

## SPSO decision report



**Case:** 201910071, Crown Office and Procurator Fiscal Service  
**Sector:** Scottish Government and Devolved Administration  
**Subject:** Policy / administration  
**Decision:** some upheld, recommendations

### Summary

C complained about the way that the Crown Office and Procurator Fiscal Service (COPFS) dealt with their communications with them following their adult child (A)'s death by suicide. C said that the COPFS failed to deal with C's request for the return of A's property appropriately; failed to provide C with the final post-mortem report on A's death within a reasonable time; and failed to investigate C's complaint about these two matters appropriately.

It is not for this office to question decisions by the COPFS regarding the release of A's belongings, as the COPFS's decisions regarding prosecutions/whether or not to investigate Fatal Accident Inquiries are outwith the remit of this office. We therefore considered whether or not the COPFS did what they advised C that they would do in relation to the release of A's belongings and whether they acted in line with their guidance.

The records showed that the COPFS considered C's request for the return of A's property, made during a telephone call, and authorised release of some of A's belongings and that this was then communicated to the police and the belongings were released. It would appear that after receipt of an email from C in which they complained and requested the release of the remainder of A's belongings, the COPFS then authorised their release. The COPFS acknowledged that they should have responded to C's email, advised that they fed back this failing to staff and provided documentary evidence to verify that this took place at the time. We considered the remedial action by the COPFS to be reasonable and did not uphold this part of the complaint.

On the matter of the provision of the final post-mortem on A's death, the COPFS explained the difficulties they experienced with their toxicology report service provider and how this in turn impacted on the timescale for receipt of post-mortem reports by the COPFS and notification of the outcome to the next of kin. In this case, notification of the outcome of the post-mortem to C and issuing of the report on request did not take place until more than four months after the timescale stated in the COPFS's procedures. We were critical of this delay and upheld this part of the complaint. We noted that COPFS indicated that they had taken a number of steps to address the delay which was positive.

On the issue of the investigation of C's complaint, while a number of aspects of the COPFS's investigation into C's complaint and complaint response were reasonable, we found that the complaint response failed to address C's expression of dissatisfaction regarding the delay in completing A's post-mortem. We, therefore, upheld this part of the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C and their family for the unreasonable delay in notifying C of the outcome of the post-mortem on A's death and providing them with a copy of the report on request and for failing to address C's concerns about the delay in providing A's post-mortem report in their complaint response. The apology

should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

In relation to complaints handling, we recommended:

- For COPFS complaint responses to address all issues raised as part of the complaint that the COPFS are responsible for, in accordance with their complaint handling procedure.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.