

## **Making a complaint about a registered social service worker**

### **The Scottish Social Services Council**

The Scottish Social Services Council (SSSC) was set up in 2001 to protect the public and to raise standards in social services.

### **What can you expect from social service workers?**

The SSSC has issued a Code of Practice which set out the standards of conduct that social service workers are required to meet.

Social service workers must:

- protect the rights and promote the interests of service users and carers
- strive to establish and maintain the trust and confidence of service users and carers
- promote the independence of service users while protecting them as far as possible from danger or harm
- respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people
- uphold public trust and confidence in social services
- be accountable for the quality of their work and take responsibility for maintaining and improving their knowledge and skills.

The Codes of Practice for Social Service Workers and Employers of Social Service Workers are available on our website [www.sssc.uk.com](http://www.sssc.uk.com) or by telephoning 0845 60 30 891.

We recognise that social service workers often have to make difficult decisions that not everyone will agree with and have to work within the resources available to them. They are trained to make these decisions using their knowledge, skills and experience and taking proper consideration of the particular circumstances of each case. They often work with and make decisions with other professionals such as doctors, health visitors and police officers and make recommendations, for example, to assist a Sheriff to decide which parent/carer a child should live with.

### **Registered social service workers**

The SSSC is responsible for maintaining a register of social service workers. Registration is being phased in so it will take time to register all relevant workers.

As part of the registration process social service applicants have to agree to adhere to the SSSC Code of Practice for Social Service Workers. The SSSC will investigate complaints about the way in which registered workers have conducted themselves if they have fallen short of the standards laid down by the Code and their alleged behaviour might affect their continued suitability for registration. If you are not sure whether a worker is registered please check the SSSC website, [www.sssc.uk.com](http://www.sssc.uk.com) or call 0845 60 30 891.

## The role of the SSSC in dealing with complaints

The SSSC can consider:

- complaints that are about a social service worker who is registered with the SSSC
- complaints that are about that worker's conduct and that call into question their suitability to be on the register.

However, we would advise that complaints about social service workers are usually most appropriately dealt with at a local level by the employer of the registered worker or by a university in the case of a social work student. Employers of social service workers have a responsibility to manage the work of their staff and to investigate any complaints about their practice. Employers can decide that decisions about practice matters should be changed in appropriate circumstances or that more work is required in order that the needs and views of a user of the social services they provide are more fully understood and addressed. If you are not happy about the service you have received or about decisions or recommendations that social service workers have made about you or people close to you the worker's employer is best placed to consider your concerns and take any necessary action to address them.

It is important to point out that the SSSC cannot intervene in a social work case and cannot change decisions or recommendations that social service workers have made using their professional judgement or overturn decisions made by a court or any other hearing. The SSSC does not manage the performance of registered workers, it cannot ask them to change their minds about practice decisions they have made or require them to take particular action in relation to a case.

We recognise that making complaints can be difficult and at times frustrating if you find that the body you are making the complaint to is not able to take the action you think is necessary. Therefore, we would like to be clear that we cannot consider:

- complaints about services or resources, e.g. we cannot change the amount of care that someone receives
- complaints about organisations
- complaints about workers who are not registered with us but we provide information about who could help you with your complaint
- complaints which are about not liking the worker or their decisions unless there is an allegation of behaviour which affects an individual's suitability to be on the register

That is why we advise people wishing to complain about the practice of a social service worker to first think about using a relevant employer's complaints procedure or university's complaints procedure. If you are unsure whether or not your concern, or the information you have, is something the SSSC could consider, please contact us and we will be pleased to discuss it with you.

The SSSC's responsibility is to take action if it considers that a registered worker has done something, or failed to do something that calls into question their continued suitability for registration.

Once you have made a complaint to the SSSC we will carefully consider the issues you have raised and make decisions about how to proceed in relation to your complaint. We may ask for further information from you but we will not contact you after acknowledging your complaint form unless we need further information. In particular, please note:

- We prioritise our handling of complaints according to the risk that the alleged conduct could present
- We will not normally enter into correspondence with you about how our investigation is progressing but we may ask you for more information or to clarify matters
- We will not issue findings to complainants on particular allegations made by them. That is not our role. Our focus is to ensure that people who are on the register are safe to practise as social service workers
- It is for employers to consider matters of a worker's performance or how they as a worker exercised their professional judgement. We only take action in such matters if we consider they could amount to unsafe practice
- At the conclusion of our proceedings we will tell you whether or not the individual will remain on our register but we will not enter into discussion with you about the detail of our investigation or about the detail of how we reached our decision
- If a case goes to a Conduct Sub-committee we will let you know that is happening and we may ask you to make a statement and be a witness at the hearing. We will let you know if a finding of misconduct is made in relation to the worker and what sanction has been imposed.

### **Making a complaint**

As we have explained complaints are usually most effectively dealt with at a local level by the employer of the registered worker or university in the case of a social work student. That is why we advise that a relevant employer's complaints procedure is used in the first instance. If an employer or university is already investigating your complaint we will normally wait until their investigation is complete, and any subsequent action has been taken, before investigating further. If you are unhappy about how a public sector employer has investigated your complaint you may raise this with:

The Scottish Public Services Ombudsman,  
Freepost EH 641,  
Edinburgh  
EH3 OBR  
Telephone 0800 377 7330.

Likewise if the registrant is already the subject of an enquiry by certain bodies, such as the police, we may defer investigation of your complaint until the enquiry is completed.

## Completing the complaint form

We can only take a complaint forward if there is enough evidence that the alleged events took place and that they could affect the worker's suitability for registration. That is why we ask you to complete the enclosed form. Please complete all sections giving as much information as possible. Please contact us on 0845 60 30 891 if you require any assistance in completing the form or if you would like to request this document in another format or language.

We also ask that you complete the Equal Opportunities Questionnaire which ensures that we can check that we are dealing fairly with all complaints. The questionnaire will be separated from the form when we receive it and will not affect the investigation or outcome of your complaint.

## Action we can take against a registered social service worker

If a social service worker is found guilty of misconduct the SSSC can take the following action:

- issue an admonishment – this is a warning that is kept on the worker's record for a period of up to five years
- place conditions on the worker's registration e.g. require them to complete specific training
- suspend the worker from the register for up to two years
- remove the worker from the register.

If you are not satisfied with the way in which we have handled your complaint you may raise that with the Scottish Public Services Ombudsman at the same address as above.

## Definitions of terms used in the Scottish Social Services Council (SSSC) Complaint form

**The register:** the list of social service workers who have satisfied the SSSC of their good character, conduct and competence, have undergone an Enhanced Disclosure Scotland check (except applicants who are applying from outside the UK who are covered by separate legislation) and have gained, or are working towards gaining, a relevant qualification for the work they are undertaking.

**Registered worker:** a person registered in the register and includes a student participating in a course approved by the Scottish Social Services Council for those wishing to become social workers

**Employer:** an employer of a social service worker, including a university providing an approved social work course and an employer providing a practice placement to a registered social work student

**Complaint:** for information to amount to a complaint in terms of the Scottish Social Services Council (Conduct) Rules 2008 which govern our activities, it must relate to an identifiable registered worker and make a specific allegation (or allegations) of misconduct against that worker

**Misconduct:** means “conduct, whether by act or omission, which falls short of the conduct expected of a person registered with the Scottish Social Services Council having particular regard to the Code of Practice for Social Service Workers issued by the Council under section 53 of the Regulation of Care (Scotland) Act 2001 and the Scottish Social Services Council (Registration) Rules 2008 as amended from time to time”

**Please keep these notes for your records.**

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