

## COMPLAINTS POLICY AND PROCEDURE

Date policy adopted: 17/4/2023 (Replaces previous Complaints Policy and Procedure adopted November 2019)

Date of last review: 17/4/2023

### **1. Purpose and Scope**

The Scottish Road Works Commissioner (the Commissioner) is committed to providing high-quality customer service. The Commissioner values complaints and uses the information from them to help us improve our service. If something goes wrong or you are dissatisfied with our service, please tell us. We aim to resolve complaints about our service quickly, and whenever possible in a simple and straightforward way.

### **2. Complaints Policy**

If you have a complaint about our service or our staff, the Commissioner will work with you to resolve the complaint. If something has gone wrong we will try to resolve the problem quickly and implement any improvements that are needed to prevent similar mistakes happening again. This document describes our complaints procedure and how to make a complaint. Details of our service standards and what you should expect can be found on the Commissioner's website at [www.roadworks.scot](http://www.roadworks.scot)

### **3. What is a complaint?**

As a public body, the Commissioner identifies a complaint using the Scottish Public Sector Ombudsman's (SPSO) definition. The SPSO definition of a complaint is:

‘An expression of dissatisfaction by one or more members of the public about the organisation’s action or lack of action, or about the standard of service provided by or on behalf of the organisation.’

#### **4. What can I complain about?**

Your complaint can relate to any matter in connection with the work of the Commissioner for which you feel dissatisfaction. Complaints may be about, but are not limited to:

- Delays in responding to your enquiries and requests;
- Failure to provide a service;
- Our standards of service;
- Our policy;
- Treatment by or attitude of a member of staff; and
- Our failure to follow proper procedure.

If your complaint is about a member of the Commissioner’s staff and requires to be investigated, that person will be consulted about the incident and asked for their views but they will not be involved in investigating the complaint.

If your complaint is about the Commissioner, the complaint will be referred to the Policy Manager, who will consider the complaint and make arrangements to have the complaint independently investigated.

#### **5. What can’t I complain about?**

There are some things that are not dealt with through our complaints handling procedure, for example:

- a routine first-time request for service
- an appeal against a Commissioner imposed penalty

This list is not exhaustive and advice on making a complaint can be sought from the Commissioner if required. If other procedures or rights of appeal can help you resolve your concerns, we will give information to try to help you.

## **6. Who can complain?**

Anyone can make a complaint to us. You can also make a complaint on behalf of, or as a representative of someone who is dissatisfied with our service.

## **7. How to complain**

It is easier for us to resolve complaints if you make them quickly and directly to the Commissioner. We aim to solve problems informally in the first instance, so please contact a member of staff using the telephone number below.

However, if the response you are given is unsatisfactory, you can formally complain in person, by phone, in writing, or by email. Our contact details are as follows :

Phone	0131 244 9936
Email	<a href="mailto:enquiries@roadworks.scot">enquiries@roadworks.scot</a>
Post	E Spur Saughton House Broomhouse Drive Edinburgh EH11 3XD

## **8. 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. Complaints are not normally considered 12 months after the event.

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.

## **9. What happens once I have made a complaint?**

The Commissioner will acknowledge your complaint and advise you who is dealing with it. In line with the procedure set out by the SPSO, your complaint will be handled in the following way.

### **9.1 Stage One- Frontline Resolution**

The Commissioner aims to resolve complaints quickly. When we receive your complaint it will be assessed as a Stage 1 complaint. We will give you our decision at Stage 1 within five working days, unless there are exceptional circumstances. If your complaint cannot be resolved at this stage, we will contact you and explain this, we will also tell you what you can do next. One of the actions proposed may be to escalate your complaint to Stage 2.

### **9.2 Stage Two- Investigation**

The Commissioner will look at your complaint at this stage if you are dissatisfied with the response at Stage 1. We also look at some complaints immediately at this stage, if it is considered that they are complex or require detailed investigation. The Commissioner will acknowledge your complaint within three working days and will give you a decision as soon as possible. This will be within 20 working days unless

there is clearly a good reason for needing more time. If additional time is required, the investigating officer will contact you to discuss this.

### 9.3 Final Stage

After the Commissioner has investigated your complaint, 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 consider it. The Ombudsman will normally only be able to act if you have followed the steps above.

- You can phone SPSO on 0800 377 7330
- You can contact SPSO by post at: Freepost SPSO
- In person at: Scottish Public Services Ombudsman, Bridgeside House, 99 McDonald Road, Edinburgh, EH7 4NS

## 10. Getting help to make your complaint

If you would like assistance to make your complaint, please contact us using the details above. However, we understand that you may be unable, or reluctant, to make a complaint yourself. If this is the case, we accept complaints from representatives of a person who is dissatisfied with our service. We can take complaints from a friend, a relative, or an advocate, if you have given them your consent to complain for you.

## 11. Other formats

The Commissioner is committed to making services, policies and guidance available to everyone. This document may be available in other formats. Please contact us if you wish to discuss this matter.