



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Complaints Handling Procedure

September 2017

Foreword by David Harvie, Crown Agent

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service.

We act independently and impartially in the public interest. We are responsible for the investigation and prosecution of crime in Scotland, the investigation of sudden or suspicious deaths and the investigation of criminal allegations against the police.

We are committed to playing our part in making Scotland a safer place to live and engaging with communities to understand their needs and priorities.

We recognise that a key element of achieving those aims is listening to those who are, or have been, affected by the work that we do.

We want to hear about your experiences of dealing directly with COPFS, good or bad, or how you have otherwise been affected by our service. We can learn from your experience.

Tell us what has gone well. We want to identify good practice within COPFS and ensure best practice is spread across the whole of the organisation.

We also want to put things right, if possible, when something goes wrong.

The Complaints Handling procedure will help us listen, respond and improve.



Crown Agent

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How to use this Complaints Handling Procedure

This document explains to staff how to handle complaints. Another document provides information for customers on the complaints procedure. Together, these form our complaints handling procedure (CHP).

It is designed to be adopted as an internal document. It contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO (<http://www.valuingcomplaints.org.uk>).

What is a complaint?

COPFS definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about COPFS action or lack of action, or about the standard of service provided by or on behalf of COPFS.

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with *COPFS* policy
- treatment by or attitude of a member of staff
- disagreement with a decision where the person cannot use another procedure (for example an appeal) to resolve the matter
- COPFS failure to follow the appropriate administrative process.

This list does not cover everything.

Appendix 1 provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- a routine first-time request for a service, i.e. information about a case the person is involved in
- a request for information about the progress of a case the person is involved in
- a request for compensation only
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision
- an issue with a criminal case against a person when they have a right of appeal
- a victim right to review
- an issue with a criminal case in which the person has no involvement.

We will not treat these issues as complaints, and will instead direct persons to use the appropriate procedures.

Appendix 2 gives more examples of 'what is not a complaint' and how to direct persons appropriately.

Handling anonymous complaints

We value all complaints. This means we treat all complaints, including anonymous complaints, seriously and will take action to consider them further, wherever this is appropriate. Generally, we will only consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by a senior manager.

If an anonymous complaint makes serious allegations, staff should refer it to a senior manager immediately.

If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the completeness of the complaints data we record and allow us to take corrective action where appropriate.

What if the person does not want to complain?

If a person has expressed dissatisfaction in line with our definition of a complaint but does not want to complain, staff should tell them that we do consider all expressions of dissatisfaction, and that complaints offer us the opportunity to improve services where things have gone wrong. Staff should encourage the person to submit their complaint and allow us to deal with it through the complaints handling procedure. This will ensure that the person is updated on the action taken and gets a response to their complaint.

If, however, the person insists they do not wish to complain, staff should, where appropriate record the issue as an anonymous complaint. This will ensure that the person's details are not recorded on the complaints database and that they receive no further contact about the matter. It will also help to ensure the completeness of the complaints data recorded and will still allow us to fully consider the matter and take corrective action where appropriate.

Please refer to the example in [Appendix 1](#) for further guidance.

Who can make a complaint?

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a person may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties as long as the person has given their personal consent.

Complaints involving more than one service or organisation

If a complaint relates to the actions of two or more of COPFS services, we will deal with all parts of the complaint and give the person one response covering all issues raised.

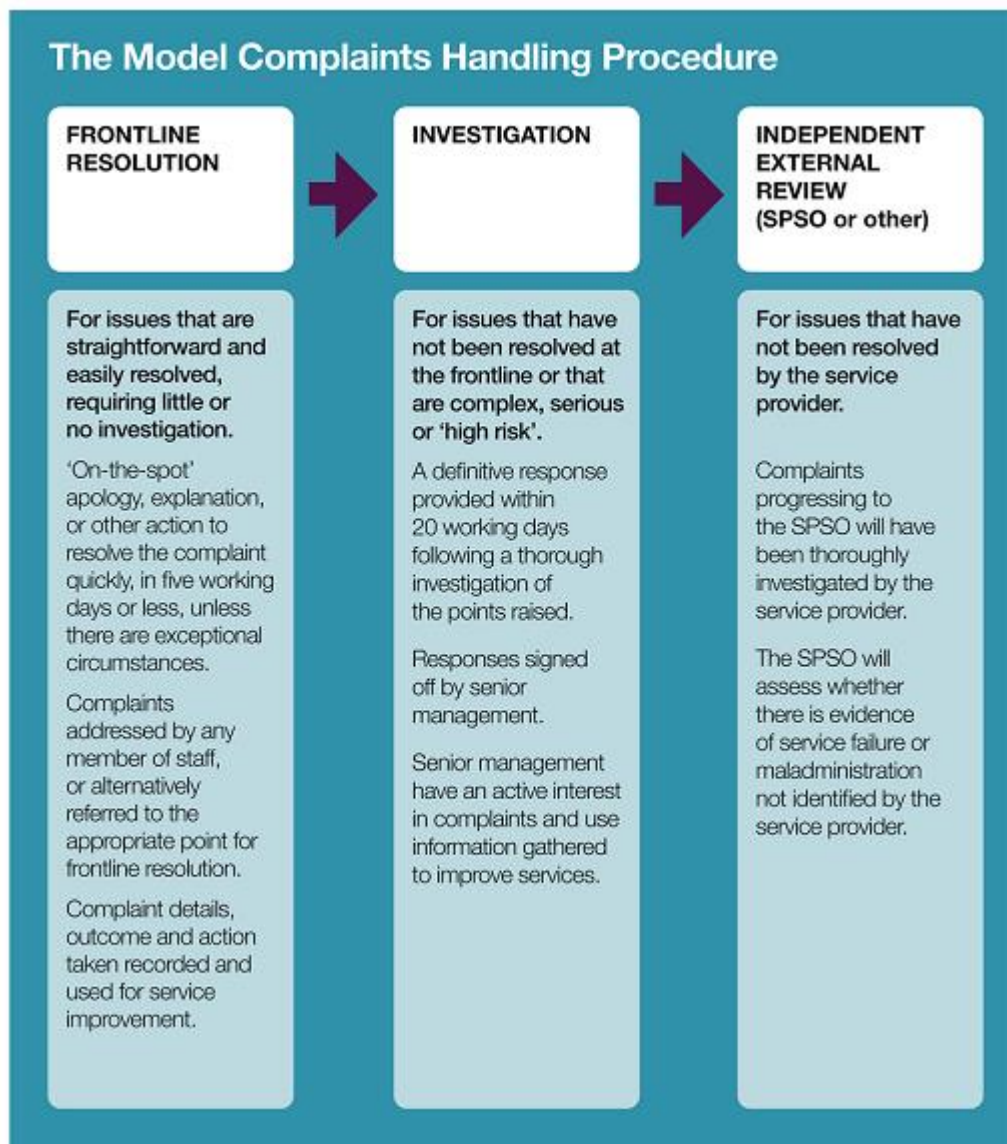
If a person complains to COPFS about the service of another agency or public service provider, but COPFS has no involvement in the issue, the person should be advised to contact the appropriate organisation directly.

The complaints handling process

The CHP aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints process provides two opportunities to resolve complaints internally:

- **frontline resolution**
- **investigation**



For clarity, the term 'frontline resolution' refers to the first stage of the complaints process. It does not reflect any job description within COPFS but means seeking to resolve complaints at the initial point of contact where possible.

Stage one: frontline resolution

Quick resolution aims to quickly resolve straightforward complaints that require little or no investigation. Any member of staff can deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean a face-to-face or telephone discussion with the person, or asking an appropriate member of staff to deal directly with the complaint.

Appendix 1 gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, quick resolution means resolving the complaint at the first point of contact with the person, either by the member of staff receiving the complaint or other identified staff.

In either case, we may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

A person can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. We always consider frontline resolution, regardless of how we have received the person's complaint.

The Response and Information Unit (RIU) was formed in 2013. RIU is a centralised team, based in Crown Office which responds to complaints, freedom of information requests and subject access requests under the Data Protection Act 1998 addressed to COPFS.

RIU will deal with any complaints which are not suitable for frontline resolution by the local office or the Enquiry Point. Any communications which are received which are requests for information or queries about a case can be dealt with by the local office. Should any of these queries lead to a complaint which is not suitable for frontline resolution; those complaints can then be passed to RIU to deal with.

Complaints may be received in person, by telephone call, letter or e-mail. Where the complaint is not suitable for frontline resolution, staff should log these on Respond and pass the information to RIU by e-mail to RIU@copfs.gsi.gov.uk. The Respond number should be passed on, along with any other relevant information, copy correspondence. RIU will investigate the complaint and request any further information from the local office as

necessary, RIU will then respond to the complaint and, where the complaint relates to a specific case, when considered appropriate, the complaint and response will be uploaded to the case directory in SOS-r

What to do when you receive a complaint

1. On receiving a complaint, staff must first decide whether the issue can indeed be defined as a complaint. The person may express dissatisfaction about more than one issue. This may mean we treat one element as a complaint, while directing the person to pursue another element through an alternative route (see [Appendix 2](#)).
2. If we have received and identified a complaint, staff should record the details on our Respond system.
3. Next, decide whether or not the complaint is suitable for frontline resolution. Some complaints will need to be fully investigated before we can give the person a suitable response. Staff must escalate these complaints immediately to the investigation stage.
4. Where we think frontline resolution is appropriate, staff must consider four key questions:
 - What exactly is the person's complaint (or complaints)?
 - What does the person want to achieve by complaining?
 - Can I achieve this, or explain why not?
 - If I cannot resolve this, who can help with frontline resolution?

What exactly is the person's complaint (or complaints)?

It is important to be clear about exactly what the person is complaining. Staff may need to ask the person supplementary questions to get a full picture.

What does the person want to achieve by complaining?

At the outset, clarify the outcome the person wants. Of course, the person may not be clear about this, so staff may need to probe further to find out what they expect and whether they can be satisfied.

Can I achieve this, or explain why not?

If we can achieve the expected outcome by providing an on-the-spot apology or explain why we cannot achieve it, staff should do so. If we consider an apology is suitable, we may wish to follow the SPSO's guidance on the subject:

[SPSO guidance on apology](#)

The person may expect more than we can provide. If the person's expectations appear to exceed what COPFS can reasonably provide, we must tell them as soon as possible in order to manage expectations about possible outcomes.

We are likely to have to convey the decision face to face or on the telephone. If we do so face to face, by telephone or by email, we are not required to write to the person as well, although we may choose to do so. It is important, however, to keep a full and accurate record of the decision reached and passed to the person.

If a member of staff can't resolve this, who can help with frontline resolution?

If a member of staff cannot deal with the complaint because, for example, they are unfamiliar with the issues or area of service involved, they will pass details of the complaint to someone who can try to resolve it.

Timelines

Frontline resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

We may need to get more information from colleagues to resolve the complaint at this stage. However, it is important to respond to the person within five working days, either resolving the matter or explaining that COPFS will investigate their complaint.

Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, staff may advise the person of an extension of no more than five working days. This must only happen when an extension will make it more likely that the complaint will be resolved at the frontline resolution stage.

When considering an extension, staff must get authorisation from the appropriate senior manager, who will decide whether we need an extension to effectively resolve the complaint. Examples of when this may be appropriate include staff being temporarily unavailable. If, however, the issues are so complex that they cannot be resolved in five days, it may be more appropriate to escalate the complaint straight to the investigation stage. Staff must tell the person about the reasons for the delay, and when they can expect our response.

It is important that such extensions do not become the norm. Rather, the timeline at the frontline resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date we receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics must go to our senior management team on a quarterly basis.

Appendix 3 provides further information on timelines.

Closing the complaint at the frontline resolution stage

When we have informed the person of the outcome, we are not obliged to write to the person, although we may choose to do so. We must ensure that our response to the complaint addresses all areas that we are responsible for and explains the reasons for our decision. It is also important to keep a full and accurate record of the decision reached and given to the person. The complaint should then be closed and the Respond system updated accordingly.

When to escalate to the investigation stage

We must escalate a complaint to the investigation stage when:

- we tried frontline resolution but the person remains dissatisfied and requests an investigation. This may happen immediately when we communicate the decision at the frontline resolution stage, or some time later
- the person refuses to take part in frontline resolution
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When a previously closed complaint is escalated from the frontline resolution stage, the complaint should be reopened on the complaints system.

Take particular care to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that need senior management's direct input. The SPSO defines potential high-risk or high-profile complaints as those that may:

- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and ongoing press interest
- pose a serious risk to an organisation's operations
- present issues of a highly sensitive nature, for example concerning:
 - a particularly vulnerable person
 - child protection.

Stage two: investigation

Not all complaints are suitable for frontline resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the frontline resolution stage, or they may have been identified from the start as needing immediate investigation.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the person a full, objective and proportionate response that represents our final position.

What to do when we receive a complaint for investigation

Complaints should be logged on Respond and forwarded to the Response and Information Unit to deal with. This should be done by e-mailing the RIU Inbox (RIU@copfs.gsi.gov.uk) with the respond number and details and attaching any hard copy correspondence. RIU will then consider the complaint and request any additional information which is necessary. RIU will issue a response to the complaint.

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the person and the service understand the investigation's scope.

In certain circumstances, it may be helpful for staff to discuss and confirm these points with the person at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the person, consider three key questions:

1. What specifically is the person's complaint or complaints?
2. What does the person want to achieve by complaining?
3. Are the person's expectations realistic and achievable?

It may be that the person expects more than we can provide. If so, we must make this clear to them as soon as possible.

Where possible we should also clarify what additional information we will need to investigate the complaint. The person may need to provide more evidence to help us reach a decision.

Details of the complaint must be recorded on the Respond system. Where appropriate, this will be done as a continuation of frontline resolution. The details must be updated when the investigation ends.

If the investigation stage follows attempted frontline resolution, staff must hand over all case notes and associated information to the officer responsible for the investigation, and record on Respond that this has been done.

Timelines

The following deadlines are appropriate to cases at the investigation stage:

- complaints must be acknowledged within **three working days**
- we should provide a full response to the complaint as soon as possible but not later than **20 working days** from the time we received the complaint for investigation.

Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and we must always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, management will set time limits on any extended investigation. We must keep the person updated on the reason for the delay and give them a revised timescale for completion. The reasons for an extension might include the following:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, or others but they cannot help because of long-term sickness or leave.
- We cannot obtain further essential information within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.

These are only a few examples, and staff must judge the matter in relation to each complaint. However, an extension would be the exception and we must always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the frontline resolution stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics must go to our senior executive team on a quarterly basis.

Appendix 3 provides further information on timelines.

Closing the complaint at the investigation stage

We must let the person know the outcome of the investigation, in writing or by their preferred method of contact. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. We must record the decision, and details of how it was communicated to the person, on Respond. We must also make clear to the person:

- their right to ask SPSO to consider the complaint
- the time limit for doing so, and
- how to contact the SPSO.

Independent external review

Once the investigation stage has been completed, the person has the right to approach the SPSO if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of the COPFS complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

The SPSO recommends that we use the wording below to inform persons of their right to ask SPSO to consider the complaint. The SPSO also provides a leaflet, [What to do if you have a complaint about the Crown Office and Procurator Fiscal Service](#), which staff may find helpful in deciding how and when to refer someone to the SPSO.

Information about the SPSO

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, NDPBs, agencies and other government sponsored organisations. If the person remains dissatisfied with an organisation after its complaints process, they can ask the SPSO to look at their complaint. The SPSO cannot normally look at complaints:

- where they have not gone all the way through the organisation's complaints handling procedure
- more than 12 months after the person became aware of the matter

- they want to complain about, or
- that have been or are being considered in court.

It should be noted that the SPSO is the final stage for concerns about how we have handled a complaint and is not an appeal body for the decisions we have taken.

The SPSO's contact details are:

SPSO
4 Melville Street
Edinburgh
EH3 7NS

SPSO
Freepost (you don't need to use a stamp)
EH641
Edinburgh
EH3 0BR

Freephone: **0800 377 7330**
Online contact www.spsso.org.uk/contact-us
Website: www.spsso.org.uk
Mobile site: <http://m.spsso.org.uk>

Governance of the Complaints Handling Procedure

Roles and responsibilities

Overall responsibility and accountability for the management of complaints lies with the Crown Agent.

Our final position on the complaint must be signed off by an appropriate senior manager and we will confirm that this is our final response. This ensures that our senior management own and are accountable for the decision. It also reassures the person that their concerns have been taken seriously.

The Crown Agent

The Crown Agent provides leadership and direction in ways that guide and enable us to perform effectively across all services. This includes ensuring that there is an effective CHP with a robust investigation process that demonstrates how we learn from the complaints we receive. The Crown Agent takes a personal interest some complaints, but generally delegates

responsibility for the CHP to all staff and in particular to staff within the Response and Information Unit (RIU). Regular management reports from RIU assure the Crown Agent of the quality of complaints performance.

Procurator Fiscal Policy and Engagement

On the Crown Agent's behalf, The Procurator Fiscal Policy and Engagement is responsible for:

- managing complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating complaints

Response and Information Unit (RIU) Managers and Staff

The Senior Managers in RIU are involved in the operational investigation and management of complaints handling. They may be responsible for the preparation of and the signing of decision letters to persons from RIU. They will be satisfied that the investigation is complete and the response addresses all aspects of the complaint. They are also available to assist with advice and guidance to any member of staff who is dealing with a frontline resolution.

There are legal and administration staff within RIU who are responsible and accountable for the management of the investigation. They work in a team as part of a centralised person service team, and are involved in the investigation and in co-ordinating all aspects of the response to the person. This includes, where appropriate, preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning across the organisation.

All staff

A complaint may be made to any member of staff in COPFS. So all staff must be aware of the CHP and how to handle and record complaints at the frontline resolution stage. They should refer a complaint to RIU in cases where they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

COPFS SPSO liaison officer

The RIU Business Manager will liaise with the SPS. The role may include providing complaints information in an orderly, structured way within requested timescales, providing comments on factual accuracy on our behalf in response to SPSO reports, and confirming and verifying that recommendations have been implemented.

Complaints about senior staff

Complaints about senior staff can be difficult to handle, as there may be a conflict of interest for the staff investigating the complaint. When serious complaints are raised against senior staff the investigation will be conducted by an individual who is independent of the situation.

Any complaint about the Law Officers (the Lord Advocate and Solicitor General) will not be dealt with by COPFS. Although the Lord Advocate is the ministerial head of COPFS, he and the Solicitor General are Ministers of the Scottish Government and any complaints about them should be directed through the Ministerial Complaint process.

Recording, reporting, learning and publicising

Complaints provide valuable feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across *COPFS*. We must record all complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

Recording complaints

To collect suitable data it is essential to record all complaints in line with SPSO minimum requirements, as follows:

- the person's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the frontline resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)
- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint at each stage
- the underlying cause of the complaint and any remedial action taken.

We have structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy persons.

Complaints should be recorded on the Respond system – full instructions on how to record information on Respond are available to staff on the Knowledge Bank

Reporting of complaints

Complaints details are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We provide information on a regular basis relating to the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to assure individuals that we value their complaints.

We must:

- provide information on a regular basis relating to complaints outcomes, trends and actions taken
- use case studies and examples to demonstrate how complaints have helped improve services.

This information is reported regularly (and at least quarterly) to our senior management team.

Learning from complaints

At the earliest opportunity after the closure of the complaint, RIU should always make sure that the person and staff of the department involved understand the findings of the investigation and any recommendations made.

Senior management review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery.

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- an officer (or team) should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken

- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- we must ensure that staff learn from complaints.

Publicising complaints performance information

We publish annually on our performance in handling complaints in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

Maintaining confidentiality

Confidentiality is important in complaints handling. It includes maintaining the person's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of an individual's information.

Managing unacceptable behaviour

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the person acting in an unacceptable way. Persons who have a history of challenging or inappropriate behaviour, or have difficulty expressing themselves, may still have a legitimate grievance.

A person's reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the actions of persons who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our staff. We will, therefore, apply our policies and procedures to protect staff from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour from persons.

Where we decide to restrict access to a person under the terms of an unacceptable actions policy, we have a procedure in place to communicate that decision, notify the customer of a right of appeal, and review any decision to restrict contact with us. This will allow the customer to demonstrate a more reasonable approach later'.

We do not view behaviour as unacceptable just because an individual is forceful or determined. However, we do consider that the actions of those who are angry, demanding or unduly persistent may result in unreasonable demands on us or unreasonable behaviour towards our staff. A copy of our Unacceptable Actions Policy and how to manage them are noted at [Appendix 6](#).

Supporting the person

All members of the community have the right to equal access to our complaints handling procedure. Persons who do not have English as a first language may need help with interpretation and translation services, and other persons may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the person where appropriate.

Several support and advocacy groups are available to support persons in pursuing complaints and persons should be signposted to these as appropriate.

Citizen's Advice Bureau

Web: www.cas.org.uk

Scottish Independent Advocacy Alliance

Tel: 0131 260 5380 Fax: 0131 260 5381 Website: www.siaa.org.uk

Language Line

- Ring the Languageline operator on 0845 310 9900 (24 hours) and give your office ID number, your name and the language you require. Stay on the line while an interpreter is contacted.
- Introduce yourself to the interpreter and brief him or her about the situation
- Go ahead and start your conversation, using the telephone receiver as a go-between

Time limit for making complaints

This complaints handling procedure sets a time limit of six months from when the person first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the Scottish Public Services Ombudsman Act 2002 (Section 10(1)), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are special circumstances for considering complaints beyond this time.

If it is clear that a decision not to investigate a person's complaint will lead to a request for external review of the matter, we may decide that this satisfies the special circumstances criteria. This will enable us to consider the complaint and try to resolve it.

Appendix 1 - Examples of complaints that may be considered at the frontline resolution stage

The following table provides specific examples of complaints that may be considered at the frontline resolution stage, and suggest possible actions to achieve resolution.

| Complaint | Possible actions to achieve resolution |
|---|---|
| Requests for information about the progress/stage proceedings have reached | Provide information |
| Why a victim has not been told about a case proceeding not proceeding | Explain VIA only proactive in specific categories of case but ask victim if they wish the services of VIA – if the person wishes this refer to VIA |
| Victim complains about no action or no further action being taken in the case in which they are a victim | Explain the reasons for the no action decision and advise them of the Victims Right to Review |
| Victim or witness has not had productions returned to them | Ensure that proper procedure has been carried out re the productions and advise where and when the production can be retrieved |
| The person expresses dissatisfaction in line with the definition of a complaint, but says she does not want to complain – just wants to tell us about the matter. | <p>Tell the person that we value complaints because they help to improve services. Encourage them to submit the complaint.</p> <p>In terms of improving service delivery and learning from mistakes, it is important that person feedback, such as this, is recorded, evaluated and acted upon. Therefore, if the person still insists that they do not want to complain, record the matter as an anonymous complaint. This will avoid breaching the complaints handling procedure. Reassure the person that they will not be contacted again about the matter.</p> |

| Complaint | Possible actions to achieve resolution |
|-----------------------------------|---|
| Lack of response to communication | Apologise and provide information requested |

Appendix 2 - What is not a complaint?

A concern may not necessarily be a complaint. For example, a person might make a routine first-time request for a service. This is not a complaint, but the issue may escalate into a complaint if it is not handled effectively and the person has to keep on asking for service.

A person may also be concerned about a decision made by the organisation. These decisions may have their own specific review or appeal procedures, and, where appropriate, persons must be directed to the relevant procedure.

Example 1: a routine first-time request for a service or information

Example 2: disagreement with a decision where a statutory right of appeal exists

Example 3: an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

Example 4: Victim Right to Review

Transferring cases from frontline resolution to investigation

If it is clear that frontline resolution has not resolved the matter, and the complaint is being escalated to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the person is told this will happen.

Timelines at investigation

We may consider a complaint at the investigation stage either:

- after attempted frontline resolution, or
- immediately on receipt if we believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Acknowledgement

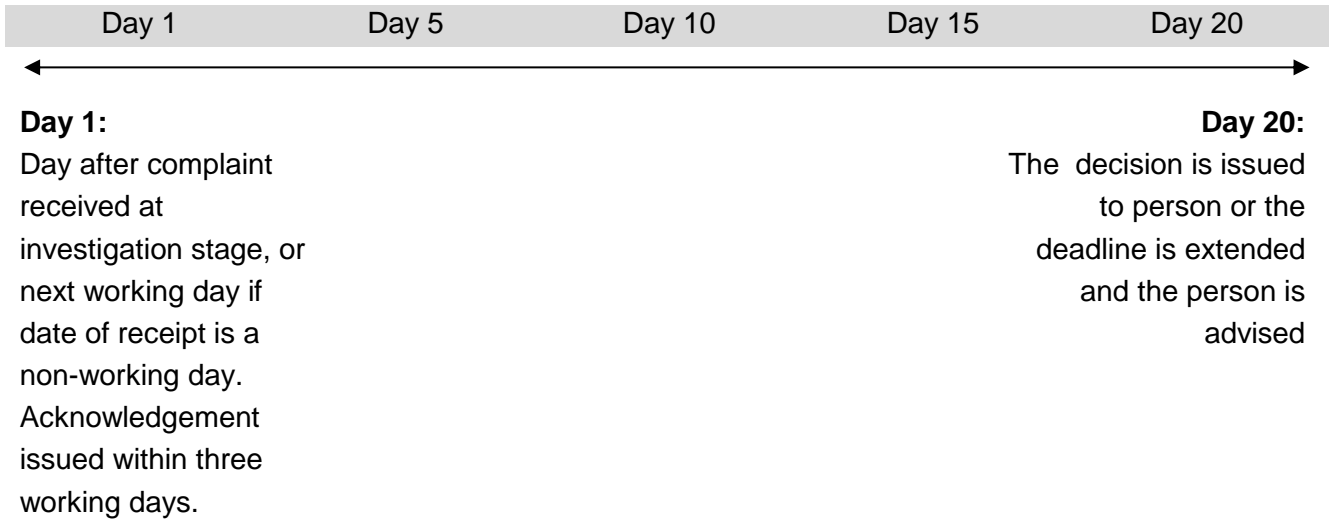
All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the frontline resolution stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the person asks for an investigation after a decision at the frontline resolution stage. Staff should note that a person may ask for an investigation immediately after attempts at frontline resolution, or
- the date we receive the complaint, if we think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

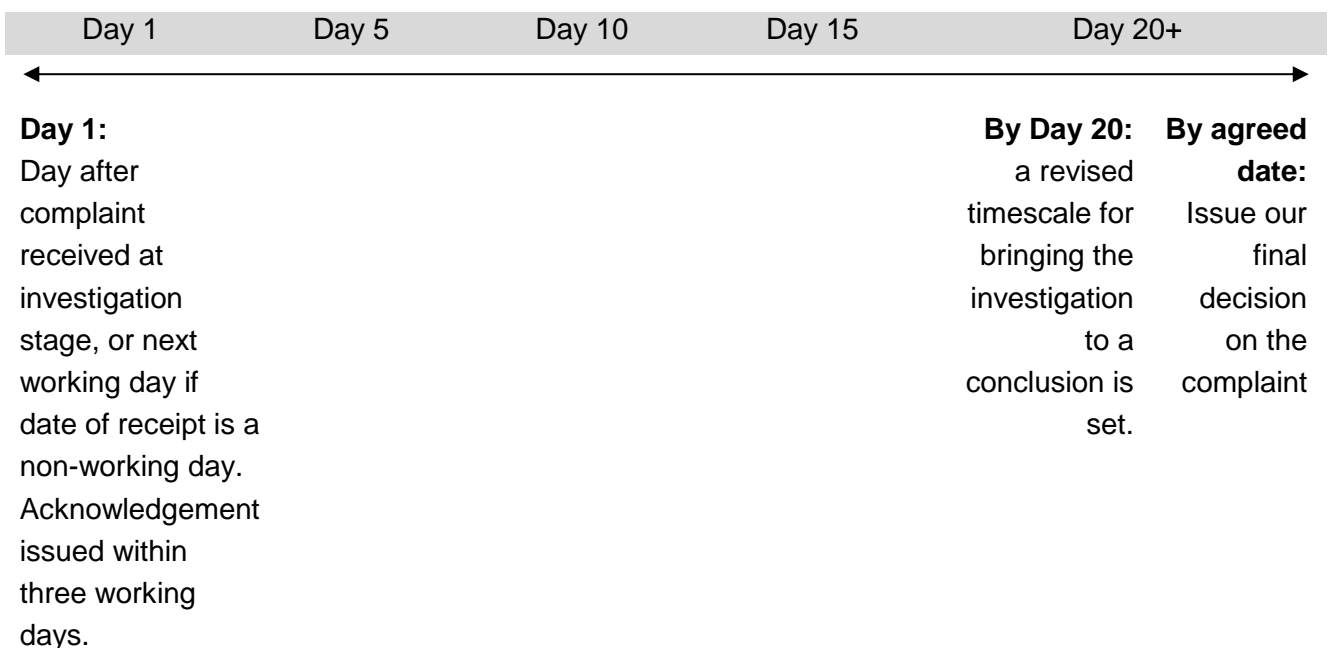
Investigation

We should respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means we have 20 working days to investigate the complaint, regardless of any time taken to consider it at the frontline resolution stage.

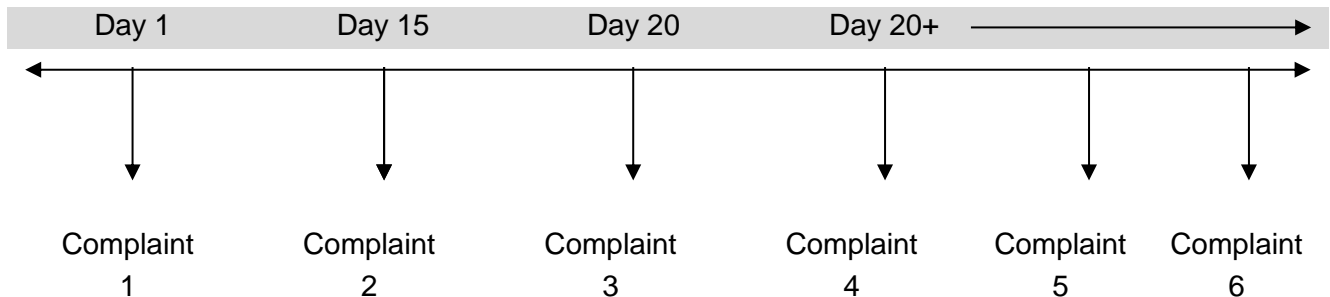


Exceptionally you may need longer than the 20-day limit for a full response. If so, staff must explain the reasons to the person, and advise them of the revised timescale.



Timeline examples

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.



The circumstances of each complaint are explained below:

Complaint 1

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

Complaint 2

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the frontline resolution stage.

Complaint 3

Complaint 3 refers to a complaint that we considered appropriate for frontline resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the frontline resolution stage in a total of eight days.

Complaint 4

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try frontline resolution; rather we investigated the case immediately. We issued a final decision to the person within the 20-day limit.

Complaint 5

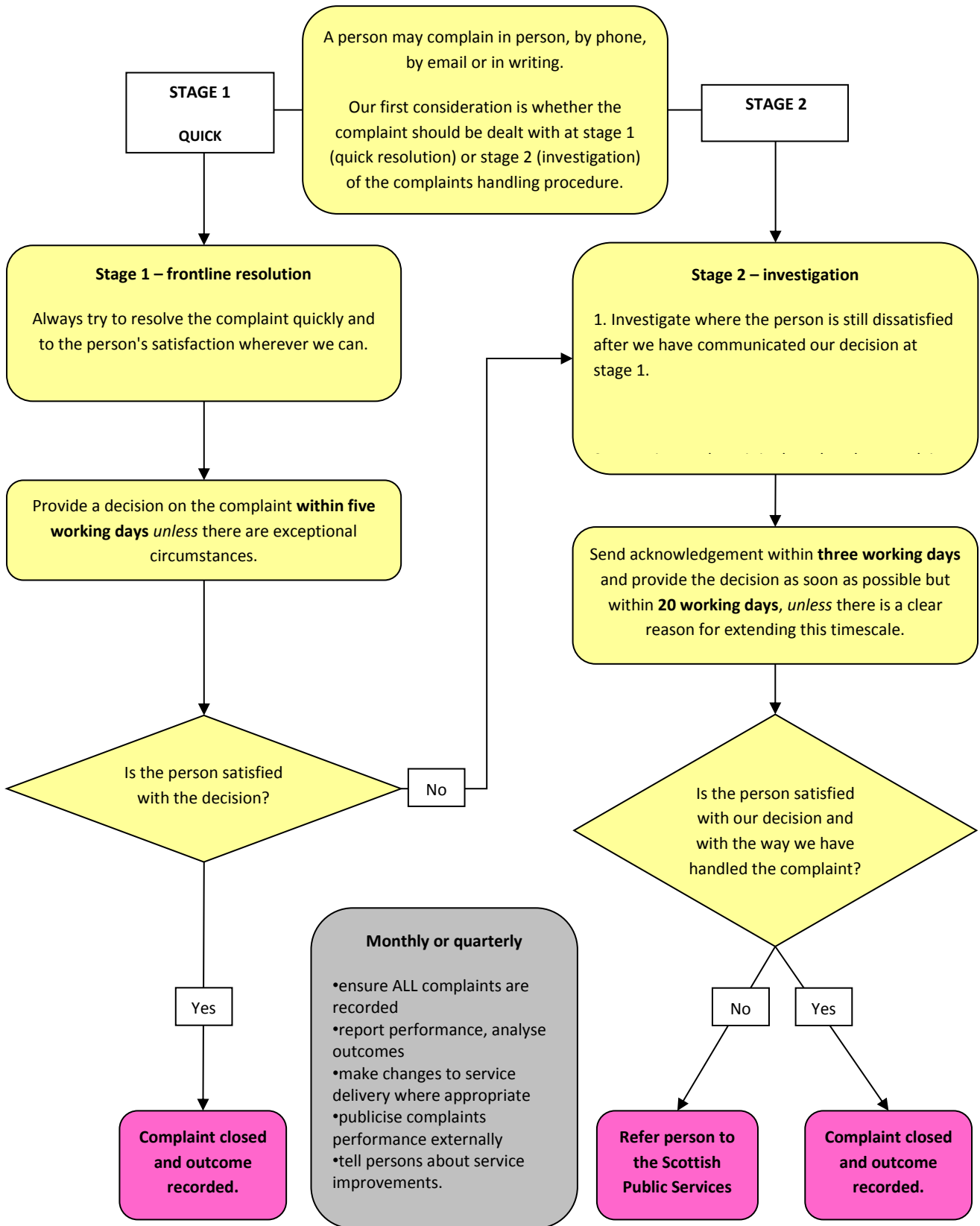
We considered complaint 5 at the frontline resolution stage, where an extension of five days was authorised. At the end of the frontline resolution stage the person was still dissatisfied. At their request, we conducted an investigation and issued our final response within 20

working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for frontline resolution and investigation.

Complaint 6

Complaint 6 was considered at both the frontline resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we set a revised for concluding the investigation beyond the 20-day limit.

Appendix 4 - The complaints handling procedure



Appendix 5 - Useful Contact Details

COPFS

Address: Response & Information Unit
Crown Office and Procurator Fiscal Service
25 Chambers Street
Edinburgh
EH1 1LA

Telephone: 0300 020 3000 from a landline or
We also welcome calls through RNID Typetalk. Please prefix our
telephone number with 18001.

Calls will be answered in the first instance by our National Enquiry Unit.
Our office hours are 0830–1800 Monday–Thursday; and 0830–1700 on
Friday.

Web: www.copfs.gov.uk
E-mail: RIU@copfs.gsi.gov.uk

Citizen's Advice Bureau

Web: www.cas.org.uk

Scottish Court Service

Address: Scottish Courts and Tribunals Service
Secretariat
1A Parliament Square
Edinburgh
EH1 1RF

Telephone: 0131 444 3300

Email: enquiries@scotcourts.gov.uk
Web: www.scotcourts.gov.uk

Police Service of Scotland

Web: <http://www.scotland.police.uk/>

Scottish Police Authority

Address: Scottish Police Authority
Elphinstone House
65 West Regent Street
Glasgow
G2 2AF

Telephone: 0141 585 8300

Web: www.spa.police.uk

Appendix 6 – Unacceptable Actions Policy

Unacceptable actions

COPFS may refuse to deal with complaints received from the relatively few correspondents whose actions or behaviour is considered unacceptable. We aim to provide a service that is accessible to all those affected by our work who wish to make a complaint. However, we retain the right, where we consider actions to be unacceptable, to restrict or change access to our service.

We do not view behaviour as unacceptable just because a complainer might be forceful or determined. However, we do consider that the actions of those who are angry, demanding or unduly persistent may result in unreasonable demands on us or unreasonable behaviour towards our staff.

We will not tolerate aggressive or abusive behaviour towards our staff including:

- threats
- physical violence
- verbal abuse
- swearing
- derogatory remarks
- rudeness.

We also consider that inflammatory statements, unsubstantiated allegations and inappropriate use of social media can be abusive behaviour. We may say that we consider a person to be making unreasonable demands or as being unreasonably persistent because of the amount of information sought, the nature and scale of service expected or the number of approaches made for example:

- demanding responses within an unreasonable timescale
- insisting on seeing or speaking to a particular member of staff
- continual phone calls or letters
- repeatedly changing the substance of the complaint or raising unrelated concerns.

We will not consider these unacceptable and unreasonable demands because they impact substantially on our work and diminish service to all. We will not consider persistent complaints to be acceptable when they take up a disproportionate amount of time and resources for example:

- persistent refusal to accept a decision made in relation to a complaint

- persistent refusal to accept explanations relating to what this office can or cannot do
- continue to contact us without presenting any new information.

Vexatious correspondence or contact

We consider vexatious correspondence or contact to be contact which would impose a significant burden on COPFS and which:

- does not have a serious purpose or value
- is designed to cause disruption or annoyance
- has the effect of harassment
- would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Managing unacceptable actions

There are very few individuals whose actions we consider unacceptable. However, where we consider actions unacceptable we may:

- terminate a telephone call should the person act in a threatening, abusive, or unreasonable manner
- ask the person to leave our office should they act in a threatening, abusive or unreasonable manner
- inform that no further action will be taken in response to a complaint which has exhausted our complaints procedure
- advise that only new or substantive issues will receive a further response
- restrict the format of the contact that we have
- advise that a complaint we consider to be persistent or vexatious will not receive a substantive reply.

Procedures for managing unacceptable actions

In the limited number of cases where contact is being restricted we will write to the individual concerned advising the reasons why the contact is being limited and advising that if they disagree with the decision they can appeal this within 7 days by writing to our Response and Information Unit. All such appeals will be dealt with by the Head of Policy and Engagement within 20 working days.