Care Inspectorate

The Care Inspectorate (formally called Social Care and Social Work Improvement Scotland) is the independent scrutiny and improvement body for social services in Scotland, working across integrated health and social care, early learning and childcare, and community justice social work.

1. Do you support the new regulations?

Yes. We look forward to working closely with the Scottish Public Services Ombudsman (SPSO) to consider how processes can be best put in place to give effect to the measures proposed, subject to Scottish parliamentary approval. We note that independent advocacy for people wishing to make complaints can be important.

We strongly welcome the proposal to allow the SPSO to share information with the Care Inspectorate and the Scottish Social Services Council. Allowing the sharing of information will help ensure that there is both maximum learning and protection of people from harm.

The Care Inspectorate regulates some 14,000 care services, including many which are provided by, or commissioned by, a local authority. We register, inspect and investigate complaints about these services in order to provide public protection and assurance, and to support improvement in their delivery. We also apply strategic scrutiny to social services, including inspecting the organisation or co-ordination of any social services such as a local authority social work function but we do not directly investigate complaints about social work departments (as opposed to regulated care services provided by a local authority). Last year, we received some 4,400 complaints and formally investigated 1,992 complaints. We upheld 58% of the complaints we investigated.

We envisage that this proposal will ensure that complaints which involve registered care services, as opposed to or as well as a local authority social work department, encountered during an investigation by the SPSO can be redirected without delay to the Care Inspectorate and with a more seamless service for the complainant.

In certain cases, the ability to share information might allow the Care Inspectorate and the SPSO to undertake concurrent investigations where the complainant’s experience relates both to the actions of a local authority social work department and a registered care service. This measure should improve accessibility to our complaints handling process and may avoid the need for duplication by those making complaints.

We also believe that information or intelligence about registered care services which the SPSO has become aware of can be shared more generally for the purpose of regulating
and supporting improvement in registered care services or for the strategic scrutiny of social services provision.

2. What are your views on Local Authority Complaints Review Committees being replaced?

The proposal streamlines and harmonises the approach to complaint handling with the approach taken across the bulk of the public sector in Scotland and introduces a level of independence to the process. We believe that the approach should be designed to support earlier conclusions for complaints involving local authority social work services.

3. What are your views on the SPSO being given a new role to investigate social work complaints?

We believe the SPSO can undertake such work and can become sufficiently experienced in such matters. It would be helpful to secure clarification around the implementation of the proposals and how the SPSO expects to exercise these responsibilities. It is essential that systems are in place which support a person-centred approach to complaints handling.

4. What are your views on the SPSO being given a remit to consider the professional judgment of social work staff?

Given the SPSO role in relation to complaints about the health sector, the proposal is a logical extension of that role where it relates to the application of process and procedure. As is highlighted in the consultation document it will be vital that the SPSO employs and has access to people with the appropriate experience and professional expertise to consider such situations, and it will be equally important to ensure that referrals around any conduct issues identified are made to the Scottish Social Services Council, which remains the workforce regulator for social workers and has important responsibility for enforcing the Codes of Practice for Social Service Workers.

5. What are your views on how these proposals relate to the approach currently taken to complaints relating to the NHS and the consideration of complaints relating to Integrated Joint Boards?

By creating a streamlined approach across the public sector, the draft Order has the potential to help simplify and bring consistency to the complaint process. We expect that chief officers in each of the integration joint boards have a robust system in place for dealing with complaints at the lowest possible level at which they can be resolved. This may involve effective signposting to established complaints processes in either the local authority social work department or the health board; ensuring that the SPSO has a similar role in respect of each is therefore helpful.

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