



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018

Report No 3

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 September 2019 to 31 August 2020. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2019 to 31 August 2020, 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	5
11	Dismissed by President of Scottish Tribunals	4
12	Informal Resolution between Member and Complainer	1
20	Member has Ceased Holding Office	1
	Total	<u>11</u>



Dismissed by Judicial Office

Rule 8: The JOS concluded 5 complaints under this Rule:

- All 5 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 4 complaints under this Rule:

- All 4 complaints were dismissed under Rule 11(4)(f) – *it is without substance*.

Referred to an Investigating Judicial Office Holder

In this reporting period, one complaint was referred to an Investigating Judicial Office Holder for investigation and concluded.

- 1 complaint was resolved to the satisfaction of the person complaining and the judicial office holder concerned without further investigation.

Member Ceases to Hold Office

Rule 20: 1 complaint was dismissed under this Rule as the member had ceased to hold office.

Outstanding Complaints

As of 1 September 2020, there is currently outstanding complaints under consideration.

A copy of the Rules and associated guidance can be found on our website:

<https://www.judiciary.scot/home/publications/tribunal-complaints>



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 September 2019 to 31 August 2020, the following number of complaints against members of the MHTS have been received and concluded:

Complaints concluded under the Interim Procedure		
Rule	Outcome	Total
-	Currently Under Consideration	1
5(5)	Complaint submitted to President of MHTS for consideration.	2
	Total	<u>3</u>