



Complaint Guidance for Members of the Public

The Judicial Office for Scotland is a separate part of the Scottish Courts and Tribunals Service and provides support to the Lord President in their role as head of the Scottish judiciary with responsibility for the training, welfare, deployment, guidance and conduct of judicial office holders, as well as the efficient disposal of business in Scottish courts and tribunals. The Judicial Office also supports the President of the Scottish Tribunals in their role.

The term “**member**” will be used throughout this guidance to cover all tribunal members; a full list can be found on [page 2](#).

Any complaint about a judicial member of the Scottish Tribunals, will be dealt with under the Complaints about the Judiciary (Scotland) Rules 2024 – a copy of these Rules and guidance can be found on our website - www.judiciary.scot/home/publications/judicial-complaints.

The Rules

The Judicial Office will look at your complaint in line with a set of Rules, called The Complaints about Members of the Scottish Tribunals Rules 2024. We will help you throughout the complaint process, and will give you a clear explanation about the outcome of your complaint. A copy of these Rules can be found on our website, www.judiciary.scot/home/publications/tribunal-complaints. If you have trouble accessing a copy online, please contact us by email: judicialofficeforscotland@scotcourts.gov.uk or by [telephone](#).

This guidance will help you to make a complaint about the personal misconduct of a tribunal member to the Judicial Office. You can complain about something that happened to you. A friend or relative may help you to make a complaint. Once you have made a complaint, we will acknowledge this within 5 working days. We will keep you updated with the status of your complaint at each stage. A full description of the complaints process can be found on [page 7](#).

Who can I complain about?

You **can** make a complaint about legal and ordinary (not judicial) members of the following:

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| <ul style="list-style-type: none">• General Regulatory Chamber of the First-tier Tribunal for Scotland• Health and Education Chamber of the First-tier Tribunal for Scotland• Housing and Property Chamber of the First-tier Tribunal for Scotland | <ul style="list-style-type: none">• Local Taxation Chamber of the First-tier Tribunal for Scotland• Social Security Chamber of the First-tier Tribunal for Scotland• Tax Chamber of the First-tier Tribunal for Scotland• Upper Tribunal for Scotland |
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What can I complain about?

It is important that members keep a high standard of behaviour both inside and outside of the tribunals. Members are guided by the [Guidance to Judicial Office Holders on Judicial Ethics](#). However, please note that a member may have to be firm, direct or assertive when managing a case. Below are **examples** of some of the behaviours which we can and cannot consider:

We **can** consider ✓

Any action that amounts to misconduct. Some examples include:

- using inappropriate language, such as racist, sexist or discriminatory language
- a conflict of interest
- using their position as a member to benefit themselves personally
- falling asleep in hearings

We **cannot** consider ✖

- a decision, such as the outcome of the case, the way that the member managed the case, or what evidence the member chose to consider
- the award of expenses (costs) and damages
- who is allowed to take part, such as what witnesses are allowed to give evidence or who is able to speak at a certain time

Allegations of Criminal Conduct:

If you believe a crime has been committed, you should report this to the police.

If your complaint includes allegations of a crime being committed by the member, the Judicial Office will not investigate your complaint until the Crown confirms they will not start criminal proceedings or that any criminal proceedings have concluded or it becomes clear that no such proceedings are to be taken.

In these circumstances, the Judicial Office will write to you to tell you if your complaint has been paused.

What do you need to tell us?

While you do not have to use the complaint form to make your complaint, we would encourage you to use the form as it will help to guide you through your complaint to give us the information needed to consider it. A copy of the complaint form can be found on the Judicial Office for Scotland website: www.judiciary.scot/home/publications/tribunal-complaints.

If you have any trouble completing this form please email us at judicialofficeforscotland@scotcourts.gov.uk.

You should provide us with the following information:

- your name
- an address we can use to contact you – can be an email address or postal
- the name of the person you are complaining about
if you do not know the name of the judge, you can contact the court/tribunal and ask them to provide their name
- the date(s) of when the matter you wish to complain about happened
- where the matter you wish to complain about happened
- as much information as you can give us on the matter
- the case number (not required but it is helpful)

It is important that you provide enough information. For example, it is not enough to simply say that “The member was rude to me”. You will need to explain what was said or done by the member that you felt was rude; providing examples of the words used or behaviour shown.

We may ask you to give us more information to help us understand your complaint and you will have 28 days to respond. If we do not hear from you within the 28 days your complaint may be deemed to have been withdrawn.

Time Limits

A complaint must be made within **3 months** of the behaviour you wish to complain about. For example, if the matter you wish to complain about happened on 10 April 20XX you must complain about it by 10 July 20XX.

What happens if I make a complaint after the 3 month time limit?

If you make a complaint after 3 months, the complaint should tell us why it is being made late. It is only in **exceptional circumstances** that we can extend the time limit. If you do not explain in your complaint why it is late, we will ask you why and you will be given 28 days to reply. Please note that not knowing about the rules is not an exceptional circumstance.

If your case is ongoing, you still have to send us your complaint within the 3 month period. However, we may wait until the case has finished to consider your complaint.

What happens if I make a complaint about a member who has retired or left office?

Should you wish to complain about a member who has retired or left office, the complaint will be subject to the time limits above and even where exceptional grounds are shown, the Judicial Office cannot extend the time limit for a complaint beyond 12 months of the date the member ceased to be a member. A complaint will be considered as if the member were still in office.

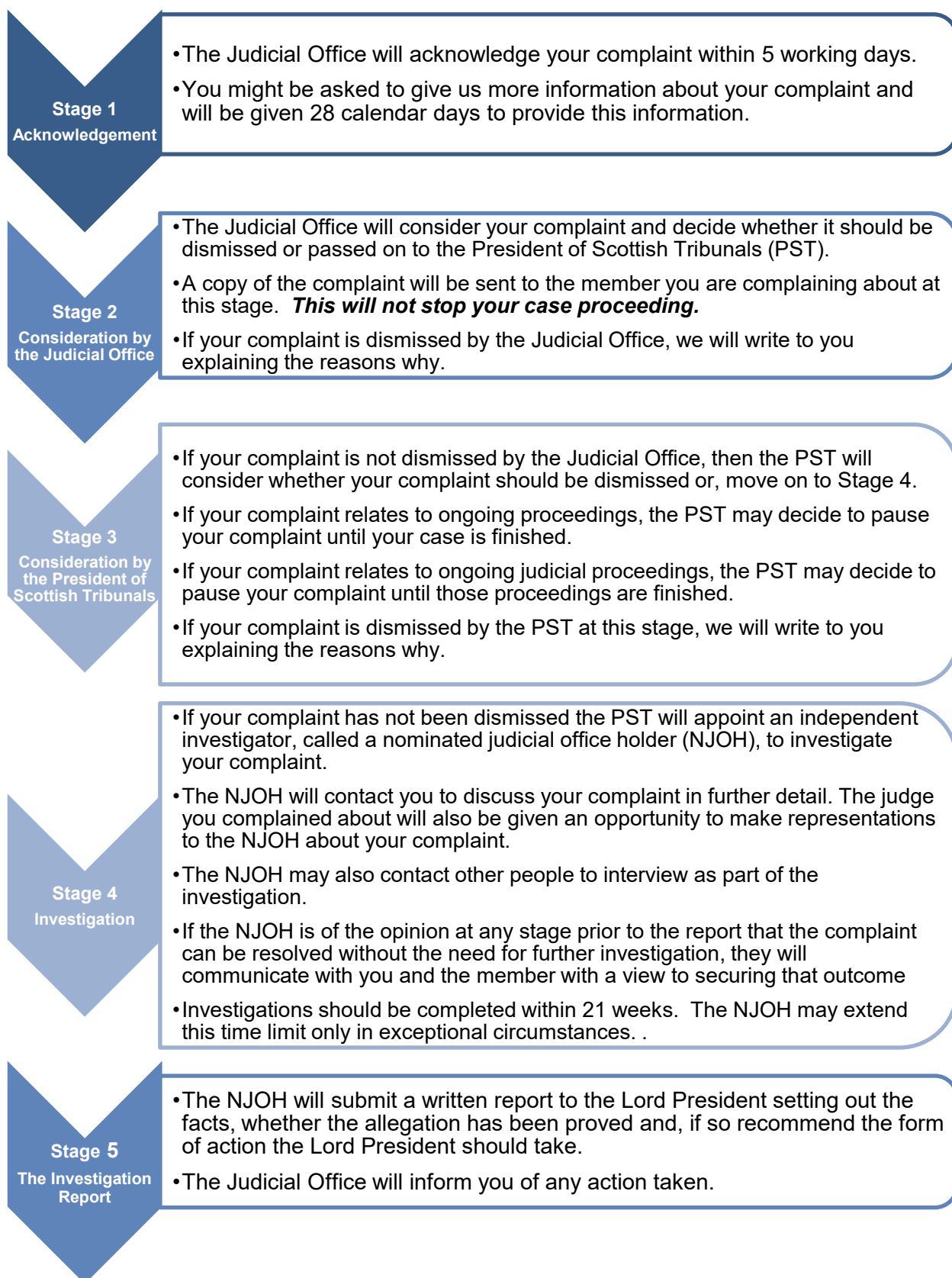
Where do I send my complaint?

Your completed complaint form should be sent to the Judicial Office for Scotland by:

Email: judicialofficeforscotland@scotcourts.gov.uk; or

Post: Judicial Office for Scotland
Parliament House
Edinburgh
EH1 1RQ

What happens now that I have made a complaint?



Need help to make your complaint?

If you would like to speak to a staff member about making a complaint or have a question please contact the Judicial Office for Scotland on 0131 240 6677 or email: judicialofficeforscotland@scotcourts.gov.uk

Scottish Independent Advocacy Alliance

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Website: www.siaa.org.uk
Tel: 0131 510 9410
Email: enquiry@siaa.org.uk
Post: Scottish Independent Advocacy Alliance
18 York Place
Edinburgh
EH1 3EP

Accessibility

We are committed to making our service easy to use for all members of the community. We will ensure that reasonable adjustments are made to help people access and use our services.

If you have trouble putting your complaint in writing, or want information in another language or format, such as large print, audio or Braille, please contact us by telephone on **0131 240 6677** or email us at: judicialofficeforscotland@scotcourts.gov.uk

Unhappy with how your complaint was handled?

If you believe that the Judicial Office, the President of Scottish Tribunals or the nominated judicial office holder did not follow the Rules properly when considering your complaint, please contact the Judicial Complaints Reviewer. The Judicial Complaints Reviewer cannot change the outcome of your complaint, they can only look into whether the rules were followed correctly.

Please visit www.judicialcomplaintsreviewer.org.uk to view the Judicial Complaints Reviewer website.

Useful websites

- Scottish Judiciary website: www.judiciary.scot
- Scottish Courts and Tribunals Service: www.scotcourts.gov.uk
- Crown Office and Procurator Fiscal Service (COPFS): www.copfs.gov.uk
- Judicial Conduct Investigations Office for England and Wales:
www.complaints.judicialconduct.gov.uk
- Scottish Legal Complaints Commission: www.scottishlegalcomplaints.org.uk
- Law Society of Scotland: www.lawscot.org.uk
- Police Scotland: www.scotland.police.uk