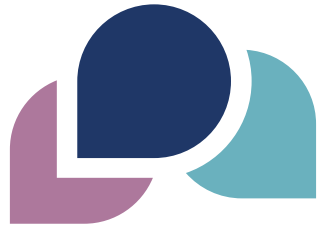


**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**



People Centred | Improvement Focused

Your complaint at the SPSO

We are a free and independent service set up to look into complaints about public services. This leaflet tells you what happens when we get your complaint. It explains what we do and what you can expect from us. For further information on how to submit a complaint to us, please see our leaflet '**How to Complain to the SPSO**' or ask us to send you a copy.

About the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. We normally investigate complaints that have been through the public service organisation's full complaints procedure. This gives them the chance to put things right. For further information on the complaints process or how to complain to a public body, please see www.spsso.org.uk/how-to-complain-about-public-service.

We have to work within our legal powers (the SPSO Act 2002). The law describes the types of complaint we can

and cannot look at, and what we can and cannot do about them.

Many complaints are about decisions. We cannot change a decision that has been made properly. This means we can look at how the organisation reached its decision – for example, we can check that it followed the correct process – but if the decision was made properly we cannot question it. Important exceptions to this are complaints about the NHS and social work, where we can look at professional judgements and decisions.

SPSO freephone **0800 377 7330**

What happens to your complaint? A step-by-step guide

Your complaint arrives

We'll let you know within **five working days** that we have received your complaint. We'll check to see whether it is about an organisation we can investigate and if it has fully completed their complaints process. We'll let you know our decision.

Assessment

We'll assess the complaint to find out if it is something we can and should investigate. Sometimes we are able to resolve and close the complaint at this stage without investigation. We aim to do this within **80 working days*** but will update you throughout this process.

Investigation

We'll contact you to agree what we are investigating and what you want to happen. We'll carefully consider the information from you and the organisation that you are complaining about. We aim to complete all investigations within **12 months***, although many are completed in less time and we will keep in touch with you throughout this process.

Decision

At the end of the investigation we will send you a notice detailing our provisional decision and also share this with the organisation you complained about. Both parties will be given the opportunity to comment before the decision is finalised. We publish information about most of our decisions and these come in two types of reports.

Decision report

This is a summary of the decision notice that we send you. We send summaries to the Parliament and Scottish Ministers and publish them on our website.

Investigation report

This is a detailed report, usually where a case has a wider public interest. We send these reports to the Parliament and Scottish Ministers and publish them on our website.

* Day one is the day that your complaint is opened at the assessment stage

More information

Receiving and assessing your complaint

We'll first check that your complaint:

- is about something we can and should investigate
- is about an organisation we can investigate
- has gone all the way through the right complaints procedure
- has arrived at our office within 12 months of when you knew about the issues in your complaint
- has enough detail and paperwork for us to start work on it.

We may need to make initial enquiries to the organisation complained about for information to assist our assessment. If you have concerns about us sharing information with the organisation, please contact us as soon as possible.

Please be aware that there are some things we can't do. For example, we can't ask for disciplinary action to be taken against a member of staff or get someone removed from their job. For more information about what we can and cannot do for complaints across different subjects and sectors, please see our 'Fact sheets about different types of complaints' at **www.spsso.org.uk/information-leaflets**.

If we decide not to look at your complaint further, we will let you know why and what you can do next. We will try to find another organisation that can help you. A list of some of these organisations can be found at **www.spsso.org.uk/who-can-help-you-if-we-cant**.



Investigating your complaint

The SPSO is independent and impartial, so the person looking into your complaint will take into account both sides of the story. If we decide to investigate your complaint, we'll start getting information about it from you and the organisation you are complaining about. We'll keep your complaint private and only tell the people who need to know about it.

We'll discuss with you the wording of the complaint that we will ask the organisation about. The wording will be clear, so that everyone understands what we will, and will not, investigate. We may summarise a number of issues and it's possible that some issues you raise with us will not be included in this wording, for example issues that we cannot legally consider. In exceptional cases, if we cannot reach an agreement with you about this, we will either have the final say where we are clear about your complaint, or close it without investigating.

We'll collect and look at evidence. This may involve:

- looking at your complaint paperwork such as your complaint form or letters

- talking to you and the organisation you complained about and sharing information about your complaint
- getting copies of documents
- taking independent specialist advice if we need to
- getting information from anyone else who we think can help us with our investigation.

If we contact someone else as well as the organisation you complained about, we will usually let you know. If you have consented to someone else complaining on your behalf, we may share information with that person.

Sometimes we may need more time to look into your complaint. This will usually happen if we need specialist advice. If we are going to need more time, we will let you know.

We aim to complete our investigations as efficiently as possible. For more information on timescales, please visit www.spsso.org.uk/performance-indicators.

Making our decision

We make our decisions by taking into account all the available evidence of what happened, any independent specialist advice, and the views and opinions of both the person making the complaint and the organisation being complained about. It is then for us to weigh up the evidence we have and make a decision. Before we make our final decision on your complaint, we will either send you and the

organisation our provisional decision or share a draft of our public investigation report. This is your opportunity to tell us if you think we have relied on inaccurate information, or if you have new information that you think changes our provisional views. We will then make a final decision taking into account any comments. Your complaint may be upheld in full, some upheld, or not upheld.

Publishing our decisions

We publish our decisions to tell other people about what we find and what we've asked organisations to do to put things right. Our investigations and recommendations can lead to improvements in public services as a whole, not just in the organisation you have complained about. Our decisions are either published as decision reports or investigation reports.

Information we share about our decisions

We keep all complaints private. Before we publish our decisions we remove any information that could be used to identify you or other people. We usually name the organisation involved

but we won't name you. We will not name anyone else, unless we have good reasons. We may not publish a decision at all if we think what it says may identify someone.

Who we tell about our decisions

Every month, we send reports of our decisions to the Scottish Parliament and to Ministers in the Scottish Government. We also publish the reports on our website and in other communications, like newsletters.

The media sometimes report our decisions. You can read all our public decisions on our website:

www.spsa.org.uk/our-findings

Recommendations

If we find that an organisation has done something wrong, we usually ask them to apologise to you and explain why things went wrong. We may also ask them to take action to fix the problem if possible, and make sure the same thing doesn't happen to someone else. Sometimes we may recommend they do something more generally to improve their service.

If we make recommendations, we'll give the organisation a deadline to

complete them. We always check that organisations have taken the action we asked for and we ask them for evidence to confirm this. If we find they have not taken action, we will go back to them until we are satisfied that they have done what we recommended.

More information about our recommendations can be found at **www.spsa.org.uk/how-we-put-things-right** and in our **Redress Policy**.

Our decisions

If we publish your complaint as a decision report, we send you a decision notice. This sets out our decision in detail. You can ask for a review of our decision if you are the complainant or the organisation complained about.

The Ombudsman generally looks at all review requests. She will only change a decision if you:

- send new information, and/or
- demonstrate information we used was wrong, and/or
- demonstrate we made a mistake

AND

- it has an impact on the original decision.

She will not change a decision simply because you disagree with it.

You must send us your review request within six weeks of the date of our decision letter.

If you think you will not be able to meet the timescale, you should contact us as soon as possible to discuss this with us. More information on our decision review process can be found at **www.spsso.org.uk/decision-review-process**.

Getting help and consent

We want to make sure that our service is accessible to you. If you feel you need support in progressing your complaint with us, you can ask someone to act on your behalf or to help you throughout the process. You could ask a friend, a relative, a councillor, your MSP or anyone else you trust. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance. Your local Citizens Advice Bureau can also help you make your complaint. If you are helping

someone make a complaint, we will need their written consent – unless there is a reason they cannot give it. If you have consented to someone else complaining on your behalf, we may share information with that person.

We recognise that circumstances can change. If at any point during our investigation you require any additional support in communicating with us, please let us know.

Your information

We are committed to protecting your privacy. We use information given to us about you and your complaint for its intended purpose and in line with the Data Protection Act 2018 and the SPSO Act 2002. We may need to collect and share information with a number of sources to carry out our investigation and we may do this orally, in hard copy or by email. We may report on the outcome of the investigation. When we do so we do not name individuals. We may also use information we collect to compile statistics and undertake research and analysis. There may be

public interest benefits in reusing information for these purposes. Information is completely anonymised.

Your views are valuable to us, and we may contact you again to invite you to take part in our surveys for research purposes.

To find out more about how we handle your information and your rights, see www.spsso.org.uk/privacy-notice. If you have any concerns about what we do, please let us know straight away.

Our Customer Service Standards

We are committed to offering a high standard of service to everyone who uses our service.

We have customer service standards, so that our customers know what service they can expect to receive and how it

will be carried out. You have the right to complain if you feel we are not meeting our customer service standards. You can get more information about how to do this at www.spsso.org.uk/our-customer-service-standards or by contacting us.

Communicating positively

We believe that everyone who contacts us has the right to be treated with respect and dignity. We also believe that our staff have the same rights, and we must provide a safe working environment for our staff.

Our unacceptable actions policy explains how we address unacceptable actions towards our staff. This can be found at www.spsso.org.uk/unacceptable-actions-policy, or we can send you a copy of this policy on request.

We recognise that some people may have difficulties in expressing themselves or communicating clearly, especially when anxious or upset. We also understand that some people may find it difficult to identify what impact their behaviour might have on other people. We will always consider making reasonable adjustments if we are asked to do so – but we may still use the policy if actions or behaviours are having a negative effect on our staff or our work.

How to contact the SPSO



Freepost SPSO

(this is all you need to write on the envelope, and you don't need to use a stamp)



SPSO

Bridgeside House
99 McDonald Road
Edinburgh EH7 4NS

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



SPSO freephone **0800 377 7330**



Website **www.spsso.org.uk**



Online contact form **www.spsso.org.uk/contact-form**

You can fill in our complaints form online at **www.spsso.org.uk/complain/form**



Fax **0800 377 7331**



Please contact us if you would like this leaflet in another language or format (such as large print, audio, BSL or Braille).