

**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**



People Centred | Improvement Focused

Complaints Form

The Scottish Public Services Ombudsman (SPSO) investigates complaints about public services in Scotland.

This includes complaints about prisons, young offenders' institutions (YOIs) and other organisations that provide services for prisoners, such as the NHS or escorting and court custody services.

We can normally only investigate complaints **after** they have been through the prison or NHS complaints process and **after** you have received a final reply to your complaint.

Please make sure you have completed the full complaints process before sending your form to us.

Fill in the form clearly. Remember to sign and return it with any complaints paperwork you have which shows you have completed the complaints process.

The SPSO service is free, independent and impartial.

Independent prison monitors may be able to help you make your complaint. They do not work for the prison. They aim to ensure that prison conditions and the treatment of prisoners are of an acceptable standard. There are two ways to contact an independent prison monitor confidentially:

- 1** Call their freephone number **0800 056 7476** and leave your name, number and prison. A monitor will contact you as soon as possible.
- 2** Speak to an independent prison monitor while they are visiting your prison.

Our Assessment and Guidance team can also help with enquiries. You can call them on freephone **0800 377 7330**. All prisoners have free and confidential access to our phone number.

Important information

All prisoners have free, confidential access to our phone number.

We can normally only investigate complaints after they have been through the right complaints process.

Most general complaints will go through the prison complaints process, using prisoner complaint form 1 (PCF1).

Confidential or sensitive complaints must be made on prisoner complaint form 2 (PCF2).

Medical treatment complaints must first go to the prison health centre and through the NHS complaints process.

If you have a complaint about the process followed in a disciplinary hearing or in a home detention curfew (HDC) application you will need to raise your complaint using the SPS complaint process by completing a PCF1 form. We cannot change the decision taken by the SPS at a disciplinary hearing or on a HDC application. We can only consider complaints about the process followed by the SPS in making its decision.

What we will and won't investigate

When we investigate, we check that there are proper processes in place and that they have been followed in the right way. There are some things we cannot investigate:

- Complaints that are being or have been dealt with in court.
- Anonymous complaints.
- Your conviction, or decisions about parole or life licence.
- The punishment you received in a disciplinary hearing.
- The decision about a Home Detention Curfew application.

Unless there are special circumstances, we can't investigate issues you knew about more than 12 months ago.

Please contact us if you are unsure whether we can investigate your complaint.

Section 1

What are you complaining about?

In the box below, write the name of the prison, YOI, NHS board (including the name of the hospital or health centre your complaint is about) or other organisation.

Please tell us what your complaint is about and explain in detail what has gone wrong. Use the space below. There is additional space on page six if you need it.

Section 2

From the information in section 1, please list the main points of complaint you want us to investigate.

We can only investigate points you have already made in your complaint to the prison, YOI, NHS or other organisation. Please list your main points of complaint here:

1

2

3

SPSO freephone **0800 377 7330**

Section 3

How have you suffered as a result of the complaint?

Section 4

What do you want us to do for you?

Section 5 Person making the complaint

If you are helping a prisoner to make a complaint, please fill in their details here.

We'll ask for your contact details at Section 6.

Prisoner name:	<input type="text"/>
Prisoner number:	<input type="text"/>
Prison:	<input type="text" value="HMP"/>
Prisoner signature:	<input type="text"/>
Date:	<input type="text"/>

Please tell us if you need information from us in another language or format by ticking the box below:

- Braille
- Audio version
- Another language (give details)
- Large font
- Any other needs (give details)

Are you about to be released?

If you leave prison before we have finished dealing with your complaint, we'll need to know your home address or phone number so we can contact you. Without this, we cannot continue investigating your complaint. If you have an address that you know you will be released to soon, you can tell us it now.

Liberation date:	<input type="text"/>
Address:	<input type="text"/>
Phone number:	<input type="text"/>

You only need to fill in this page if someone is helping you to make the complaint. If you include an organisation below, the consent authorises us to deal with anyone in your organisation on that person's behalf.

Section 6: Details of any person helping make this complaint

Name:	<input type="text"/>
Organisation (if relevant):	<input type="text"/>
Address:	<input type="text"/>
Phone number:	<input type="text"/>
Email:	<input type="text"/>

If you choose to give us an email address, please be aware that we may be sending you sensitive and personal information to that email address. Email security can not always be guaranteed. If you choose this method of contact, you are confirming that you accept that risk.

What is your relationship to the person making the complaint?

Consent

To be signed by the prisoner named in section 5 if someone else is making the complaint.

I authorise the person named in section 6 to act on my behalf in asking the SPSO to consider my complaint. I understand that if I have authorised an MSP or an organisation, this authorisation will include people working for the MSP and anyone working for the named organisation. I also understand that the SPSO may share information about me with my representative(s). Depending on the nature of the complaint, this may include sensitive personal information.

Signature	Date
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In completing this form, I understand that the SPSO may share information about me with the organisation I am complaining about. Depending on the nature of the complaint, this may include sensitive personal information. The SPSO may access and review information held by the organisation I am complaining about. If the SPSO need to contact a third party about my complaint, they will usually let my representative know. If you would like more information about how we process and protect your information, please ask us for a privacy leaflet. Please note: If you have any questions or concerns please contact SPSO to discuss.

We need the person affected by the complaint to sign the consent above, if they can, to allow you to complain for them. If they are unable to sign for any reason, please tell us why in the box below.

Our service standards

We want to offer 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 we'll provide it. You have the right to complain if you feel we're not meeting our standards. You can contact us for more information about how to do this.

Our decisions

You can ask for a review of our decision if you are the complainant or the organisation complained about. You should send us your review request and all the supporting information within **six weeks** of the date of our decision letter.

We say more in our **decision review leaflet**. It explains how we reach our decisions and the circumstances in which you may ask us for a review.

You can get a copy of it and any of our other leaflets by phoning us on **0800 377 7330**.

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 <https://www.spsso.org.uk/privacy-notice> or ask us for a copy. If you have any concerns about what we do, please let us know straight away.

Documents submitted to us by post

Please note that where possible, supporting documents submitted to us by post will be added to your complaint record in electronic format. Physical versions of documents we are able to store electronically will be securely destroyed.

Physical documents received on cases already allocated to a complaints reviewer will be destroyed around one month after being received and for cases not allocated to a complaints reviewer they will be destroyed around one month after the case is allocated to a complaints reviewer.

If you are posting us documents that you need us to return then please make this clear at the point of submitting them or tell us within one month of sending them.

Working with us: respecting each other

We are committed to providing a fair and accessible service. We believe that everyone who contacts us has the right to be treated with respect and dignity.

We will do our best to engage with you positively and use the best method for you.

Tell us if something is going wrong

- We want to fix problems and to know if you are unhappy.
- Please tell us; we will check what we have done against our standards and make changes if we can.

Remember we are people too

- Our staff have the same rights to be treated with respect and dignity as our users, and we must provide a safe working environment for them.
- We must also provide a service to all our customers.

This means we need to handle any situation or actions which could have a negative impact on our staff or our ability to work. We may need to speak with you about this or we may need to change the way we engage with you. If this happens, we will explain what we are doing and why. Details of our policy about this can be found at <https://www.spsso.org.uk/engagement-policy>, or we can send you a copy of this policy on request.

How to contact the SPSO

Our Assessment & Guidance team can help with any enquiries before you send your complaint to us.

Postal address: **FREEPOST SPSO**

To write to us, put 'privileged correspondence' on your envelope and use the freepost address. You don't need a stamp.

SPSO freephone: **0800 377 7330**

This line is open during the following hours:

- Monday: 9am - 1pm
- Tuesday: 1pm - 5pm
- Wednesday: 9am - 1pm
- Thursday: 1pm - 5pm
- Friday: 9am - 1pm

All prisoners have free and confidential access to our phone number. All calls to us are 'privileged'. This means **the prison do not listen to or record them.**

However, **we may record calls to and from SPSO phone lines** to check the quality of our service and help us do our job to help you. You can find more details in our privacy notice: www.spsso.org.uk/privacy-notice or ask us to send you a copy. Please ask if you want to confirm if a call is or is not being recorded or if you would like to know what options may be available to you if you do not wish to be recorded.

We are the Scottish Public Services Ombudsman.
We are not part of the Scottish Prison Service or the NHS.

Diversity monitoring form

We'd be very grateful if you would fill in this anonymous diversity monitoring form and return it to us with your complaint form or in a separate envelope to:

FREEPOST SPSO

We collect this information to help us ensure we are reaching as many people as possible. It also helps us check for and remove any barriers that could prevent people using our service.

What you tell us on the form will be kept separate from what you tell us about your case. It does not affect how we look at your case. We store it anonymously on our secure database. Filling in the form is voluntary. We won't treat you less favourably if you choose not to return it.

Thank you

Please choose one option from each of the sections listed below by placing an X in the appropriate box.

The following questions are based on categories included in Scotland's Census 2022.

A. Who is completing the form

I am:

- Making a complaint about something that has happened to me
- Making a complaint on behalf of someone else - the issue did not happen to me
- The person who has experienced the issue and someone has helped me to make my complaint

B. Age

- | | |
|-----------------------------------|--|
| <input type="checkbox"/> Under 16 | <input type="checkbox"/> 55-59 |
| <input type="checkbox"/> 16-24 | <input type="checkbox"/> 60-64 |
| <input type="checkbox"/> 25-29 | <input type="checkbox"/> 65-69 |
| <input type="checkbox"/> 30-34 | <input type="checkbox"/> 70-74 |
| <input type="checkbox"/> 35-39 | <input type="checkbox"/> 75 or over |
| <input type="checkbox"/> 40-44 | <input type="checkbox"/> Prefer not to say |
| <input type="checkbox"/> 45-49 | |
| <input type="checkbox"/> 50-54 | |

C. Disability

Do you have any of the following, which have lasted, or are expected to last, at least 12 months? Tick all that apply

- Deafness or partial hearing loss
- Blindness or partial sight loss
- Full or partial loss of voice or difficulty speaking (a condition that requires you to use equipment to speak)
- Learning disability (a condition that you have had since childhood that affects the way you learn, understand information and communicate)
- Learning difficulty (a specific learning condition that affects the way you learn and process information)
- Developmental disorder (a condition that you have had since childhood which affects motor, cognitive, social and emotional skills, and speech and language)
- Physical disability (a condition that substantially limits one or more basic physical activities such as walking, climbing stairs, lifting or carrying)
- Mental health condition (a condition that affects your emotional, physical and mental wellbeing)
- Long-term illness, disease or condition (a condition, not listed above, that you may have for life, which may be managed with treatment or medication)
- Other condition, please write in:

- No condition

Are your day-to-day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?

Include problems related to old age

- Yes, limited a lot
- Yes, limited a little
- No

D. Language

Can you use British Sign Language (BSL)?

- Yes
- No

What is your main language?

- English
- Other, please write in (including BSL/Tactile BSL):

E. Ethnicity

White

- Scottish
- Other British
- Irish
- Polish
- Gypsy/Traveller
- Roma
- Showman/Showwoman
- Other white ethnic group, please write in:

Mixed or multiple ethnic groups

- Any mixed or multiple ethnic groups, please write in:

Asian, Scottish Asian or British Asian

- Pakistani, Scottish Pakistani or British Pakistani
- Indian, Scottish Indian or British Indian
- Bangladeshi, Scottish Bangladeshi or British Bangladeshi
- Chinese, Scottish Chinese or British Chinese
- Other, please write in:

African, Scottish African or British African

- Please write in (for example, Nigerian, Somali):

Caribbean or Black

- Please write in (for example, Scottish Caribbean, Black Scottish):

Other ethnic group

- Arab, Scottish Arab or British Arab
- Other, please write in (for example, Sikh, Jewish):

F. Sexual orientation

Which of the following options best describes how you think of yourself?

- Bisexual
- Gay/lesbian
- Heterosexual/straight
- Prefer not to say
- Other (specify if you wish)

G. Sex/Trans status

What is your sex?

- Female
- Male
- Prefer not to say

Do you consider yourself to be trans, or have a trans history? *Trans is a term used to describe people whose gender is not the same as the sex they were registered with at birth*

- No
- Yes
- Prefer not to say

If you would like to, please describe your trans status (for example, non-binary, trans man, trans woman)

H. Religion or belief

- Buddhist
- Christian (including the Church of Scotland/England, Catholic, Protestant and all other Christian denominations)
- Hindu
- Jewish
- Muslim
- Sikh
- No religion
- Prefer not to say
- Other (specify if you wish)



PrisonerForm-0424



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