



CROWN OFFICE
& PROCURATOR
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

COMPLAINTS HANDLING PROCEDURE

ANNUAL REPORT 2019-2020

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Who we are

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service.

We act independently and impartially in the public interest. We are responsible for the investigation and prosecution of crime in Scotland, the investigation of sudden or suspicious deaths and the investigation of criminal allegations against the police.

We are committed to playing our part in making Scotland a safer place to live and engaging with communities to understand their needs and priorities.

Introduction

COPFS recognises that a key element of achieving those aims is listening to those who are, or have been, affected by the work that we do. COPFS values the experiences from people who have been involved in the criminal justice process, whether good or bad, or how they have otherwise been affected by our service and is committed to learn from those experiences.

We want to identify good practice within COPFS and ensure best practice is adopted across the whole of the organisation.

We also want to put things right, if possible, when something goes wrong and do so at the earliest opportunity.

Our Service Improvement Strategy aims to engage our employees to deliver excellent customer service to victims, witnesses and other people in contact with COPFS.

We are also a member of the Institute of Customer Service (ICS) - an independent, professional membership body for customer service whose aims include helping members to promote their values and improve their customers' experience.

Service Improvement Board

The COPFS Service Improvement Board (SIB) was established in 2018 to promote and drive the aims of our Service Improvement Strategy. The Board aims to deliver improvements in our service to the public provided across all COPFS Functions. The Board includes representation from across all COPFS business areas and is chaired by our Service Improvement 'Champion' who is a member of our Executive Board.

SIB's remit includes reviewing complaint data, identifying thematic issues and risks, conducting detailed analysis of complaints made, performance to date, lessons learned, action taken and building in service improvement controls to mitigate

identified risks and taking forward recommendations from the Inspectorate of Prosecutions.

Response and Information Unit

The COPFS Response and Information Unit (RIU) is responsible for handling Stage 2 complaints in terms of our Complaints Handling Procedure and promoting good customer service. The Unit highlights recurring problems to the Service Improvement Board so that we can make improvements to our practices and procedures and identify training needs across COPFS as a whole.

Our Complaints Handling Procedure

The COPFS complaints handling procedure can be accessed from the Home page of our website www.copfs.gov.uk (revised and fully updated August 2021). We explain how to make a complaint, what can be complained about, what happens once a complaint has been made and what steps can be taken if a complainant is dissatisfied with our final decision.

Our Complaints Handling Procedure follows the model Complaints Handling Procedure endorsed by the Scottish Public Services Ombudsman 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 local level. We recognise that early resolution is best practice in complaints handling – it is better for the complainant and can prevent more complex and time-consuming issues arising.

Our National Enquiry Point service aims to answer 80% of all queries about our work but, where appropriate, enquiries 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 2019-2020, 56 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 – Investigation Stage

When a complaint cannot be resolved informally, and further investigation is required, or the matter is immediately identified as a Stage 2 Investigation level complaint, it will be passed to RIU. The majority of formal complaints are emailed to the Complaints mailbox directly from members of the public. 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 resolve 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.

Data in relation to recorded complaints

The number of formal complaints logged between April 2019 and March 2020 was 570, of which 18% were upheld, 12% partially upheld, 68% not upheld and 2% withdrawn. COPFS over the same period received a total of 169,894 standard prosecution reports from Police Scotland and 10,921 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 2019 and March 2020, we responded to 82% of formal complaints within 20 working days.

Most complaints (over 80%) 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 below at **Annex A**.

Subject matter of formal complaints

The main themes raised in the complaints received are:

- Failure to communicate (93)
- Handling of case (including in court) (96)
- Productions (47)
- Administrative failure (38)
- Delay making decision (33)
- Decision not to prosecute (39)
- Decision to Prosecute (29)

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 (55)
- Productions (25)

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 2018 – March 2019 | 437 | 325 (74%) | 75 (17%) | 51 (12%) | 296 (68%) | 15 (3%) |
| April 2019 – March 2020 | 570 | 470 (82%) | 101 (18%) | 70 (12%) | 388 (68%) | 11 (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.