

What happens when you bring your complaint to the SPSO

We provide a free, independent and impartial service for handling complaints about public services in Scotland. We deal with complaints after they have completed the complaints procedure of the organisation that delivered the service. These include:

Councils • the National Health Service
Housing Associations • the Scottish Government
the Scottish Parliamentary Corporate Body
Colleges and Universities • Scottish Public Authorities

This leaflet explains how we look into complaints.



When we receive your complaint...

Our Advice and Early Resolution Team will first check that your complaint is about an organisation and a subject that we can look at. We'll also check that the organisation has been given a chance to sort out the issue.

Sometimes we need more information to decide if your complaint is one that we can consider further.

There are a number of things that may prevent us from doing so, such as:

- Time limits for making a complaint
- Rights of appeal to tribunals and the courts
- If the complaint is about employment and personnel matters
- If the complaint is about contractual matters

If it is clear that we can't take on your complaint we will explain why and give you advice on what you can do next. Wherever possible we will try to find another organisation that may be able to help you.

If you have any questions about whether or not we may be able to look into your complaint, please call our **Advice line freephone 0800 377 7330**

Resolving your complaint as early as possible

It is in everyone's interests for things to be sorted out quickly and as close to the problem as possible. Where appropriate, a complaints reviewer will explore the opportunities for your complaint to be resolved early by discussing possible solutions with you and the organisation involved.

If early resolution has not been possible and so long as your complaint is one we can look at, it will be passed to our Investigation Team.

Advice line freephone: **0800 377 7330**

**Complaint arrives
at SPSO**



**Is the organisation complained about
one that the SPSO can look at?**

NO
→



YES

**Is the subject of the complaint one
that the SPSO can look at?**

NO
→



YES

**Has the complaint completed the
full formal complaints process of the
organisation concerned?**

NO
→



YES

Passed to a complaints reviewer

**Advice and
support:
call us on
freephone
0800 377 7330**

What happens next?

A complaints reviewer will agree with you what your complaint is about and confirm what would put matters right for you. Please bear in mind there are things we cannot do, such as getting someone fired. In looking at your complaint, the reviewer's job is to be impartial and take into account both sides of the story. To do this they will collect and consider evidence. They may do this by:

- examining your complaints correspondence, in particular your letter to the organisation you are complaining about and their final response to you
- speaking to you and the organisation you are complaining about
- seeking written answers to questions
- getting copies of documents (such as medical records)
- taking expert advice where necessary
- interviews

In most cases we will tell you our findings and conclusions in what we call a decision letter. In some cases we will send a report of the investigation to the Scottish Parliament.



Service Standards

We aim to carry out our work in line with our Service Standards. You can read about these in our Service Standards leaflet, which also explains what to do if you are unhappy with our service.

Our decisions

Our information leaflet 'Your Complaint, Our Decision' explains how we reach our casework decisions and the limited circumstances under which you may ask for a review of our decision.

Decision letter

A decision letter sets out the background to the complaint, the evidence that the reviewer has gathered and their analysis and conclusions. It is a letter from the reviewer to you, although we also let the organisation you have complained about know about your complaint and the conclusion we have reached. We may copy the letter to them.

We will usually issue a decision letter if:

- the organisation accept there were failings, apologise and take action to prevent the problem from happening again
- from the evidence, it appears that the organisation did not do anything wrong (to use formal language, there is no evidence of 'maladministration or service failure' by the organisation)
- The Ombudsman has decided that the substance of the complaint and our decision on it do not raise public interest considerations.

Some details and the outcome of your complaint may be used to inform others about our work and may, as a result, be published on our website. This means that the media have access to the decisions and may publicise them. The information that we publish may name the organisation involved but not the person who made the complaint. It will not name anyone else, unless there are very good reasons for doing so. As far as possible the information that we publish will not include details that might allow any individual to be identified.

Report to Parliament

In some cases, we will send a report of the investigation to the Scottish Parliament. The law says that we must send these reports to Ministers in the Scottish Government as well.

Before the final report is published, we will send you and the organisation a draft of the report, to give you both a chance to highlight any factual inaccuracies. Any information received will be considered carefully but it is for us to interpret the facts and the available evidence and come to a judgement.

Any report that is sent to the Parliament becomes a public document. This means that the media has access to it and may publicise it. A report will name the organisation involved but not the person who made the complaint. It will not name anyone else, unless there are very good reasons for doing so, and as far as possible the report will not include information that might allow any individual to be identified.

Once the report has been laid before the Parliament, it cannot be altered. The only way to challenge our decision is by using judicial review proceedings. Judicial review is a form of court proceeding where a judge reviews whether a decision or action by a public body is lawful. You may want to take legal advice before deciding whether this is appropriate in your case.

You can find copies of our reports on our website www.spsso.org.uk.

Making a Difference

Putting things right

Where we find fault, as well as putting things right for the individual person, we want to try to prevent the same thing happening to someone else. This is why some of our decision letters and reports have recommendations. These could include asking the organisation to:

- apologise
- change their procedures
- return the situation to how it would have been had they acted correctly in the first instance

The complaints reviewer will follow up with the organisation to make sure that any recommendations made have been carried out.

Sharing the Learning

To help widen the impact of our work, we publish a regular Commentary. We use the Commentary to highlight specific issues that have arisen in the complaints that the public bring us. Commentaries are sent to hundreds of people throughout Scotland and beyond, including organisations that provide public services, MSPs, government departments, advocacy groups, and the press. By sharing learning in this way we aim to improve how public services in Scotland are delivered.

You can find copies of our Commentaries on our website: www.spso.org.uk.



For further information please contact:

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Fax **0800 377 7331**

Text **0790 049 4372**

Web **www.spsso.org.uk**

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We can give you this leaflet in other languages and formats (such as large print or Braille) if you ask.