

## **Children and Young People's Commissioner Scotland: Complaints**

### **Introduction**

The Children and Young People's Commissioner Scotland is keen to provide a good service and to learn from any mistakes. In particular, the Commissioner is aware that it is imperative that everyone is treated with dignity, respect and courtesy, and without discrimination. Members of the public should be free to raise concerns and make complaints and have such complaints dealt with appropriately and speedily if they feel that they have not been treated in this manner.

This document sets out how complaints about the Children and Young People's Commissioner Scotland can be made, and who will deal with them.

### **Scope of this procedure**

The Children and Young People's Commissioner Scotland is an independent public body with the general function to promote and safeguard the rights of children and young people in Scotland. It is independent of government and reports directly to the Scottish Parliament. In pursuance of the Commissioner's general and specific duties, the Commissioner and his staff will offer interpretations about how aspects of the international children's rights framework apply to domestic law, policy and practice. The views of the Commissioner and his staff can be challenged by making representations on such matters and complaints may be made. These will be dealt with through this procedure, but it should be noted that the Commissioner's remit and the independence of his office mean that the Commissioner will reserve the right to apply a degree of discretion to such matters, reflecting the independence of his office as guaranteed in the Commissioner's establishing legislation (the Commissioner for Children and Young People (Scotland) Act 2003).

The Commissioner is ultimately accountable for his and his office's actions, and if a complainant considers that the Commissioner has acted unreasonably and/or in breach of his statutory duties, they may write to the Scottish Parliamentary Corporate Body (The Scottish Parliament Corporate Body, The Scottish Parliament, Edinburgh EH99 1SP) about the matter, and/or instigate Judicial Review proceedings in respect of an alleged breach of statutory duty.

## **Making a complaint**

If a member of the public is unhappy with the way they are treated by the Commissioner or a member of his staff, they may either:

- tell the Commissioner or member of staff involved;
- in the case of a member of staff, ask to speak to their manager (who will be the Commissioner or a member of the Management Team); or
- write to the Commissioner (by post, e-mail or text).

A complaint or an enquiry about making a complaint will be dealt with by:

- a member of the Commissioner's staff, if appropriate;
- that person's manager or another member of the Management Team; or
- the Commissioner.

The Commissioner will be informed immediately about every complaint made and will be kept informed about the details and conduct of any investigation of a complaint.

## **Complaints about the Commissioner**

As a public body headed by a single officeholder, most formal communications will be in the Commissioner's name and the Commissioner retains ultimate responsibility for all actions of the organisation. However, the subject matter of a complaint against the Commissioner might not in fact relate to the Commissioner's own actions or omissions. Where, for example, a complaint relates to a letter or a submission made in the Commissioner's name, this does not automatically debar the Commissioner from considering a complaint in the first instance. If the complainant is not satisfied with the response they have received, the complaint may be reconsidered by the Management Team, excluding the Commissioner. The Management Team includes the Head of Policy, Head of Participation and Education, and the Head of Corporate Services.

The option to refer the complaint to an independent investigator will be offered to the complainant if they are not satisfied with the manner in which their complaint about the Commissioner was handled by the Management Team, unless this would be felt to be disproportionate, or if the complaint is vexatious.

## **Procedure if complainant is not satisfied with the response**

If a complainant is not satisfied with the response they received to their complaint about a staff member which was dealt with by the staff member's manager, the Commissioner will consider the matter. If the complainant is not satisfied with the manner in which their complaint was handled, an independent person will be asked to review the handling of the complaint. The complainant and the Commissioner will receive a copy of the report.