

CROWN OFFICE AND PROCURATOR FISCAL SERVICE
COMPLAINTS AND FEEDBACK POLICY
ANNUAL REPORT 2014 - 2015

Introduction

The Crown Office and Procurator Fiscal Service (COPFS) is Scotland's prosecution service. We receive reports about crimes from the police and other reporting agencies and then decide what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

The volume of business which COPFS dealt with in reporting year 2014 – 2015 is attached at Annex A.

Complaints and Feedback Policy

The Crown Office and Procurator Fiscal Service (COPFS) Complaints and Feedback Policy reflects our commitment to valuing complaints. We recognise that the legal process can sometimes appear intrusive and it is our aim to balance legal requirements and processes with the needs of individuals wherever possible.

We treat the complaints we receive seriously and will try to resolve them quickly in the first instance in the office where the issue has arisen through our "Quick Resolution" process.

If further investigation is required, the matter will be passed to the Response and Information Unit (RIU), who will log it as a formal complaint and conduct a thorough, impartial and fair investigation so that evidence-based decisions can be made.

Our Policy provides a standardised approach to handling complaints in accordance with the Scottish Public Services Ombudsman's (SPSO) guidance, aiming to provide early resolution by capable, well-trained staff, both in local offices and in RIU.

Complaints give us valuable information which we can use to improve the experience of those affected by our work. We therefore aim to use the feedback we receive to prevent the same problems occurring again through reports to senior management, to staff generally and to individuals more directly when training needs are identified.

This is the first report relating to complaints since the inception of RIU and it therefore provides information from June 2013 in addition to the full reporting year 2014 – 2015.

Response and Information Unit

RIU was set up in June 2013 to deal with all formal complaints under a new Complaints and Feedback Policy. This Policy was further updated in November 2013 in accordance with the SPSO's model complaints handling procedure.

Aims of RIU

The aims of RIU in relation to complaints are as follows:

- To provide a more consistent and timeous service in respect of formal complaints;
- To promote and encourage good customer service, including the use of Quick Resolution;
- To improve learning from all feedback by recording and analysing results and feeding these back to senior management

RIU Staff

We recognise that the quality and tone of our responses are particularly important to improving the way in which we communicate with the public. With this in mind, the recently appointed Head of RIU joined the team from a background in corporate communications.

The Unit is closely associated with the National Enquiry Point who may receive complaints over the telephone.

The whole unit liaises regularly with managers and other staff within COPFS in the investigation of complaints, assesses all the information and then the unit independently takes a view on the validity of the complaint.

Quick Resolution

Our aim is to resolve expressions of dissatisfaction at as early a stage as possible. Therefore, all staff within COPFS will aim to sort out any issues right away. They are encouraged to record such complaints resolved at the start of the process as 'Quick Resolution' matters so that we may have more information about the type and number of problems which are resolved in this way.

Between June 2013 and March 2014, 98 complaints were recorded as Quick Resolution matters, and 99 between April 2014 to March 2015.

Formal Complaints

However, given the nature of the work of COPFS, the complexity of some legal process and significant demands which the criminal justice system makes on individuals, it is very often the case that a fully considered formal response is required. Many of our responses will include a full explanation of the prosecution code and court processes.

The majority of formal complaints are emailed to the RIU mailbox directly from members of the public, rather than being sent to local offices. This would suggest that our method of communicating the complaints and feedback process is easily accessible to the public on our website, through posters which are available in offices and through members of staff directing the public appropriately. Where complaints are received in local offices which cannot be resolved by 'quick Resolution', they are forwarded to RIU internally via the same mailbox used by the general public.

The number of formal complaints logged between June 2013 and March 2014 was 623, of which 11% were upheld, 14% partially upheld and 75% not upheld.

The number of formal complaints logged between April 2014 and March 2015 was 740. Of these, 10% were fully upheld, 11% partially upheld and 74% not upheld. We also introduced a new category to calculate the number of complaints which were withdrawn. This accounted for 5% of all complaints received.

COPFS has introduced an internal aim of 20 working days to respond to formal complaints. By their very nature some of the more complex complaints will take longer to investigate and respond to. We will keep correspondents advised if there is likely to be a delay. Correspondence answered within 20 working days between June 2013 and March 2014 was 76% and between April 2014 and March 2015, the figure was 77%.

The majority of complaints (over 60%) relate to issues arising to our summary court work. This is to be expected as summary case work accounts for the vast majority of our business.

Further information is provided at Annex B.

Upheld Complaints

The subject matter of the most regularly upheld complaints is as follows:

- failure to reply to correspondence;
- delay in return of productions;
- length of time it takes for proceedings to commence;
- decision to discontinue a case being taken at trial;
- lack of communication with witnesses at trial; uncertainty about when witnesses will be required within a 2 week sheriff and jury sitting

Details of complaints which are either fully or partially upheld are brought to the attention of local managers so that any remedial action can be taken immediately and to ensure that staff involved receive feedback that a complaint about their work has been upheld and why. This also allows consideration of whether an individual member of staff requires refresher training in any aspect. These details are also shared on a quarterly basis with senior management and the Heads of the Operational Boards. This provides an opportunity for more general discussion of any Service wide changes that require to be made to improve levels of service and also allows the information to be considered at team briefs/staff training and can assist in the strategic planning around some of our work.

Other Feedback

Other feedback recorded by COPFS is as follows:

	Comment	Suggestion	Compliment
2013 – 2014	85	0	35
2014 – 2015	72	1	21

RIU will continue to encourage staff to record all complaints that are received to provide as accurate an indication as possible of the quality of service which is being provided across COPFS.

Victims and Witnesses (Scotland) Act 2014 and RIU

Right to Information

The Victims and Witnesses (Scotland) Act 2014 lets victims, witnesses and relatives of deceased know what information they are entitled to in law. The current COPFS policy is to provide information to victims and witnesses and this will continue whenever it is appropriate to do so. RIU deal with formal applications for information. Further information about this can be found under the Victims and Witnesses section on our website at www.copfs.gov.uk

Right to Review.

The Victims and Witnesses (Scotland) Act 2014 also provides victims with a right to review certain decisions by prosecutors. Victims in cases reported to COPFS have a right to ask for a review of a decision made on or after 1 July 2015 not to take action in a case or where the case is in court a decision to stop or discontinue a case after a case has started in court.

RIU are responsible for dealing with applications for reviews. COPFS can only review decisions that are taken by us and cannot review decisions made by the court. We will only review cases where the decision could be changed. Where the decision cannot be changed a request for a review will be dealt with under the Complaints and Feedback policy.

More information on how to ask for a review is available on our website www.copfs.gov.uk/publications/victims-and-witnesses.

Case Processing Financial Year 2014/2015

Statistics on Case Processing April to March 2014-15	
Reports Received (1)	
Criminal Reports	244,387
Death Reports	9,173
Total Reports Received	253,560
Non-Court Disposals	
No Action	26,985
Warning Letters	7,828
Conditional Offers of Fixed Penalties Paid	15,483
Fiscal Fines Paid/Accepted	35,180
Compensation Orders Accepted	580
Combined Fiscal Fines/Compensation Orders Accepted	1,972
Other Non-Court disposals	13,065
Total Non-Court Disposals	101,093
No Further Action (2)	
Total No Further Action	32,496
Court Disposals	
JP Court:	
Pleas (3)	34,837
Trials (4)	2,044
Total JP Court Disposals	36,881
Sheriff Summary (5)	
Pleas (3)	49,426
Trials (4)	6,248
Total Sheriff Summary Disposals	55,674
Sheriff and Jury:	
Pleas (3)	4,310
Trials (4)	1,328
Total Sheriff and Jury Disposals	5,638
High Court:	
Pleas (3)	215
Trials (4)	334
Total High Court Disposals	549
Total Court Disposals	98,742
Total Disposals (6)	232,331

Information Notes:-

(1) COPFS receives reports about crimes from the police and other reporting agencies and then decides what action to take, including whether to prosecute someone. We also look into deaths that need further explanation and investigate allegations of criminal conduct against police officers.

(2) No Further Action = Cases which were closed after proceedings had been commenced or attempted (e.g. cases which were closed because the accused died, the accused could not be traced, a key witness was not available, etc.)

(3) Pleas = Cases which were disposed of at court without any evidence being led.

(4) Trials = Cases where some or all of the evidence was led.

(5) Sheriff Summary cases include cases dealt with in the Stipendiary Magistrate's Court in Glasgow.

(6) Total disposals will not equal total criminal cases received as some cases against the same accused will be linked and taken forward as one case. There is also a time lag between receipt of a case and final disposal so that, for example, some cases received in 2013-2014 will not have resulted in a disposal until 2014-2015.

Annex B

Complaints received since set up of RIU

Date	No of Complaints	Answered in target	Upheld	Partially Upheld	Not Upheld	Withdrawn
June 2013 – March 2014	623	445	67	88	468	
April 2014 – March 2015	740	535	79	82	534	35

Note

10 complaints are still under investigation for the period 2014 – 2015

Where a complaint was withdrawn, but RIU processed its required actions within the internal targets, the case is included in the within target figure