

SPSO decision report

Case: 201604970, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, recommendations

Summary

Mr and Mrs C complained about how the Crown Office and Procurator Fiscal Service (COPFS) responded to their enquiries. Mrs C contacted COPFS a number of times over the space of two months. After receiving some initial advice from them, including information that her enquiry had been passed on to another member of staff, she found it difficult to contact them.

COPFS said Mrs C had been incorrectly advised that her enquiry was being dealt with by another member of staff. They said they had given Mrs C advice, that they could not help her with her enquiry, and when she contacted them subsequently they had ignored her calls and emails.

When Mr and Mrs C complained to COPFS, they were told they could not be helped with their enquiry and that, under the unacceptable actions part of their complaints policy, COPFS would no longer respond to contact from Mr and Mrs C about the same issue.

We found that COPFS should have had a dedicated unacceptable actions policy. We also found that their complaints policy was not compliant with the SPSO model Complaints Handling Procedure. We upheld Mr and Mrs C's complaint as COPFS had unreasonably advised them that their enquiry was being dealt with and then failed to rectify their error. It was not acceptable to ignore Mr and Mrs C's calls and emails and we therefore upheld their complaint.

Recommendations

We recommended that COPFS:

- apologise to Mr and Mrs C for the failings identified;
- put in place a dedicated unacceptable actions policy to manage situations like this in the future; and
- ensure they have a complaints procedure that is compliant with the model Complaints Handling Procedure.