



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018

Report No 4

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 2020 to 31 August 2021. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2020 to 31 August 2021, the following number of complaints have been received and concluded:

Complaints concluded under the Rules		
<u>Rule</u>	<u>Outcome</u>	<u>Total</u>
8	Dismissed by Judicial Office	10
11	Dismissed by President of Scottish Tribunals	0
12	Informal Resolution between Member and Complainer	0
13	Referred to Investigating Judicial Office Holder and not Substantiated	1
	Total	<u>11</u>



Dismissed by Judicial Office

Rule 8: The JOS concluded 10 complaints under this Rule:

- All 10 complaints were dismissed under Rule 8(4)(b) – *it is about a judicial decision*.

Referred to an Investigating Judicial Office Holder

In this reporting period, 1 complaint was referred to an Investigating Judicial Office Holder for investigation and concluded.

- 1 complaint was investigated, and the complaint was found to be unsubstantiated by the Investigating Judicial Office Holder.

Outstanding Complaints

As of 1 September 2021, there are currently 2 outstanding complaints under consideration.

A copy of the Rules and associated guidance can be found on our website:
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 2020 to 31 August 2021, 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	0
5(3)(b)	Dismissed by Judicial Office	2
5(5)	Complaint submitted to President of MHTS for consideration.	0
	Total	<u>2</u>