to the presence of a particular person or not. For example, we can object if the accompanying individual would compromise the investigation or cause unnecessary delay. The accompanying person should be there to support the interviewee and not to represent either their own interests or that of any other person. Where we object to a particular person being present at the interview, we should if possible offer the interviewee the opportunity to select another person to accompany them, provided this will not mean any unnecessary delay.

Appendix A: The Care Inspectorate Complaints Procedure for complaints against registered care services

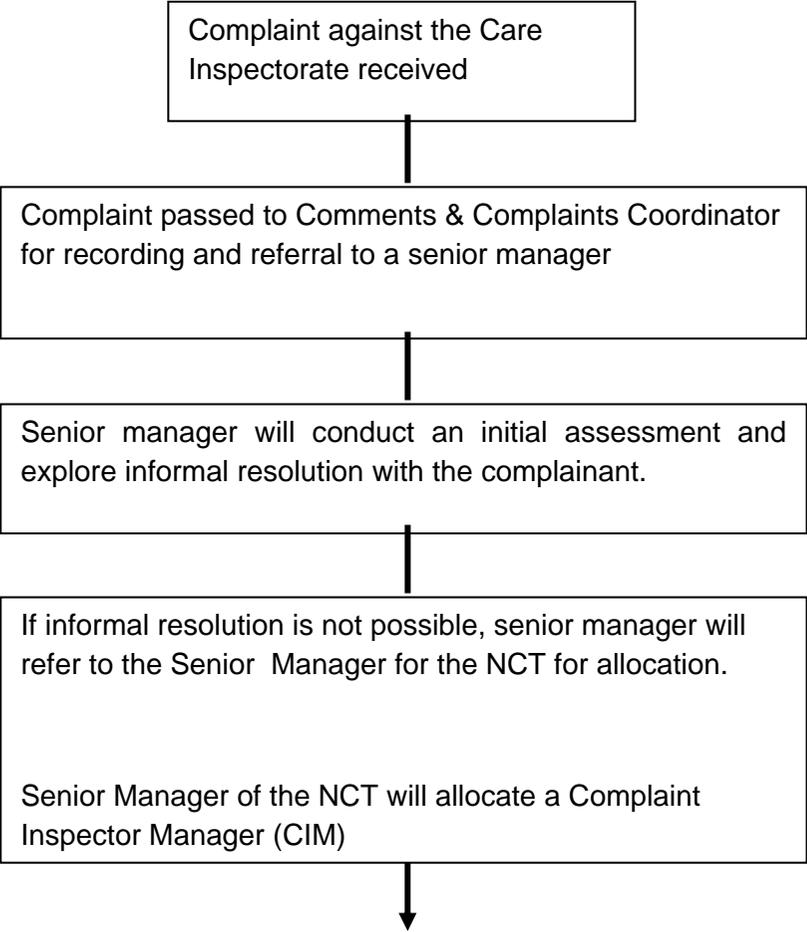




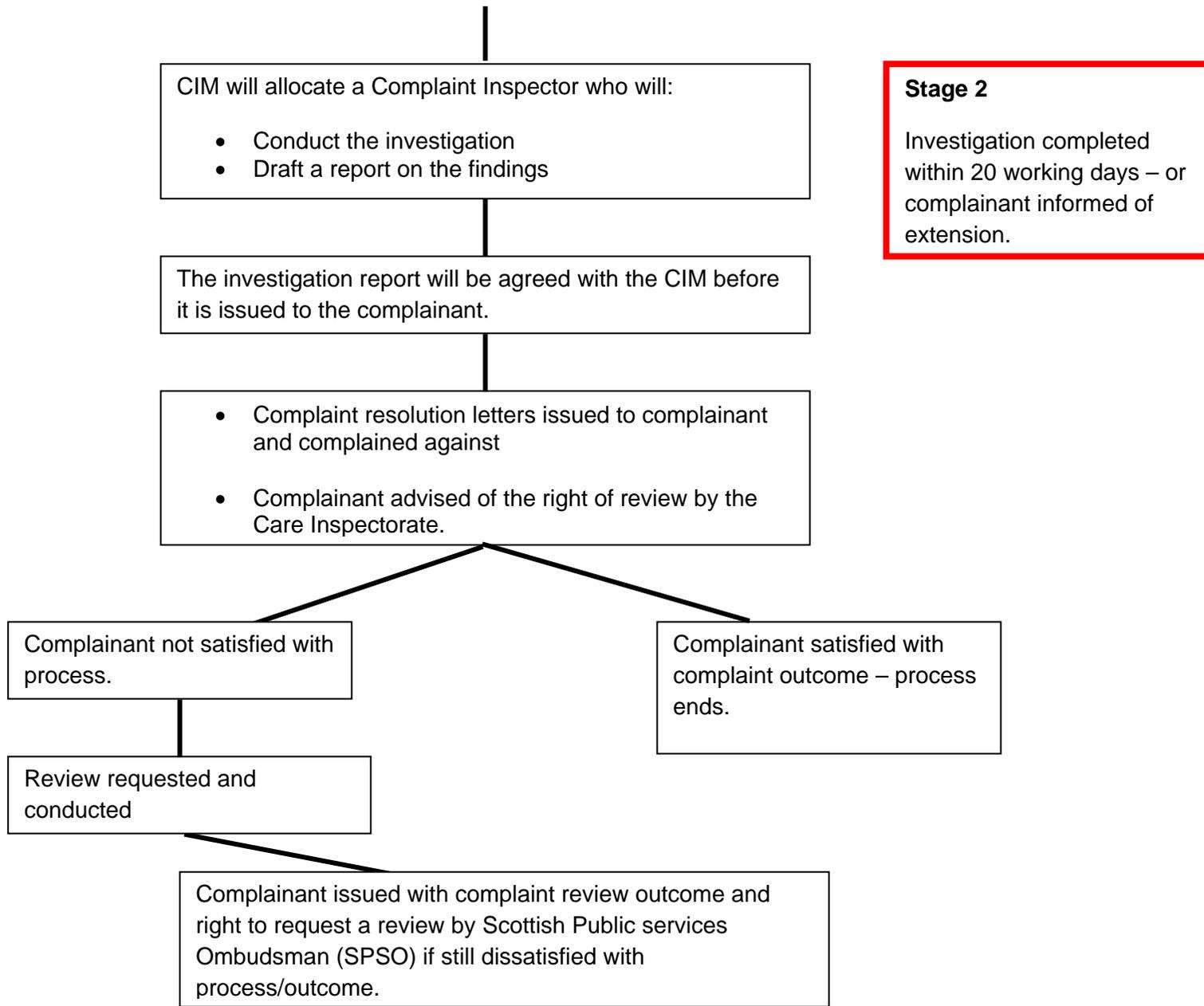
Review requested and conducted

Complainant issued with complaint review outcome and right to request a review by Scottish Public services Ombudsman (SPSO) if still dissatisfied with process/outcome.

Appendix B: Complaints Procedure for complaints against the Care Inspectorate



Stage 1
Complaint acknowledged within 3 working days of receipt of complaint



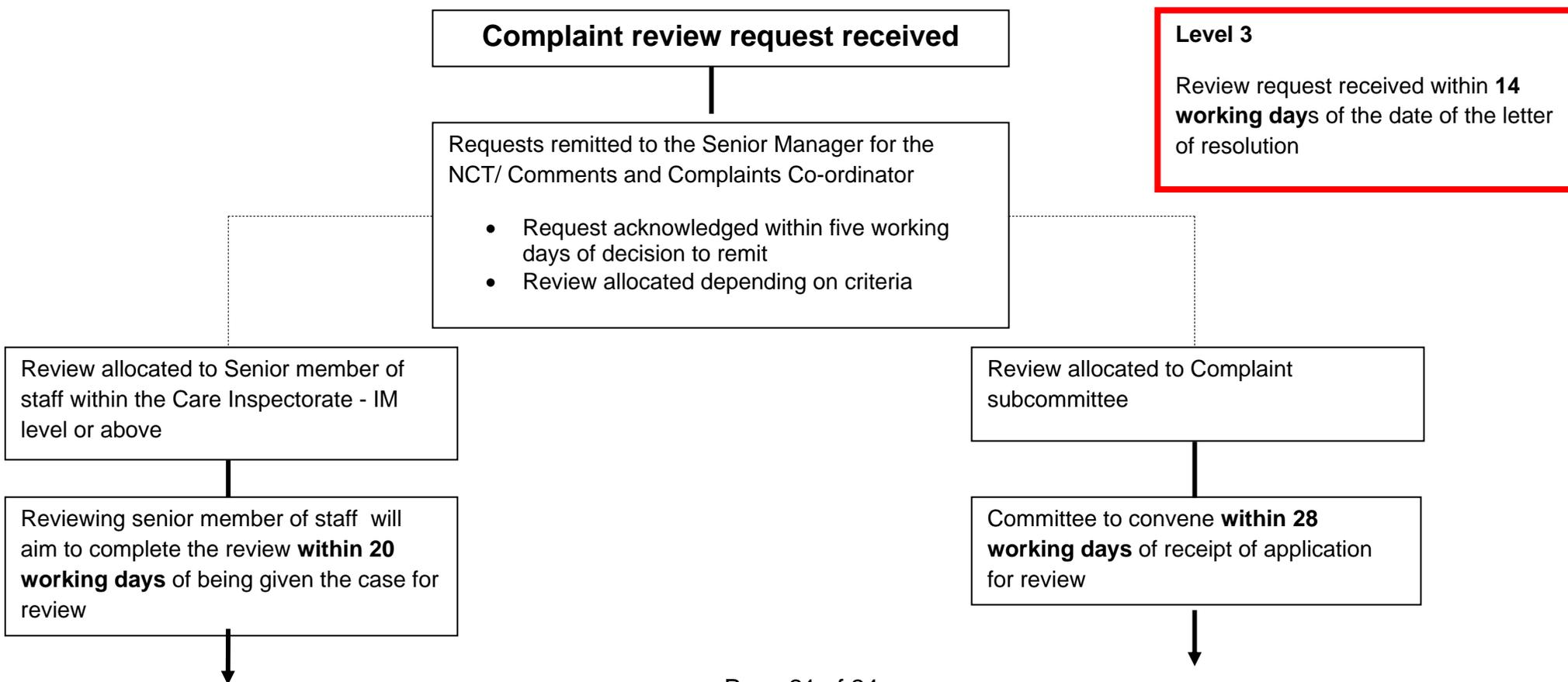
j

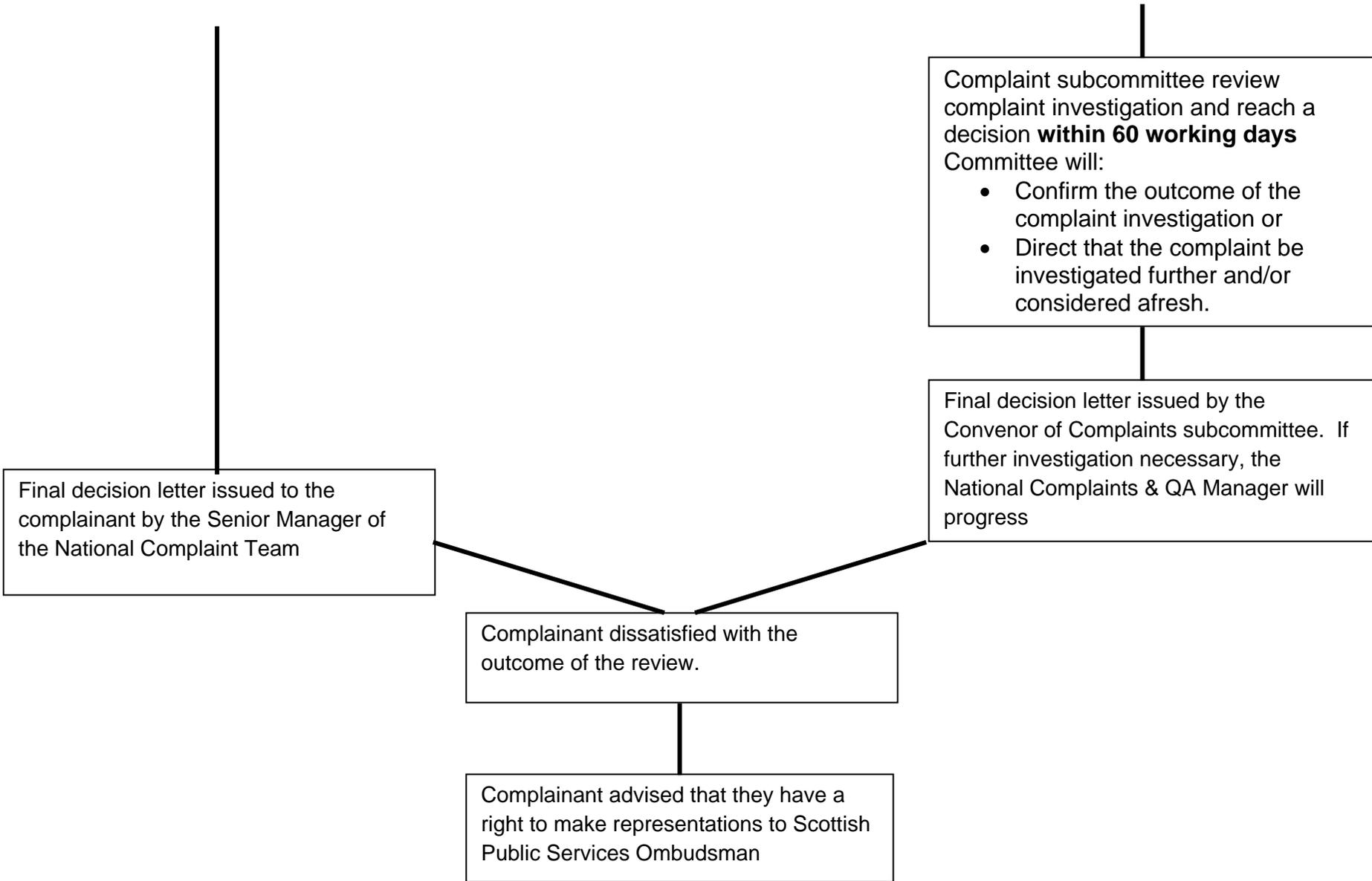
Appendix C: The Care Inspectorate Complaint Review Procedure

The review process is only available to the complainant. A request for a review will not be considered solely on the grounds of a complainant's dissatisfaction with the outcome of a complaint investigation.

A review can be requested if a complainant considers that the Care Inspectorate has not followed its complaints procedure or that the investigation process itself was flawed. Examples of this include but are not limited to:

- Available evidence was missed during the investigation that would have had an impact on the outcome of the complaint allegation.
- Evidence was not given enough consideration by the investigator
- Someone with relevant information was not interviewed during the investigation





Appendix D: Contact details for the Care Inspectorate

Headquarters

Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Telephone: 01382 207100

Offices

DUNDEE

Quadrant House
9 Riverside Drive
Dundee DD1 4NY
Tel: 01382 207200

ABERDEEN

Johnston House
Rose Street
Aberdeen AB10 1UD
Tel: 01224 793870

PAISLEY

4th Floor
No 1 Smithhills Street
Paisley PA1 1EB
Tel: 0141 843 4230

HAMILTON

Princes Gate
Castle Street
Hamilton ML3 6BU
Tel: 01698 208150

MUSSELBURGH

Stuart House
Eskmills
Musselburgh EH21 7PB
Tel: 0131 653 4100

GLASGOW

Europa Building, Ground Floor
450 Argyle Street
Glasgow G2 8LG
Tel: 0141 242 0391

National Enquiry Line: 0845 600 9527

Website: www.careinspectorate.com

Email: enquiries@careinspectorate.com

Appendix E: References

1. The Public Services Reform (Scotland) Act 2010, Section 79

(1) The Care Inspectorate must establish a procedure by which a person, or someone acting on a person's behalf, may make complaints (or other representations) in relation to the provision to the person of a care service or about the provision of a care service generally.

(2) The procedure must provide for it to be available whether or not procedures established by the provider of the service for making complaints (or other representations) about that service have been or are being pursued.

(3) Before establishing a procedure under subsection (1), the Care Inspectorate must consult the Scottish Public Services Ombudsman, all local authorities and such other persons, or groups of persons, as it considers appropriate on its proposals for such a procedure.

(4) The Care Inspectorate must keep the procedure under review and must vary it whenever, after such consultation, it considers it appropriate to do so.

(5) The Care Inspectorate must give such publicity to the procedure (including the procedure as varied under subsection (4)) as it considers appropriate and must give a copy of the procedure to any person who requests it.

2. Guidance on a Model Complaints Handling Procedure, Scottish Public Services Ombudsman (SPSO), 2010.