



**Consumer Focus Scotland's response to  
Social Care and Social Work  
Improvement Scotland (the Care  
Inspectorate) *Interim Complaints  
Procedure 2011*  
December 2011**

# About Consumer Focus Scotland

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Consumer Focus Scotland is the independent consumer champion for Scotland. We are rooted in over 30 years of work promoting the interests of consumers, particularly those who experience disadvantage in society.

Part of Consumer Focus, our structure reflects the devolved nature of the UK. Consumer Focus Scotland works on issues that affect consumers in Scotland, while at the same time feeding into and drawing on work done at a GB, UK and European level.

We work to secure a fair deal for consumers in different aspects of their lives by promoting fairer markets, greater value for money, improved customer service and more responsive public services. We represent consumers of all kinds: tenants, householders, patients, parents, energy users, solicitors' clients, postal service users or shoppers.

We aim to influence change and shape policy to reflect the needs of consumers. We do this in an informed way based on the evidence we gather through research and our unique knowledge of consumer issues.

# Introduction

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Consumer Focus Scotland welcomes the opportunity to respond to the consultation on the future Care Inspectorate Complaints Procedure. We have long strongly advocated for the development of a simplified complaints process for public services. We believe that such an approach is in the interests of consumers in Scotland. Both the Crerar Review<sup>1</sup> and Fit for Purpose Complaints System Action Group<sup>2</sup> made recommendations which aimed to simplify and improve the complaints handling process for public services users in Scotland. This included a standardised complaints handling procedure within the public services sector.

Last year, we carried out a short research study to inform our response to the Scottish Public Services Ombudsman (SPSO) Statement of Complaints Handling Procedures and Guidance on a Model Complaints Handling Procedure<sup>3</sup>. We found that there were five key issues which consumers thought were critical to the successful implementation of the guidance:

- Cultural change - senior management should exhibit strong leadership.
- Staff training - frontline staff should receive full support and training.
- Ownership - staff need to feel empowered to take ownership of complaints.
- Acknowledgement and apology - the importance of acknowledging a complaint and apologising should not be underestimated.
- Accessibility - the complaints handling procedure must be accessible to all public services users in Scotland.

These issues are common to all complaints handling procedures, and therefore apply equally to the implementation of the procedure being consulted on by Social Care and Social Work Improvement Scotland (the Care Inspectorate).

In this response, we have focused on the questions which we see as being the most directly relevant from the consumer perspective. Rather than using the response template provided, we have used our own template for ease of use.

Overall, we would make the observation that it is unclear who the Complaints Procedure is written for. If it is intended for complainants this should be stated up-front and our comments under question 8 must be fully considered when developing the new procedure.

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<sup>1</sup> Scottish Government (2007) *The Crerar Review: The Report of the Independent Review of Regulation, Audit, Inspection and Complaint Handling of Public Services in Scotland*

<sup>2</sup> Scottish Government (2008) *Fit for Purpose Complaints System Action Group: Report to Ministers*

<sup>3</sup> Consumer Focus Scotland (2010) *Response to the Scottish Public Services Ombudsman on a Statement of Complaints Handling Principles and Guidance on a Model Complaints Handling Procedure*

## 1. Timescale for accepting complaints

**Q: Should the time limit for accepting complaints be reduced to 6 months after the incident leading to the complaint – in line with other public bodies?**

- Yes  
 No

### Further comment

With regards to the timescale for the Care Inspectorate in accepting complaints, we would recommend that this is set consistently with the timescales outlined in the Patients Rights (Scotland) Act 2011. That is:

- six months from the date on which the matter which is the subject of the complaint occurred; or
- six months from the date on which the matter which is the subject of the complaint comes to the complainant's notice, provided that the complaint is made no later than twelve months after the date on which the matter which is the subject of the complaint occurred.

## 2. Timescale for formal investigation of complaints

**Q: Should the timescale for formal investigation be reduced to 20 working days in line with other public bodies? (The facility for extending the timescale will remain.)**

- Yes  
 No

### Further comment

All complaints should be resolved as quickly and efficiently as possible, in the interests of both users and providers. Our recent research suggested that consumers would like complaints to be resolved 'on the spot' wherever possible<sup>4</sup>. However, if this is not possible because the complaint merits further investigation, then consumers must be given indicative timeframes of when they can reasonably expect to receive a response to their complaint.

The SPSO guidance on complaints handling across the public sector in Scotland suggests that all public organisations should provide a response to complaints within 20 working days. This allows users of public services to have an expectation of how a complaint will be handled regardless of the public organisation they are complaining to. We therefore believe that the Care Inspectorate should align with the SPSO guidance and stipulate that all complaints should be responded to within 20 working days.

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<sup>4</sup> Consumer Focus Scotland (2010) *Response to the Scottish Public Services Ombudsman on a Statement of Complaints Handling Principles and Guidance on a Model Complaints Handling Procedure*

### 3. Stages of the complaints procedure

**Q: Should the stages of the complaints procedure be reduced to three: informal resolution; formal investigation; internal review by managers OR internal review by the Complaints sub-committee of the Board?**

- Yes
- No

#### Further comment

As identified by the Crerar Review and the Fit for Purpose Complaints System Action Group, it is in the interests of consumers in Scotland to have a simplified complaints landscape.

The SPSO has simplified the complaint handling process in public services by developing a two-tier model of complaint handling: frontline resolution and investigation. We would therefore agree that the stages of the Care Inspectorate complaints procedure should be reduced from four to three, in a move towards simplifying the complaints procedure and aligning with the SPSO guidance.

### 4. Complaint outcomes

**Q: Should we consider reporting each element of a complaint separately, based on the individual outcome rather than use an overall outcome approach?**

- Yes
- No

#### Further comment

An example of the current aggregated outcome approach is described in the consultation document, which notes that 'complainants and those complained against are not always happy with the way we apply this'. To ensure increased transparency and to maximise learning by providers from each complaint, each element of a complaint should in future be reported separately. As well as putting things right for the individual person, this should help to prevent the same thing from happening to someone else in the future, which is often one of the key outcomes sought by those who complain.

Consumers participating in our research were particularly concerned that organisations should demonstrate how the outcomes of complaints have been used to improve service delivery. The SPSO guidance on complaints handling recognises the need for 'an organisation wide structured system for recording complaints, outcomes and any resulting action'. This information can then be used to improve service delivery and highlight those services which are causing confusion among the public.

There may be opportunities for the Care Inspectorate to learn from complaints made in the wider public sector. The Care Inspectorate should work closely with

the SPSO to ensure that other public services can take full advantage of each sector's complaints recording system to the benefit of all consumers of such services in Scotland.

## **8. Do you have any other comments on the current Care Inspectorate Complaints Procedure that you would like us to take into account when developing the new procedure?**

Consumer Focus Scotland would recommend that certain aspects of the Complaints Procedure document are reconsidered to ensure accessibility for all consumers. In particular, some of the information contained in the main body of the document could usefully be moved into an appendix. This would result in a shorter procedure document that would be more easily understood by the complainant. Section 1.1 setting out legislative requirements for the Care Inspectorate, would fit this category. The flowcharts on pages 3 and 4 could be made clearer by changing the jargon, which would include the job titles.

As a further example, although the key principles for implementing the procedure (section 1.5) are outlined and do reflect the principles set out by the SPSO; the clarity of these principles is slightly obscured by the amount of text used. We would suggest that this section is made clearer.

It is important to ensure that the language used is not too formal; we therefore recommend sending the procedure document to the Plain English Campaign or Plain Language Commission for editing before a final version is produced.

Finally, we would recommend that user testing of the document is undertaken with members of the public before the final version is published, to ensure that it is as accessible as possible.