



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

COMPLAINTS & COMMENTS

COPFS POLICY

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OUR POLICY

OUR COMPLAINTS & COMMENTS POLICY

1. What we consider is a complaint

We define a complaint as any written or spoken expression of dissatisfaction with the service we provide.

2. What we do not consider is a complaint

We will not treat these issues as complaint and will direct you to use the appropriate procedures:

- a routine first-time request for a service
- 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.

3. Decisions not to prosecute

Where a decision by COPFS not to prosecute cannot be changed, the matter will be dealt with as a complaint under the Complaints and Comments Policy. We can only review decisions that are taken by us and cannot review decisions made by the court. We will only review cases where the decision could be changed. More information on how to ask for a review is available on our [website](#).

4. Handling anonymous complaints

We will treat all complaints, including anonymous complaints, seriously and will take action to consider them further, where this is appropriate. However, given the nature of the work that we do, the extent to which we can examine anonymous complaints is limited. We will only consider anonymous complaints if there is enough information to make further enquires.

Any decision not to pursue an anonymous complaint will be authorised by a senior manager.

If an anonymous complaint makes serious allegations which require further investigation, we will refer it to a senior officer 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.

If a complaint proves to be false we will not carry out an investigation but we will record them on our complaints database for future reference.

5. Handling dissatisfaction where no complaint is made

Expressions of dissatisfaction and complaints provide us with the opportunity to improve services where things have gone wrong.

Where you express dissatisfaction but no complaint is made, we will log the matter as an anonymous complaint on our database and consider any corrective action which may be required.

6. Complaints involving another organisation

Where we are unable to provide a full response to a complaint because some issues fall within the responsibility of another authority, we will provide contact details to help you to take that part of your complaint forward with that other authority.

COPFS will not respond to emails which have been addressed to other bodies and copied to us. Nor will we respond to group emails have been sent to a variety of organisations.

7. Maintaining Confidentiality

We recognise the importance of confidentiality in complaints handling. We will maintain personal confidentiality and bear in mind legal requirements, including the Data Protection Act 1998 when dealing with correspondence.

8. Compensation

As mentioned above, a complaint is not a request for compensation only.

Under section 170 of the Criminal Procedure (Scotland) Act 1995, prosecutors acting in the public interest cannot be sued unless it can be proved that their actions were carried out maliciously and without probable cause.

9. Unacceptable actions

COPFS may refuse to deal with complaints received from the relatively few correspondents whose actions or behaviour we consider 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 you to be making unreasonable demands or as being unreasonably persistent because of the amount of information you seek, the nature and scale of service you expect or the number of approaches you make 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.

10. 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.

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

12. Publishing Complaints Performance Information

We aim to demonstrate service delivery by monitoring and publishing our performance data.

We will regularly review and analyse statistics on complaints and provide updates to senior management. This will enable us to identify where lessons can be learned and make appropriate changes and improvements to our policies, systems and procedures.

We also report on our performance in handling complaints annually 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.

13. Scottish Public Services Ombudsman

If you are dissatisfied with how COPFS have handled your complaint you are entitled to raise that with the Scottish Public Services Ombudsman (SPSO). The SPSO is the final stage for complaints about most organisations providing public services in Scotland. Their service is independent, free and confidential.

It should be noted, however, that while the SPSO is the final stage for concerns about how COPFS have handled your complaint they are not an appeal body for the legal decisions we have taken.

The SPSO has no role in examining how and why legal decisions were taken, but can examine how COPFS has handled a complaint.

The SPSO will decide on a case by case basis whether your complaint has grounds for investigation.

The SPSO cannot normally look at complaints more than 12 months after you became aware of the matter you want to complain about.

If you wish to contact the SPSO you can do so directly at:

Address: SPSO, Freepost EH641, Edinburgh, EH30BR; or SPSO, 4 Melville Street, Edinburgh, EH3 7NS

Telephone: 0800 377 7330

Email: ask@spsso.org.uk

How to complain to COPFS is also available as an Easy Read document in the following pages.

Please let us know if you would like details of our Complaints & Comments Policy or correspondence in another language, audio, large print, electronic or other format.