



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2018 AND 2024

Report No 8

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 2024 to 31 August 2025. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

During the period of this report, a total of 11 complaints were concluded under the 2018 and 2024 Rules.

Complaints concluded under the 2018 Rules

| <u>Rule</u> | <u>Outcome</u> | <u>Total</u> |
|--------------------|--|---------------------|
| 8 | Dismissed by Judicial Office | 1 |
| 11 | Dismissed by the President of the Scottish Tribunals | 1 |
| 13 | Referred to investigating judicial office holder and not substantiated | 0 |
| 18 | Withdrawn by the complainer | 0 |
| | Total | 2 |



Dismissed by Judicial Office for Scotland (JOS)

Rule 8: The JOS concluded 1 complaint under this rule:

- The complaint was dismissed under both rule 8(4)(b) and 8(4)(c) – *it is about a decision of the Scottish Tribunals and it raises a matter which has already been dealt with (whether under these Rules or otherwise), and does not present any material new evidence*

Dismissed by the President of the Scottish Tribunals (PST)

Rule 11: The JOS concluded 1 complaint under this rule.

- The complaint was dismissed 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*

Complaints concluded under the 2024 Rules

| <u>Rule</u> | <u>Outcome</u> | <u>Total</u> |
|-------------|--|--------------|
| 8 | Dismissed by Judicial Office | 7 |
| 11 | Dismissed by the President of the Scottish Tribunals | 2 |
| 13 | Referred to the nominated judicial office holder and not substantiated | 0 |
| 18 | Withdrawn by the complainer | 0 |
| | Total | 9 |



Dismissed by Judicial Office for Scotland (JOS)

Rule 8: The JOS concluded 7 complaints under this rule.

- 6 complaints were dismissed under rule 8(3)(b) – *it is about a decision of the Scottish Tribunals.*
- 1 complaint was dismissed under both rule 8(3)(b) – *it is about a decision of the Scottish Tribunals* – and rule 8(3)(c) – *it raises a matter which has already been dealt with (whether under these rules or otherwise), and does not present any material new evidence*

Dismissed by the President of the Scottish Tribunals (PST)

Rule 11: 2 complaints were concluded under this rule.

- Both complaints were dismissed under rule 11(2)(a) – *it should not have passed the sift under rule 8(2)* – and rule 11(2)(d) – *even if substantiated, it would not require any disciplinary action to be taken*

Outstanding Complaints

As of 31 August 2025, 10 complaints were still active: 4 complaints are currently being investigated by a nominated judicial office holder; 3 complaints are currently under consideration and 3 are 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

Disciplinary Statements

In line with the [Publication of Disciplinary Statements Policy](#), introduced under the 2024 rules, a disciplinary statement will normally be published on the [Judiciary of Scotland website](#) where a complaint has been substantiated (or substantiated in part), and the Lord President has issued a judicial office holder with any of the following – formal advice, a formal warning, a reprimand, or any other action informally. For this reporting period (1 September 2024 to 31 August 2025), no complaints were upheld, and therefore no disciplinary statements have been published.



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 2024 to 31 August 2025, the following number of complaints against members of the MHTS have been received and concluded:

| Complaints concluded under the Interim Procedure | | |
|---|---|--------------|
| Rule | Outcome | Total |
| 6 | Dismissed by Judicial Office | 1 |
| 7 | Complaint submitted to President of MHTS for consideration. | 0 |
| | Total | 1 |



Pensions Appeal Tribunal for Scotland

Whilst the Rules are in place only for those tribunal members that have transferred into the new structure, the Pensions Appeal Tribunal for Scotland (PATs) has developed an interim procedure whereby they are following a similar style of complaint rules.

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.

From 1 September 2024 to 31 August 2025, no complaints against members of the PATs have been received.

**Judicial Office for Scotland
September 2025**