

## Minutes

- Meeting:** Complaints Committee
- Date:** Tuesday, 11 November 2014
- Time:** 10.30 am
- Venue:** Room 24, Ground Floor, Compass House
- Present:** Anne Hadow (Convener) Chair  
Mike Cairns  
Anne Houston
- In Attendance:** Karen Anderson (Director of Strategic Development/Deputy Chief Executive)  
Kenny McClure (Head of Legal Services)  
Wendy Henderson (Admin Assistant) – Minute taker
- Apologies:** Cecil Meiklejohn  
Sally Witcher (Depute Convener)  
Ewan Stewart (Head of Complaints, Registration & Legal Services)  
Karen Kinnear (Admin Assistant)

Item	Action
<b>1.0 WELCOME AND APOLOGIES</b>	
<p>1.1 The Chair welcomed everyone to the meeting and introduced Paul McFadden of SPSO who was attending to speak to members about the interface between the Care Inspectorate and SPSO.</p>	
<p>The Chair advised that Member Sally Witcher may not be able to attend future meetings due to work commitments and this may make it difficult for the Committee to be quorate at future meetings. The Chair and Director of Strategic Development/Depute Chief Executive to raise with the Care Inspectorate Chair.</p>	<p>Chair/Dir Strat Dev/ Depute CE</p>
<b>2.0 DECLARATION OF INTEREST</b>	
<p>None.</p>	
<b>3.0 SPSO PRESENTATION</b>	
<p>Paul McFadden of SPSO attended to give a presentation on the role of SPSO and the interface between SPSO and the Care Inspectorate.</p>	
<p>Following his presentation the Chair thanked Paul and requested copies of his slides for members. Paul agreed that he would email these to the Director of Strategic Development/Depute Chief Executive.</p>	
<p>Discussion was held on the differences between complaints against the Care Inspectorate and complaints against providers and SPSO's role in this.</p>	
<p>Paul explained how there may be many different organisations involved in providing care to an individual and they all have different complaints procedures which makes it difficult for a service user to make a complaint about their whole care experience. Also, confidentiality legislation can make it difficult to share information between organisations.</p>	

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Even when carrying out joint inspections the Care Inspectorate cannot rely on obtaining information from SPSO which could inform these inspections and there is a need to clarify what information SPSO can share with the Care Inspectorate regarding complaints, and what information the Care Inspectorate can share with them.

Members said that they had found it useful to see the outcomes from complaints reviews, which are now carried out by SPSO. Paul clarified that the Care Inspectorate still carries out complaints reviews, but if the complainant is still not satisfied that their complaint has been dealt with properly they can then contact SPSO.

Paul advised that some organisations speak to complainants once their complaint has been closed in order to gain feedback on how they felt their complaint was handled and to gain their insight into the process.

Director of Strategic Development/Depute Chief Executive said that a commitment has been made to bring case studies to the Complaints Committee and it could become part of the Quality Improvement Framework along with a sample of complainants' experiences once their complaint is closed.

Paul advised that many of the complaints against the Care Inspectorate were about the length of time taken to investigate the complaint or the outcomes not being properly explained to the complainant. Quite often apologising to people appeases them and there may be fewer requests for reviews.

Director of Strategic Development/Depute Chief Executive asked, in terms of governance, was there any advice that Paul could give to BMs in their role.

Paul said that it was important to understand how responsive the Care Inspectorate is, ask whether the right decisions are being made at the right level, are people responsive, are lessons being learned and being cascaded to the whole organisation, are complaints fully on the agenda. Are complaints being properly looked at – the type and number of complaints being made.

Director of Strategic Development/Depute Chief Executive

Version: 3.0	Status: <i>Approved 12.2.15</i>	Date: 08/05/2015
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said that there is work to be done in the organisation, working out what is working well. Perhaps we need to report on each complaints team and how well they are performing.

Discussion was held on how integrating health and social care will impact on the complaints process. How to raise awareness of health and social care and how to complain, including reaching out to children, who typically don't complain. There is a need to simplify the process for people in the community. Agencies need to work together to decide on and adopt the best model for dealing with complaints. Citizens Advice will be instrumental in co-ordinating a group to bring ideas collectively to Scottish Government.

Dir Strat Dev/  
Depute CE

Director of Strategic Development/Depute Chief Executive to meet with SPSO to discuss further.

The Chair thanked Paul for attending and for his presentation.

#### **4.0 MINUTE OF PREVIOUS MEETING – 10 JULY 2014**

**4.1** The minute was approved as a correct record. The Chair wanted noted her thanks to Karen Kinnear who took the minute.

#### **5.0 ACTION SHEET – 10 JULY 2014**

**5.1** The Chair stated that item numbers 1-11 were now incorporated into the Complaints Improvement Plan so can be removed from the action sheet. Item 12 to be removed as it has been agreed at the Board meeting. Item 13 can be removed as it is now a standing item on the agenda. Item 14 can be removed as it is being discussed under today's agenda at item 9. Item 15 can be removed. Items 16, 17 and 18 will be reported on if there are updates – these will be kept as standing agenda items.

Admin  
Assistant

Director of Strategic Development/Depute Chief Executive updated the members on item 18 – significant case review. The report is due on 21 November 2015. It is expected there will be significant learning for the Care Inspectorate. Report

All

Version: 3.0	Status: <i>Approved 12.2.15</i>	Date: 08/05/2015
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to be discussed at this Committee to identify lessons learned and how we can improve prior to going to the Board.

**6.0 MATTERS ARISING FROM PREVIOUS MINUTE – 10 JULY 2014**

6.1 None.

**7.0 STATISTICAL REPORT ON COMPLAINTS – Q2 14/15**

7.1 The report provides quantitative data about the complaints system. Members have also requested qualitative data and this will be examined further under 'Good Governance' at item 9 of the agenda.

7.2 There has been a significant rise in the number of complaints year on year there has been a 16% rise with no additional resources.

7.3 The majority of the complaints are about care homes for adults, but there has been a rise in the number of complaints against daycare of children services. Information analysts to be asked to analyse trends. It was suggested that an increase in entitlement to provision of nursery education could be a factor. Problems with accessibility to services could possibly be picked up during joint inspections.

7.4 A number of complaints have been withdrawn at stage 1. We need further information as to whether these are being resolved at the front-line or if they are actually being withdrawn and why.

7.5 44% of complaints were registered within the 12 days timescale, rather than the target of 60%. This target is proving to be a challenge as 12 days to agree heads of complaint can be challenging. Immediate face-to-face contact with complainants to agree the heads of complaint would be preferable. Consultation on the new complaints procedure may help to address this.

7.6 Members found the formatting of the report difficult. Director of Strategic Development/Depute Chief Executive to ask Dir Strat Dev/ Depute CE

Version: 3.0	Status: <i>Approved 12.2.15</i>	Date: 08/05/2015
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analysts to look at the formatting.

**7.7** As the number of complaints are increasing there could be a capacity/resource risk. Members decided that this should be flagged as a risk and agreed to have the agenda item, "Identified Risks" as a standing agenda item. Director of Strategic Development/Depute Chief Executive advised that a paper was being prepared for Resources Committee formalising a management structure with permanent national complaints manager and registration manager.

**7.8** 1042 complaint investigations were completed in six months. This is quite a significant number as there tend to be various heads of complaint which can be quite complex.

It was agreed that figure 12 was more helpful than figure 4, so figure 4 can be removed from the paper.

**7.9** 38 complaints were made against the Care Inspectorate, but more than half of these were withdrawn. These were possibly about grading issues. We will continue to investigate complaints against the Care Inspectorate, but if a complainant requests a review it will be carried out by SPSO.

Director of Strategic Development/Depute Chief Executive to email a link to the process to all members.

Dir Strat Dev/  
Depute CE

**7.10** Figure 16 shows a high percentage of complaints about the Care Inspectorate which are taking over 12 days to register. This is because of the length of time taken to agree the heads of complaint. This needs to be looked at in more detail, eg how do we give the provider equality – the procedure is weighed heavily against the provider.

**7.11** It was agreed that the paper would not go to the Board in its present form, but Director of Strategic Development/Depute Chief Executive would feedback to the Board that the Committee has analysed the statistical report and it would be included in the Complaints Committee annual report.

Dir Strat Dev/  
Depute CE

## **8.0 COMPLAINT IMPROVEMENT PLAN**

The 'lessons learned' report has been renamed and a column added for Executive Team response.

Version: 3.0	Status: <i>Approved 12.2.15</i>	Date: 08/05/2015
--------------	---------------------------------	------------------

Director of Strategic Development/Depute Chief Executive advised that the paper went to ET and it was agreed that it would go to ET once a quarter. It was also agreed that it would be on the ET agenda in December. The Plan will be populated by Head of Complaints, Registration & Legal Services before the next meeting of the Complaints Committee in February.

Head of  
Compl, Reg &  
Legal

## 9.0 GOOD GOVERNANCE

- 9.1 Discussion was held around how to collect more qualitative data, for example collecting feedback from complainants re the whole complaints process, possibly speaking to them directly. There may be possible Quality Indicators for the Audit Committee to consider. We also need to look in more depth at the trends.

All

Following on from Paul McFadden's presentation, the Committee could look at closed complaints and SPSO findings in more detail.

It was agreed that the Complaints Improvement Plan needs to be improved. Also that all SPSO decisions would be brought to the next Complaints Committee along with 2 random sample case studies, eg two daycare of children services, to work through in order to get a process agreed.

Head of  
Compl, Reg &  
Legal

## 10.0 SCHEDULE OF COMMITTEE BUSINESS

Members agreed that the Schedule of Committee Business should now only contain headings of the agreed agenda items

- 10.1 There are more meetings of the Committee scheduled than was agreed. This is probably due to a misunderstanding of the nature of the Committee, which used to be a sub-committee reviewing complaints. The meetings should be held quarterly.
- 10.2 The February meeting will look at the statistical report, the Complaints Improvement Plan, review effectiveness of the Committee, report about SCRs and looking at case studies. The time of the Committee is to be extended, lunch ordered and the Members will work through lunch.
- 10.3 The May meeting of the Committee will look at the standing items and agree the content of the annual report to the Board.

Admin  
Assistant

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All

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**10.4** An email is to be sent to Members alerting them that the Complaints Committee in February will be an extended meeting.

Admin  
Assistant

**11.0 AOCB**

None

**12.0 DATE OF NEXT COMMITTEE**

Thursday 12 February 2015, 10.30 am, Room 4, Compass House, Dundee

Signed:

Anne Haddow  
Convener