

Who are we?

We are an Executive Agency of the Scottish Executive Justice Department. We support the work of the judges and sheriffs in Scotland's Supreme and Sheriff Courts by providing:

- administrative, technical and organisational support to the courts
- staff trained to meet the needs of all court users
- well maintained court buildings with adequate facilities for all.

We want to provide you with a professional, efficient and helpful service every time you come to our courts and offices.

Why have a complaints procedure?

We recognise that we cannot get it right every time. When we get it wrong, we want you to tell us about it so that we can try to put things right for the next time.

This booklet tells you what to do if you feel you have not received the kind of service you would expect from us.

Court Users Charter

Before you make a complaint, you may want to see a copy of our Court Users Charter. This booklet is available from our courts and offices, or from the address at the end of this leaflet. It tells you what you can expect when you visit one of our courts or offices, or when you phone or write to us.

What can you complain about?

You can use this procedure to complain about our facilities, the service we provide or one of our staff members.

- You might have a complaint about the person who you saw at the public counter or in court, the person you spoke to on the phone or someone you wrote to. For example, you may feel they were unhelpful or rude.
- You might have a complaint about the service that we provide; for instance, you may feel that:
 - you experienced unnecessary delay at the counter
 - you were given wrong, misleading or unclear information
 - the facilities we provided were inadequate.

Is there anything you cannot complain to us about?

You cannot use this procedure to complain about the conduct of people other than our staff, for example, judges, sheriffs, police or solicitors.

There are procedures in place for you to complain about these people, but you will need to get in touch with the appropriate organisation. Find out more at the end of this booklet, in the section "Complaining about others working in the courts".

Judicial Decisions

We have no responsibility for judicial decisions. We cannot comment on or consider any communication regarding a judicial decision.

If you do not agree with the decision reached in your case you may have a right to appeal, in which case you should [seek legal advice immediately](#).

How do you make a complaint?

The best way to complain is at the time. By doing this, we can address your concerns immediately and may be able to resolve matters without you facing unnecessary inconvenience.

If you do not get a satisfactory answer, or you would prefer to complain in writing, you can write to the office's senior manager. You can find his or her name on the notice board in public areas or you can phone and ask for this information from any of our staff.

What do you need to tell us?

When you make a complaint, you should try to give us as much information as possible, including:

- Your name, address and phone number.
- Why you were using our services. For example
 - you may have asked for advice or information
 - you may have been a witness
 - you may have been on jury service
 - you may have come to court as a victim or an accused person.
- When and where the incident happened.
- Where appropriate, the staff member's name if you know it. Our staff will normally wear name badges in our public offices, and identify themselves by name in all communications, whether by phone or letter.
- Explain as clearly as you can what your complaint is about.
- Say what you would like us to do to put things right.

Responding to a written complaint

Once we have received your complaint:

- We will send you an acknowledgement within two working days, so that you know we have started looking into your complaint.
- We will investigate your complaint thoroughly.
- We will normally send you a full reply within 10 working days.
- If your complaint involves people other than our staff, the investigation may take longer. We will still normally send you a full reply within 20 working days.
- If your complaint does not involve our staff, we will inform you of this and advise you of the appropriate authority to complain to.

If our investigation finds that we have made a mistake, we will apologise and explain what we will do to avoid a similar mistake happening again.

Not satisfied with our reply?

If you are unhappy with our response to your complaint, or even if you would just like more information, you can write to the Principal Clerk for the Supreme Courts, or the Area Director for the Sheriff Courts. You will find their names and addresses on notices in the office's public areas. Or you can phone and ask for this information from any of our staff.

You should provide the same information as you did when you first complained, and provide copies of all correspondence that you have sent or received. You should also explain why you are not happy with the local manager's response. The Principal Clerk, or Area Director, will review your complaint and send you a reply within 20 working days.

Compensation for financial loss

If you believe you have incurred costs because of a mistake by our staff you should follow the standard complaints procedure and include proof of your financial loss; for example, travel expenses. You must let us know how much you think you have lost.

We will consider refunding your costs but, because we are dealing with public funds, we must make sure that we only pay claims that can be fully justified.

The local manager will prepare a report on your claim. This, and your complaint, will be sent to our headquarters to be considered. You will be told when this happens. We may have to get legal advice, so your complaint may take longer to process, but you will be advised of the outcome as soon as possible. If you are not entitled to any money, you will be told why.

Ombudsman

- The Scottish Public Service Ombudsman Act 2002, which came into force on 23 October 2002, entitles the Ombudsman to investigate any action taken by or on behalf of a Listed Authority in the exercise of its administrative functions or any service failure. In terms of the Act a person making a complaint is referred to as the “person aggrieved”.
- The Ombudsman can only consider a complaint if intimated to him/her within 12 months of the issue originally arising. Only if the Ombudsman is satisfied that there are special circumstances will the complaint be considered outwith that period.
- A complaint must be made in writing or electronically unless the Ombudsman is satisfied that there are special circumstances which make it appropriate to consider a complaint orally.
- A complaint must be made by the “person aggrieved” or by a person authorised in writing for the purpose by the “person aggrieved”.
- To find out if the Ombudsman can investigate your complaint you must contact:-

The Scottish Public Services Ombudsman
4 Melville Street
Edinburgh EH3 7NS
Tel No: 0870 0115378
Fax No: 0870 0115379
www.ombudsmanscotland.org.uk

Comments and suggestions

If you have any general comments and suggestions about how we can improve the service we provide, write to us at:

Scottish Court Service
Headquarters
Hayweight House
23 Lauriston Street
Edinburgh
EH3 9DQ

Phone: 0131 229 9200

Fax: 0131 221 6890

Email: enquiries@scotcourts.gov.uk

Or pick up a "Customer Comments/ Suggestions" card at your local court.

Complaining about others working in the courts

If you want to complain about the service that you receive from others working in the courts, you should address them to the following:

- For solicitors, write to the senior partner, or the complaints partner of the firm that acted for you.
- For social workers, write to the director of social work of the appropriate council.
- For the police, write to the chief constable of the force to which the particular officer belongs.
- For District Courts' staff and facilities, write to the clerk of the district court.
- For complaints about the conduct of judges and sheriffs, write to:

Judicial Appointments and Finance Division

Scottish Executive Justice Department

Hayweight House

23 Lauriston Street

Edinburgh

EH3 9DQ.

Thank you for taking time to read this booklet. We hope that you now have better idea of how our complaints procedure works and how you can make a complaint.

If you are still not sure about how to use our complaints procedure, or you have any other questions, please do not hesitate to contact a member of our staff.

Find out more about the work we do on our website at: www.scotcourts.gov.uk.

You can also find out more about your government at: www.ukonline.gov.uk.