



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

COMMENTS AND COMPLAINTS POLICY

ANNUAL REPORT 2015-16

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Who we are

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other agencies and decide what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate criminal allegations against police officers.

COPFS plays a pivotal part in the justice system, working with others to make Scotland safe from crime, disorder and danger. The public interest is at the heart of all we do as independent prosecutors. We take into account the diverse needs of victims, witnesses, communities and the rights of those accused of crime.

The volume of business which COPFS dealt with in the reporting year 2015-16 is attached at Annex A.

Introduction

We understand that the criminal legal process can be difficult and daunting for the public, and we try to balance legal requirements with the needs of individuals whenever possible.

We recognise the value of complaints and appreciate that feedback from people involved in the criminal legal process can highlight areas of service that could be improved, the COPFS Response and Information Unit (RIU) is a team dedicated to handling complaints and highlights recurring problems to senior management so that we can make improvements to our practices and procedures and identify training needs.

Our Comments and Complaints Policy

The COPFS complaints policy can be accessed from the Home page of our website www.copfs.gov.uk. The complaints section sets out how to make a complaint, what information we need to be able to look into a complaint, and links to some frequently asked questions, based on previous queries and complaints.

We recently updated our policy so that it is simpler to read and understand, and there is also an easy read version with pictures. Our policy still follows the model Complaints Policy endorsed by the Scottish Public Services Ombudsman, set out in the Annual Report for 2014-15, and continues to adopt a two-stage approach.

Stage 1: Quick Resolution

The first stage is called “Quick Resolution”. Our aim is to treat complaints seriously and to resolve areas of dissatisfaction and misunderstanding as quickly as possible, preferably at a local level. Our National Enquiry Point phone service aims to answer 85% of all queries about our work but, where appropriate, calls will be transferred to local offices for further explanation or resolution of issues.

In addition, COPFS staff will assist in resolving concerns at procurator fiscal offices and, when time permits, at court.

In 2015-16, 112 complaints were recorded as Quick Resolution. While all COPFS staff are encouraged to record complaints resolved in this way, this work forms part of day to day business in a busy procurator fiscal’s office and so the full extent of early or informal resolution may not be formally recorded.

Stage 2: Formal complaints

When a complaint cannot be resolved informally, and further investigation is required, the matter will be passed to the RIU. The majority of formal complaints are emailed to the complaints mailbox directly from members of the public, which suggests that the information we have provided on the website about how to make a complaint is easy to follow. Where complaints are received in local procurator fiscal’s offices which cannot be resolved by Quick Resolution, they are forwarded to RIU internally by email.

Aims of RIU

When handling complaints, RIU aims to:

- provide a consistent and timeous service in respect of formal complaints
- promote and encourage good customer service, including the use of Quick Resolution
- improve learning from all feedback by recording and analysing results and feeding these back to senior management.

In appropriate circumstances, and where the Quick Resolution process has not been attempted previously, RIU will attempt to solve the problem immediately. Where this is not possible, RIU will liaise with managers and other COPFS staff to investigate the matter, assess all the information and take an independent view on the complaint. Many of the responses will include a full explanation of the prosecution code and court processes.

The number of formal complaints logged between April 2015 and March 2016 was 717, of which 14% were upheld, 12% partially upheld, 69% not upheld and 5% withdrawn. COPFS over the same period received a total of 225,537 criminal reports from Police Scotland and 9,579 death reports.

COPFS has an internal target of 20 working days to respond to formal complaints. By their very nature, some of the more complex complaints will take longer to investigate. We keep correspondents advised if there is likely to be a delay. Between April 2015 and March 2016, we responded to 67% of formal complaints within 20 working days.

Most complaints (over 60%) relate to issues arising from our summary court work which accounts for the vast majority of our business.

Further information is provided at Annex B.

Subject matter of complaints

The main themes raised in the complaint received are:

- failure to communicate (136)
- handling of case (100)
- decision not to prosecute (99)
- return of productions (61)
- delay in decision making (56).

The most regularly upheld/partially upheld complaints are service complaints, rather than complaints about legal decisions and fall within the following categories:

- failure to communicate (67)

- delay in return of productions (28)
- handling of expenses (12).

Details of complaints which are either fully or partially upheld are brought to the attention of local managers so that any action can be taken immediately and to ensure that staff involved receive feedback that a complaint about their work has been upheld and why. This also allows consideration of whether an individual member of staff requires refresher training in any aspect. These details are also shared on a quarterly basis with senior management. Thematic issues are identified, discussed and necessary improvements agreed.

An example of an improvement to address an identified thematic issue is action taken to improve the processing of electronic devices such as pen drives, CDs and DVDs. In October 2016, following complaint analysis, the COPFS Local Court Function implemented an instruction to their teams ensuring robust and consistent practices were in place for the receipt, storage and movement of such items.

Annex A

Case processing Financial Year 2015-16

Statistics on case processing April to March 2015-16	
Reports received ⁽¹⁾	
Criminal reports	225,537
Death reports	9,579
Total reports received	235,116
Non-court disposals	
No action	26,431
Warning letters	13,249
Conditional offers of fixed penalties paid	10,580
Fiscal fines paid/accepted	33,489
Compensation orders accepted	482
Combined fiscal fines/compensation orders accepted	2,635
Other non-court disposals	10,375
Total non-court disposals	97,241
No further action ⁽²⁾	
Total no further action	27,333
Court disposals	
Justice of the peace court:	
Pleas ⁽³⁾	29,665
Trials ⁽⁴⁾	1,789
Total justice of the peace court disposals	31,454
Sheriff summary ⁽⁵⁾	
Pleas ⁽³⁾	47,057
Trials ⁽⁴⁾	5,616
Total sheriff summary disposals	52,673
Sheriff and jury:	
Pleas ⁽³⁾	4,398
Trials ⁽⁴⁾	1,115
Total sheriff and jury disposals	5,513
High Court:	
Pleas ⁽³⁾	234
Trials ⁽⁴⁾	283
Total High Court disposals	517
Total court disposals	90,157
Total disposals ⁽⁶⁾	214,731

Information notes

(1) COPFS receives reports about crimes from the police and other reporting agencies and then decides what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

(2) No further action = Cases which were closed after proceedings had been commenced or attempted (e.g. cases which were closed because the accused died, the accused could not be traced, a key witness was not available, etc.)

(3) Pleas = Cases which were disposed of at court without any evidence being led.

(4) Trials = Cases where some or all of the evidence was led.

(5) Sheriff summary cases include cases dealt with in the Stipendiary Magistrate's Court in Glasgow.

(6) Total disposals will not equal total criminal cases received as some cases against the same accused will be linked and taken forward as one case. There is also a time lag between receipt of a case and final disposal so that, for example, some cases received in 2014-15 will not have resulted in a disposal until 2015-16.

Annex B

Complaints received in RIU

Date	No of complaints	Answered in target	Upheld	Partially Upheld	Not Upheld	Withdrawn
June 2013 – March 2014	623	445 (71%)	67 (11%)	88 (14%)	468 (75%)	
April 2014 – March 2015	740	535 (72%)	83 (11%)	88 (12%)	534 (72%)	35 (5%)
April 2015 – March 2016	717	478 (67%)	99 (14%)	84 (12%)	496 (69%)	35 (5%)

Notes

RIU was set up in June 2013.

Three complaints are still under investigation for the period 2015-16.

Where a complaint was withdrawn, but RIU processed its required actions within the internal target, the case is included in the within target figure.