

# How to make a complaint

---

## Guidance on making a complaint to the Scottish Information Commissioner

---





## The Scottish Information Commissioner

1. The Scottish Information Commissioner promotes and enforces both the public's right to ask for the information held by Scottish public authorities, and good practice by authorities. Through our work we support the openness, transparency and accountability of public bodies. More information on what we do is available at [www.itspublicknowledge.info](http://www.itspublicknowledge.info)
2. We are committed to providing a fair, impartial and efficient service, to the highest professional standards.
3. We value your feedback and use what you tell us to improve what we do. While we try to get things right every time, there are occasions where how we deliver our service falls short of what you expect.
4. If something goes wrong, or you are dissatisfied with our service, this leaflet explains how to complain, and what you can expect of us.

## What is a complaint?

5. To us, a complaint is you telling us you are unhappy with something we have done, or failed to do, or about the way we have treated you. But there are some complaints we cannot look at.

## What can I complain about?

6. You can complain about things like:
  - delays in responding to you
  - the way a member of staff treats you
  - us not taking action when we said we would
  - our failure to follow procedures
7. Your complaint can be about more than one aspect of what we do or be about someone working on our behalf.

## What can't I complain about?

8. There are some things we can't respond to through our complaint handling procedure. These include:
  - a decision by the Scottish Information Commissioner about the way a Scottish public authority responded to your information request. You have a statutory right of appeal in these cases, which should have been explained to you when we sent you the our decision
  - the outcome of an information request made to us. If you are unhappy with the outcome of an information request you have a statutory right to request a review. We will look into the matter, but as a review under section 20 of the Freedom of Information (Scotland) Act 2002, rather than under our complaints procedure
  - other matters to which you have a statutory right to appeal or resolve in another way.
9. If other procedures or appeal rights can help resolve your concerns, we will give information and advice to help you.

## Who can complain?

10. Anyone can make a complaint to us, including the representative of someone who is dissatisfied. Please also read the section on 'Getting help to make your complaint'.

## How do I complain?

11. You can complain by phone, email, letter or in person. Our contact details are:

<b>In person or by post:</b> Scottish Information Commissioner Kinburn Castle Doubledykes Road St Andrews KY16 9DS
<b>Telephone:</b> 01334 464610 <b>Email:</b> <a href="mailto:enquiries@itspublicknowledge.info">enquiries@itspublicknowledge.info</a> <b>Fax:</b> 01334 464 611 <b>Website:</b> <a href="http://www.itspublicknowledge.info">www.itspublicknowledge.info</a>

12. It is easier for us to resolve complaints if you **make them quickly and directly to the person or team you were dealing with** so they can try to resolve any problems on the spot.
13. When complaining, tell us:
  - your full name and address
  - what has gone wrong
  - how you want us to resolve the matter
  - your case reference number (if you have one. It will be in the format 20150000)

## How long do I have to make a complaint?

14. Normally, you must make your complaint within six months of:
  - the event you want to complain about, or
  - finding out that you have a reason to complain, but no longer than 12 months after the event itself.
15. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

## What happens when I have complained?

16. We will always tell you who is responsible for responding to your complaint.
17. Our complaints procedure has two stages:

### Stage 1: frontline resolution

18. We aim to resolve complaints quickly and close to where you first came into contact with us. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.
19. We will give you our decision at Stage 1 in five working days or fewer, unless there are exceptional circumstances.
20. If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next. We might suggest that you take your complaint to Stage 2. You may choose to do this immediately or sometime after you get our initial decision.

### Stage 2: investigation

21. Stage 2 applies to two types of complaint: those that have not been resolved at Stage 1 and those that are complex and require detailed investigation from the outset.
22. When using Stage 2 we will:
  - acknowledge receipt of your complaint within three working days
  - where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
  - give you a full response to the complaint as soon as possible and within 20 working days.
23. If our investigation will take longer than 20 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

## What if I'm still dissatisfied?

24. If you are still dissatisfied with our response or the way we managed your complaint after we have investigated fully, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.
25. The SPSO cannot normally look at:
  - a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
  - events that happened, or that you became aware of, more than a year ago
  - a matter that has been or is being considered in court.

26. You can contact the SPSO at:

<b>In person:</b> SPSO 4 Melville Street Edinburgh EH3 7NS	<b>By post:</b> SPSO Freepost EH641 Edinburgh EH3 7NS
<b>Freephone:</b>	0800 377 7330
<b>Online contact:</b>	<a href="http://www.spsso.org.uk/contact-us">www.spsso.org.uk/contact-us</a>
<b>Website:</b>	<a href="http://www.spsso.org.uk">www.spsso.org.uk</a>
<b>Mobile site:</b>	<a href="http://m.spsso.org.uk">http://m.spsso.org.uk</a>

## Getting help to make your complaint

27. We understand that you may find it difficult, or be reluctant, to make a complaint yourself. We will accept complaints from your representative such as from a friend, relative, or an advocate. But you must give them your consent to complain for you.
28. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

<b>Scottish Independent Advocacy Alliance.</b>		
<b>Tel:</b> 0131 260 5380	<b>Fax:</b> 0131 260 5381	<b>Website:</b> <a href="http://www.siaa.org.uk">www.siaa.org.uk</a>

29. We are committed to being accessible to everyone who uses our service. In line with our statutory equalities duties, we will ensure that reasonable adjustments are made to help people with an interest in our functions. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, just ask at the contact details above.

**We can also give you this leaflet in other languages and formats.**

## Quick guide to our complaints procedure

### Complaints procedure

You can make your complaint in person, by phone, by e-mail or in writing.

We have a **two-stage complaints procedure**. We will always try to respond to your complaint quickly. If we can't because it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.

### Stage 1: frontline resolution

We will always try to resolve your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at Stage 2.

### Stage 2: investigation

We will look at your complaint at this stage if you are dissatisfied with our response at Stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within **three working days**. We will give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.

### The Scottish Public Services Ombudsman

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we have handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

# Document control sheet

<b>Document Information</b>	
Full name of current version: Class, Title, Version No and Status.	C1 How to Make a Complaint v02 CURRENT ISSUE
VC File Id	55673
Type	Leaflet
Approver	SMT
Responsible Manager	HOCS
Date of next planned review	December 2018
<b>Approval &amp; Publication</b>	
Approval Date (major version)	23/06/15
For publication (Y/N)	Y
Date published	25/06/15
Name of document in website file library	Howtomakeacomplaintleaflet
<b>Corrections / Unplanned or Ad hoc reviews (see Summary of changes below for details)</b>	
Date of last update	25/10/17

<b>Summary of changes to document</b>				
<b>Date</b>	<b>Action by</b> <i>(initials)</i>	<b>Version updated</b> <i>(e.g. 01.25-36)</i>	<b>New version number</b> <i>(e.g. 01.27, or 02.03)</i>	<b>Brief description</b> <i>(e.g. updated paras 1-8, updated HOPI to HOCS, reviewed whole section on PI test, whole document updated, corrected typos, reformatted to new branding)</i>
24/06/15	DL	02.01	02.02	Second major version for publication
25/06/15	LB	02.02	02.03	DCS updated and document published
25/10/17	LB	02.03	02.04	HOOM changed to HOCS, DCS updated
28/08/18	HGS	02.04	02.05	Approved changes
24/10/18	KB	02.05	02.06	Review date amended, published on website





**Scottish Information Commissioner**

Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS

t 01334 464610

f 01334 464611

enquiries@itspublicknowledge.info

**[www.itspublicknowledge.info](http://www.itspublicknowledge.info)**