

# What to do if you have a complaint about a Commission or regulatory/inspection body

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint.

We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

**This leaflet tells you what you can do if you have a complaint about a Commission or other regulatory organisation. It also explains what we can and cannot do. We have a separate leaflet about Social Care and Social Work Improvement Scotland (SCSWIS). Please ask us for a copy of this if you need it.**

## Information about Commissions and regulatory bodies

We're likely to be restricted in what we can do with complaints about these organisations. Call us on our Freephone number **0800 377 7330** if you'd like to talk to us about your complaint.

Organisations that we can look at include:

- The Commission for Ethical Standards in Public Life in Scotland (set up in April 2011, bringing together the Chief Investigating Officer, the Commissioner for Public Appointments in Scotland and the Scottish Parliamentary Standards Commission for Scotland).
- The General Teaching Council for Scotland
- The Police Complaints Commissioner for Scotland
- The Scottish Information Commissioner

- The Scottish Commission for Human Rights
- The Scottish Social Services Council

There's a full list of the authorities we can look at in Schedule 2, Part 2 of the Scottish Public Services Ombudsman Act 2002 (and later amendments).

We can look into complaints about how these authorities handled your complaint. However, we're not an appeal body for their decisions, and we can't change these.

### **What should I do if I am unhappy with the way my case or complaint has been handled?**

If you are unhappy with the service you've received, you should first report the problem to the organisation involved. They will consider your concerns and they should try to deal with them.

# Advice Leaflet

## I reported the problem and am still unhappy. How do I complain?

You should normally complain to the organisation if they have still not dealt with the matter after you reported it. This doesn't just mean telling staff about the problem. It means making a formal complaint telling the organisation that they have not sorted it out. You should approach them direct and ask for details of their complaints procedure. If you have internet access you may be able to find this on their website.

Please remember that organisations often have more than one stage in their complaints procedure. We usually expect you to have gone through all the stages before we will look at your complaint. This gives the organisation the chance to try to put things right. If you're still unhappy after going through their complaints procedure, or if the time they're taking to look into your complaint is unreasonable, you can complain to us.



**You should make your complaint to us within 12 months of realising that you think the organisation have done something wrong.**

## How can I appeal against a decision?

If you are unhappy with a decision the organisation made on your case or complaint, you may be able to appeal. If you want to appeal a decision you should contact the organisation you're unhappy with as soon as possible after they've given you the decision. They will be able to tell you about any appeal process they may have. We don't get involved in appeal processes, but the next section tells you more about what we can do.

## What can we look into and what can't we look into?

We may be able to look at a complaint that one of these organisations

- took an unreasonably long time to answer your complaint
- didn't do something that they said they would do
- didn't follow their own procedures when considering your complaint
- were biased in the way they considered a complaint
- didn't stick to their own standards (for example a Code of Conduct for employees)
- didn't take into account relevant rules and regulations
- didn't explain their decisions clearly

### However you should note that:

We can investigate complaints about how the organisation has acted, but we're not part of the process for reviewing their decisions or investigations. We also can't have a member of staff sacked or disciplined.

We understand that complaints can be complicated so please call us on our Freephone Helpline number **0800 377 7330** if you want to ask whether your complaint is one that we're likely to be able to look at. One of our complaints reviewers is always available to talk to you when the office is open. There's information about our opening hours on the back page of this leaflet and on our website.

**[www.spsos.org.uk](http://www.spsos.org.uk)**

# Advice Leaflet

## How do we put things right?

If we find that something's gone wrong, then as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures. We may ask them to return the situation to what it would have been if they'd acted correctly in the first place. We will look carefully at each complaint to see what happened and how you have been affected. We will check to make sure that the organisation carry out our recommendations.

We make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland.

## How do I make a complaint to the SPSO?

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at **www.spso.org.uk** where you can fill it in online or print it off to complete. Or phone our Freephone Helpline number on **0800 377 7330** and we will send you one.

- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained. It also helps if you send us your original letter of complaint to them.

## Can someone else make a complaint for me?

Yes, if you give them written permission. Phone us on **0800 377 7330** and ask for a consent form. You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

## More help and advice

You can find details of your nearest **Citizens Advice Bureau** on their website **www.cas.org.uk** or in the phone book.

You may also wish to seek advice about whether there is a legal route for your concerns.

**The Law Society of Scotland** may be able to help you find a solicitor.

Visit their website **www.lawscot.org.uk** or call them on **0131 226 7411**.

## Call us for advice

If you're not sure whether we can consider your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. One of our complaints reviewers is always available and can discuss whether we can consider your complaint.

You can contact us by phone, in writing or by visiting our office. You don't need to make an appointment.

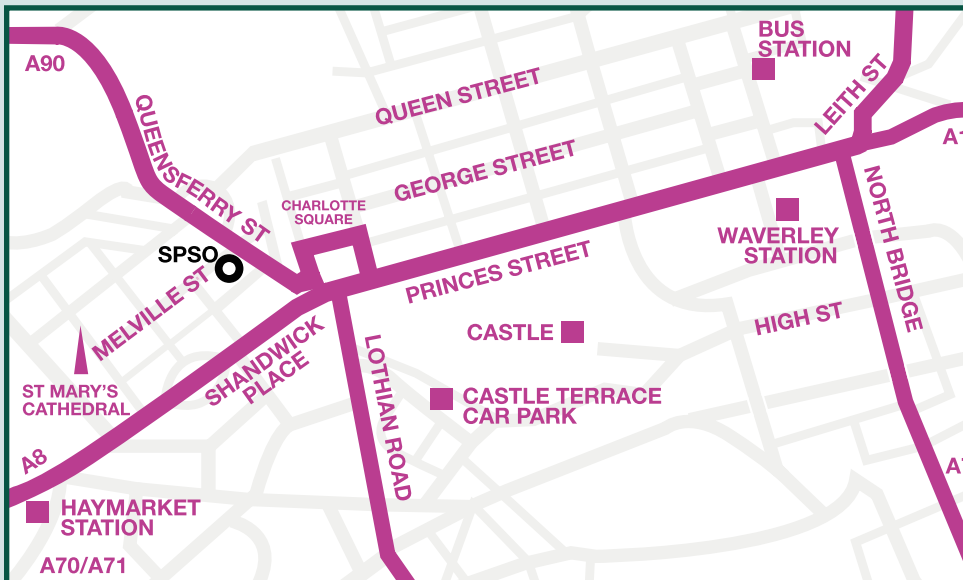
**SPSO**  
**4 Melville Street**  
**Edinburgh**  
**EH3 7NS**

Our Freepost address is:

**SPSO**  
**Freepost EH641**  
**Edinburgh**  
**EH3 0BR**

Freephone: **0800 377 7330**

Website: **[www.spsso.org.uk](http://www.spsso.org.uk)**



## Opening hours

We are open Monday, Wednesday, Thursday and Friday from 9am to 5pm, and Tuesday from 10am to 5pm.

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

The information in this leaflet is for general guidance, and was accurate when written. However, you should not rely on it as an authoritative statement of Scots law or of any process/guidance mentioned. SPSO will not accept liability for any consequences resulting from the use of this information. If you want to know more about an organisation mentioned or their processes please contact them direct.