

Response form

Thank you for taking the time to respond to this consultation.

If you would like any further information about this consultation please contact Lindsay Thomson, Solicitor, by email: lindsay.thomson@sssc.uk.com

Please complete this form and return it by email, post or fax to:

Eilean Blair
SSSC
Compass House
11 Riverside Drive
DUNDEE
DD1 4NY
Email: eilean.blair@sssc.uk.com
Fax: 01382 207230

Please return your response by the closing date for the consultation: 14 September 2010

This consultation is also available on our website: www.sssc.uk.com

If you require the document in another format or language please contact us at:

Tel: 0845 60 20 891

Email: enquiries@sssc.uk.com

Post: SSSC, Compass House, 11 Riverside Drive, Dundee, DD1 4NY

YOUR DETAILS

Are you a:

- SSSC Registrant
- Social service employer
- Non-registered social service worker
- Service user
- Carer
- Other Please specify: Ombudsman

Are you responding:

On behalf of a group or organisation

Please provide the name of your organisation: Scottish Public Services Ombudsman (SPSO)

Position held in organisation: Ms Emma Gray, Head of Policy and External Communications.

Email: egray@spsso.org.uk

Tel no: 0131 240 2947

Address: 4 Melville Street, Edinburgh, EH3 7NS

Your response

- Do you find the Complaints Procedure easy to understand?

Yes No

Comments

See below.

- Do you think the Complaints Procedure is fair?

Yes No

Comments

See below.

- Do you have any other comments?

The Scottish Public Services Ombudsman (SPSO) is the independent body that investigates complaints from members of the public about devolved public services in Scotland. This includes central and local government, the National Health Service, housing associations, universities and colleges and a range of other public bodies including the Scottish Social Services Council (SSSC). We look at complaints about the quality of administration and service provided by such bodies.

In addition to considering individual complaints, the SPSO has recently been given the new role of overseeing the design of simplified public sector complaints procedures in Scotland. This will involve the creation of a Complaints Standards Authority, which will come into being towards the end of 2010 to oversee the development of a Statement of Complaints Handling Principles (the principles) and a Model Complaints Handling Procedure (Model CHPs). Our consultation on the principles and Model CHPs closed on 8 September 2010 and we are currently considering responses from our stakeholders.

The role of the Complaints Standards Authority is set out in Sections 16A to 16G of the Scottish Public Services Ombudsman Act 2002 (the 2002 Act). These Sections were recently introduced to the 2002 Act by virtue of Section 119 of the Public Services Reform (Scotland) Act 2010. Section 16C of the 2002 Act states that public bodies must ensure that their complaints procedures comply with any Model CHP which the SPSO has notified them is relevant to their organisation. Section 16D of the 2002 Act empowers the SPSO to issue a declaration of non-compliance where it considers that a body's complaints procedure is non-compliant.

These provisions are of clear importance to public bodies, such as SSSC, currently reviewing their complaints procedures. It may be that organisations in this position may prefer to delay concluding their review and finalising their new complaints procedure until there is greater clarity surrounding the final iteration of our Model CHPs. Certainly, given that we will shortly be beginning work with each part of the public sector on implementing Model CHPs, we would expect any organisations currently conducting reviews of their complaints procedures to give consideration to the principles and Model CHPs set out in our consultation document.

Therefore, while still in draft and subject to revision following consideration of stakeholder responses, I would like to draw your attention to our consultation document (copy enclosed) and would particularly like to highlight the following:

- We propose a two stage internal complaints procedure (a summary of the model we propose is on page 12 of the consultation document). This involves a 'frontline resolution' stage for those complaints which can be easily resolved with little or no investigation, followed by an 'investigation' stage for more complex, serious or high risk complaints or those complaints that cannot be resolved at the 'frontline resolution' stage.
- The 'frontline resolution' stage should take no more than three working days. If complaints are too complex to be resolved in this timescale by those providing the frontline service, they should be dealt with at the 'investigation' stage. This involves an investigation and response, signed off by a senior manager, being provided within 20 working

days. This response constitutes the organisation's formal and final response to a complaint.

- The focus of the complaints procedure should, therefore, be on resolving the complaint quickly and fairly, as close to the point of service delivery as possible. If this is not possible, an investigation should be conducted to establish the facts and provide complainants with a final response within a reasonable timescale. Thereafter, if the complainant is not satisfied with the response, the complaint can be referred for external independent investigation.
- As well as ensuring that the complaints procedure is designed to deal with complaints quickly and effectively, a key focus should be on ensuring that complaints are used to drive service improvements. All complaints should be recorded and a structured system should be put in place to ensure that trends are identified and the outcomes of complaints are disseminated and learned from.

In addition to these key elements of a complaints procedure, you will see that the draft guidance we have issued provides advice on a range of other complaints handling issues that you may find of interest, including:

- Establishing and investigating complaints;
- Communicating decisions;
- Dealing with unacceptable behaviour by complainants;
- Providing redress; *and*
- Staff Training.

While we understand that your proposed new Complaints Procedure is a document designed to inform members of the public about how to complain about your service, you may wish to consider supporting the procedure with a complaints policy. This could set out not only the process for dealing with a complaint but also the approach you will use and could include some of the broader issues highlighted above.

I hope you find this response helpful. Please do not hesitate to get in touch if you would like any further information.