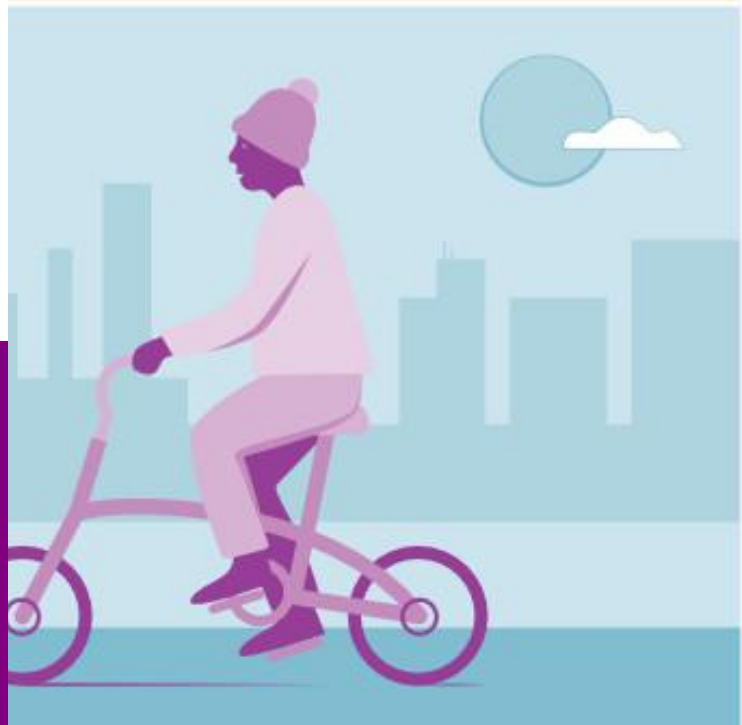




**The Health and  
Social Care  
Alliance  
Scotland  
(the ALLIANCE)**



**Updated SPSO Complaints Handling  
Principles - ALLIANCE response**

**31 January 2025**

## Introduction

The Health and Social Care Alliance Scotland (the ALLIANCE) welcomes the opportunity to respond to the Scottish Public Services Ombudsman's (SPSO) consultation on the updated SPSO Statement of Complaints Handling Principles.

The ALLIANCE has long advocated for changes to complaints systems across health and social care services. We have called for person centred and human rights based approaches to complaints across our work on the National Care Service, and in our responses to the Human Rights Incorporation Bill and the Learning Disabilities, Autism and Neurodivergence (LDAN) Bill<sup>1</sup>.

**The updated SPSO Principles demonstrate a marked and positive shift towards putting people and their human rights at the centre of complaints handling. Principle 1 – Person centred**

### 1. How well do you understand this principle?

Mostly understand.

### 2. If you selected 'Partly understand' or 'Do not understand at all' to the above question, how could this principle be clearer?

By incorporating a person-centred, human rights based and intersectional approach, that is underpinned by the PANEL principles, complaints systems will be tailored around individual rights and needs, encourage engagement and improve accessibility. This has been proven to result in improved satisfaction and outcomes<sup>2</sup>. As people may not be familiar with them, we suggest that the document includes a brief explanation of the PANEL principles (or a link to one).

## Principle 2 – Accessible

### 3. How well do you understand this principle?

Mostly understand



#### **4. If you selected 'Partly understand' or 'Do not understand at all' to the above question, how could this principle be clearer?**

Whilst we agree that the complaints procedure should follow the principle of universal design, we suggest that an explanation of the Principles of Inclusive Communication should also be incorporated within the document.

The SPSO principles should be accompanied by guidance that elaborates on the different types of communication that should be proactively available. For example, any communications should be high quality, accessible and provided in individually tailored formats (e.g. hard copy and digital; face to face; community languages; large print; Braille; Easy Read; BSL; electronic notetakers; captions; Alt text; screen reader friendly; Augmentative and Alternative Communication (AAC)) at every stage of a person's journey through complaints procedures<sup>3</sup>.

The ALLIANCE suggests that SPSO also directs staff and services to use relevant experts – including BSL and language interpreters – at the earliest opportunity to ensure communications and information provision are inclusive for all<sup>4</sup>.

We agree that information on advocacy services should be made easily available, though would recommend this should refer to 'independent advocacy services'. Public services and staff should be trained and fully informed in proactively signposting people to independent advocacy services, making advocacy available as an opt out option, the benefits independent advocates offer, and providing reassurance regarding their independence<sup>5</sup>. This should reflect best practice guidance developed by the Scottish Independent Advocacy Alliance (SIAA)<sup>6</sup>. Such information and guidance should accompany the publication of the updated SPSO complaints handling principles.



### **Principle 3 – Simple and timely**

#### **5. How well do you understand this principle?**

Mostly understand.

#### **6. If you selected ‘Partly understand’ or ‘Do not understand at all’ to the above question, how could this principle be clearer?**

It is extremely positive to see that there are efforts to simplify the complaints system. To provide further clarity and transparency we recommend that people are given guidance at first point of contact on which agency is responsible for which area of complaints, to avoid unnecessary complexity and confusion<sup>7</sup>.

### **Principle 4 – Thorough, proportionate, consistent and effective**

#### **7. How well do you understand this principle?**

Completely understand.

### **Principle 5 – Objective, impartial and fair**

#### **8. How well do you understand this principle?**

Mostly understand.

#### **9. If you selected ‘Partly understand’ or ‘Do not understand at all’ to the above question, how could this principle be clearer?**

As well as impartial, we suggest that complaints handling should endeavour to be non-biased. Training should be systematically incorporated and provided in human rights, equality and diversity and unconscious bias for staff involved in complaints handling at all levels<sup>8</sup>. This would help complaints processes reflect the PANEL principles. For public services to be held accountable, everyone must know their roles and responsibilities concerning complaints. Staff at all levels must be made



aware that they may be subject to scrutiny if required to ensure that lessons are learned, and people receive the services they have a right to.

To act as an exemplar, we recommend that the SPSO principles provide an additional brief explanation or guidance on the Nine Principles of Public Life. In line with these principles, decisions and actions must be made with objectivity and accountability.

## **Principle 6 – Resolution**

### **10. How well do you understand this principle?**

Mostly understand.

### **11. If you selected ‘Partly understand’ or ‘Do not understand at all’ to the above question, how could this principle be clearer?**

In our research, we have been told by members and people with lived experience that breaches do not appear to have any recourse for the duty bearer and that services seem to be reticent about making an apology for an error, even though it would often offer a resolution for the complainant<sup>9</sup>.

The ALLIANCE recommends a separate point is added relating to reviews and appeals. If a person disagrees with the decision made, they must have the right to an appeal and, people must know and be notified of their right to appeal and provided support and guidance on their options and potential outcomes.

If a complainant’s ideal resolution is not achieved or the issue cannot be changed, services should understand that it is still necessary to give people feedback on the complaint journey and the reasons for the outcome. Such feedback could then be used as a catalyst or organisational evidence for wider change.



## Principle 7 – Learn and improve

### 12. How well do you understand this principle?

Mostly understand.

### 13. If you selected 'Partly understand' or 'Do not understand at all' to the above question, how could this principle be clearer?

Data gathered from complaints handling should be intersectional. This will prevent either groups of people being excluded from complaining or their outcomes being missed<sup>10</sup>. Guidance and training on collecting this kind of data, and the benefits of doing so, must be promoted by SPSO.

Public service leaders and decision makers must create and promote a culture that values complaints, acts and learns from them. Staff should be trained to view complaints positively and as a way to adhere to quality standards.

The ALLIANCE recommends that the SPSO principles empowers services and staff to meaningfully co-produce any feedback, complaints and redress system with relevant stakeholders, including people who access public services, unpaid carers, and independent advocacy, advice and legal services<sup>11</sup>.

## About the ALLIANCE

The Health and Social Care Alliance Scotland (the ALLIANCE) is the national third sector intermediary for health and social care, bringing together a diverse range of people and organisations who share our vision, which is a Scotland where everyone has a strong voice and enjoys their right to live well with dignity and respect.

We are a strategic partner of the Scottish Government and have close working relationships with many NHS Boards, academic institutions and key organisations spanning health, social care, housing and digital technology.



Our purpose is to improve the wellbeing of people and communities across Scotland. We bring together the expertise of people with lived experience, the third sector, and organisations across health and social care to inform policy, practice and service delivery. Together our voice is stronger and we use it to make meaningful change at the local and national level.

The ALLIANCE has a strong and diverse membership of over 3,700 organisations and individuals. Our broad range of programmes and activities deliver support, research and policy development, digital innovation and knowledge sharing. We manage funding and spotlight innovative projects; working with our members and partners to ensure lived experience and third sector expertise is listened to and acted upon by informing national policy and campaigns, and putting people at the centre of designing support and services.

### We aim to:

- Ensure disabled people, people with long term conditions and unpaid carers voices, expertise and rights drive policy and sit at the heart of design, delivery and improvement of support and services.
- Support transformational change that works with individual and community assets, helping people to live well, supporting human rights, self management, co-production and independent living.
- Champion and support the third sector as a vital strategic and delivery partner, and foster cross-sector understanding and partnership.

### Contact

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- <sup>1</sup> Health and Social Care Alliance Scotland (the ALLIANCE), *Response to National Care Service (Scotland) Bill (Stage 2) Call for Views*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/resources/national-care-service-bill-stage-2-call-for-views-alliance-response/>; Health and Social Care Alliance Scotland (the ALLIANCE), *Consultation response: A National Care Service for Scotland*, (2021) available at: <https://www.alliance-scotland.org.uk/blog/news/the-alliance-calls-for-national-care-service-to-be-investment-of-citizenship/>; Health and Social Care Alliance Scotland (the ALLIANCE), *Learning Disabilities, Autism and Neurodivergence (LDAN) Bill Consultation Response*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/resources/national-care-service-bill-stage-2-call-for-views-alliance-response/>; Health and Social Care Alliance Scotland (the ALLIANCE), *A Human Rights Bill for Scotland*, (2023) available at: <https://www.alliance-scotland.org.uk/blog/resources/national-care-service-bill-stage-2-call-for-views-alliance-response/>.
- <sup>2</sup> Scottish Human Rights Commission, *A Human Rights Based Approach: For Ombudsman Schemes*, (2018) available at: <https://www.equalityhumanrights.com/guidance/human-rights-based-approach-ombudsman-schemes>; Scottish Human Rights Commission, *Human Rights Based Approach*, available at: <https://www.scottishhumanrights.com/projects-and-programmes/human-rights-based-approach/>.
- <sup>3</sup> Scottish Government, *Principles of Inclusive Communication: An information and self-assessment tool for public authorities*, (2011) available at: <https://www.gov.scot/publications/principles-inclusive-communication-information-self-assessment-tool-public-authorities/pages/9/>; Community Languages are languages spoken by members of minority groups or communities within a majority language context. Examples in Scotland include: Arabic, Hebrew, Hindu, Makaton, Punjabi, Polish, Urdu; The Health and Social Care Alliance (The ALLIANCE), *My Support My Choice - People with Learning Disabilities' Experiences of Self-directed Support and Social Care in Scotland - Thematic Report*, (2020) available at: <https://www.alliance-scotland.org.uk/blog/resources/my-support-mychoice-peoples-experiences-of-self-directed-support-and-social-care-inscotland-reports/>.
- <sup>4</sup> Scottish Government, *Principles of Inclusive Communication: An information and self-assessment tool for public authorities*, (2011) available at: <https://www.gov.scot/publications/principles-inclusive-communication-information-self-assessment-tool-public-authorities/pages/9/>.
- <sup>5</sup> Health and Social Care Alliance (the ALLIANCE), *Adults with Incapacity Amendment Act – ALLIANCE response*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/news/alliance-response-adults-with-incapacity-awi-amendment-act/>.
- <sup>6</sup> Scottish Independent Advocacy Alliance (SIAA), *Guide to Independent Advocacy for Public Services*, (2023) available at: <https://www.siaa.org.uk/information-hub/guide-to-independent-advocacy-for-service-providers/>; Scottish Independent Advocacy Alliance (SIAA), *Independent Advocacy Principles, Standards & Code of Best Practice*, (2019) available at: [Independent Advocacy Principles, Standards & Code of Best Practice - Scottish Independent Advocacy Alliance](https://www.siaa.org.uk/information-hub/guide-to-independent-advocacy-for-service-providers/).
- <sup>7</sup> Oxley, H., Health and Social Care Alliance Scotland (the ALLIANCE) and the Health and Social Care Academy, *Investigating knowledge and understanding of the right to health*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/news/new-report-investigating-knowledge-and-understanding-of-the-right-to-health/>.
- <sup>8</sup> Health and Social Care Alliance Scotland (the ALLIANCE) and Self Directed Support Scotland, *My Support, My Choice: People's Experiences of Self-directed Support and Social Care in Scotland* (2020) available at: <https://www.alliance-scotland.org.uk/policy-and-research/research/my-support-my-choice/>.
- <sup>8</sup> Standards Commission for Scotland, *Key Principles of Public Life*, (2024) available at: <https://www.standardscommissionscotland.org.uk/about-us/news/key-principles-of-public-life>.
- <sup>9</sup> Oxley, H., Health and Social Care Alliance Scotland (the ALLIANCE) and the Health and Social Care Academy, *Investigating knowledge and understanding of the right to health*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/news/new-report-investigating-knowledge-and-understanding-of-the-right-to-health/>.



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<sup>10</sup> Oxley, H., Health and Social Care Alliance Scotland (the ALLIANCE) and the Health and Social Care Academy, *Investigating knowledge and understanding of the right to health*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/news/new-report-investigating-knowledge-and-understanding-of-the-right-to-health/>.

<sup>11</sup> Health and Social Care Alliance Scotland (the ALLIANCE), *Response to National Care Service (Scotland) Bill (Stage 2) Call for Views*, (2024) available at: <https://www.alliance-scotland.org.uk/blog/resources/national-care-service-bill-stage-2-call-for-views-alliance-response/>.

