



# What to do if you have a complaint about the Crown Office and Procurator Fiscal Service

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 the Crown Office and Procurator Fiscal Service (COPFS). It also explains what we can and cannot do.

## Information about COPFS

COPFS' work is about legal processes. People often ask us if we can look at a complaint about what happened in a court, or about a decision made by COPFS. **We aren't a route for appealing legal or court-related decisions.**

Nor can we question COPFS' decision to take or not to take criminal proceedings.

## What should I do if I have a problem with a service?

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

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

You should normally complain to COPFS 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 them 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 [www.crownoffice.gov.uk](http://www.crownoffice.gov.uk).

We usually expect you to have completed COPFS' complaints procedure before we will look at your complaint. This gives COPFS 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. But if your complaint is about a decision that COPFS made, we can't look at the decision.

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



SPSO freephone **0800 377 7330**

## What we can look into

We can look at how COPFS dealt with your complaint about their service. We can consider whether they have done something wrong in the way they handled or dealt with your complaint and whether this has caused you problems.

We can look at complaints about their administrative work, if they did not provide a service properly or did not treat you fairly, for example:

- if their complaint handling was poor or took an unreasonably long time
- if they didn't provide you with correct relevant information when you needed it
- if staff were rude or unhelpful.

## However you should note that:

Although we can look at complaints about COPFS, we are quite restricted in what we can consider. This is because the Act that set up our office (Scottish Public Services Ombudsman Act 2002) is very specific about matters that relate to the law. It says that we can't take up a complaint about what happened in court, about legal decisions or about a member of the judiciary. These are all part of the legal process and we can't look at them. If you send us a complaint about these sorts of things we are likely to tell you quite quickly that we won't be able to help. We will, however, see whether we could look at any part of your complaint that's about how they administered their work.

We also cannot look at complaints about things that have been considered in court, or that are the subject of court proceedings.

We understand that complaints can be complicated so please call us on our freephone helpline number **0800 377 7330** if you want to talk about your complaint.

## How we put things right

If we find that something's gone wrong, 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 to see what happened and how you have been affected. We will check that the organisation carry out our recommendations.

We also 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.

You can search our public reports online at: **[www.spsso.org.uk/our-findings](http://www.spsso.org.uk/our-findings)**

## How to complain to 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.spsso.org.uk](http://www.spsso.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

### Crown Office and Procurator Fiscal Service (COPFS)

The COPFS website contains useful information about what you can expect from them in various situations. Visit their website at [www.copfs.gov.uk](http://www.copfs.gov.uk). You'll also find their complaints procedure online or you can ask them for a copy of it by calling **0300 020 3000**.

### Scottish Courts Service

If you have a complaint about a member of the judiciary, the Scottish Courts Service should be able to tell you what your options are. Call them on **0131 444 3300**, or email [enquiries@scotcourts.gov.uk](mailto:enquiries@scotcourts.gov.uk). Their website is [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk).

### Citizens Advice Bureau

Citizens Advice Scotland may be able to give you further advice and guidance. You can discuss your concerns with your local Citizens Advice Bureau. To find your nearest bureau please visit [www.cas.org.uk](http://www.cas.org.uk), or look in the phone book.

### Law Society of Scotland

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. Telephone: **0131 226 7411** Website: [www.lawscot.org.uk](http://www.lawscot.org.uk)

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

## Contacting us

If you're not sure whether we can look at 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 to discuss your complaint with you.

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

Our address is:

**SPSO**

**Bridgeside House**

**99 McDonald Road**

**Edinburgh**

**EH7 4NS**

Our Freepost address

is:

**FREEPOST SPSO**

Opening hours:

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

Freephone:

**0800 377 7330**

Website:

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

