

**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**



People Centred | Improvement Focused

How we handle your complaint at the SPSO

The steps listed below shows what happens to your complaint when you decide to bring it to our office after being through an organisation's complaints procedure.

If you have any questions about any part of this process, please feel free to contact us.



Step 1 – You complain to us

Once you have gone through the organisation's complaints procedure, you can ask us to look at your complaint. Please ensure you have sent us copies of any relevant paperwork, in particular the final response you received from the organisation.

We will normally share information with the organisation you complained about. If you have concerns about this, please contact us before submitting your complaint or as soon as possible thereafter.

Step 2 – First checks

When we get your complaint we make some checks to confirm:

- it is about a subject and organisation we can look at
- it has gone through the right complaints procedure
- it has enough detail and paperwork for us to get to work on



Step 3 - Early assessment

A complaints reviewer will carry out an early assessment of your complaint to check that the matter is one we are allowed to look at and that it is in our jurisdiction. They will check that your complaint has arrived at our office within 12 months of when you first knew about it. If it is received later than 12 months from when you first knew about it, they will ask you to tell us why you could not complaint sooner and consider if these amount to exceptional reasons to accept it late.

They will assess whether your complaint is one that we will prioritise. For example, we may prioritise a complaint from somebody who is homeless, or who is terminally ill.

We will then look in more detail at what has happened and whether we should investigate beyond our initial enquiries. If we decide not to consider your complaint further at this point we will tell you why. Reasons we may not consider it further include for example:

- we will send the complaint back to the organisation for further work/ action if we think they may be able to resolve it themselves
- we are able to agree a resolution with you and the organisation
- we assess, based on the evidence, that appropriate action has already been taken by the organisation or offered to you
- we think the matter has been, or could be, investigated by another public body
- we think pursuing the complaint would not achieve anything significantly more for you, or the outcome you want is unachievable or not reasonable

Each complaint is assessed on a case-by-case basis and we will tell you as soon as we can what action we can and will take on your complaint. If we decide not to take your complaint further after an early assessment of your complaint, we will write to you and explain why. We will send the organisation a copy of our decision.

Step 4 – Further assessment and investigation

If we think that your complaint is one which requires further assessment, one of our complaints reviewers will contact you (please note there may be a delay before your complaint can be allocated to a complaints reviewer and we will inform you if this is the case when we acknowledge your complaint). Sometimes at this stage we carry out enquiries and/ or get independent advice, but not always. After further assessment of your complaint, we may still decide not to conduct a more detailed investigation and issue a decision for the reasons listed at step 3. If this is the case, we will write to you and explain why. We will send the organisation a copy of our reasoning.

If we decide to carry out more detailed investigations, we will agree on the issues that will be looked into. The complaints reviewer will collect information from both yourself and the organisation you have complained about in order to inform their decision on the complaint. They will get any independent advice needed. They will keep your complaint private and will only tell the people who need to know about it.

See our **How we investigate your complaint leaflet** for more information on if your complaint is taken to further investigation in order to reach an investigation decision.

Step 5 – Investigation decision

Where we investigate beyond our initial enquiries, 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 are likely to publish information about it, to share learning, but this won't include your name or any other information which may identify you. Examples of our published decisions can be found on our website.

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 consideration of your complaint 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 publicly 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.spsa.org.uk/privacy-notice**. If you have any concerns about what we do, please let us know straight away.

Review requests

If you are unhappy with our decision there are specific circumstances where you can request a review. 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. If we have issued a public report these review rights will not apply.

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.spsa.org.uk/our-customer-service-standards or by contacting us.

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.

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.

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

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 can be found here: www.spsso.org.uk/engagement-policy, or we can send you a copy of this policy on request.

How to contact the SPSO



A freepost envelope can be supplied if this is required



SPSO, Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS

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

If you would like to visit our office in person, you must arrange an appointment first by phoning 0800 377 7330 or using our online contact form.



Freephone **0800 377 7330**

This line is open during the following hours: Mon, Wed & Fri 9am-1pm,
Tues & Thurs 1pm-5pm

Calls outside of these hours can be arranged by appointment using our online contact form.



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



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

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

Calls to and from SPSO phone lines may be recorded to check the quality of our service and help us do our job to help you. More details are in the privacy notice: **www.spsso.org.uk/privacy-notice**. 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.



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