

SPSO decision report

Case: 201204430, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: failure to provide information
Outcome: upheld, no recommendations

Summary

Mr C was cited as a witness in a trial. He attended court on that date, only to be told that his attendance was not necessary as the accused had pled guilty. Mr C complained to the Crown Office and Procurator Fiscal Service (COPFS) that, because he was not told that his attendance was no longer required, he had suffered financial loss and unnecessary upset, anxiety and inconvenience.

COPFS explained that this had happened because there were administrative errors in their process for advising witnesses that they need not attend court. They apologised to Mr C for this and invited him to submit an expenses claim, which they paid as they would have, had the trial gone ahead.

In relation to the upset and inconvenience caused, COPFS advised Mr C that such concerns are addressed through witness support services such as Victim Support Scotland and their witness service, but that they do not provide compensation for upset, anxiety or inconvenience. Given that COPFS accepted that administrative errors on their part had led to Mr C attending court unnecessarily we upheld his complaint, but as they had already taken action to address what had gone wrong, we did not find it necessary to make any recommendations.