

**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.

About the SPSO

We are 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.

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 **5 working days** that we have received your complaint. We'll check to see whether we can and should investigate it and we'll tell you our decision. Sometimes we are able to resolve issues at this stage without the need for an investigation.



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 you are complaining about. We aim to do this within **80 working days** but will update you throughout this process.



Further investigation

We may need more time to consider your complaint if we need to get specialist advice or if your complaint is complex. We aim to complete all complex investigations within **12 months**, although many are completed in less time and we will keep in touch with you throughout this process.



Decision is made

At the end of the investigation we will either tell you our decision by letter or share a draft of our public investigation report. We'll also send the decision to the organisation you complained about, and we're likely to publish information about it. We publish our decisions in two types of reports.



Public decision report

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

Public detailed 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.



Recommendations

If we find a problem, then as well as putting things right for you, we want to make sure the same thing doesn't happen to someone else. If we make recommendations, we'll check to make sure the organisation carries them out.

More information

Receiving 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.

Please be aware that there are some things we can't do. For example, we can't change

an organisation's policies, ask for disciplinary action to be taken against a member of staff or get someone removed from their job.

More information can be found in our **Redress Policy**.

Please note: if you bring us a complaint, we will normally share information with the organisation you complained about. If you have concerns about this, please contact us as soon as possible. If we decide not to look at your complaint, we will let you know why and what you can do next. We will try to find another organisation that can help you.

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 consider both sides of the story. 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 needs to be clear, so that everyone understands what we will, and will not, investigate. We need to be sure that each complaint is something that we can consider and that we can reach a clear finding on. Sometimes this will mean that we'll need to agree wording which covers or summarises a number of separate issues. It's possible that some issues you raise with us will not be included in this wording, for example issues that we believe are covered by the summarised wording, or issues that we will not be able to consider.

We'll agree the wording with you early on in our investigation. 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 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.

Making our 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 we have relied on inaccurate information, or if you have new information that you think changes our provisional views.

We will make a final decision taking into account any comments. We're likely to publish information about it, but this won't include your name.

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.

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.

Our decisions

If we publish your complaint as a public decision report, we send you a letter. 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.

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 our website. 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 from our website or by contacting us.

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).