

SPSO decision report

Case: 201305843, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Miss C complained about the way COPFS handled her complaint, which concerned the death of a relative. Miss C said the handling of her complaint was very poor and took an unreasonably long time, and there was a lack of respect and compassion towards her as a bereaved relative in the written response to her complaint by COPFS. Our jurisdiction in complaints about COPFS is very limited, and we could look only at whether they acted in line with their complaints procedure.

We found that Miss C raised a number of issues in her complaint to COPFS and, in their letter, COPFS provided a response to those issues. From an administrative point of view this showed there was a reasonable level of investigation into, and response to, Miss C's complaint. We were in no doubt that their response would have been difficult to read, given the distressing subject matter dealt with in the letter. However, we concluded that the letter was not lacking in respect or compassion; rather, it was empathetic and tried to deal with a difficult subject sensitively.

In terms of the time taken to deal with Miss C's complaint, it took considerably longer than the 20 working days allowed for in the COPFS complaints procedure; it was in the region of 85 working days. COPFS explained why it took this length of time, and the explanation appeared to be reasonable. However, COPFS failed to update Miss C every 20 working days, as required by their complaints procedure. Miss C should have had at least three, if not four updates. This was particularly important given the impact on Miss C of her relative's death and subsequent events. Therefore, on this specific point, we upheld Miss C's complaint.

Recommendations

We recommended that COPFS:

- confirm to us what measures they have in place to ensure that complainants are given progress updates in line with their complaints and feedback policy.