

SCOTTISH SENTENCING COUNCIL

COMPLAINTS PROCEDURE

Last updated on 06 December 2019

Introduction

1. The Scottish Sentencing Council is an independent advisory body established to promote consistency in sentencing and greater understanding of the sentencing process, as well as assisting in the development of policy in relation to sentencing. We take all complaints and expressions of dissatisfaction seriously and aim to resolve them as quickly as possible.
2. The following complaints handling procedure reflects the Council's commitment to valuing complaints and seeking resolution to customer dissatisfaction as soon as possible through impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.
3. The procedure follows the standardised approach to handling complaints across Scottish Government, Scottish Parliament and associated public authorities in Scotland, as provided by the [Scottish Public Services Ombudsman](#) (SPSO) in its [Model Complaints Handling Procedure](#) and accompanying guidance.
4. In valuing complaints, we also aim to use information from them to help us to improve our services.
5. If something goes wrong or you are dissatisfied with our services, please tell us. This document describes our complaints procedure and how to make a complaint. It also tell you about our service standards and what you can expect from us

What is a complaint?

6. We regard a complaint as any expression of dissatisfaction about the Scottish Sentencing Council's action or lack of action, or about the standard of service provided by or on behalf of the Council.

What can I complain about?

7. You can complain about things like:
 - dissatisfaction with the way in which the Council operates i.e. correspondence response times or the process used by the Council to tender for research
 - treatment by or attitude of a member of staff
 - disagreement with a decision where the customer cannot use another procedure (for example an appeal) to resolve the matter
 - the Council's failure to follow the appropriate administrative process

What can't I complain about?

8. There are some things we can't deal with through our complaints handling procedure. These include:
 - complaints about the conduct of, or the decision made by, a judicial office holder in court proceedings¹
 - complaints about the service provided by the Scottish Courts and Tribunals Service (SCTS)²
 - issues that are in court or have already been heard by a court or a tribunal
 - disagreement with a decision where a statutory right of appeal exists
 - complaints about access to information where procedures and remedies are set out in legislation, e.g. Freedom of Information (Scotland) Act, Data Protection Act
 - a complaint about the conduct of other organisations within the justice system
 - an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision

¹ Decisions made by members of the judiciary in exercise of their duties are only subject to review by the Appeal Courts. If your complaint is about the conduct of individual judicial office holders, and is not related to a decision taken by them in exercise of their duties or the way in which your case has been handled, there is a [complaints about the judiciary procedure](#) available. The Judicial Office for Scotland will consider any complaint about the personal conduct of judicial office holders.

² If your complaint relates to the service provided by the SCTS, your complaint should be directed to the SCTS. For details, please see the [SCTS complaints procedure](#).

Who can complain?

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

How do I complain?

10. You should submit your complaint in writing by either of the following ways:

email: sentencingcouncil@scotcourts.gov.uk

post: Scottish Sentencing Council
Judicial Office for Scotland
Parliament House
Edinburgh
EH1 1RQ

11. When making a complaint please tell us:

- your full name and address
- as much as you can about the complaint
- what you believe has gone wrong
- how you want us to resolve the matter
- your preferred way of being contacted by us

Who will handle my complaint?

12. Your complaint should be directed to the Scottish Sentencing Council Secretariat at the details above in the first instance.
13. Complaints about the Council, its work and its members are handled by the Secretariat and the Chair of the Council.
14. Complaints about members of the Council's support staff are handled within the SCTS management structure, as the Council's Secretariat is composed of SCTS staff.

How long do I have to make a complaint?

15. Normally, you must make your complaint within six months of:

- the action or inaction you wish to complain about
- finding out that you have a reason to complain, but no longer than **12 months** after the action or inaction itself

16. 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?

17. We will always tell you who is dealing with your complaint.

18. Our complaints procedure has two stages:

Stage 1 – early resolution

19. We aim to resolve complaints quickly. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

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

21. 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

22. Stage 2 deals with two types of complaint: those that have not been resolved at stage 1 and those that are complex and require detailed investigation.

23. When we investigate a complaint we will:

- acknowledge receipt of the complaint within three working days
- where appropriate, discuss your complaint with you to understand why you are 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.

24. If our investigation is likely take longer than 20 working days, we will tell you. We will try to agree revised time limits with you and will keep you updated on our progress.

What if I'm still dissatisfied?

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

26. The SPSO **cannot** normally look at;

- a complaint that has not completed our complaints procedure (**so please make sure that 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 at court

27. You can contact the SPSO:

- in person: SPSO
Bridgeside House
99 McDonald Road
Edinburgh
EH7 4NS
- by post: Freepost SPSO
- by telephone: Freephone 0800 377 7330 or call 0131 225 5300
- online: <https://www.spsso.org.uk/contact-us>

Getting help to make your complaint

28. 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 (someone who will support you), if you have given them your consent to complain for you.

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

- by post: Scottish Independent Advocacy Alliance
18 York Place
Edinburgh
EH1 3EP
- by telephone: 0131 510 9410
- online: <https://www.siaa.org.uk/us/contact-us/>

30. We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers 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, contact us at sentencingcouncil@scotcourts.gov.uk.

Quick guide to our complaints procedure

Complaints procedure

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

We have a **two-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you updated on our progress.

Stage 1: early 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.