

# HOW TO **COMPLAIN** TO THE SCOTTISH EXECUTIVE

our standards of service



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SCOTTISH EXECUTIVE

## FOREWORD

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This leaflet is a guide to the Scottish Executive's complaints procedure.

We aim to provide high-quality services and information for all our customers. We continually look for new ways to improve our services and welcome the opportunity to resolve any complaints as a means of learning from them.

Our standards of service are there to help us to ensure that the services provided meet appropriate standards. We recognise, however, that there may be occasions when we do not get it quite right. Having a complaints procedure ensures that any concerns about the level of service are dealt with fairly and speedily. All complaints are dealt with seriously and a full response will be given to any concerns raised.

We also welcome any comments or suggestions on how we might improve things. You can make suggestions using the e-mail enquiries address on the main contacts and address page on our website: <http://www.scotland.gov.uk>

Otherwise please write to us or phone us – general contact details are available at the end of this leaflet.



John Elvidge  
Permanent Secretary

## Scottish Executive: What do we do?

The Scottish Executive is the devolved government for Scotland. It is responsible for most of the issues of day-to-day concern to the people of Scotland, including health, education, justice, rural affairs, and transport.

The Executive is led by a First Minister who is nominated by the Parliament and who in turn appoints the other Scottish Ministers who make up the Cabinet.

Scottish Executive civil servants are accountable to Scottish Ministers, who are themselves accountable to the Scottish Parliament. In addition, there are a number of other Departments and Executive Agencies for which Ministers have a degree of responsibility.

## What is a complaint?

A complaint can be made by an individual (or by his or her delegated representative) if they are dissatisfied with any aspect of our service delivery or administrative performance. Administrative failure is commonly referred to as ‘maladministration’ – here are some examples:

- taking too long to take action or failing to take action
- not following the policy or rules
- treating a complainant unfairly in relation to others
- not making a decision in the correct way
- giving wrong or misleading information
- a member of staff not delivering on a commitment made
- failing to provide a service that should have been provided.

## IMPORTANT: DOES THIS PROCEDURE COVER ALL COMPLAINTS?

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The complaints procedure does not cover all complaints. Complaints about aspects of legislation or stated policy by Ministers cannot be legitimately dealt with under this procedure because as civil servants our role is to assist the Scottish Executive Ministers in formulating their policies.

The proper recourse for any concerns about policy or legislation is to take up the matter with your MSP, or MP, who in turn will take up these concerns on your behalf direct to Scottish Ministers.

Where a complaint is about our handling of Freedom of Information (FOI) requests, these are covered by other formal procedures which have been put in place. Further information on this is available from the Executive’s FOI web pages or from the FOI Unit on 0131-244 5210.

There are other **categories of complaints which cannot be accepted** by the Scottish Executive. Examples are as follows:

- matters for which an alternative remedy exists, such as a court or a tribunal
- decisions by the Scottish Executive which have been correctly made following stated policy or terms of legislation cannot be complained against. For example, where a decision relates to the level funding or a claim which does not meet a specific requirement.

Guidance on whether your complaint can be accepted will be provided at the initial point your complaint is being handled under this procedure.

## HOW CAN I MAKE A COMPLAINT?

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If you are dissatisfied with the service you have received, you should, in the first instance, contact the team you have been dealing with in the Scottish Executive. They may be able to resolve things to your satisfaction straight away. If not, the complaints procedure allows for your complaint to be dealt with in three steps.

### Step 1 – Approach to team leader

If you remain dissatisfied contact the relevant manager of the team you have been dealing with. The team you have been dealing with should provide that person's name and address.

You may complain either in writing, by email, telephone or in person.

The manager will attempt to resolve the matter there and then; however, if further details about the complaint are required the manager may contact you.

At this point the manager will ask if you wish to have the matter formally logged in our records as a complaint. If you **do not**, the matter will not be taken any further forward by the Executive. If you **do**, the manager will investigate your formal complaint and write to you within **10 working days**.

After the letter has issued, the manager may telephone you to see if there any outstanding points you require to be clarified. That letter will indicate what you can do if you are still dissatisfied.

If the 10 day target cannot be met, the manager will provide an interim response explaining the delay and will provide an indication when a full response will be issued.

### Step 2 – Appointment of 'complaints officer'?

Most complaints are settled at Step 1. However, if you are not happy with the manager's response your complaint will be dealt with by a 'complaints officer'. This person will usually be a more senior person who is completely independent of the service area in question; either from the same or a different business area within the Department.

The complaints officer will write introducing himself/herself, explaining the process and if necessary seeking more information. He/she may ask you to complete a form to help identify more clearly the issues. A meeting with you may also be organised if this would help.

The complaints officer will prepare a report setting out the background, with his/her findings and recommendations and this report will be sent to you with a letter explaining how the decisions have been reached. That letter will also confirm what will happen to your complaint should you remain dissatisfied.

The aim is to write to you within four weeks of the date the complaints officer first gets in contact with you. If this target cannot be achieved the complaints officer will update you on the delay and provide an indication of when a full response will be given.

### **Step 3 – Reference to Head of Department?**

If your complaint is still not resolved, it will be subject to a final review by the relevant Head of Department.

After a full review of your complaint the Head of Department may decide that all the necessary possible steps have been taken. If that is the case you will be informed that the Scottish Executive can take no further action.

If the Head of Department considers that further investigation **is** necessary, the complaints officer will be requested to look into aspects of the case as directed. The Head of Department will then review the case in light of this further work and write to you advising of the outcome of that review.

### **If you remain dissatisfied**

If you remain dissatisfied after having been through this procedure with your complaint, you (or your representative) may ask the Scottish Public Services Ombudsman to consider your complaint. The Ombudsman will normally only act once you have fully explored the procedures set out in this leaflet. Your complaint should be submitted to:

#### **Scottish Public Services Ombudsman**

**4 Melville Street**

**Edinburgh**

**EH3 7NS**

**Telephone: 0870 011 5378**

**Textphone: 0790 049 4372**

**Fax: 0870 011 5379**

**E-mail: [enquiries@scottishombudsman.org.uk](mailto:enquiries@scottishombudsman.org.uk)**

**Website: [www.scottishombudsman.org.uk](http://www.scottishombudsman.org.uk)**

### **Useful addresses**

If you are unsure about any aspects of this procedure, or if you require any further information, please contact the Complaints Manager.

#### **Grace Brash**

**Complaints Manager**

**Ministerial Correspondence Unit**

**Scottish Executive**

**Room 1N 04**

**St Andrew's House**

**Edinburgh**

**EH1 3DG**

**Telephone 0131 244 2995**

**Fax No: 0131 244 2780**

**Email Address: [grace.brash@scotland.gsi.gov.uk](mailto:grace.brash@scotland.gsi.gov.uk)**

Further copies of this document are available, on request, in audio and large print formats and in community languages, please contact:

اس دستاویز کی مزید کاپیاں آڈیو کیسٹ پر اور بڑے حروف کی چھپائی میں اور کیوٹی کی زبانوں میں طلب کیے جانے پر دستیاب ہیں، برائے مہربانی اس پتے پر رابطہ کریں:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারে এবং সম্প্রদায়গুলোর ভাষায় অনুরোধের মাধ্যমে পাওয়া যাবে, অনুগ্রহ করে যোগাযোগ করুন:

Gheibhear lethbhreacan a bharrachd ann an cruth ris an èistear, ann an clò mòr agus ann an cànan coimhearsnachd. Cuir fios gu:

इस दस्तावेज़/कागज़ात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्प्यूनिटी भाषाओं में मिल सकती हैं, कृपया संपर्क करें:



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This document is also available on the Scottish Executive website: [www.scotland.gov.uk](http://www.scotland.gov.uk)

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ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਗਜ਼ਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਆਂਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਪਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط الكبير ونسخ بلغات أخرى، يرجى الإتصال على:

Telephone 0131 244 2995

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