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RCN Response to Scottish Government consultation on complaints concerning functions relating to the Named Person and child's plan

The Royal College of Nursing (RCN) Scotland is a professional body and trade union for nurses and health care support workers, with around 39,000 members in Scotland. We welcome the opportunity to respond to this consultation.

We understand and support the Scottish Government's intention to make the complaints process as straightforward as possible from the point of view of the child or parent making the complaint. However there are some issues and unintended consequences about the government's preferred option 2 that need to be considered. If it is not possible to resolve these, our preference would be for option 1. Our points to be considered, about option 2 and about the complaints process in general, are as follows:

- Option 2, as proposed, could lead to a scenario where a health board would have to co-ordinate and investigate a complaint relating only to the quality of a social work service delivered as a targeted intervention under the child's plan, or vice versa. This is clearly impractical and could mean the complaint is not investigated fairly or thoroughly. In addition, as the current procedures for handling a complaint are different between NHS Scotland and social work, a complaint made about a health service delivered under the child's plan could be handled under social work's complaints procedures. This would be inconsistent with how other health service complaints are handled.
- There should be an additional step in any complaints process decided on to assess whether the complaint only relates to the delivery of a single service, and if so the complaint should be directed to that relevant body.
- The complaints co-ordinator role would need to be someone sufficiently senior with the understanding and oversight required to assess whether the issue should be considered as a complaint under the relevant section of the Act; to assess which agencies it relates to and to oversee the necessary co-ordination between them. A panel of people may be more appropriate for complex cases.

- Under option 2, the ministerial order would need to make clear the interaction and collaboration expected from the different authorities, as currently one authority does not have any enforcement powers over another. This would need to cover providing information in response to a complaint, the grounds that information can be given or refused as well as the collaboration between bodies in order to resolve complaints.
- Under both the options, but especially option 2, it is not clear what would happen if there was disagreement between different bodies over the response to a particular complaint. This is particularly relevant as some of the complaints are likely to relate to the co-ordination and communication (or lack thereof) between different bodies. There would need to be a clear process for resolving and escalating disputes. It also raises questions about who would be the most appropriate body to investigate a multi-agency complaint, where there are likely to be disagreements between bodies.
- As the consultation document acknowledges, the Scottish Public Service Ombudsman (SPSO) does not have a remit across all the bodies that a complaint about the Named Person or child's plan may relate to, including independent and grant aided schools and, importantly, integration joint boards. Under option 2, there could be a scenario where a complaint concerning the performance of an NHS service delivered as a targeted intervention under a child's plan may be handled by an independent or grant aided school. If a child or parent was not content about how the complaint was handled, would they be able to escalate it to the SPSO service because it directly concerns the NHS, where the SPSO has jurisdiction, or would this be outside the SPSO's remit? We suggest there is further consultation with SPSO about this, so any process is clear for children and parents.
- There should be greater consideration of how any agreed complaints procedure will co-ordinate with the complaints procedure of integration joint boards, given a significant proportion of partnerships will have been delegated responsibility for children's services.

If you would like to discuss any of the points we have raised in this response in more detail, please contact Helen Malo, Policy Officer: helen.malo@rcn.org.uk.

Yours sincerely,



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