



## **Office of Scottish Charity Regulator: targeted regulation consultation**

### **CCPS Response – October 2014**

CCPS is the Coalition of Care and Support Providers in Scotland. Our mission is to identify, represent, promote and safeguard the interests of third sector and not-for-profit social care and support providers in Scotland, so that they can maximise the impact they have on meeting social need.

CCPS membership comprises over 70 of the most substantial care and support providers in Scotland's third sector, providing high quality support in the areas of community care for adults with disabilities and for older people, youth and criminal justice, addictions, homelessness, and children's services and family support. All our members provide services registered with the Care Inspectorate and are covered by the existing national care standards.

#### **Introduction**

CCPS welcomes the opportunity to comment on OSCR's review of its reporting requirements. Being a representative body for third sector care and support providers, we have focused our response on the questions on serious incident reporting, which will have a particular impact on our membership. Individual CCPS members will be submitting their own responses covering this and other proposals in the consultation.

#### **Question 13: Do you think the Scottish Charity Regulator should introduce Serious Incident Reporting?**

#### **Question 14: Are there any further serious incidents that should be included in the list outlined?**

**Duplication:** The proposal to introduce a serious incident reporting regime raises a number of issues and questions for care and support providers. One of the principal concerns is about duplication of reporting. Providers are already subject to a number of other regimes which require them to report similar types of information to other regulators and funders. In particular, the Care Inspectorate requires detailed recordkeeping and [notification for all registered care services](#).

We question to what extent the serious incident reporting requirement would be able to add any further value, achieve the goal of increased confidence in charities, or be an efficient use of OSCR's resources, where another regulator is already

charged with oversight, including in relation to most, if not all, of the serious incidents listed in the consultation paper.

It is also unclear from the consultation what the arrangements would be between OSCR and any other regulator that had been notified and presumably would also have a duty to investigate a serious incident. At the very least, it would be necessary to have a range of protocols between different regulators to avoid duplication and conflicting actions or instructions to the charity in question.

**Information handling:** We have concerns about what OSCR will do with the information provided in a serious incident report. Are there plans to publish this information? And if so, where would they be published, what details would be published and how would OSCR keep the information current?

**What constitutes a serious incident?:** Of the 9 areas, the eighth one is of particular relevance for care and support providers: '*suspensions, allegations and incidents of abuse or mistreatment of vulnerable beneficiaries*'. Defining the scope of this area could be especially challenging. Suspensions and allegations could cover a wide range of circumstances. Would they include all complaints made to the charity about the quality of care and support provided? And at what point do they become formalised enough to be considered reported? For example, would something said on twitter be considered to be a suspicion or allegation for the purposes of the OSCR requirements? Or, at what point does a complaint become an allegation of abuse or mistreatment? Some complaints will clearly fall within and some outwith, but there is likely to be a grey area in the middle that will require individual judgement and detailed guidance from OSCR.

In conclusion, we do not see the benefit of introducing serious incident reporting in the manner proposed. However, several members have suggested that they would welcome OSCR guidance on serious incidents. In addition, there is some support for the idea of including a statement in the annual return that either there have been no serious incidents, or that the board has dealt with any serious incidents in an appropriate manner. This, in conjunction with guidance, would support and reinforce the duty of charity trustees as guardians of the charity and its assets, and would avoid any duplication of regulation.

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