

What we do when we get your complaint.

The SPSO is the final stage for complaints about prisons, the NHS and other organisations providing services in prisons. We look at complaints after you have gone through their complaints procedure to try to sort things out first.

This leaflet tells you what happens when we get your complaint. It tells you what we do and what you can expect from us.

If you need this information in another format, such as large font or a different language, please call our advice team on **Freephone 0800 377 7330**.

Our process

First Check

We will first check that your complaint:

- is about a subject and organisation that we can look at
- has gone through the right complaint process
- has arrived at our office within 12 months of when the issues in your complaint happened
- has enough detail and paperwork for us to get to work on it.

Unless there are special circumstances, we won't look at:

- issues that happened more than a year ago
- issues that we have already dealt with, if you don't have any new information.

It's our job to check there are proper procedures in place and to decide whether they have been followed in the right way.

We can't look at complaints about:

- the punishment you received in a disciplinary hearing
- your conviction or decisions about parole or life licence
- cases where there are legal proceedings going on.

If we think that we can look at your complaint, we will try to deal with it as quickly as possible. If it is clear that we can't look at your complaint, we will tell you why and what you can do next. If we can, we will try to find another organisation that might help you.

If you have any questions about whether we can look into your complaint, please phone us.

SPSO advice line **0800 377 7330**

Understanding and investigating your complaint

If your complaint is one that we can look at, we will write to you with a complaint reference number. A complaints reviewer will contact you within two weeks and you can also phone us for an update at any time. Please use the reference number we gave you when you contact us.

A complaints reviewer will agree with you what your complaint is about, make enquiries with the organisation you complained about and find out if anything can be done to put things right. We will keep your complaint private and only tell the people who need to know about it. When looking at your complaint we want to find out:

- what happened
- what should have happened
- why you are complaining
- why you feel it is still not resolved after complaining
- what would put things right for you.

Complaints reviewers look into all complaints to SPSO. It is their job to be impartial, and take into account both sides of the story. To do this, they will collect and look at evidence from you and the organisation you have complained about. This may involve

- looking at your complaint paperwork such as your complaint form or letters
- talking to you and the organisation you complained about
- getting answers to questions
- getting copies of documents; and
- taking expert advice if they need to.

All prisoners have free and confidential access to our phone number.

Please note, all calls to SPSO are 'privileged'. This means that they are not listened to or recorded by the prison.

What we can and cannot do

If we find a problem, as well as putting things right for you, we want to make sure the same thing doesn't happen to someone else. This is why we sometimes make recommendations after looking into a complaint. If we make recommendations, we will check to make sure the prison, NHS, or other organisation carries these out.

Here are some examples of what we might ask the prison, the NHS or other organisation do to put things right for you:

- apologise to you
- change how they do things
- make sure they deal with complaints properly.

Please note that there are some things we can't do such as getting compensation or getting someone fired.

If you leave prison and we are still dealing with your complaint

If you leave prison before we have finished dealing with your complaint, please tell us what you want to do with it. If you want us to carry on looking into it, you must tell us your new address and phone number so we can contact you. Without this information we cannot continue looking at your complaint.



How we tell you what we've found

When we finish looking into your complaint we will tell you and the organisation complained about what we've found in a decision letter or an investigation report.



Decision Letter

A decision letter gives background information about the complaint, the information that the complaints reviewer has looked at and what they have decided. It is a letter from the reviewer to you, although we also let the prison, NHS or other organisation know about your complaint and what we have decided. We normally do this by sending a copy of the letter to them.

We will usually provide a decision letter if:

- the prison, the NHS or organisation accept that you had good reason to complain, apologise and take action to make sure the problem doesn't happen again;
- the prison, NHS or other organisation did not do anything wrong; or
- the Ombudsman has decided that the complaint does not need to be reported in full to the Scottish Parliament.

We publish a monthly report of decision letters on our website, after laying the report before the Parliament.



Investigation Report

Sometimes, we may 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. Before we publish the final report, we will send you and the organisation you complained about a draft version, to give you both a chance to point out any facts that are wrong. We will consider any information we get carefully but we will make the final decision about the report.

Once we have sent the report to Parliament, it cannot be changed. The only way you can then challenge our decision is by using judicial review proceedings. Judicial review is a court proceeding where a judge reviews whether a decision or action by a public body keeps to the law. You may want to speak to a solicitor before you decide to do this. There are copies of our reports on our website.

Anonymity

We will publish our reports on our website to tell other people about our work. The report may name the prison, NHS or other organisation involved but not the person who made the complaint. We will not name anyone else, unless we have good reasons. We will try to make sure the information we publish will not include personal details. We may exclude a decision from our decision report if we are concerned that the information could identify an individual.



Our 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. You should ask for a review or tell us about your concerns as soon as possible and within three weeks of the issue you are unhappy with. You can get copies of these and any of our other leaflets by phoning us on **0800 377 7330**.

SPSO advice line **0800 377 7330**

All prisoners have free and confidential access to our phone number.

Contact us

For more information about our process and what we might be able to do to help, please call us on **0800 377 7330**. We record all calls to and from our office. All prisoners have free and confidential access to our phone number. To write to us, put 'privileged correspondence' on your envelope and use the freepost address below. You don't need a stamp.

Postal address:

SPSO, Freepost EH641, Edinburgh, EH3 0BR

Opening hours: **Monday, Wednesday, Thursday, Friday 9am – 5pm, Tuesday 10am – 5pm**

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