

**SCOTTISH
PUBLIC
SERVICES
OMBUDSMAN**



People Centred | Improvement Focused

What we do when we get your complaint

We are the final stage for complaints about prisons, the NHS and other public organisations. We normally investigate complaints after you have gone through their complaints procedure.

This gives them the chance to put things right first.

We are not part of the Scottish Prison Service or the NHS. Our service is free, independent and impartial.

This leaflet tells you what happens when we get your complaint. It explains what we do and what you can expect from us.

Independent prison monitors may be able to help you. 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. We are open for calls Mon, Wed & Fri 9am-1pm, Tues & Thurs 1pm-5pm.



Our process

Our first check

We'll write to you within five working days to let you know that we've received your complaint.

We'll first check that your complaint:

- is about an organisation we can investigate
- is about something 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.

We may contact the organisation about your complaint.

There are some things we cannot look at:

- 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.

If we can't investigate your complaint, we'll let you know why and what you can do next. If we can't help, we'll try to find another organisation that can.

If you have any questions about whether we can investigate your complaint, please phone us.

SPSO freephone **0800 377 7330**

You can call us confidentially on this number

Investigating your complaint

Once a decision has been taken to investigate your complaint, we will contact you. You can also phone us for an update at any time.

The complaints reviewer will make enquiries with the organisation and find out if it can do anything to put things right.

If we can 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'll 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 each complaint is something we can consider and reach a clear finding about. Sometimes this means we'll need to agree wording that covers or summarises a number of separate issues. Some issues you raise with us may not be included in this wording – for example, issues we believe are covered by the summarised wording, or issues we won't be able to consider.

We'll agree the wording with you early in our investigation. In exceptional cases, if we cannot reach an agreement with you about this, we have the final say.

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, such as rules or policies
- taking specialist advice if we need it
- getting information from anyone else we think can help our investigation.

We'll carefully consider all the information from you and the organisation you're complaining about. We aim to do this within 80 working days.

Further investigation

If your complaint is complex or needs specialist advice, we may need more time to consider it and will let you know if we do. We aim to complete all complex investigations within 12 months but we complete many of them quicker than this.

If we contact someone else as well as the organisation you complained about, we'll usually let you know. If you have agreed to someone else complaining on your behalf, we may share information with them.

Leaving prison

If you leave prison before we have finished dealing with your complaint, please tell us what you want to do with it. If you want us to continue investigating it, you must tell us your home address or phone number so we can contact you. Without this, we cannot continue investigating.

Making our decision

At the end of the investigation, we'll tell you our decision by letter. We'll also send the decision to the organisation you complained about, and we're likely to publish information about it. This won't include your name or prison.

Putting things right

We'll discuss with you what you think will solve the problem. If we find that an organisation has done something wrong, we'll usually ask them to apologise to you and explain what happened. 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 take more general action to improve their service.

Please note there are some things we can't do. We can't get compensation for you or get someone sacked.

The kinds of thing we may ask the organisation to do to put things right are to apologise to you, change how it does things or make sure it deals with complaints properly.

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.

We publish our decisions in two types of report.

Public decision report

This is a summary of a decision letter. We send these reports to the Parliament and Scottish Ministers and publish them on our website.

Public detailed investigation report

This is a detailed report, usually where the case has a wider public interest. We send these reports to the Parliament and Scottish Ministers and publish them on our website.



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 won't 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.

Recommendations

When we make recommendations, we give the organisations a deadline to complete them. We always check they 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 they have done what we recommended.

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.

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 should send us your review request and all the supporting information within **six weeks** of the date of our decision letter.

If you think you will not be able to meet the timescale for any reason, you should contact us **as soon as possible** to discuss this with us.

You can phone us on **0800 377 7330** if you would like us to explain how to request a review or send you a copy of our decision review leaflet.

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.

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 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.



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.

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