



Her Majesty's Inspectorate of Prisons for Scotland Complaints Handling Procedure

Our complaints handling procedure reflects HMIPS commitment to valuing complaints. It seeks to resolve prisoner dissatisfaction as close to the point of service delivery, and where necessary to conduct thorough, impartial and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.

The procedure complies with the Scottish Public Sector Ombudsman's (SPSO) guidance on a model complaints handling procedure. This procedure aims to help us 'get it right first time'. We want quicker, simpler and more streamlined complaints handling with early resolution by capable, well-trained staff.

Complaints give us valuable information we can use to improve prisoner satisfaction. Our complaints handling procedure will enable us to address a prisoner's dissatisfaction and may also prevent the same problems that led to the complaint from happening again. For our staff, complaints provide a first-hand account of the prisoner's views and experience, and can highlight problems we may otherwise miss. Handled well, complaints can give prisoners a form of redress when things go wrong, and can also help us continuously improve our services.

The complaints handling procedure will help HMIPS do our job better, improve relationships with our prisoners and enhance public perception of HMIPS. It will enable us to better understand how to improve our services by learning from complaints.

Please note that we do not deal with complaints from, or on behalf of individual prisoners that are unrelated to the service that HMIPS provide. If you wish to complain about anything else you should raise this with the relevant Governor, via the NHS complaints system, with the Director or NHS Chief Executive, or with the Scottish Public Services Ombudsman.

**Wendy Sinclair-Gieben, Chief Inspector of Prisons for Scotland
July 2019**

What is a complaint?

The HMIPS definition of a complaint is:

‘An expression of dissatisfaction about our action or lack of action, or about the standard of service provided by or on behalf of HMIPS.

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with HMIPS policy
- treatment by or attitude of a member of staff
- HMIPS failure to follow the appropriate administrative process

Your complaint may involve more than one service we provide in HMIPS or be about someone working on our behalf.

A complaint is **not**

- a routine first-time request
- a request for compensation
- issues that are in court or have already been heard by a court or tribunal
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

If other procedures or rights of appeal can help you resolve your concerns, we can give information and direct you to the most appropriate place.

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 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 will be authorised by a senior manager.

If an anonymous complaint makes serious allegations, we will refer it to a senior officer within HMIPS immediately to carefully consider what further action to take.

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

Who can make a complaint?

Anyone who is affected by our services can make a complaint.

The complaints handling process

Our complaints handling process 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**, and
- **investigation**.

Stage one - frontline resolution

Frontline resolution aims to quickly resolve straightforward complaints that require little or no investigation, at first point of contact.

This could mean an on-the-spot apology where appropriate or an explanation of why the issue has occurred, and where possible, what will be done to stop this happening again and immediate action to resolve the problem.

We will respond to Stage 1 complaints within five working days or less, from when the complaint is received by an Independent Prison Monitor or a member of HMIPS staff, unless there are exceptional circumstances.

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 receive our initial decision.

Stage two - investigation

If your complaint relates to an Independent Prison Monitor, the Prison Monitoring Co-ordinator for the relevant prison will consider your complaint and will aim to reply to you within 21 working days of receipt. For complaints relating to HMIPS staff, the Deputy Chief Inspector of Prisons will consider your complaint and will aim to reply to you within 21 working days of receipt. If you wish to complain about the Deputy Chief Inspector, your complaint will be handled by the Chief Inspector of Prisons.

If your complaint is about the Chief Inspector of Prisons for Scotland you should write to the Director of Justice, Scottish Government Justice Directorate, Room GW.02, St Andrews House, Regent Road, Edinburgh, EH1 3DG.

A complaint will be escalated to Stage 2 when:

- you remain dissatisfied following Stage 1 and request an investigation
- you refuse to take part in frontline resolution
- the issues you raise are serious, high risk and high profile

When using Stage 2 we will:

- acknowledge receipt of your complaint within five working days from when it is received by an Independent Prison Monitor or a member of HMIPS staff
- where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- provide you with a full response to the complaint as soon as possible but no later than 21 working days from the time we received your complaint for investigation.

If our investigation will take longer than 21 working days, we will tell you. We will agree revised time limits with you and keep you updated on progress.

What if I'm still dissatisfied?

The SPSO is the final stage for complaints about public services in Scotland. If you remain dissatisfied after you have completed our complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where you have not gone all the way through our complaints handling procedure
- it is more than 12 months after you became aware of the matter you want to complain about, or
- the matter has or is being considered in court.

You can contact the SPSO:

By Post

SPSO Freepost EH641
Edinburgh
EH3 0BR

Freephone: 0800 377 7330

How do I complain?

You can complain by phone or in writing.

It is easier for HMIPS to resolve complaints if you make them quickly and directly to us. So please make a request to speak with an Independent Prison Monitor and they will try to resolve any problems when they meet with you.

When complaining, tell us:

- your full name, prisoner number and location
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

How long do I have to make a complaint?

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, but no longer than 12 months after the event itself.

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.

Contact details

Freephone: 0800 056 7476

Written request in IPM Box

By post to HMIPS

Kerry Love
Business Manager
HM Inspectorate of Prisons for Scotland
Room Y1.4
Saughton House
Broomhouse Drive
Edinburgh
EH11 3XD

0131 244 8484

Quick guide to our complaints procedure

Complaints procedure

You can make your complaint by phone, via written request in the IPM Box or by writing to HMIPS.

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: frontline resolution

We will always try to resolve your complaint quickly, within **five working days** from when it is received by an Independent Prison Monitor or a member of HMIPS staff, 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 **five working days** from when it is received by an Independent Prison Monitor or a member of HMIPS staff. We will give you our decision as soon as possible. This will be after no more than **21 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