

**Scottish Public Services Ombudsman response  
to the Scottish Government's consultation  
on the National Care Standards review**

## **Background and context**

The Scottish Public Services Ombudsman (SPSO) is the independent body that investigates complaints from members of the public about devolved public services in Scotland. Public services remain critical components of the care delivered to many people in Scotland. These services are active in assessing need, in direct delivery and in ensuring the quality of care delivered either through commissioning or inspection and scrutiny. Such organisations are normally within the jurisdiction of the SPSO. This means that we can take complaints about the services they have delivered or should have delivered. Under our statutory duties to lead the development and implementation of standardised complaints handling procedures and promote best practice we can also, in the absence of any other statutory provision, set standards for the way these organisations handle complaints.

In addition, we have a particular role to play in connection with the Care Inspectorate. As well as being an organisation under our jurisdiction, they are required to consult with us about the procedure they use to consider complaints from the public about care services (section 79 of the Public Services Reform (Scotland) Act 2010).

## **A welcome approach to the development of the National Care Standards**

The consultation sets out the approach that will be taken in developing new national care standards. We know that this has been the goal of the Scottish Government and the Care Inspectorate for some time and we welcome this positive start to that process. We would like to note clearly our support for making human rights central to the creation of the standards. Underlying many of the complaints we receive are concerns that the fundamental dignity of the individual and their rights have not been respected.

We would also welcome a move to an overarching set of quality standards for health and social care. We regularly have contact from people who are unsure of what they should expect from services, and this uncertainty can leave them wary of raising concerns. Clear, simple standards which are embedded in their individual rights may help people feel more confident about speaking out when those standards are not met.

## **Complaints Standards - ensuring effective accountability and redress**

The SPSO has a central role in ensuring that people who receive public services can access a quick, easy route to resolve individual injustices.

Currently, service user access to complaints systems can be difficult because of the existing complexity of complaint routes in relation to complaints about social care in Scotland, including both complaints about assessment of needs and provision of care itself. We have consistently raised this complexity elsewhere, including in our response to consultations in relation to the debate on health and social care integration.

Through our Complaints Standards Authority, we have developed, in partnership with public bodies across Scotland, a unique suite of model complaints handling procedures for the public sector. These standardised procedures provide accessibility, simplicity, consistency and transparency in complaints handling and most public bodies in Scotland are now operating this single process. In the context of developing national care standards, it is important to recognise that the model procedures also lay out standards in complaints

handling, and contain requirements that organisations demonstrate publicly the learning from complaints and how this is used to drive improvement in service delivery. Performance indicators have been developed and are being actively used by public bodies to help ensure consistent, transparent information is available to the public. We are also working alongside the Scottish Health Council, the Scottish Government and others to further develop and improve the current NHS complaints model. Our aim is for this work to act as a catalyst in transforming the complaints culture within organisations, to enable public bodies to continuously improve how they handle and respond to complaints and use the learning to improve services.

It is important that similar standards are developed for organisations delivering care services under the National Care Standards. Our work with others in the public sector means that we have developed tools and built up practical experience that can and should be used to support this work. As the development of the care standards is taken to the next stage, we look forward to working with the Scottish Government, Care Inspectorate and other key stakeholders to help to develop standards around this key area.

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