# Scottish Rail Holdings Limited

## Complaints Handling Procedure

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## Document Control

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## Document Approval

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# Complaints Handling Procedure

Scottish Rail Holdings Limited (SRH) is committed to providing high-quality customer services.

## 1 We value complaints and use information from them to help us improve our services.

If something goes wrong or you are dissatisfied with our services, please tell us. This document describes our complaints procedure and how to make a complaint. It also tells you about how we will handle your complaint and what you can expect from us.

## 2 What is a complaint?

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

## 3 What can I complain about?

3.1 You can complain about things like:

- failure or refusal to provide a service - (any complaints regarding services provided by ScotRail Trains Limited and/or Caledonian Sleeper Limited, should be raised through ScotRail Trains Limited and/or Caledonian Sleeper Limited complaints handling procedures);
- inadequate quality or standard of service, or an unreasonable delay in providing a service;
- dissatisfaction with one of our policies or its impact on the individual;
- failure to properly apply law, procedure or guidance when delivering services;
- failure to follow the appropriate administrative process;
- conduct, treatment by or attitude of a member of staff or contractor (except where there are arrangements in place for the contractor to handle the complaint themselves); or
- disagreement with a decision, (except where there is a statutory procedure for challenging that decision, or an established appeals process followed throughout the sector).

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

## 4 What can't I complain about?

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

- a routine first-time request for a service;
- a request for compensation only;

- issues that are in court or have already been heard by a court or a tribunal (if you decide to take legal action, you should let us know as the complaint cannot then be considered under this process);
- disagreement with a decision where there is a statutory procedure for challenging that decision (such as for freedom of information and subject access requests), or an established appeals process followed throughout the sector;
- a request for information under the Data Protection or Freedom of Information (Scotland) Acts;
- a grievance by a staff member or a grievance relating to employment or staff recruitment;
- a concern raised internally by a member of staff (which was not about a service they received, such as a whistleblowing concern);
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision; or
- a concern about the actions or service of a different organisation, where we have no involvement in the issue (except where the other organisation is delivering services on our behalf).

4.2 If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

## 5 Who can complain?

Anyone who receives, requests or is directly affected by our services can make a complaint to us. This includes the representative of someone who is dissatisfied with our service (for example, a relative, friend, advocate or adviser). If you are making a complaint on someone else's behalf, you will normally need their written consent. Please also read the section on **Getting help to make your complaint below.**

## 6 How do I complain?

6.1 You can complain in person at our office, in writing or by email.

6.2 It is easier for us to address complaints if you make them quickly and directly to us. So please contact us and we can try to resolve the issue.

6.3 When complaining, please tell us:

- your full name and contact details;
- as much as you can about the complaint;
- what has gone wrong; and
- what outcome you are seeking.

## 7 Our contact details

Scottish Rail Holdings Limited

St Vincent Plaza

3rd Floor

319 St Vincent Street

Glasgow, G2 5LD

Email: correspondence@railholdings.scot

Website: www.railholdings.scot

## 8 How long do I have to make a complaint?

8.1 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.

8.2 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 when I have complained?

We will always tell you who is dealing with your complaint. Our complaints procedure has two stages:

### 9.1 Stage 1: Frontline response

9.1.1 We aim to respond to complaints quickly (where possible, when you first tell us about the issue). This could mean an on-the-spot apology and explanation if something has clearly gone wrong, or immediate action to resolve the problem.

9.1.2 We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances.

9.1.3 If you are not satisfied with the response we give at this stage, we will tell you what you can do next. If you choose to, you can take your complaint to Stage 2. You must normally ask us to consider your complaint at Stage 2 either:

- within six months of the event you want to complain about or finding out that you have a reason to complain; or
- within two months of receiving your Stage 1 response (if this is later).

9.1.4 In exceptional circumstances, we may be able to accept a Stage 2 complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

### 9.2 Stage 2: Investigation

9.2.1 Stage 2 deals with two types of complaint: where the customer remains dissatisfied after Stage 1 and those that clearly require investigation and so are handled directly at this stage. If you do not wish your complaint to be handled at stage 1, you can ask us to handle it at Stage 2 instead.

9.2.2 When using Stage 2:

- we will acknowledge receipt of your complaint within three working days;
- we will confirm our understanding of the complaint we will investigate and what outcome you are looking for;
- we will try to resolve your complaint where we can (in some cases we may suggest using an alternative complaint resolution approach, such as mediation); and
- where we cannot resolve your complaint, we will give you a full response as soon as possible, normally within 20 working days.

9.2.3 If our investigation will take longer than 20 working days, we will tell you. We will tell you our revised time limits and keep you updated on progress.

**9.3 What if I'm still dissatisfied?**

9.3.1 After we have given you our final decision, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can refer this to the non-executive director Chair of our Board.

9.3.2 Note that the Scottish Public Services Ombudsman (SPSO) do not currently have jurisdiction to investigate complaints against us. As such, your complaint cannot be looked at by the SPSO.

9.3.3 As would be the case with a referral to SPSO, you can ask our Chair to look at your complaint if:

- You have gone through Stage 2 of our complaints handling procedure
- It is less than 12 months after you became aware of the matter you want to complain about; and
- The matter has not been (and is not being) considered in court.

9.3.4 You can contact our Chair either by emailing correspondence@railholdings.scot and marking the subject line "FOA: The Chair – complaint handing review" or writing to the Chair at:

The Chair of the Board

Scottish Rail Holdings Limited

St Vincent Plaza

3rd Floor

319 St Vincent Street

Glasgow

G2 5LD

### 9.4 Getting help to make your complaint

9.4.1 We understand that you may be 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.

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

**Scottish Independent Advocacy Alliance**

Tel: 0131 510 9410

Website: **www.siaa.org.uk**

9.4.3 You can find out about advisers in your area through Citizens Advice Scotland:

**Citizens Advice Scotland**

Website: **www.cas.org.uk** or check your phone book for your local citizens advice bureau.

9.4.4 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 you 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 or email us at correspondence@railholdings.scot

## 10 Appendix

**Quick guide to our complaints procedure**

**Complaints procedure**

You can make your complaint in person, by email or in writing.

We have **a three-stage complaints procedure**. We will always try to deal with your complaint quickly. But if it is clear that the matter will need investigation, we will tell you and keep you updated on our

**Stage 1: Frontline response**

We will always try to respond to your complaint quickly, within **five working days** if we can.

If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

**Stage 2: Investigation**

We will look at your complaint at this stage if you are dissatisfied with our response at stage 1. We also look at some complaints immediately at this stage, if it is clear that they need investigation.

We will acknowledge your complaint within **three working days.**

We will confirm the points of complaint to be investigated and what you want to achieve.

We will investigate the complaint and give you our decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.

**Stage 3 - Referral to non-executive Chair of the SRH Board**

If, after receiving our decision on your complaint at Stage 2, you remain dissatisfied with our decision or the way we have handled your complaint, you can refer this to the non-executive director Chair of our Board.

We will tell you how to do this when we send you our decision at Stage 2.