



COMPLAINTS AGAINST MEMBERS OF THE SCOTTISH TRIBUNALS RULES 2024

Report No 9

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 2025 to 31 August 2026. For the purposes of this report we will only be considering valid complaints which were concluded within this period.

Since 1 September 2025 to 31 August 2026, the following number of complaints have been received and concluded:

Complaints concluded under the 2024 Rules		
<u>Rule</u>	<u>Outcome</u>	<u>Total</u>
7	Out of Time and not allowed to proceed	3
8	Dismissed by Judicial Office	4
11	Dismissed by the President of the Scottish Tribunals	0
13	Referred to the nominated judicial office holder and not substantiated	6
13	Referred to the nominated judicial office holder and substantiated	1
18	Withdrawn by the complainer	3
	Total	<u>17</u>



Dismissed by Judicial Office

Rule 7: The JOS concluded 3 complaints under this rule.

Rule 8: The JOS concluded 4 complaints under this rule:

- 3 complaint were dismissed under rule 8(3)(b)– *it is about a decision of the Scottish Tribunals*
- 1 complaint was dismissed under rule and 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*

Referred to Nominated Judicial Office Holder

In this reporting period, 7 complaints were referred to a nominated judicial office holder for investigation.

- 6 complaints were investigated and subsequently reported to be unsubstantiated. The reports of the nominated judicial office holders in all complaints were reviewed by the Lord President who concurred with the findings they each contained.
- 1 complaint was investigated and subsequently reported to be substantiated. The report of the nominated judge was reviewed by the Lord President who concurred with the findings and exercised a power in terms of Schedule 8, paragraph 5 of the Tribunals (Scotland) Act 2014

Withdrawn by Complainer

Rule 18: 3 complaints were withdrawn, or deemed to be withdrawn, by the complainer during this reporting period.

- 3 complainers asked that their complaint be withdrawn, and the file was closed.

Outstanding Complaints

As of 31 August 2026, 22 complaints were still active: 15 complaints are currently being investigated by a nominated judicial office holder; 5 complaints are currently under consideration and 2 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



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 2025 to 25 August 2026, 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.	1
	Total	<u>2</u>

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) 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 2025 to 25 August 2026, no complaints against members of the PATs have been received.