

## Minutes

**Meeting:** Complaints Committee

**Date:** 1 March 2016

**Time:** 10.30 am

**Venue:** Room 0.24, Compass House, Dundee

**Present:** Anne Haddow, Convener  
Mike Cairns  
Gavin Dayer  
Anne Houston  
Cecil Meiklejohn

**In Attendance:** Rami Okasha, Executive Director of Strategy and Improvement  
Kenny McClure, Head of Legal Services  
Fiona Angus, Committee Support Officer

**Apologies:** Ewan Stewart, Head of Registration, Complaints, and Legal Services

<b>Item</b>	<b>Action</b>
<p>The Convener welcomed everyone to the meeting and offered congratulations on behalf of the Committee to Rami Okasha on his recent appointment to the post of Executive Director of Strategy and Improvement.</p>	
<b>1.0</b>	<b>APOLOGIES FOR ABSENCE</b>
<p>Apologies were received as noted above.</p>	
<b>2.0</b>	<b>DECLARATION OF INTEREST</b>
<p>There were no declarations of interest.</p>	
<b>3.0</b>	<b>MINUTE OF PREVIOUS MEETING HELD ON 1 DECEMBER 2015</b>
<p>The minute of the meeting held on 1 December 2015 was agreed, with the following amendments, with a correction to the date of the next meeting.</p>	

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#### 4.0 ACTION RECORD OF MEETING HELD ON 15 SEPTEMBER 2015

The action record of the meeting held on 1 December 2015 was reviewed.

Members noted that the Internal Audit Review on Complaints was being considered at the Audit Committee meeting on 11 March. The action remained for the Review to be circulated to members following the Audit Committee discussion.

The Statistical Report on Complaints had been revised in light of feedback received from the Committee at its Effectiveness Session on 22 January. The matter was taken under this item, led by the EDoS&I. Members were informed that their request for information on the “other reasons” for withdrawal of complaints had resulted in a random sample being taken of 20 cases, which yielded the following results:

- In six of those cases, the complaint had been in relation to an issue already under investigation by the Care Inspectorate.
- There was duplication of four of the cases, where the same complainant had made contact about the same issue.
- One complaint had been withdrawn and investigated as part of another complaint
- In two cases, the complaint had already been investigated and action taken.
- One further case had been investigated by the local authority with a satisfactory outcome.
- One case had insufficient information but had been passed to an inspector for addressing at the next inspection.
- One complaint had been withdrawn after the member of staff left service.
- In the remainder of the withdrawn complaints, the complainant had either not wished to proceed or the service involved had cancelled their registration.

The sample had shown a diverse range of valid reasons for withdrawals and demonstrated that action was being taken and complaints being handled appropriately. Members commented on the small sample size and suggested that consideration be given to the range of withdrawal categories. There was also concern raised with the duplication of complaints, and members suggested it would be helpful to identify those complaints which were in relation to the same service. There was some discussion on duplication and the need to understand how this was defined, ie the same complaint from the same person and the same complaint from different

people. The EDoS&I explained that the latter scenario would be captured as part of the risk model.

There was also some discussion on terminology, where the term “withdrawn” was being used for complaints that were under investigation. Members agreed that this was misleading and did not clearly describe the status of a complaint. The EDoS&I explained that the new complaints process was developing options to consider this matter.

It was agreed that the issue of complaints duplication would be referred to operational staff to consider what processes could be put in place to ensure over-recording was not taking place.

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## 5.0 MATTERS ARISING

**13.0:** The Committee noted that there would be a presentation to the next meeting of the Policy Committee on new methods of processing and investigating complaints with a view to developing policy. The presentation would take account of the issues that had been raised by the Complaints Committee at its meeting in December 2015.

## STANDING ITEMS

### 6.0 STATISTICAL REPORT ON COMPLAINTS – QUARTER 3 REPORT NO: C-01-2016

A revised template for the quarterly statistical report had been provided, which members agreed was helpful and presented the required information very clearly. The Committee agreed that a more detailed annual report would also be provided which would identify trends.

The EDoS&I outlined the main points in the Quarter 3 report. It was noted that the sharp increase in complaints over previous years had steadied and it was mooted that media activity had perhaps had some effect on this trend.

The majority of complaints had been in relation to care homes for the elderly and this was a consistent pattern over time. It was noted that only 9% of complaints came from care service users themselves.

The quarterly figures showed that very few complaints had been received from young people and members agreed that some improvement might be required in ensuring that young people were aware of their right to complain and the process for doing so.

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There was some discussion on services provided by foster carers and it was noted that the CI did not regulate individual foster carers but the provision of the service by the local authority. Members were concerned with the public perception of this arrangement. It was noted that further work was being undertaken around the regulation of fostering and adoption services. It was reported that, at a recent meeting between the CI and the Scottish Government, the parties had agreed that it would be appropriate to review care service definitions in the legislation so that they supported innovation and were “future-proof”.

It was recommended that service users be properly informed of the CI complaints procedure, in addition to that of the service, and that the information be provided in an accessible format. This would enable clear linkage between the provider and regulator.

Members stressed the need for clarity with regard to the role of the CI in respect of each type of service and that this be fed into the discussion on the new complaints handling process due to take place at the Policy Committee meeting on 9 March 2016.

**Action:** It was agreed that the leaflet “Unhappy about a Care Service” would be circulated to members for comment.

**Action:** It was agreed to include an explanation in the narrative for future reports that showed the reasons for difference in the number of registered complaints about the Care Inspectorate and the number that had been received.

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## 7.0 DETAILS OF SCOTTISH PUBLIC SERVICES OMBUDSMAN (SPSO) ACTIVITY

The EDoS&I updated the Committee on the outcome of the complaint against the Care Inspectorate that had been subject to SPSO investigation.

The Care Inspectorate had provided a written apology to the complainant, and had reviewed its handling of the complaint but had not yet paid the compensation recommended by the SPSO. The Care Inspectorate had written to the Scottish Government regarding the recommended compensation.

## 8.0 SIGNIFICANT/SERIOUS CASE REVIEWS

The EDoS&I reported that there were no serious case reviews. Members agreed to the removal of this as a standing agenda item and that Serious Case Reviews would be reported on an exception basis in future.

## 9.0 COMPLAINTS ABOUT THE CARE INSPECTORATE TRACKER

The EDoS&I presented the Tracker to the members for information.

Members agreed that the future versions of the Tracker should feature information from the current inspection year and that some reformatting was required.

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## 10.0 COMPLAINTS IMPROVEMENT PLAN

The EDoS&I outlined the progress with the plan, noting that the main outstanding items were in relation to a process for investigating complaints against the Care Inspectorate and those for care services. It was intended to introduce a new complaints process in the autumn, dependent on ICT and the new inspection regime.

Particular reference was made to the following points in the Plan:

21. Work was progressing well through the Partnership Forum in determining practical ways to support staff subject to/involvement in a complaint allegation. It was expected that arrangements would be operational early in 2016/17.

3.1. The test of change to trial new complaints outcome letters had been rolled out and members were pleased that this was continuing.

4.2. The findings of the review of the introduction of digital recording were being considered. It was reported that team managers supported the introduction but uptake had been low.

5.1. The gathering of feedback and its use for intelligence purposes in planning inspections would be built into the review of Scrutiny and Improvement.

## 11.0 IDENTIFIED RISKS

Members agreed to include the areas of fostering and adoption care services and clarity with the role of the Care Inspectorate in these areas.

## 12.0 SCHEDULE OF COMMITTEE BUSINESS

Members agreed to remove Serious Case Reviews from Standing Business.

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## **BUSINESS**

### **13.0 ANY OTHER COMPETENT BUSINESS**

There was no other competent business.

### **14.0 DATE OF NEXT MEETING**

The date of the next meeting was noted as 10 May 2016 at 10.30 am, Compass House, Dundee.

Signed:

*Anne Haddow.*

Anne Haddow  
Convener