



## COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018

### Report No 6

#### 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 2022 to 31 August 2023. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2022 to 31 August 2023, the following number of complaints have been received and concluded:

<b>Complaints concluded under the Rules</b>		
<b><u>Rule</u></b>	<b><u>Outcome</u></b>	<b><u>Total</u></b>
7	Out of Time and not allowed to proceed	2
8	Dismissed by Judicial Office	6
11	Dismissed by the President of the Scottish Tribunals	2
18	Withdrawn by the complainer	1
	<b>Total</b>	<b><u>11</u></b>



### **Out of time and not allowed to proceed**

**Rule 7:** The Judicial Office for Scotland (JOS) concluded that 2 complaints were lodged out of time. The complainer provided cases for exceptional circumstances. These cases were placed before the President of the Scottish Tribunals in accordance with the Rules. The President of the Scottish Tribunals concluded that exceptional circumstances did not exist in these cases.

### **Dismissed by Judicial Office**

**Rule 8:** The JOS concluded 6 complaints under this Rule:

- 4 complaints were dismissed under Rule 8(4)(b) – *it is about a decision of the Scottish Tribunals*
- 2 complaints were dismissed under both rule 8(4)(a) - *it does not contain sufficient information to enable a proper understanding of the allegation to be achieved* and Rule 8(4)(b)

### **Dismissed by the President of the Scottish Tribunals**

**Rule 11:** The JOS concluded 2 complaints under this Rule:

- 1 complaint was dismissed by the President of the Scottish Tribunals under Rule 11(4) (a) - *it does not contain sufficient information to enable a proper understanding of the grounds of the allegation to be achieved; (b)- it is about a decision of the Scottish Tribunals; and (e)- it is vexatious.*
- 1 complaint was dismissed by the President of the Scottish Tribunals under Rule 11(4) (g) - *it is insubstantial, that is to say that, even if substantiated, it would not require any disciplinary action to be taken.*

### **Withdrawn by Complainer**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. No further correspondence was received.



### **Outstanding Complaints**

As of 1 September 2023, there is currently one outstanding complaint under consideration which is 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](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 2022 to 31 August 2023, 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	1
5(5)	Complaint submitted to President of MHTS for consideration.	0
	<b>Total</b>	<b><u>1</u></b>