

SPSO decision report

Case: 201405577, Crown Office and Procurator Fiscal Service

Sector: Scottish Government and devolved administration

Subject: complaints handling

Outcome: not upheld, no recommendations

Summary

Mr C was a witness in a court case, but the case did not proceed on the day he attended court. Mr C said the Crown Office and Procurator Fiscal Service (COPFS) told him that one of the reasons for the case not taking place was because of a procurator fiscal's understanding that witnesses were not present. Mr C complained about this to COPFS but was not satisfied with their response, so he complained to us that COPFS failed to adequately investigate his complaint and respond to it.

We found that, as COPFS had told Mr C, the procurator fiscal who dealt with the court case was not at work when COPFS responded to Mr C's complaint. COPFS told us that they could not give Mr C details about the procurator fiscal's absence, as it was confidential personal information. The evidence showed that, in the absence of the procurator fiscal, COPFS had looked at the notes from the relevant day in court, and had contacted court staff. We were satisfied that, in the circumstances, COPFS had adequately investigated Mr C's complaint and responded to him. We did not uphold Mr C's complaint.