

GUIDANCE ON Complaining to Residential First Line Manager (Rule 122) and using FORM PCF1

To make a complaint:

- Try to sort out a complaint with a prison officer in the first instance to see if they can sort the complaint out for you rather than making a complaint under the Rules.

To make a complaint under the 2011 Rules, you can:

- Fill out Part 1 of the Prisoner Complaint Form 1 (PCF1) and hand it to an Officer;
- Or tell a Residential First Line Manager (RFLM) about the complaint.
- The RFLM will arrange to meet you to discuss your complaint further within 48hrs;
- At the meeting you can talk through your complaint with the RFLM.
- If the RFLM is able to sort the complaint through discussion, you will not receive a written response.
- If the RFLM is unable to sort the complaint at the initial discussion, a nominated officer will carry out an investigation;
- You will receive a written response within 5 days.

Do not use this form to make:

- A confidential complaint -they go straight to the Governor in Charge using Form PCF2;
- A medical complaint - they go through the Health Centre. For information on making these types of complaints talk with residential staff and Health Centre Staff.
- An appeal against a Disciplinary Hearing – use either form PAF1 or PAF2 (see Guidance).

The chart below gives information on making a complaint.

COMPLAINTS TO THE RESIDENTIAL FIRST LINE MANAGER

Making the complaint:

- You can complain by speaking to a Residential First Line Manager (RFLM);
- Or fill out Part 1 of the PCF1 Form and hand it to your RFLM;
- If you need assistance in completing the form you can speak to a member of staff who will help you.
- Copies of the form can be obtained from all residential areas.

Meeting the Residential First Line Manager

- Within 48 hours, the RFLM can set up a meeting with you to discuss your complaint which may be sorted out at this stage.

Investigating and Responding

- If your complaint has not been sorted by the discussion with the RFLM, a nominated officer will carry out an investigation into the complaint and report back to the RFLM.
- You should receive a written response about your complaint from the RFLM **within 5 days** of submitting your form.
- If you are unhappy with the response from the RFLM, you can refer your complaint to the Internal Complaints Committee (ICC).

COMPLAINTS TO THE INTERNAL COMPLAINTS COMMITTEE

Complaining to the ICC

To complain to the ICC, you must:

- Fill out Part 4 of the PCF1 Form;
- If you need assistance in completing the form you can speak to a member of staff who will help you;
- Hand it to an officer who will pass it to the ICC.

Holding a hearing and making a decision

- The ICC will hold a hearing into your complaint.
- You can attend the hearing.
- You may be assisted at the hearing.
- You may be able to bring witnesses to give evidence in support of your complaint. The Chair of the ICC will discuss with you before the hearing if you can have assistance or any witnesses requested.
- The ICC will make recommendations to the Governor.
- The Governor will look at the ICC's recommendations and write to you within **20 days** with a final decision.
- **This is the last stage in the complaints procedure within the prison.**

Contacting the SPSO

If you are not satisfied with the response after completing the prison complaints procedure, you may be able to refer your complaint to the Scottish Public Services Ombudsman (SPSO). Copies of the SPSO complaint form can be obtained from all residential areas.

Please note the SPSO cannot normally look at:

- Complaints that you have known about for more than one year, or
- Complaints that have been, or that are being, looked at by a court

You must make sure that you have completed the prison complaints process before sending your complaint to the SPSO.

The SPSO complaint form should be sent to the SPSO's freepost address below. Mark your envelope 'Privileged Correspondence' and enclose a copy of the completed prison complaints form that includes the Governor's response. If you need assistance in completing the SPSO complaint form you can speak to a member of staff who will help you.

 **FREEPHONE 0800 377 7330**  **Freepost EH641 Edinburgh EH3 0BR**

GUIDANCE ON

Complaints about Confidential Matters (Rule 124) and using FORM PCF2

What is a complaint about a confidential matter?

- It is a complaint in relation to an exceptionally sensitive or serious issue. Examples of this are an allegation of serious misconduct against a member of staff, or a confidential private family matter.

To make a complaint about a confidential matter, you must:

- Fill out PART 1 of the PCF2 Form.
- Place it in the sealed envelope provided.
- Pass it to a Residential Officer who will give it to the Governor without delay.

The chart below gives information on making a confidential complaint.

CONFIDENTIAL COMPLAINTS PROCESS

Making the complaint:

- All confidential complaints must be made in writing, by filling out PART 1 of the PCF2 Form,
- If you need assistance in completing the form you can speak to a member of staff who will help you.
- Place the form in the sealed envelope provided and passed it to the residential officer.

Considering and Responding

- Your sealed complaint will be passed to the Governor without delay.
- **Within 7 days**, the Governor will look at your complaint, giving you a written decision in a sealed envelope.
- In exceptional circumstances, if the Governor is unable to give you a decision within 7 days, you will be informed of the reasons for the delay and told you when you will receive the decision.
- Where the Governor is of the opinion that your complaint it is not a confidential complaint, your written complaint will be returned in a sealed envelope with advice on how to take your complaint forward by speaking to the Residential First Line Manager or by completing the PCF1 Form.
- **This is the only stage in the prison complaints procedure for confidential complaints.**

Contacting the SPSO

If you are not satisfied with the response after completing the prison complaints procedure, you may be able to refer your complaint to the Scottish Public Services Ombudsman (SPSO). Copies of the SPSO complaint form can be obtained from all residential areas.

The SPSO complaint form should be sent to the SPSO's freepost address below. Mark your envelope 'Privileged Correspondence' and enclose a copy of the completed prison complaints form that includes the Governor's response. If you need assistance in completing the SPSO complaint form you can speak to a member of staff who will help you.

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