

**Scottish Courts  
and Tribunals Service**

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## **COMPLAINTS HANDLING**

### **ANNUAL REPORT 2022-2023**

## About SCTS

The Scottish Courts and Tribunals Service (SCTS) is a non-ministerial office established by the Judiciary and Courts (Scotland) Act 2008. Its statutory function is to provide administrative support to the Scottish courts, devolved tribunals and the Office of the Public Guardian (OPG). On 1 April 2015 SCTS became responsible for the administration of Scotland’s devolved tribunals. The SCTS has a presence in communities across Scotland. Court and tribunal business is conducted daily across the country in over 40 locations and, in the case of tribunal business, some 70 further remote locations. In addition to administering Scotland’s courts and tribunals, SCTS supports the Office of the Public Guardian and Accountant of Court.

## Strategic Priorities and values

SCTS is committed to providing high-quality services. In line with our [strategic priority](#) of “Satisfied Service Users” we value complaints and use information from them to help us improve our services.

The core values we observe and seek to promote in others are respect, service and excellence. To achieve them we follow three key behaviours in respect of each value:

Respect	Service	Excellence
Be courteous Be open & fair Work as one team	Deliver a professional service Learn in all we do Set an example	Innovate Collaborate Be Accountable

## Customer service

SCTS has been accredited to the [Customer Service Excellence \(CSE\) Standard](#) and we use this as a practical tool for driving customer-focused changes to improve service delivery. We seek to maintain this high standard but know that we will not always get things right. When that happens we aim to resolve matters as quickly as possible at the point of delivery.

## Complaints procedure

SCTS has adopted the Scottish Public Services Ombudsman’s (SPSO) Model Complaints Handling Procedure (MCHP), which standardises and streamlines complaints handling procedures for the public sector in Scotland.

Some of the key elements of the procedure include:

- A two-stage process where complaints are resolved as close to the frontline as possible
- Frontline resolution of complaints within five working days
- Where necessary, an investigation stage of 20 working days, which provides a final decision
- Recording of all complaints

- Active learning from complaints through reporting and publicising complaints information

Our [complaints handling procedure](#) is published on our website and explains what can be complained about, how to make a complaint, the steps involved and the next stage when a decision is made. As the service delivery area holds the information surrounding the circumstances leading to a complaint, complaints are dealt with at that point - with support and guidance being provided as required by the central Information Governance and Correspondence Team.

## Staff awareness

Awareness of the complaints handling procedure continues to be highlighted to staff with circular entries throughout the year. The following areas in particular were covered:

- Timescales
- Complaints investigations process
- Provision of practical resources, including Decision Making Toolkit, How to make a Good Apology, Guidance on Listening, Getting it Right from the Start and Managing Difficult Behaviour.
- Required content of responses

Support provided by the central Information Governance and Correspondence Team includes:

- template responses
- suggested wording on recurring topics - such as jury citation/expenses
- input on specific complaints

## Reporting

This report covers the period April 2022-March 2023. It is the second Annual Report following on from the SPSO's revision of the MCHP in 2019/20 and reports on the 4 Key Performance Indicators (KPIs) as required by the SPSO. This is the first annual report which allows for comparison with the previous year and should be read against the backdrop of continued pressures due to recovery from delays and backlogs caused by the Covid 19 pandemic. Year on year comparisons are provided at Appendix B.

SCTS has decided to make its quarterly reports available to the public in addition to the annual report. Charts summarising quarterly performance for 2022/23 from previously published reports are provided at Appendix A.

We report only on those complaints that relate to matters falling within the responsibilities of the SCTS that were received and/or concluded within this period:

<b>Complaints received (SPSO KPI 1)</b>	264 over 31 business areas
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Complaints received in one year do not precisely equate with those fully dealt with during the same year (e.g. complaints received in March may not conclude until April). The varying sizes of business areas and the volume/type of work they conduct means that comparisons of the number of complaints received between business areas cannot be regarded as an indicator of performance.

Complaints received in 2022/23 show an increase of 59% on the previous year. The likely causes of this are twofold – firstly there has been an increased focus on reporting this year as staff become more aware of reporting requirements. Secondly the increase in throughput of court business as backlogs continue to be addressed through the criminal court recovery programme has driven a significant increase in the number of service users interacting with SCTS.

The number of complaints received remained relatively stable over the Quarters, however Quarter 3 (October-December 2022) saw a slight increase in complaints received. No one single cause can be identified with increased awareness amongst staff, and operational challenges such as higher levels of case processing being contributory factors.

**Number and percentage closed in full within set timescales of 5 or 20 working days (SPSO KPI 2)**

The MCHP sets out the time periods for responses to complaints:

- Frontline response: 5 working days
- Investigation stage: 20 working days
- Escalated stage: 20 working days

Where complainants are dissatisfied with frontline responses they can request that the complaint be escalated to the investigation stage. Complaints escalated are recorded only once in numbers received, but responses issued at each stage are recorded individually.

	<b>Number on time</b>	<b>Number late</b>	<b>% on time</b>
<b>Frontline response</b>	133	13	91%
<b>Investigation stage</b>	72	10	88%
<b>Escalated to investigation stage</b>	34	7	83%

Response rates continue to be over 80%. There is a slight improvement on last year at Frontline and Investigation Stages, with Escalated Stage decreasing by 1%.

Response rates for all stages were relatively stable throughout the year with late responses being attributable to:

- staff absence

- late identification/misdirection of correspondence.
- staff resource/staff changes,
- large volume of jury correspondence as solemn trials increased
- complexity of investigations, with extensions being applied where required
- guidance sought
- pressure of business

Steps taken to minimise future delays include:

- intensive support provided to those staff unfamiliar with complaints at investigation/escalated stages,
- reminders on identification of complaints.
- Reminders on timescales issued
- Filtering of incoming emails to aid quicker identification

### Average times for responses (SPSO KPI 3)

	Average number of working days to respond
<b>Frontline response</b>	3 <i>(target = 5 working days)</i>
<b>Investigation stage</b>	11 <i>(target = 20 working days)</i>
<b>Escalated to investigation stage</b>	17 <i>(target = 20 working days)</i>

This excludes one outlier involving non-administrative work. On average, prescribed timescales were met at each stage in every quarter. This is similar to last year.

### Outcome of complaints at each stage (SPSO KPI 4)

	Not upheld	% of complaints dealt with at that stage	Upheld	% of complaints dealt with at that stage	Partially upheld	% of complaints dealt with at that stage	Resolved	% of complaints dealt with at that stage
Frontline response	69	47%	36	25%	11	8%	30	21%
Investigation stage	33	40%	14	17%	33	40%	2	2%
Escalated Complaints	22	54%	4	10%	13	32%	2	5%

In comparison with 2021/22, at Frontline Stage there has been an increase in complaints upheld and a decrease in those resolved. The relatively new resolved outcome has been bedding in since its introduction and awareness of what a resolved outcome looks like has

been raised during the reporting year. The resolved outcome appears more frequently in frontline responses which is to be expected having regard to the aim to resolve matters as quickly as possible. Staff are encouraged to record all complaints, however frontline resolution - by its nature - is achieved in a fast paced working environment and, as such, full recording may not always be observed.

### **Analysis**

No trend or pattern, either in the type of complaints upheld or their location, has been identified in the various quarters - with outcome figures fluctuating throughout the year.

Complaints that were upheld, partially upheld or resolved were of varied content and included:

- Administrative - incorrect/delay in recording due to human error. These were addressed by raising awareness with staff, opportunity for additional training and new process of checking DVLA details.
- Standard of Service - standards of service reminders were issued.
- Communication - providing updates to witnesses; explaining case outcome to accused person; handling of request for jury excusal; lack of response to correspondence; delay in responding to emails, telephone calls due to high volume; incorrectly recorded jury message; correspondence not covering all matters at first presentation ; delay in answering telephone; sound quality of jury message; incorrect/incomplete information provided. These were addressed by:
  - provision of a copy of additional information to reception to aid direction to courtroom
  - consideration of changes to improve information provided
  - reminders to staff/ customer service training
  - Staff meeting highlighting importance of promptness and how to seek guidance if unsure how to respond.
  - the addition of a message on jury telephone lines, introduction of checking process for jury messages
  - regular checking of generic inboxes
  - Training of staff in other areas to assist at peak times
- Incorrect postage - additional checks were put into place for outgoing mail.
- Technical measures put into place to allow remote hearings to take place. Action taken includes the introduction of a method to keep a record of invitations issued to parties and increased communication with those waiting to join hearings to ensure they are admitted.
- Delays in the registration of Powers Of Attorney and technical issues. These were addressed by notification of timescales and a procedure to expedite and tighten up the handover procedure during staff leave. Plans to introduce a new system form part of the SCTS business plan in order to allow faster processing of cases.

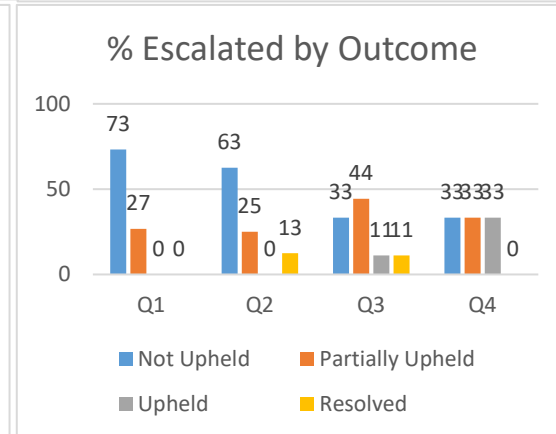
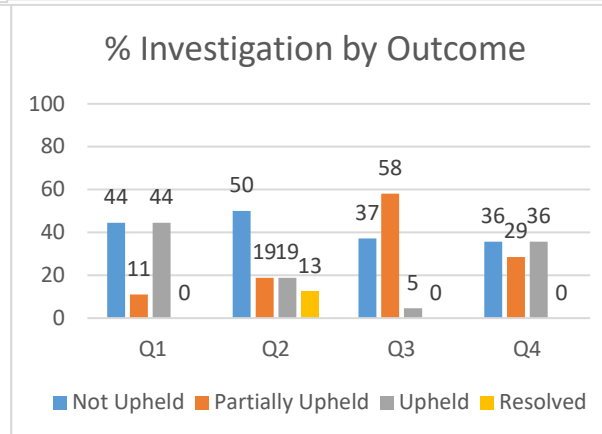
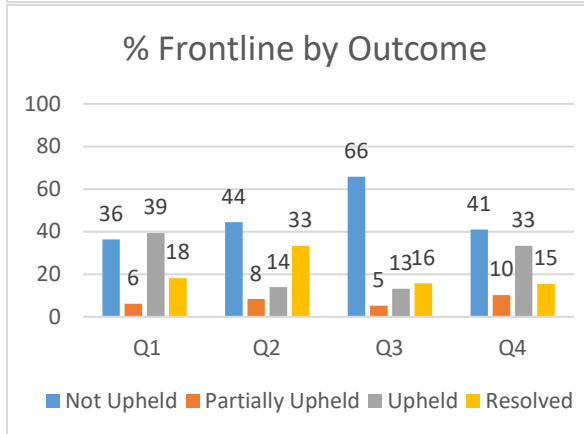
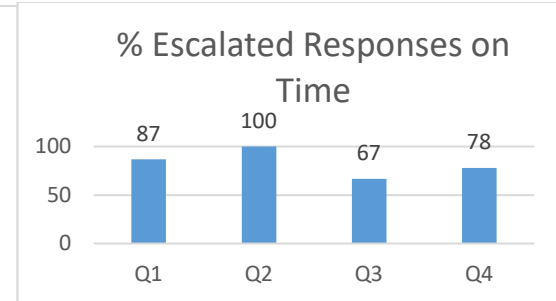
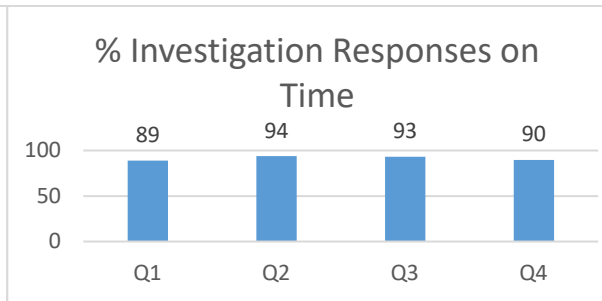
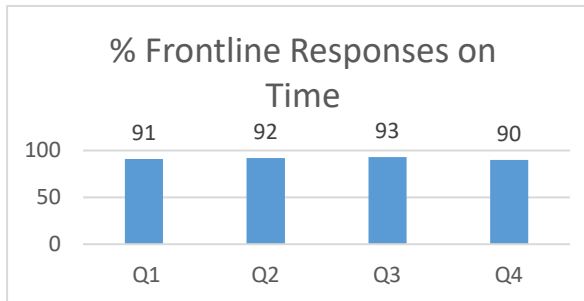
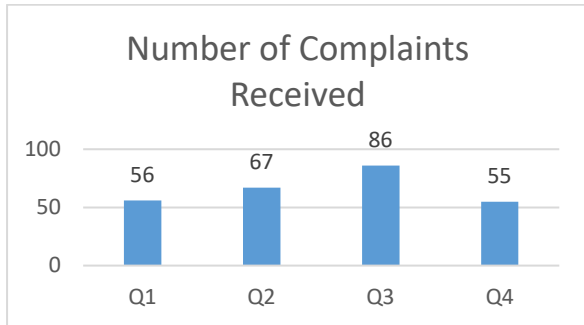
- Accommodation arrangements (jurors and witnesses) - catering provision and encountering accused persons. These were addressed by:
  - adjusted departure times for jurors and accused persons,
  - alternative routes explored and opportunity provided for complainant to discuss proposed improvements.
  - highlighted with justice partners in liaison meeting to ensure future arrangements focus on the needs of victims when special measures have been allowed
  - local introduction of advance notification by Witness Services to allow early identification of attendance arrangements.

The SPSO publishes statistics in relation to complaints appealed to them. [For 2022/23](#) there were no SCTS related complaints upheld or partially upheld, with 7 noted as good complaint handling.

Enquiries in relation to this report should be directed to:

[correspondence@scotcourts.gov.uk](mailto:correspondence@scotcourts.gov.uk)

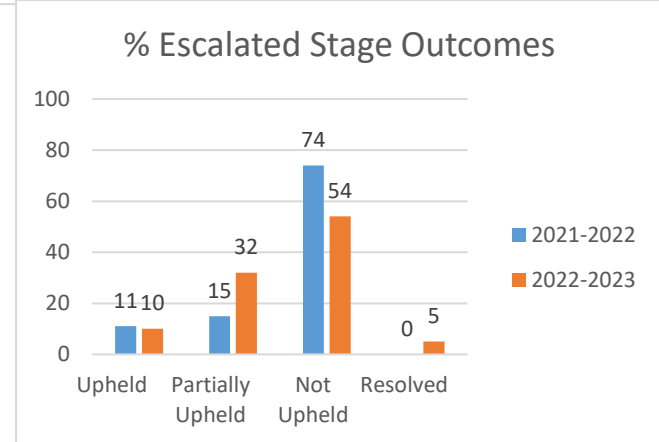
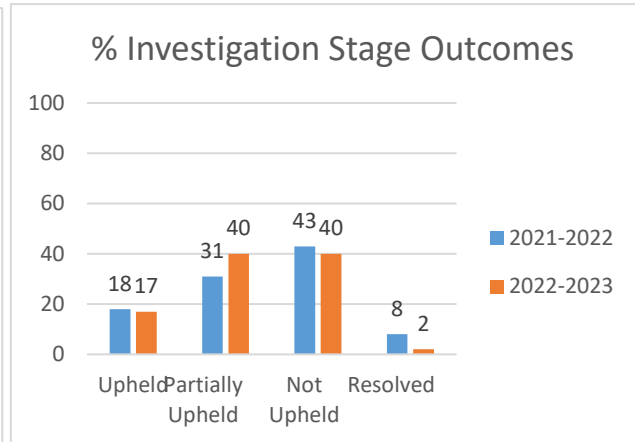
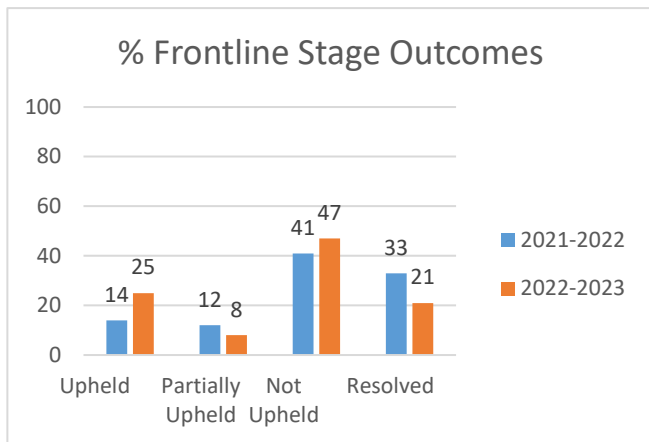
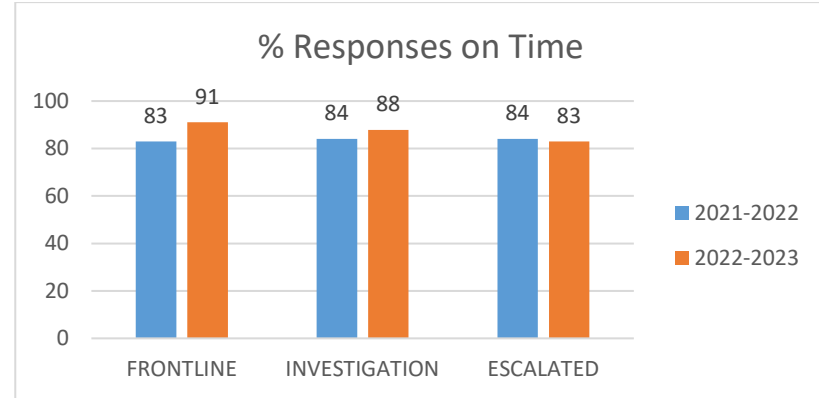
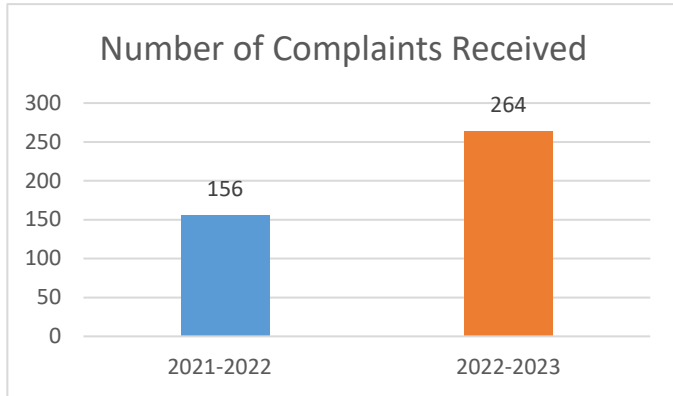
## APPENDIX A Quarterly Breakdown 2022-2023



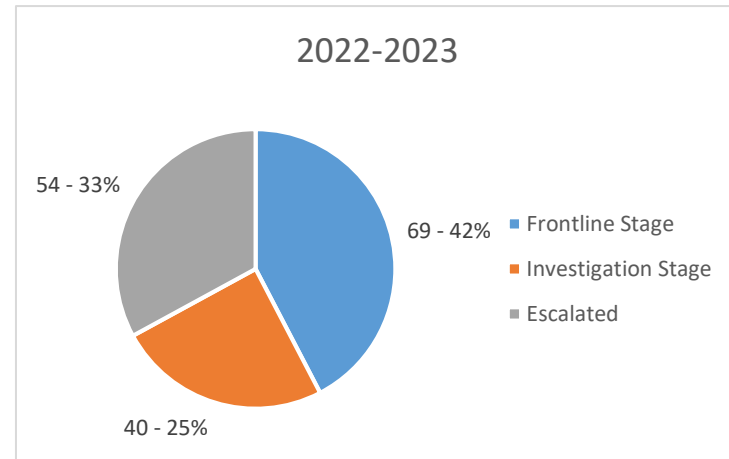
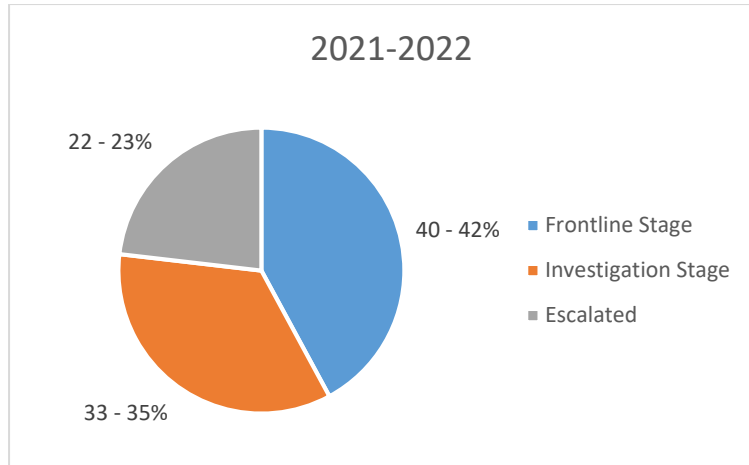


## Appendix B

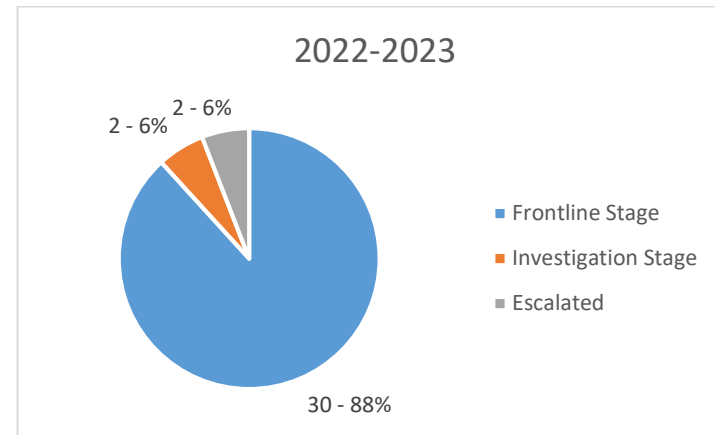
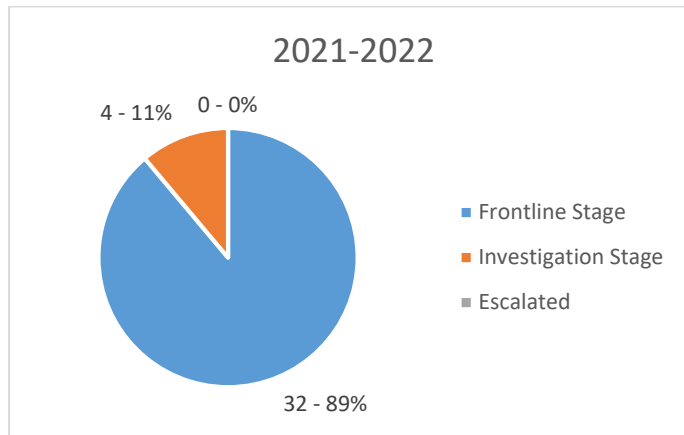
## Year on Year Comparison



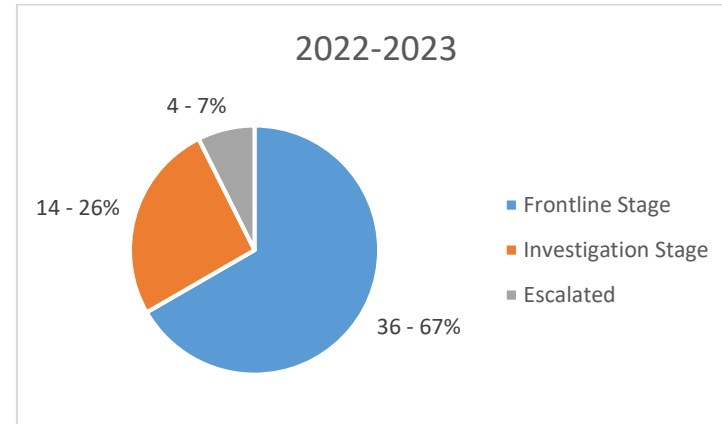
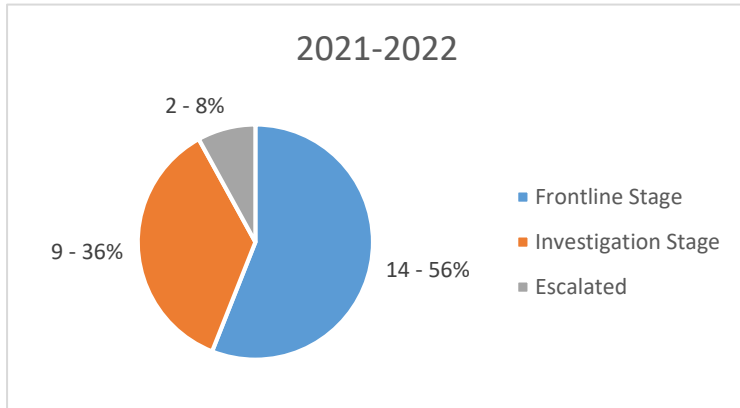
**Number and % of “Not Upheld” outcomes by stage dealt with**



**Number and % of “Resolved” outcomes by stage dealt with**



**Number and % of “Upheld” outcomes by stage dealt with**



**Number and % of “Partially Upheld” outcomes by stage dealt with**

