



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

COMPLAINTS HANDLING PROCEDURE

ANNUAL REPORT 2016-2017

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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.

Introduction

COPFS values the complaints received from people who have been involved in the criminal justice process and seeks to learn from them by identifying areas for improvement. The COPFS Response and Information Unit 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 Complaints Handling 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.

In September 2017, we updated our Complaints Handling Procedure to follow the model Complaints Policy endorsed by the Scottish Public Services Ombudsman (SPSO) which adopts a two-stage approach.

Stage 1: Frontline Resolution

The first stage is called "Frontline 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 service aims to answer 80% 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 2016-2017, 83 complaints were recorded as Frontline 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 COPFS Response and Information Unit (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 Frontline 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 Frontline Resolution,
- Improve learning from all feedback by recording results and feeding these back to senior management.

In appropriate circumstances, and where the Frontline Resolution process has not been attempted previously, RIU or the local office 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 2016 and March 2017 was 681, of which 18% were upheld, 8% partially upheld, 72% not upheld and 2% withdrawn. COPFS over the same period received a total of 195,731 criminal reports from Police Scotland and 10,931 death reports.

COPFS aims to respond to 70% of formal complaints within 20 working days. 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 2016 and March 2017, we responded to 78% of formal complaints within 20 working days.

Most complaints (over 70%) relate to issues arising from our summary court work which accounts for the vast majority of our business.

Comparative information with the preceding Reporting Year is provided at **Annex A**.

Subject matter of Complaints

The main themes raised in the complaint received are:

- Failure to communicate (108)
- Handling of case (74)
- Productions (67)
- Decision not to prosecute (42)
- Decision to Prosecute (40)

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 (50);
- Productions (38);

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.

Annex A - Complaints received in RIU

Date	No of complaints	Answered in target	Upheld	Partially Upheld	Not Upheld	Withdrawn
April 2015 – March 2016	717	479 (67%)	99 (14%)	84 (12%)	498 (69%)	36 (5%)
April 2016 – March 2017	681	532 (78%)	122 (18%)	51 (8%)	495 (72%)	13 (2%)

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