



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

Crown Office and Procurator Fiscal Service (COPFS)

Complaints handling procedure

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Email: diversityteam@copfs.gov.uk

Call: 0300 020 3000

British Sign Language users should text on 07825 280346, specifying if you would prefer your reply by sms, text or email.

Published August 2021

Complaints handling procedure

The Crown Office and Procurator Fiscal Service (COPFS) is committed to providing high-quality services to members of the public.

We value complaints and use information from them to help us improve our services.

1. If something goes wrong or you are dissatisfied with our services, please tell us. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

What is a complaint?

2. We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us.

What can I complain about?

3. You can complain about things like:
 - failure or refusal to provide a service
 - inadequate quality or standard of service, or an unreasonable delay in providing a service
 - dissatisfaction with one of our policies or its impact on the individual
 - failure to properly apply law, procedure or guidance when delivering services
 - failure to follow the appropriate administrative process
 - conduct, treatment by or attitude of a member of staff or
 - disagreement with a decision where the person cannot use another procedure, (for example a statutory procedure for challenging that decision, or an established appeals process).
4. Your complaint may involve more than one COPFS service.

What can't I complain about?

5. There are some things we can't deal with through our complaints handling procedure. These include:
 - 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
 - substantive issues that are in court or have already been heard by a civil court including 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
 - a request for information under the Data Protection Act 2018 or the Freedom of Information (Scotland) Act 2002
 - disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector
 - a grievance by a staff member or a grievance relating to employment or staff recruitment
 - a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern)
 - a concern about a child or an adult's safety
 - abuse or unsubstantiated allegations about our organisation or staff where such actions would be covered by our Unacceptable Actions Policy; or
 - a concern about the actions or service of a different organisation, where we have no involvement in the issue
 - a service contracted by COPFS such as pathology or toxicology services where the service provided fails to meet the standards of the organisation involved
6. If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

Who can complain?

7. Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint** below. If you are complaining about a criminal case and you have no direct involvement in that case we will be unable to discuss the specifics of the case with you and whilst you will receive a response it will be in general terms only.

How do I complain?

8. You can complain in person at any of our offices, by phone, in writing, by email or by completing our complaints form on our web-site [Comments & Complaints \(copfs.gov.uk\)](https://www.copfs.gov.uk). We do not accept complaints through digital platforms including social media outlets.
9. It is easier for us to address complaints about the service you have received from COPFS if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve the issue.
10. When complaining, please tell us:
 - your full name and contact details
 - as much as you can about the complaint
 - what has gone wrong; and
 - what outcome you are seeking.

Our contact details

Please contact us by the following means:

- in person at any Procurator Fiscal office.
- by calling our national Enquiry Point on 0300 020 3000 (lines open Mon-Thurs: 8:30 to 17:15; Fri: 8:30 to 17:00).
- by e-mailing our Enquiry Point at EnquiryPoint@copfs.gov.uk with a query or comment.
- by e-mailing the Response & Information Unit at Complaints@copfs.gov.uk with our complaints form.
- by writing to us at Response & Information Unit, Crown Office, 25 Chambers Street, Edinburgh EH1 1LA.
- for RNID Typetalk prefix our telephone number with 18001.
- for callers with a hearing impairment text 07825 280346, letting us know if you would prefer your reply by SMS text message or email - calls will be answered in the first instance by our Enquiry Point.

Please note that if you contact us by telephone, we might sometimes ask you to make your complaint in writing, by email or letter. This could happen if we are unable to clarify the nature of your complaint over the telephone or if your complaint is complex.

We can also give you this leaflet in other languages and formats (such as large print, audio and Braille).

How long do I have to make a complaint?

11. 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.

12. 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?

13. We will usually tell you who is dealing with your complaint. Our complaints procedure has two stages.

Stage 1: Frontline response

14. We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

15. We will give you our decision at stage 1 in five working days or less, unless there are exceptional circumstances.

16. If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to stage 2. You must normally ask us to consider your complaint at stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your stage 1 response (if this is later).

17. In exceptional circumstances, we may be able to accept a stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

Stage 2: Investigation

18. Stage 2 deals with two types of complaint: where an individual remains dissatisfied after stage 1 and those that clearly require investigation, and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at stage 2 instead.

19. When using stage 2:

- we will acknowledge receipt of your complaint within three working days

- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for
- we will try to resolve your complaint where we can and
- where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

20. If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

What if I'm still dissatisfied?

21. After we have given you our final decision, if you are still dissatisfied with the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO are an independent organisation that investigates complaints. They are not an advocacy or support service (but there are other organisations who can help you with advocacy or support).

You can ask the SPSO to look at your complaint if:

- you have gone all the way through the COPFS complaints handling procedure
- it is less than 12 months after you became aware of the matter you want to complain about; and
- the matter has not been (and is not being) considered in court.

The SPSO will ask you to complete a complaint form and provide a copy of our final response to your complaint. You can do this online at www.spsso.org.uk/complain/form or call them on Freephone 0800 377 7330.

You may wish to get independent support or advocacy to help you progress your complaint. See the section on [Getting help to make your complaint](#) below.

The SPSO's contact details are:

SPSO

Bridgeside House

99 McDonald Road

Edinburgh

EH7 4NS

(if you would like to visit in person, you must make an appointment first)

Freephone: 0800 377 7330

Online contact www.spsso.org.uk/contact-us

Website: www.spsso.org.uk

Getting help to make your complaint

22. We understand that you may be unable or reluctant to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your written consent to complain for you.

23. You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance:

Scottish Independent Advocacy Alliance

Tel: 0131 510 9410 Website: www.siaa.org.uk

24. You can find out about advisers in your area through Citizens Advice Scotland:

Citizens Advice Scotland

Website: www.cas.org.uk or check your phone book for your local citizens advice bureau.

25. We are committed to making our service easy to use for all members of the community. In line with our statutory equality duties, we will always ensure that reasonable adjustments are made to help you access and use our services.

If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, you can tell us in person by calling 0300 020 3000 from a landline or 01389 739 557 from a mobile.

You can also email us at RIU@copfs.gov.uk.