



# Commission for Ethical Standards in Public Life in Scotland

## Guidance on making a complaint

### Who we are

This leaflet is about the work of the Public Appointments Commissioner for Scotland and the Commissioner's office. The Commissioner regulates appointments to the boards of many of Scotland's public bodies. The Commissioner is independent of the Scottish Parliament and the Scottish Government.

We have two distinct complaint handling functions and therefore different and appropriate procedures for dealing with each of these. In this leaflet we explain how we handle complaints about us. We have another leaflet that explains how we deal with complaints about public appointments.

Responding to complaints is one of the ways in which we can improve Scotland's public appointments process or the services that we provide to our stakeholders. Every complaint upheld will lead to a review of practice, policy or process, and to changes aimed at preventing a similar complaint arising in the future about the work that we do or the services that we provide. We therefore welcome complaints as they help us to make improvements.

### What we do when we receive a complaint

On receipt of the complaint (which must be in writing), the complaint is acknowledged and advice, appropriate to that complaint, is offered within three working days. Complaints and enquiries will be handled confidentially, efficiently and with tact and understanding. Where an investigation must be instigated, and any legitimate complaint will warrant investigation, we will ensure that no conflict of interest arises with respect to the investigating party or parties. Thus, no individual or staff member will be involved in the investigation of a complaint about themselves.

## Our job

Our job is to make sure that the people who serve on the boards of public bodies, sometimes known as non-executive directors, are appointed on merit, using methods that are fair and open. Whilst we regulate the process used to make appointments, it is run by civil servants on behalf of the Scottish Government. A representative of the Commissioner, known as a Public Appointments Assessor, scrutinises every regulated appointment round.

The Commissioner has published a code of practice that sets out what the Scottish Government must do when making public appointments. The Commissioner's code, and a list of the bodies that the Commissioner regulates, can be found on our website.

## Making a complaint about us

You can make a complaint about any aspect of the service that we provide. Issues that you may wish to complain about include but are not limited to:

- you have been treated rudely or unfairly
- your enquiry has not been dealt with promptly or appropriately
- our performance has fallen short of your expectations.

If you have a complaint about any of these issues, or any other aspect of the work that we do, you should contact us using the details provided overleaf.



## Investigating complaints about us

We will acknowledge your complaint within three working days. Within twenty working days, we will either

- let you know that it is not possible to take action and explain why, or
- send a statement of complaint to you that will
  - set out the issues that you have complained about to ensure that we agree these with you and
  - explain what we can do in the event that the complaint is upheld.

The investigation will always be handled by someone other than the person that you are complaining about.

Once an investigation has started, we aim to complete it and to report on findings within 20 working days. For complex complaints this is sometimes not possible. In such cases we will keep you up to date with the progress of the investigation at least every twenty working days until the investigation is complete.

## The results of investigations

We will write to you at the end of the investigation clearly setting out our findings and any proposed action that we intend to take. Where a complaint is upheld, we will always give an apology and be clear about how we intend to prevent similar problems arising again in future. This means that complaints can help to improve the way that we conduct our activities.

It is possible that you may not be content with the results of an investigation and/or the way that the investigation was handled. The Commissioner will investigate your concerns if you believe that an investigation was not conducted appropriately. The Commissioner will consider why you are unhappy and will review the work involved in the original investigation. The Commissioner will write to you confirming her conclusions and final decision at the end of such a review. As with all complaints, if your concerns are upheld it will lead to an apology and to a review of our practices.

## What if I am unhappy with a decision made by the Commissioner?

The Commissioner's decision following an investigation is final. The Commissioner will not

- enter into protracted discussion with you about the outcome of the investigation
- re-open the investigation unless relevant new evidence comes to light. Where you do provide relevant new evidence the Commissioner will consider this.

The Commissioner will

- clarify points raised in relation to her findings in any investigation
- respond to questions raised about the way any complaint has been handled.

If you remain dissatisfied, a final letter will be sent to you referring you to the Scottish Public Services Ombudsman (SPSO). The work of the Commissioner's office in respect of the services we provide is overseen by the SPSO. We will also provide you with the SPSO's contact details.

The final letter will make it clear that you can complain further about the way in which your complaint was handled, or the service received from the Commissioner or the Commissioner's staff, but not about the outcome of an investigation into a public appointments process.

We welcome all enquiries about our work.

### Contact details

Public Appointments Commissioner for Scotland

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EH3 7SW

T: 0131 226 8138

E: [appointments@ethicalstandards.org.uk](mailto:appointments@ethicalstandards.org.uk)

Part of the  
Commission for Ethical Standards in Public Life in  
Scotland