

**Correspondence from Paul McFadden, Head of Complaints Standards, Complaints Standards Authority, Scottish Public Services Ombudsman**

Thank you for your email outlining the information requested by the Committee in relation to the integration of Health and Social care complaints. As many of the questions and requests for further information were directed towards the Scottish Government (SG) we have not answered any of the direct questions below separately but have fed into the SG on key points to inform their response. I can see from the SG letter to the Committee of 27 August 2015 that our input has been incorporated but we would be happy to provide any further clarification on specific points that the Committee may require from us.

Following the Committee session on 10 June, we have been involved in positive discussions led by the SG on various aspects of the work required to progress changes. As a result we have also been involved in work to help the Scottish Government take forward some of this work, particularly the legislative changes proposed around SPSO's role over social work complaints. We are pleased with progress being made and have responded to the Cabinet Secretary for Health and Wellbeing on the specific social work proposals and to indicate our commitment to help take these forward.

There are a number of areas where SPSO will be involved. The most substantive change, from the SPSO's perspective, will be a new role over social work complaints professional judgement, as previously recommended by the SG working group on social work complaints. As the SG have outlined in their response to the Committee, this proposed change will be taken forward through a Public Service Reform Order under the Public Services Reform Act 2010, to amend the Scottish Public Services Ombudsman Act 2002, subject to the agreement of the Scottish Parliamentary Corporate Body (SPCB). Having taken legal advice, we are supportive of this approach and will continue to provide full support to the process to try and achieve the legislative timetable outlined. We also remain in contact with the SPCB and SG on the appropriate resourcing of this function.

With regard to the date of implementation for social work, we are keen to ensure that this new role comes into force as soon as possible. To allow sufficient time and resource for planning transition to the new role, we have advised the SG that the earliest we would be able to take on the new social work function would be Autumn 2016. This is also largely to accommodate the fact that we are currently preparing for the taking on of a new review function for Scottish Welfare Fund decisions, a role which comes into force in April 2016. This timescale for transition is in line with previous successful transfers to the SPSO. Discussions with SG officials indicate that October 2016 may be a suitable date, if the legislative timetable will allow. We will continue to do all we can to support efforts to achieve this, in full cooperation with SG and SPCB officials.

The SG's response to the Committee also outlined SPSO involvement in the following areas:

- Leading the development of a local social work complaints process to bring the local procedures into line with the model complaints handling procedure

(CHP) operating across other areas of local government and the wider public sector;

- Leading the development of an NHS model CHP, plans for which are already progressing;
- Contributing to the SG's work to develop guidance for Integration Joint Boards and others to provide clarity on suitable complaints arrangements in advance of changes to the social work and NHS procedures and statutory arrangements.

We are committed to this work which we believe will be of benefit to health and social care users, and staff, in terms of simplifying arrangements. We will continue to engage with the SPCB and SG officials to ensure we are appropriately resourced for this work.

I can confirm that I will attend the Committee session on 23<sup>rd</sup> September on behalf of SPSO to answer any questions or provide further detail to the Committee.

28 August 2015