

SPSO decision report

Case: 201300619, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: policy/administration
Outcome: some upheld, recommendations

Summary

Miss C was the victim of a road accident in 2009. Charges were brought in relation to the accident and Miss C was cited to appear in court. Due to an error by the Procurator Fiscal in court in August 2010 the case was not called, and proceedings could not be re-raised because of the time that had elapsed. Miss C made enquiries about the progress of the case and, for the next five months, was advised that it was being rescheduled. At the end of January 2011, however, she was advised that the case had ended the previous August. Miss C complained to COPFS about this and received a final response in April 2013. She was dissatisfied with the response and raised her complaints with us.

We did not uphold Miss C's complaint that COPFS had not reasonably advised her of the progress of the case as there is no requirement for them to do this, and she was advised that she did not need to attend court in August 2010, although she was given incorrect information about the reason for this. We did, however, uphold her complaints that COPFS did not reasonably advise her of the conclusion of the case, provided inaccurate information to her between August 2010 and January 2011 and did not respond reasonably to her enquiries and complaints from January 2011 onwards.

Recommendations

We recommended that COPFS:

- provide us with evidence that all staff were reminded about the provision of appropriate and accurate information to those involved in cases, and that notes of all phone conversations are now added to case records so it is possible to ascertain who provided information to enquirers;
- provide us with evidence of how their move to scanning correspondence has improved their handling of general correspondence; and
- consider, as a tangible expression of regret in exceptional circumstances, making a small payment to Miss C in recognition of the unnecessary costs, inconvenience and upset caused by their administrative errors.