



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2016/2017/2018

Report No 1

Basis of Report

The Lord President has the responsibility for making and maintaining appropriate arrangements for the investigation and determination of any matter concerning the conduct of ordinary and legal members of the Scottish Tribunals and the review of any such determination.

This report covers the period of 1 December 2016 to 31 August 2018. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 December 2016 to 31 August 2018, the following number of complaints have been received and concluded:

<u>Complaints concluded under the Rules</u>		
<u>Rule</u>	<u>Outcome</u>	<u>Total</u>
8	Dismissed by Judicial Office	4
11	Dismissed by President of Scottish Tribunals	2
13	Referred to an investigating Judicial Office Holder and not substantiated	2
18	Withdrawn by complainer	1
	Total	<u>9</u>



Dismissed by Judicial Office

Rule 8: The JOS concluded 4 complaints under this Rule.

- All 4 complaints were dismissed under Rule 8(4)(b) – *it is about a judicial decision*.

Dismissed by President of Scottish Tribunals

Rule 11: The JOS concluded 2 complaints under this rule.

- Both complaints were dismissed by the President of Scottish Tribunals under Rule 11(4)(b) – *it is about a judicial decision*.

Referred to an Investigating Judicial Office Holder

In this reporting period, 2 complaints were referred to an Investigating Judicial Office Holder for investigation.

- 2 complaints were investigated and subsequently reported to be unsubstantiated. The reports of the Investigating Judicial Office Holders in both complaints were reviewed by the President of Scottish Tribunals and the Lord President who concurred with the findings they each contained.

Withdrawn by Complainer

Rule 18: 1 complaint was treated as withdrawn by the complainer during this reporting period. The complainer twice failed to respond to correspondence from the JOS within 28 days.

Outstanding Complaints

As of 1 September 2018, there are currently no live complaints under consideration.

A copy of the Rules and associated guidance can be found on our website: <http://www.scotland-judiciary.org.uk/75/0/Complaints-About-Members-of-the-Scottish-Tribunals>



Mental Health Tribunal for Scotland

Whilst the Rules are in place only for those tribunal members that have transferred into the new structure, the Mental Health Tribunal for Scotland has developed an interim procedure whereby they are following a similar style of complaint rules.

The President of MHTS has appointed the Judicial Office to manage the administration of complaints against their members until the formal transfer into the new structure.

Since 1 December 2016 to 31 August 2018, the following number of complaints against members of the MHTS have been received and concluded:

Complaints concluded under the Interim Procedure		
Rule	Outcome	Total
5 (3)	Dismissed by Judicial Office	4
5(5)	Complaint submitted to President of MHTS for consideration.	3
	Total	<u>7</u>