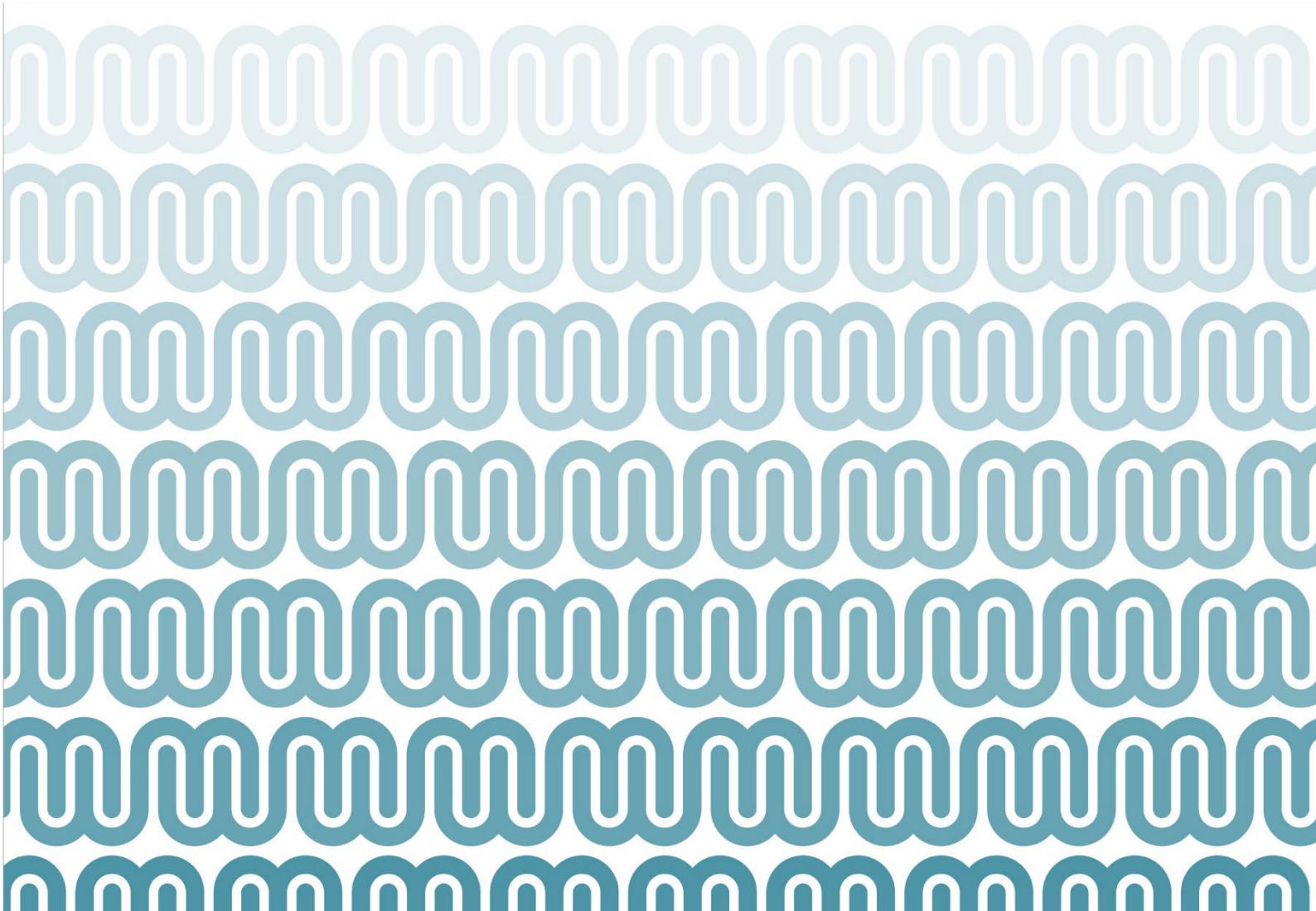
mental welfare commission for scotland

Complaints handling performance report 2025-26

Report

October 2026



Our mission and purpose

Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

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1. Purpose

To provide a summary of complaints received and responded to by the Mental Welfare Commission for Scotland (the Commission) during the period 1 April 2025 to 31 March 2026 and their outcomes, including any key learning points for service improvement within the Commission.

2. Reporting complaints

In accordance with the powers and duties given to the Scottish Public Services Ombudsman (SPSO) under the Scottish Public Services Ombudsman Act 2002 (the Act), the Commission adopted the SPSO's Model Complaints Handling Procedure (MCHP), which standardises and streamlines complaints handling procedures for the public sector in Scotland.

This annual report covers information on our complaints activity for 2025-26. A summary of this report is published on our website to ensure transparency in the Commission's handling of complaints and to demonstrate to our customers that complaints do influence changes and improvement to our service.

3. Executive summary report

The Commission adopted the SPSO's model complaints handling procedure (MCHP) in 2014. The SPSO introduced some changes in 2020 that were implemented by the Commission in 2021. Compliance with the model MCHP is a statutory requirement under the Act.

The process consists of 3 stages:

1. Front line response (stage 1) – five working days to respond
2. Investigation (stage 2) – 20 working days to respond
3. External review (stage 3) - where a referral is made to the SPSO

Extensions to the above timescale maybe granted – for example where the case has a degree of complexity or seriousness. We always agree any extension with the complainant.

There are four outcome categories to be reported against:

- upheld (where the organisation is at fault);
- not upheld (where the organisation is not at fault);
- partially upheld (where some complaints are upheld and others are not); and
- resolved.

Statistical information about the number and percentage of complaints closed in full within the set timescale of five (Stage 1) and 20 (Stage 2) working days are reported to the Executive Leadership Team on a quarterly basis.

4. Key information – SPSO indicators

Indicator 1: Total number of complaints received

This is the sum of the number of complaints received at Stage 1 (this includes escalated complaints, as they were first received at Stage 1), and the number of complaints received directly at Stage 2. Complaints KPIs for MCHPs (section 30)

In 2025-26, we received **16 concerns** about the service provided by the Commission that were processed following the complaints handling procedure. Where complainants are dissatisfied with frontline responses, they can request that the complaint be escalated to the investigation stage (stage 2). Complaints escalated are recorded only once in numbers received (KPI1), but responses issued at each stage are recorded individually.

Indicator 2: the number and percentage of complaints at each stage that were closed in full within the set timescales of five and 20 working days

The number of complaints closed in full at stage 1, stage 2 and after escalation within MCHP timescales as % of all stage 1, stage 2 and escalated complaints responded to in full.

	Number	Percentage on time
Stage 1 – front line response (5 days) Total number of complaints considered at stage 1	10	100%
Stage 2- escalated complaints (20 days) Total number of complaints escalated to stage 2 after a stage 1 (	3	100%
Stage 2 – straight to stage 2 Total number of complaints responded	6	83%

Only one complaint received a delayed response, due to an internal delay in the complaint being forwarded to the relevant team.

Indicator 3: The average time in working days for full response to complaint at each stage

	Working days
Stage 1 (target 5 working days)	2.7
Stage 2 after an unsuccessful stage 1 (target +20 working days)	19
Straight to stage 2 (target 20 working days)	20.6

Indicator 4: The outcome of complaints at each stage

Stage 1- outcomes total complaints considered at stage 1		**10**
Stage 1 complaints upheld	0	0%
Stage 1 complaints partially upheld	0	0%
Stage 1 complaints resolved	4	40%
Stage 1 complaints not upheld	6	60%
Stage 2 – outcomes complaints considered at stage 2 after the stage 1		**3**
Stage 2 complaints upheld	0	0%
Stage 2 complaints partially upheld	1	33%
Stage 2 complaints resolved	0	0%
Stage 2 complaints not upheld	2	67%
Stage 2 – outcomes complaints straight to stage 2		**6**
Stage 2 complaints upheld	0	0%
Stage 2 complaints partially upheld	2	33%
Stage 2 complaints resolved	0	0%
Stage 2 complaints not upheld	4	66%

5. Continuous improvement

The Commission seeks to learn and improve as a result of the complaints we receive. This year, we acknowledged a few actions that could improve how we deliver our service, including:

- Practitioners were reminded to follow up queries robustly to ensure we are satisfied that health and social work services are doing all we expect of them with regards to exercising their duties and responsibilities to those in their care and, in particular, to those subject to any of the three Acts.
- Advise practitioners on how to manage user expectations on what the Commission can and cannot do in relation to the appropriateness / legality / adequacy (or otherwise) of a mental health detention,

Improvements in our complaints process

We have published on our website an accessible complaints leaflet for children and young people, based on the SPSO's guidance for the implementation of the UN Convention on the Rights of the Child (UNCRC) within the existing procedure.

Our complaints procedure is available for all staff on the intranet. A training was provided to all front-line staff in August.

6. Ombudsman complaints (Stage 3)

This financial year we were notified of one complaint escalated to stage 3 (SPSO). The SPSO did not consider there were grounds for further action or investigation.