1. Do you support the new regulations?

Yes we support the proposed new regulations.

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

The opportunity to simplify and improve the current social work complaints procedure by aligning it with the Scottish Public Services Ombudsman’s Guidance for the Model Complaints Handling Procedures as laid down by the Public Services Reform (Scotland) Act 2010, would be welcomed. In order to achieve this, it is agreed that the Local Authority Complaints Review Committees will require to be replaced.

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

Our experience of Complaint Review Committees is that complainants and services involved in the process appreciate the opportunity to have complaints independently considered and to put forward their views as part of this independent process, particularly where a satisfactory conclusion has not been achieved at an earlier stage in the complaints process. It is acknowledged however, that the process can take time to complete and that it is not fully independent, given the requirement for a Council committee to approve any recommendations made by a Complaints Review Committee.

In addition, complainants do not always fully appreciate the powers afforded to a Complaints Review Committee and do not therefore always use them to full effect or understand their remit, and their limitations.

We note that no other options are offered for Stage 3 complaint investigations other than for the SPSO to take on responsibility for this role. The proposal to retain an independent review and extend the functions of the SPSO to allow independent consideration of social work complaints would ensure that a truly independent review is offered to complainants and services alike. We assume that this would impact positively on timescales for complaints to complete the social work complaints process; and that the opportunities afforded by independent review would be maximised for all. We are less clear however, on how this will be implemented in practice, and the impact this will have on complainants, who are currently afforded a more localised review of their complaint. Transfer of powers to the SPSO will also change the existing Elected Member oversight of complaints heard at independent review, and we are unclear on what, if any, involvement they will have in the independent review process under the new Draft Order.
We will be interested to see more detail, in due course, regarding the proposed method of dealing with complaints, whether this will continue to afford complainants the opportunity to attend a hearing, and if so, where these hearings will take place.

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

The proposal to extend the role of the SPSO in relation to social work complaints to allow them to consider matters of professional judgement of social work staff in their investigations would align the social work complaints process to the model complaints handling procedure which is currently being implemented across health services, whereby the SPSO can consider clinical judgement in the context of health decisions.

Given the integration of Health and Social Care services across Scotland, the alignment of Health and Social Work complaints processes to a 2 stage model will support the development and implementation of a joined up approach across services to complaints handling by Health and Social Care Partnerships.

This proposal, however, to extend the role of the SPSO in relation to social work complaints to allow them to consider in their investigations matters of professional judgement of social work staff represents a significant change in the social work complaints process and we would be interested in receiving additional guidance on how the SPSO would intend to undertake this role and more specifically, what, if any, professional judgements it intends to include and exclude from their considerations. We would seek reassurance, for example, that any comments or decisions relating to professional judgements would only be made by the SPSO by someone who is appropriately trained and qualified to do so.

Currently, scrutiny of concerns relating to care services and professional judgements therein, is undertaken by the Care Inspectorate. Clarity on the continuing role of the Care Inspectorate in complaints handling would be helpful.

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?**

Revised arrangements for social work complaints procedures need to be fair and transparent, and support the changing landscape of service delivery through health and social care partnerships. A simplified process, aligning health and social care processes, which can be consistently applied by all health and social care partnerships, will be of benefit not only to those who are in receipt of a range of health and social care services who wish to raise a complaint, but also to the organisations involved that are providing services across authority areas.
Additional information on how the revised arrangements for social work complaints, and in particular the SPSO’s revised functions in relation to consideration of professional judgement, will be implemented in practice would inform any further feedback from North Ayrshire Health and Social Care Partnership.

Finally, the SPSO’s Model Complaints Handling Procedure provides details of target response times for complaints at both Frontline Resolution and Investigation stages. The target response time at Frontline Resolution is 5 days, with the option to extend target timescales in exceptional circumstances. This ‘exceptional circumstances’ provision is clearly helpful, particularly for complaints received from vulnerable social work Service users, however it is problematic for reporting purposes as the current national reporting framework considers any complaints outwith the target response time of 5 days as being overdue.

North Ayrshire Health and Social Care Partnership