



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018

Report No 7

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 2023 to 31 August 2024. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2023 to 31 August 2024, 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 | 11 |
| 13 | Referred to investigating judicial office holder and not substantiated | 1 |
| 18 | Withdrawn by the complainer | 1 |
| | Total | <u>13</u> |



Dismissed by Judicial Office

Rule 8: The JOS concluded 11 complaints under this Rule:

- 11 complaints were dismissed under Rule 8(4)(b) – *it is about a decision of the Scottish Tribunals.*

Referred to Nominated Judge

In this reporting period, 1 complaint was referred to an investigating judicial office holder for investigation, who found the complaint unsubstantiated.

Withdrawn by Complainer

Rule 18: 1 complaint was withdrawn, or deemed to be withdrawn, by the complainer during this reporting period. The complainer failed to respond to correspondence from the JOS within 28 days and were notified that their complaint was deemed to be withdrawn.

Outstanding Complaints

As of 31 August 2024, 3 complaints were still active: 2 complaints were under consideration and 1 is currently paused due to ongoing proceedings.

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 2023 to 31 August 2024, 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 the Judicial Office | 1 |
| 5(5) | Complaint submitted to President of MHTS for consideration. | 1 |
| - | Complaint withdrawn | 1 |
| | Total | <u>3</u> |

Dismissed by Judicial Office

Rule 5(3): The JOS concluded 1 complaint under this rule:

- 1 complaint was dismissed under Rule 5(3)(b) – *it is about a decision of MHTS.*



Pensions Appeal Tribunal for Scotland

The Pensions Appeal Tribunal for Scotland has recently developed an interim procedure for complaints as well, which came into effect from March 2024.

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

Since March 2024 to 31 August 2024, no complaints against members of the PATS have been received.

**Judicial Office for Scotland
September 2024**