Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016

West Lothian Council

1. Do you support the new regulations?

It is clear that the Complaints Review Committee structure and process is dated and needs to be reviewed and modernised, however we do not believe that it automatically follows that the process be discarded in its entirety.

West Lothian Council supports the move towards a more responsive and streamlined process but considered that there are key issues that need still to be addressed.

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

West Lothian Council supports the fundamental principles of the model Complaints Handling Procedure (CHP). However, the application of the model as described in the consultation document allows for the escalation of serious, ‘high risk’ or complex complaints about social work to be escalated to SPSO after a first investigation and provision of a ‘definitive response within 20 working days’. This does not seem to reflect either the complexity of some of the complaints or key principles surrounding local governance processes which allow independent review while still having a local focus and context. It is also noted that one of the principles identified in the Sinclair Report is to ‘Allow providers to deal with complaints more locally’

It is recognised that in acknowledgement of the complexity of social work complaints, a recommendation has been made to allow the possibility of extending the timescales at the first (Frontline Resolution) stage from 5 to 15 working days. However the CHP is clear that complex, serious or ‘high risk’ issues can be escalated to stage 2 before consideration at stage 1.

Officers in Social Work Services work in a politically accountable structure and the current process allows visibility both in terms of the volume and nature of complaints and of the impact and interpretation of policy frameworks. This is lost in the context of the current proposals and does not seem consistent with the principle of local political accountability to the public.

The CRC structure and process is dated and requires to be reviewed and modernised, and it is more costly in terms of time and resources than it could be, but those is not in themselves reasons to discard it entirely.

In conclusion West Lothian council supports the key aims of more responsive and streamlined processes but would request that the issues outlined above are taken into account in the proposals.
3. **What are your views on the SPSO being given a new role to investigate social work complaints?**

West Lothian Council does not support the proposal to extend the functions of the Scottish Public Services Ombudsman (SPSO) to allow the SPSO to investigate stage 3 of complaints for social work.

The model described in the consultation document allows for the escalation of serious, ‘high risk’ or complex complaints about social work to be escalated to SPSO after a first investigation and provision of a ‘definitive response within 20 working days’. This does not seem to reflect either the complexity of some of the complaints or key principles surrounding local governance processes which allow independent review while still having a local focus and context.

In addition to this the statutory role and responsibility of the Chief Social Worker does not seem to be acknowledged, and the SPSO’s review of decisions in relation to functions covered by that role must take account of those aspects, which are not found in other service areas or in other public bodies.

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

West Lothian Council is in agreement in principle with this proposal which better aligns the role of the SPSO with that of complaints in relation to a health service body. However, the statutory role and responsibility of the Chief Social Worker must be acknowledged, and the SPSO’s review of decisions in relation to functions covered by that role must take account of those aspects, which are not found in other service areas or in other public bodies.

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?**

While we recognise that the proposals do relate to the approach currently taken to complaints relating to the NHS, as stated in the response to question 4, they do not take account of the statutory role and responsibility of the Chief Social Worker within the Local Authority.

**West Lothian Council**