



## COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018

### Report No 5

#### 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 2021 to 31 August 2022. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2021 to 31 August 2022, the following number of complaints have been received and concluded:

<b>Complaints concluded under the Rules</b>		
<u>Rule</u>	<u>Outcome</u>	<u>Total</u>
8	Dismissed by Judicial Office	5
18	Withdrawn by the complainer	1
	<b>Total</b>	<b><u>6</u></b>

#### 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.*



### **Withdrawn by the Complainer**

**Rule 18:** 1 complaint was withdrawn, or deemed to be withdrawn, by the complainer during this reporting period.

### **Outstanding Complaints**

As of 1 September 2022, there is currently 1 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](http://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 2021 to 31 August 2022, the following number of complaints against members of the MHTS have been received and concluded:

<b>Complaints concluded under the Interim Procedure</b>		
<b>Rule</b>	<b>Outcome</b>	<b>Total</b>
-	Currently Under Consideration	0
5(3)(b)	Dismissed by Judicial Office	3
5(5)	Complaint submitted to President of MHTS for consideration.	0
	<b>Total</b>	<b><u>3</u></b>