

Regulations relating to the establishment of SCSWIS & HIS RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Scottish Public Services Ombudsman

Title Mr Ms Mrs Miss Dr Please tick as appropriate

Surname

Martin

Forename

Jim

2. Postal Address

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3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate Yes No

CONSULTATION QUESTIONS

Please use this section to record any comments you have about the named regulation (please note the box will expand as you type). If completing by hand please ensure any additional sheets are clearly marked with the regulation you are commenting on.

HIS Reports:

HIS Inspections:

HIS Fees:

HIS Requirements:

Regulation 15 contains the basic requirements for the providers of independent health care services in terms of complaints handling.

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. HIS will be such a body when it is established.

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. We introduced draft principles to the Scottish Parliament for approval on 1 November. Once approved, all bodies under our jurisdiction must have a complaints procedure which complies with these. We are beginning the process of working with bodies to develop standardised and simplified complaints procedures which, under the powers provided to the SPSO in the Public Services Reform (Scotland) Act 2010, bodies under our jurisdiction will have to comply with.

In recommending we take on this new role, Douglas Sinclair, Chair of Consumer Focus Scotland and the Fit for Purpose Complaint Systems Action Group stressed the value of simplicity and consistency to help support complainants. These principles have guided the development of our guidance on a model complaints handling procedure which we consulted on recently and are currently revising. This guidance uses the NHS process as a model for achieving simplified, streamlined complaints handling procedures. The NHS model is, therefore, likely to be the basis on which procedures will be developed across the public sector.

Given this overlap, we would recommend that, whenever practical, any system of complaint handling for independent health care service providers should mirror that of the NHS and other public service providers. This, we

believe, is in the interests of consistency for service users. The current regulations do not specify the detail of the procedure which would require this but they could allow this to happen in practice. The only point of difficulty is that the regulations state that a response should be given within 28 days. For the related NHS procedure, the time limit is currently 20 working days and this is the target currently outlined in our guidance on a model complaints handling procedure. If the regulations remain as they are, taking the dentist example, a complainant who had had treatment privately and on the NHS would be dealing with two different time limits which, again, goes against the principles of consistency and standardisation to make complaints handling simpler for all.

HIS Registrations:

SCSWIS Reports:

SCSWIS Inspections:

SCSWIS Fees:

SCSWIS Requirements:

Regulation 18 contains the basic requirements for the providers of care services in terms of complaints handling.

As with independent health care providers, care providers will not come directly within our jurisdiction. We will, however, be responsible for considering complaints about the way SCISWIS responds to complaints to them. Increasingly, integrated working and shared services will though mean that social care provision intersects with both social work and NHS care.

The points made in connection with regulation 15 of the HIS requirements and the new role of the SPSO are also relevant to this regulation. In addition, Douglas Sinclair raised particular concerns about complaints handling in the social care sector which his Report found to be complex and noted the possibility of individuals falling between the gaps of social work and social care complaint procedures.

As above, the regulations as currently worded would not prevent the procedures for social care providers aligning with the NHS or Local authorities where that would be appropriate. The exception remains a possible difficulty arising from the reference to 28 days which could lead to two different time limits applying. Again, this might, unintentionally, prevent consistency and standardisation in complaints procedures which would

benefit service users.

SCSWIS Registrations:

Joint Inspections Regulations:

Joint Inspections Draft Code of Practice:

General comments on the regulation: