Health and Sport Committee

To consider and report on health policy, the NHS in Scotland, sport and other matters falling within the responsibility of the Cabinet Secretary for Health, Wellbeing and Sport, and measures against child poverty.

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## Committee Membership

<table>
<thead>
<tr>
<th>Convener</th>
<th>Deputy Convener</th>
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<tbody>
<tr>
<td>Duncan McNeil</td>
<td>Bob Doris</td>
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<td>Scottish Labour</td>
<td>Scottish National Party</td>
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| Malcolm Chisholm          | Rhoda Grant                            |
| Scottish Labour           | Scottish Labour                        |

| Colin Keir                | Richard Lyle                           |
| Scottish National Party   | Scottish National Party                |

| Mike MacKenzie            | Nanette Milne                          |
| Scottish National Party   | Scottish Conservative and Unionist Party|

| Dennis Robertson          |                                       |
| Scottish National Party   |                                       |
Introduction

1. The Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 was laid before the Parliament on 22 January 2016. The instrument is subject to the affirmative procedure.

2. The order seeks to abolish the existing system of social work complaints and allow the Scottish Public Services Ombudsman (SPSO) to investigate complaints in relation to the substance of social work decisions. The Explanatory notes on the draft Order state that the order contains provisions for:

   - Extending the remit of the SPSO to enable them to consider complaints made about social work which are not solely about maladministration, but enable the SPSO to consider the professional judgement of social work staff.
   - Repealing the existing power for Scottish Ministers to require local authorities to create a social work complaints procedure. One effect of this repeal is that the SPSO will be able to use its existing functions to create a model complaints handling procedure for social work complaints, and that local authorities will be obliged to adopt a procedure which complies with that model. This brings SPSO functions in relation to social work into line with those for health, where the SPSO sets out its model complaints handling procedures which it expects local authorities to follow.
   - Allowing the sharing of information between SPSO, Care Inspectorate and the Scottish Social Services Council where relevant to their regulatory functions.

3. At its 12\textsuperscript{th} meeting 2016, held on 1 March, the Health and Sport Committee considered the Order. The Official Report of that meeting can be found at:

   \[ \text{http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=10401} \]

4. The Committee noted that the Delegated Powers and Law Reform Committee considered the instrument at its meeting on 26 January and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

5. The Committee took evidence on the instrument from the following witnesses—

   - Fiona Collie, Policy and Public Affairs Manager, Carers Scotland;
   - Beth Hall, Policy Manager, Health and Social Care Team, COSLA;
   - Paul McFadden, Head of Complaints Standards, Complaints Standards Authority, Scottish Public Services Ombudsman;
   - Maree Allison, Director of Fitness to Practise, Scottish Social Services Council;
Iain Smith, Policy and Parliamentary Officer, Inclusion Scotland.

6. This was followed by an evidence session with the Cabinet Secretary for Health, Wellbeing and Sport.

7. During the course of these two evidence sessions a number of areas relating to the instrument were discussed including the following:

- The replacement of local authority Complaints Review Committees and delivery of a centralised procedure.
- Information sharing by SPSO with the Care Inspectorate and the SSSC. Future consideration of information sharing with Mental Welfare Commission.
- SPSO consideration of the professional judgement of social workers.
- Whether the SPSO should be given the power to direct a local authority to change its decision and rule on policy and resource allocation issues of local authorities.
- Timescales for frontline resolution moving from 15 day period to 5 days.
- Ensuring complainants have access to relevant support and assistance including advocacy.
- Costs of providing new complaints system.

8. Following these evidence sessions the Minister moved motion S4M-15465 That the Health and Sport Committee recommends that the Public Services Reform (Social Work Complaints Procedure) (Scotland) Order 2016 [draft] be approved.

9. The motion was agreed to.

10. The Health and Sport Committee recommends to Parliament that it approves the draft instrument.