

**Case:** 201100996, 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 provided by a housing association which is regulated by Social Care and Social Work Improvement Scotland (SCSWIS). He complained to SCSWIS that the housing association were seriously failing in their duty of care towards him by reinstating a member of staff, the housekeeper, who he said had been suspended following an earlier complaint made by him. Mr C complained that SCSWIS unreasonably said they had no remit to address his concerns about his safety and wellbeing at the hands of an employee at the complex where he lived.

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 did not fall within their responsibility. SCSWIS' 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 of a contractual nature. There is, therefore, no responsibility for SCSWIS to investigate Mr C's complaint about the decision made by the housing association to reinstate one of their employees.