

SPSO decision report

Case: 201400081, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: complaints handling
Outcome: upheld, action taken by body to remedy, no recommendations

Summary

Mr C complained about how the Crown Office and Procurator Fiscal (COPFS) dealt with his complaint. Our jurisdiction in complaints about COPFS is very limited, and we could look only at whether they acted in line with their complaints procedure.

We found that Mr C raised a number of issues in his letters, and in their responses at each stage COPFS: explained how they had investigated, referred to and cited evidence in support of their responses; and provided responses to the points Mr C raised. This showed a reasonable level of investigation. At the time Mr C complained, however, COPFS had three formal stages in their complaints procedure. At stage one, they took longer than the 20 working days allowed for in their procedure to respond to Mr C's complaint. We found that this was reasonable in the circumstances, given the content of letters between Mr C and COPFS. At stage two, however, there were two periods longer than 20 working days when COPFS provided no updates. In addition, they did not explain to Mr C until the stage three response why the investigating officer changed during the stage two consideration of his complaint. In our view, it would have been reasonable to tell Mr C at the time the change was made, and we upheld his complaint due to the failings at stage two.

We did not, however, make any recommendations because COPFS had already apologised for the lack of updates at stage two. COPFS also explained to us what they had done to improve complaints handling under their new complaints procedure.