

# What to do if you have a complaint about the Care Inspectorate

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint.

We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

**This leaflet tells you what you can do if you have a complaint about the Care Inspectorate. It also explains what we can and cannot do.**

## Information about the Care Inspectorate

The Care Inspectorate (previously SCSWIS) was set up in April 2011. They regulate a wide range of services for adults and children. They inspect and report on registered care services and look at complaints about care services. Although the Care Inspectorate look at complaints about care services, you cannot appeal their decisions about these complaints through us. We explain this in more detail on the next page.

### What should I do if I am unhappy with the service provided by the Care Inspectorate?

You should report the problem to them. They will consider your concerns and they should try to deal with them.

### I reported the problem and am still unhappy. How do I complain?

You should normally complain to the Care Inspectorate if they have still not dealt with the matter after you reported it. This doesn't just mean telling staff about the problem. It means making a formal complaint telling them that they have not sorted it out. You should approach them direct and ask for details of their complaints procedure.

If you have internet access, look at the Care Inspectorate website: [www.scswis.com](http://www.scswis.com)

Organisations often have more than one stage in their complaints procedure. The current Care Inspectorate procedure has two. We usually expect you to have gone through both stages before we will look at your complaint. This gives the Care Inspectorate the chance to try to put things right. If you're still unhappy after going through their complaints procedure, or if the time they're taking to look into your complaint is unreasonable, you can complain to us. But if your complaint was about a decision that the Care Inspectorate made, we can't look at the subject of the complaint, only at how they handled the complaint.



**You should make your complaint to us within 12 months of realising that you think the organisation have done something wrong.**

# Advice Leaflet

## What can we look into and what can't we look into?

We may be able to look at a complaint that the Care Inspectorate:

- took an unreasonably long time to answer your complaint
- didn't do something that they said they would do
- didn't follow their own procedures when considering your complaint about a care service or about the Care Inspectorate
- were biased in the way they considered a complaint about a care service or about the Care Inspectorate
- didn't stick to their own standards (for example the Code of Conduct for the Care Inspectorate Employees)
- didn't take into account relevant rules and regulations
- didn't explain their decisions clearly

It's worth bearing in mind that when we look at a complaint, we consider the **process** by which the decision on the issue was reached, rather than the specific issue that you complained about to the Care Inspectorate.

### However you should note that:

We can investigate complaints about the Care Inspectorate itself, but we're not part of the appeals process about care services. You can't appeal to us about a decision that the Care Inspectorate took on a complaint about a care service and we can't change their decisions. We also can't enforce action against any individual or employee although we can recommend that the Care Inspectorate take steps to address any failure identified. And we can't have anyone sacked.

Other issues that we can't look into include:

- the quality of care given by a care service
- the competence or fitness to practice of employees of a care service
- the relationship between a care service and its employees, even if these have been affected by actions of the Care Inspectorate
- whether a care service should or should not be registered
- National Care Standards
- personnel issues

We understand that complaints can be complicated so please call us on our Freephone Helpline number **0800 377 7330** if you want to ask whether your complaint is one that we're likely to be able to look at. One of our complaints reviewers is always available to talk to you when the office is open. There's information about our opening hours on the back page of this leaflet.

## How do we put things right?

If we find that something's wrong, then as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures. We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully at each complaint to see what happened and how you have been affected. We will check to make sure that the organisation carry out our recommendations.

We make some of our investigations public. We do this to share what we have learned from complaints and to help improve how public services are delivered in Scotland.

[www.spsa.org.uk](http://www.spsa.org.uk)

# Advice Leaflet

## How do I make a complaint to the SPSO?

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at [www.spsso.org.uk](http://www.spsso.org.uk) where you can fill it in online or print it off to complete. Or phone our Freephone Helpline number on **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained. It also helps if you send us your original letter of complaint to them.

## Can someone else make a complaint for me?

Yes, if you give them written permission. You can give this permission on the complaint form. You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

## More help and advice

You could discuss your concerns with your local **Citizens Advice Bureau**. You can find a list of them on their website [www.cas.org.uk](http://www.cas.org.uk) or in the phone book.

**The Care Inspectorate** have a helpline on **0845 600 9527**. You can find information about how to complain to them on their website [www.scswis.com](http://www.scswis.com).

You may also wish to seek advice about whether there is a legal route for your concerns. **The Law Society of Scotland** may be able to help you find a solicitor. Visit their website [www.lawscot.org.uk](http://www.lawscot.org.uk) or call them on **0131 226 7411**.



## Call us for advice

If you're not sure whether we can consider your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. One of our complaints reviewers is always available and can discuss whether we can consider your complaint.

You can contact us by phone, in writing or by visiting our office. You don't need to make an appointment.

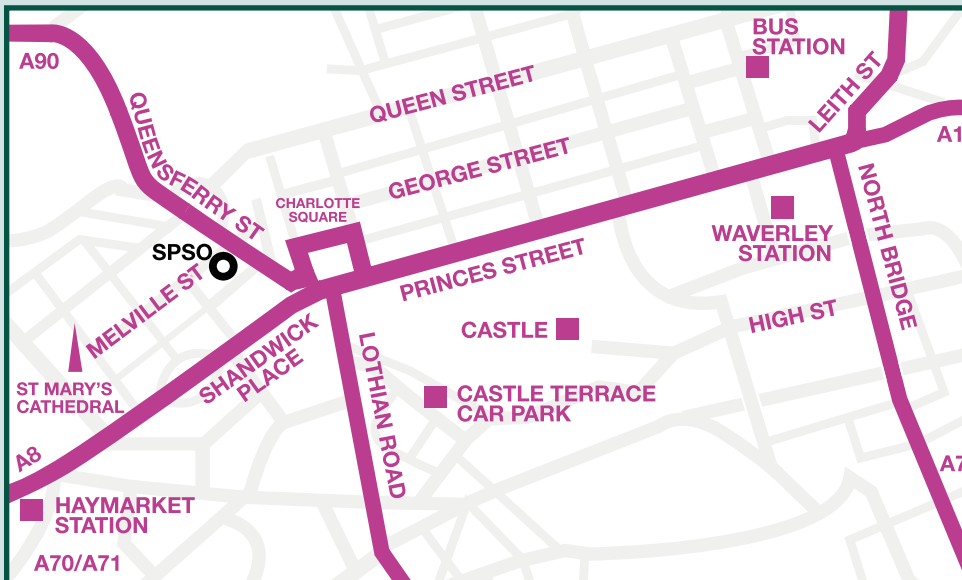
**SPSO**  
**4 Melville Street**  
**Edinburgh**  
**EH3 7NS**

Our Freepost address is:

**SPSO**  
**Freepost EH641**  
**Edinburgh**  
**EH3 0BR**

Freephone: **0800 377 7330**

Website: **[www.spsso.org.uk](http://www.spsso.org.uk)**



## Opening hours

We are open Monday, Wednesday, Thursday and Friday from 9am to 5pm, and Tuesday from 10am to 5pm.

We can give you this leaflet in other languages and formats (such as in large print or in Braille) if you ask.

The information in this leaflet is for general guidance, and was accurate when written. However, you should not rely on it as an authoritative statement of Scots law or of any process/guidance mentioned. SPSO will not accept liability for any consequences resulting from the use of this information. If you want to know more about an organisation mentioned or their processes please contact them direct.