

Case: 201100995, Social Care and Social Work Improvement Scotland (SCSWIS)

Sector: Scottish Government and devolved administration

Subject: complaints handling

Outcome: not upheld, no recommendations

Summary

Mr C lived in a sheltered housing with support services run by a housing association which is regulated by Social Care and Social Work Improvement Scotland (SCSWIS). He complained to SCSWIS that the housing association had continuously and improperly refused to provide him with full details of allegations made against him by another resident until he received the outcome letter, which he believes deliberately 'framed' him. He said senior managers had displayed serious professional misconduct. SCSWIS told him they had no remit to investigate his complaint about the conclusion and decisions the housing association made.

We found that SCSWIS' responsibilities are set out in the Public Services Reform (Scotland) Act 2010 . The Social Care and Social Work Improvement Scotland (Requirements for Care Services) Regulations 2011 set out the housing association's statutory obligations for the health, welfare and safety of service users. Our reading of both these documents confirmed SCSWIS' view that Mr C's complaint does not fall within their responsibility. Their responsibility is to ensure that the housing association has a procedure by which a person, or someone acting on a person's behalf, may make complaints in relation to the provision of a care service, or about the provision of a care service generally. They can investigate complaints about the complaints procedure but not complaints about any conclusions and decisions made using the procedure. There was, therefore, no responsibility for SCSWIS to investigate Mr C's concerns and so we did not uphold his complaint.