

SPSO decision report

Case: 201908081, Scottish Court and Tribunal Service
Sector: Scottish Government and Devolved Administration
Subject: handling of application
Decision: some upheld, no recommendations

Summary

Mr C complained about the information provided to him when he was awarded expenses by the First-tier Tribunal for Scotland (Housing and Property Chamber). Mr C was made aware of the steps of the Tribunal's process up until the Auditor of the Court of Session decided what amount was due as expenses, and the Tribunal issued an order for payment. Mr C did not follow that information. As this was only the second time that the tribunal awarded expenses, we considered it was reasonable that the administrative staff did not know this part of the procedure until informed of the process by a member of judicial staff. The next part of the procedure was covered by diligence procedure under Scots Law and is not distinct for this tribunal. Administrative staff were unaware Mr C did not know this and therefore did not address this. We did not uphold this aspect of the complaint.

Mr C also complained about a failure to provide a clear response to his complaint. Mr C made it clear he did not know the difference between an Order for compensation and an Order for expenses and it would have been helpful if this had been discussed with him. Mr C also received correspondence that did not address his complaint and stated that he was looking for legal advice, when that was not the case. There was a lack of understanding of how complex the procedure may appear to someone who had never been to the tribunal before. Therefore, we upheld this aspect of the complaint.

We noted that the Scottish Court and Tribunal Service had apologised to Mr C and made changes to their website to ensure information was clearer. We did not make any recommendations in this case but did include feedback to the organisation that an expression of empathy for those who found the process complex would be reasonable to expect in complaint handling.