



## **TRANSPORT SCOTLAND**

### COMPLAINT HANDLING PROCEDURES

MARCH 2014

## PREFACE

As an Executive Agency of the Scottish Government it is important to Transport Scotland that complaints about service are dealt with by the right person at the right time. Where something has not gone well or you are dissatisfied with our work, please let us know. This document summarises our procedure for dealing with any complaints and what you can do get in touch with us.

## POLICY

### *Purpose*

Transport Scotland seeks to deliver a safe, efficient, cost-effective and sustainable transport system for the benefit of the people of Scotland. This will play a key role in helping to achieve the Scottish Government's Purpose of increasing sustainable growth with opportunities for all of Scotland' to flourish.

We deliver a wide range of key national transport policies and projects drawing on the best available advice, analysis and technical expertise. This involves working closely with Ministers, while also engaging with our many stakeholders throughout Scotland, and with the public and people of Scotland. Our Corporate Plan and Annual Business plans are on our website and are updated as required providing further detail on priorities and specific commitments for each year.

## COMPLAINT HANDLING

As a national transport agency supporting Scottish Ministers, Transport Scotland seeks to operate in a transparent and effective way. The agency has a delivery priority to achieve continuously improving performance and organisation, and this includes engaging with key stakeholders and the travelling public about transport projects, policies and issues. The Agency has also worked with the Scottish Information Commissioner in producing an agreed Publication Scheme to aid transparency and openness. We set out below a procedure for dealing as effectively as possible with any complaints.

We value feedback and reaction about our work and use the information provided to help improve our service.

## **What is a complaint?**

A complaint will be any expression of dissatisfaction about our action or lack of action, about the standard of service provided by Transport Scotland or on our behalf.

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

You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- our policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

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

## **What can't I complain about?**

There are some things we can't deal with through our complaints handling procedure.

These include:

- against decisions which have been made correctly reflecting Ministerial policies;
  - against decisions which have been made in adherence with legislative requirements;
  - against decisions that have a discretionary element.
- Legal proceedings or judgements
- a routine first-time request for a service, for example, local services, transport, etc
- requests for compensation from external organisations
- things that are covered by a right of appeal – for example, various orders or Regulations and related appeal decisions
- Freedom of Information or Environmental Information request decisions

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you or you may contact your MSP or MP who will act on your behalf with Scottish Ministers.

## **Who can complain?**

Anyone can make a complaint to us relating to our role, including the representative of someone dissatisfied with our services. Please also see the section on “Complaint Assistance” .

## **What about anonymous complaints?**

Anonymous complaints will be passed to the Chief Executive to consider if the complaint is acceptable and should be investigated further. Any anonymous complaint, written or verbal, which is considered unacceptable, such as those containing threats, verbal abuse, derogatory remarks or rudeness, will not be pursued further and in some cases may be reported to the police.

## **Can I complain about a transport provider eg bus or train?**

*Performance management:*

We *monitor* what other bodies are doing to deliver transport services and projects on behalf of the public and we are committed to reporting information on complaints to senior managers regularly to review our business processes :

- The quality and reliability of *First ScotRail's* train services
- Setting the specification and outputs required for *Network Rail*, which manages and maintains the rail infrastructure across the UK including track. These outputs include rail safety standards, which are regulated and enforced by the *Office of Rail Regulation* for the UK.
- Procuring management and maintenance services for Scotland's trunk roads, and managing the service contracts with *Operating Companies*, and *Design Build Finance Operate contractors*.
- Providing Real Time Information for the public on the trunk road network through *Traffic Scotland*, funding the provision of public transport information through *Traveline Scotland* and the UK service *Transport Direct*
- Monitoring funding to *third parties* which are delivering major new public transport projects funded by the Scottish Government
- Regulate and support aspects of aviation, ferries and canal policy and services.

For the most part, complaints in any of these areas will be passed to the relevant company for a response rather than being dealt with by Transport Scotland. e.g the conduct of individual staff member by the organisation.

[www.firstscotrail.com](http://www.firstscotrail.com)  
[www.networkrail.co.uk](http://www.networkrail.co.uk)  
[www.rail-reg.gov.uk](http://www.rail-reg.gov.uk)  
[www.trafficscotland.org.uk](http://www.trafficscotland.org.uk)  
[www.travelinescotland.com](http://www.travelinescotland.com)  
[www.calmac.co.uk](http://www.calmac.co.uk)  
[www.northlinkferries.co.uk](http://www.northlinkferries.co.uk)  
[www.hial.co.uk](http://www.hial.co.uk)

### *Direct management:*

We deliver a range of services to *people and businesses* that use the aviation, freight, canals, rail and trunk road networks:

- Running the national concessionary travel schemes for older people, those with visual impairment, disabled people, some volunteers and young people.
- Managing traffic flows on the trunk road network, and dealing with any major incidents such as landslips.
- Project managing new trunk road construction projects, or enhancements to existing parts of the trunk road network.

Complaints about the qualification for and operation of the **National Concessionary Travel Scheme** by bus operators will be handled by Transport Scotland's Trunk Road and Bus Operations Directorate. Complaints regarding the policy issues of the scheme will be handled by Transport Policy Directorate.

Complaints about the traffic flow or major incidents on, and enhancements to, the **trunk road network**, will be passed to the relevant trunk road operating company.

Complaints against the **conduct of contractors** whilst executing their commissions for Transport Scotland trunk roads and bus operations shall be managed by Trunk Roads and Bus Operations Directorate.

Complaints about our role in supporting the policy framework and legislation relating to Ports, Canals, Aviation, sponsorship of Highlands and Islands Airports Limited, Freight Policy and Freight Grants Policy, sponsorship and procurement of lifeline ferry services to Scotland's island and peripheral communities would fall to the Aviation, Maritime, Freight and Canals Directorate.

### *Staff*

Complaints about the conduct of officials working for Transport Scotland will be handled by a Professional HR Manager in Transport Scotland. All Transport Scotland staff and consultants are aware of Scottish Government policies and strategies which include: Dignity at Work, Equal Opportunities and Diversity and Staff Etiquette. All these procedures are accessible through the Scottish Government internet site.

'Whistleblowing': the **Public Interest Disclosure Act 1998** enables staff who 'blow the whistle' about any of the instances of wrongdoing, set out in the Act, to complain to an employment tribunal, if they suffer any form of detriment for doing so or in the case of a dismissal.

### *Who will deal with complaints*

All staff will be empowered to manage complaints which they receive in line with the Transport Scotland process. Complainants who are not satisfied with the internal process will be advised of external assistance.

## Respect for Staff?

Transport Scotland's approach to the relatively few complainants whose actions or behaviour the agency considers unacceptable applies the Scottish Government wide policy. This policy provides:

- To make it clear to all complainants, both at initial contact and throughout their dealings with our office, what Transport Scotland can or cannot do in relation to their complaint. In doing so, we aim to be open and not raise hopes or expectations that we cannot meet.
- To deal fairly, honestly, consistently and appropriately with all complainants, including those whose actions we consider unacceptable. We believe that all complainants have the right to be heard, understood and respected. We also consider that Transport Scotland staff have the same rights.
- To provide a service that is accessible to all complainants. However, we retain the right, where we consider complainant actions to be unacceptable, to restrict or change access to our service.
- To ensure that other complainants and Transport Scotland staff do not suffer any disadvantage from complainants who act in an unacceptable manner.

Further details are provided in The Unacceptable Actions Policy documentation on the Transport Scotland website or on request.

## How do I complain?

### *Oral complaints*

Complaints do not have to be received in writing, we are happy to receive complaints via the telephone or in person, provided they do not fall into one of the 'unacceptable complaints' categories. On occasions we may ask a complainant to follow-up their oral complaint with written details

### *Written responses*

Responses will be jargon-free with full reasons and explanations for decisions taken. If we are at fault, we will apologise and try to remedy the situation as soon as possible.

### *Confidentiality*

However a complainant contacts Transport Scotland, their right to privacy will be respected. The agency will comply with the Data Protection Act 1998.

To make your complaint, please contact the Business Manager in Transport Scotland who will identify a lead officer to deal with your complaint:

Business Manager  
PS/Transport Scotland  
8<sup>th</sup> Floor, Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF

E-mail: [chiefexecutive@transportscotland.gsi.gov.uk](mailto:chiefexecutive@transportscotland.gsi.gov.uk)

Tel: 0141-272 7112

If you have a complaint about the service you have received from a Directorate or official, the agency will work with you to resolve the complaint in a full and fair way, keeping you informed of progress.

It is easier for us to resolve complaints if you make them quickly and directly to the service concerned. This may resolve any problems on the spot.

When complaining, tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong

how you want us to resolve the matter.

### **Getting help to make your complaint**

We understand that there may be reasons why you are unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative, or an advocate, if you have given them your consent to complain for you.

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

### **Scottish Independent Advocacy Alliance**

Tel: 0131 260 5380

Fax: 0131 260 5381

Website: [www.siaa.org.uk](http://www.siaa.org.uk)

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, please tell us in person, contact us on 0141-272 7112 or by email : [chiefexecutive@transportscotland.gsi.gov.uk](mailto:chiefexecutive@transportscotland.gsi.gov.uk)

## **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.

## **What happens when I have complained?**

We will always tell you who is dealing with your complaint. We will acknowledge receipt of your complaint within 3 working days.

Our complaints procedure has two stages:

### **Stage one – frontline resolution**

We aim to resolve complaints quickly and whenever possible within the area that provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong and immediate action to resolve the problem. We will give you our decision at Stage 1 in five working days or less, 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.

### **Stage two – investigation**

Stage 2 deals with two types of complaint: those that have not been resolved at Stage 1 and those that are complex and require detailed investigation. When using Stage 2 we will:

- acknowledge receipt of your complaint within three working days
- where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- and give you a full response to the complaint as soon as possible and within 20 working days.

We will tell you if our investigation will take longer than 20 working days. We will agree revised time limits with you and keep you updated on progress.

## **What if I'm still not satisfied?**

After we have fully investigated, if you are still not satisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

You can contact the SPSO:

**In Person:**

SPSO  
4 Melville Street  
Edinburgh  
EH3 7NS

**By Post:**

SPSO  
FREEPOST EH641  
Edinburgh  
EH3 0BR

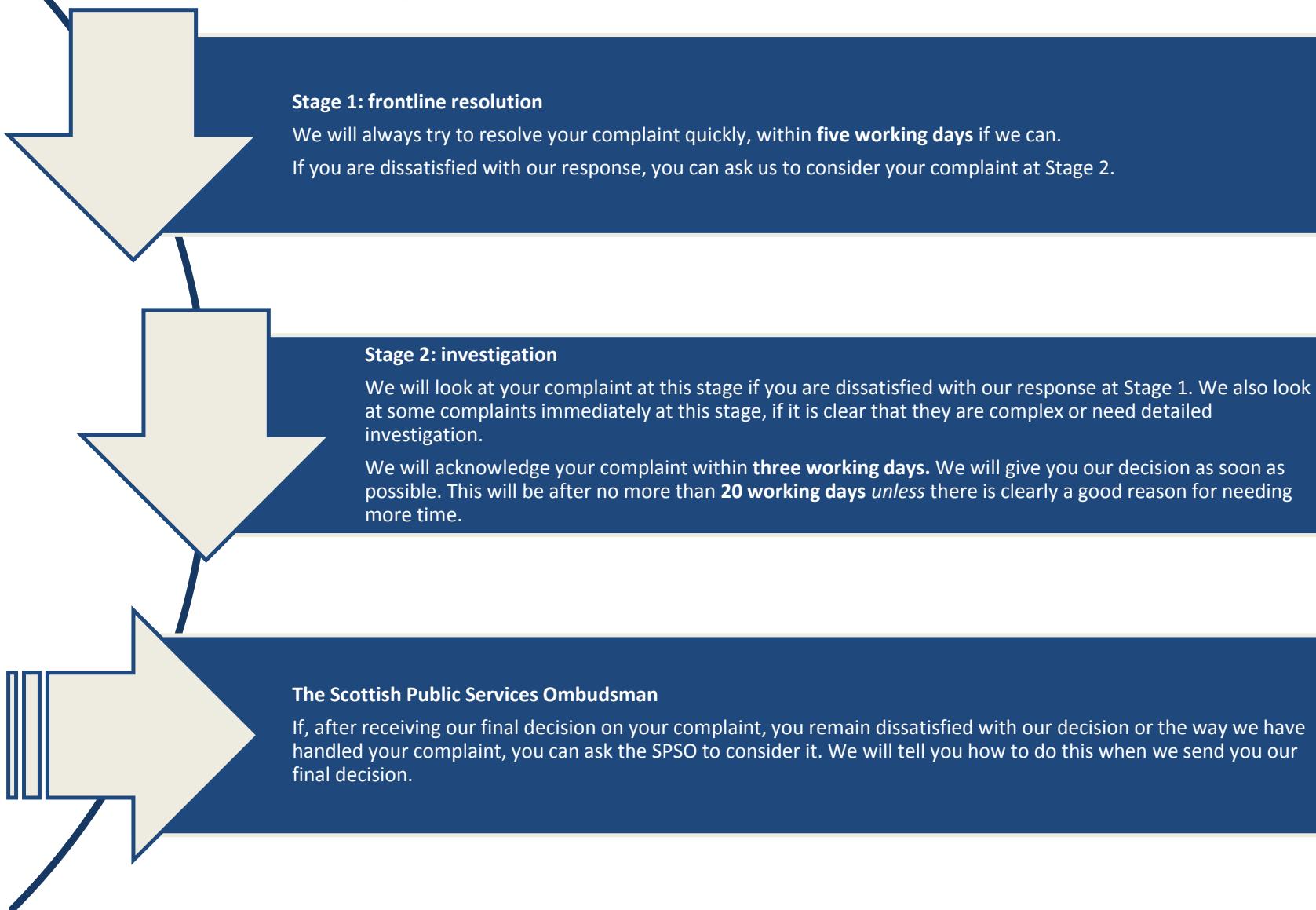
**Phone:** 0800 377 7330

**Online:** [www.spso.org.uk/contact-us](http://www.spso.org.uk/contact-us)

## Quick guide to our complaints procedure

### **Complaints procedure**

You can make your complaint in person, by phone, by e-mail or in writing. 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.



Further copies of this document are available, on request, in audio and large print formats and in community languages (Urdu; Bengali; Gaelic; Hindi; Punjabi; Cantonese; Arabic; Polish).

اس دستاویز کی مزید کا پیال آڈیو کیسٹ پر اور بڑے حروف کی چھپائی میں اور کیوٹی کی زیانوں میں طلب کے جانے والے میں، برائے مہربانی اس پر بر اطکرس:

এই ডকুমেন্ট-এর (দলিল) অতিরিক্ত কপি, অডিও এবং বড়ো ছাপার অক্ষর আকারের এবং সম্পূর্ণরূপে নেওয়া ভাষায় অন্তর্বের মাধ্যমে পাওয়া যাবে, অন্তর্ভুক্ত করে যোগাযোগ করুন:

**Gheibhearr lethbhreacan a bharrachd ann an cruthris an eistear, ann an clò mòr agus ann an càinain coimhearsnachd. Cuir fios gu:**

इस दस्तावेज़/कागजात की और प्रतियाँ, माँगे जाने पर, ऑडियो टैप पर और बड़े अक्षरों में तथा कम्यूनिटी भाषाओं में मिल सकती हैं. कपया संपर्क करें:

ਇਸ ਦਸਤਾਵੇਜ਼/ਕਾਰਜਾਤ ਦੀਆਂ ਹੋਰ ਕਾਪੀਆਂ, ਮੰਗੇ ਜਾਣ 'ਤੇ, ਅੱਡਿਓ ਟੇਪ ਉੱਪਰ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ ਅਤੇ ਕੰਮਿਊਨਿਟੀ ਭਾਸ਼ਾਵਾਂ ਦੇ ਵਿਚ ਮਿਲ ਸਕਦੀਆਂ ਹਨ, ਕਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

此文件有更多備份，如果需要，語音版本和大字體版本及少數種族語言版本也可提供，請聯絡：

يمكن أن تطلب النسخ الأخرى من هذا المستند كالتسجيل الصوتي والخط المكتوب ونسخ بلغات أخرى، برجبي الاتصال على:

Aby otrzymać niniejszy dokument w innej wersji językowej, na kasecie lub w wersji z powiększonym drukiem, prosimy o kontakt:

Transport Scotland, Buchanan House,  
58 Port Dundas Road, Glasgow, G4 0HF  
0141 272 7100  
[info@transportscotland.gsi.gov.uk](mailto:info@transportscotland.gsi.gov.uk)  
[www.transportscotland.gov.uk](http://www.transportscotland.gov.uk)

ISBN: 978-1-909948-11-2

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[www.transportscotland.gov.uk](http://www.transportscotland.gov.uk)

Published by Transport Scotland, March 2014

An agency of  
Buidheann le



The Scottish  
Government  
Riaghaltas na h-Alba