



## **Making a complaint against a Convener or Member of the Additional Support Needs Tribunal for Scotland**

The President of Additional Support Needs Tribunals for Scotland (ASNTS) has appointed the Judicial Office for Scotland to supervise the operation generally of the Complaints Procedure, report to the President about any matters as appropriate and to carry out functions as specified by the procedure.

This guidance document has been approved by the President of ASNTS.

A copy of the Complaints Procedure for the Additional Support Needs Tribunals for Scotland 2016 (“the Complaints Procedure”) can be accessed on the ASNTS website.

All complaints should be sent the Judicial Office for Scotland; you can send your complaint:

- By post to:  
Judicial Office for Scotland  
Parliament House  
Edinburgh  
EH1 1RQ
- By email: [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk)
- Using the standard complaints form

**Before sending your complaint you should first read the rest of this leaflet. This will ensure that you are contacting the correct place and that you provide the necessary information to allow us to process your complaint.**

Please note that we are not able to intervene in, or influence the outcome of proceedings before the tribunal. If your complaint is upheld, it will not have any bearing on the progress or outcome of any associated case before the tribunal.

## Who can I complain about?

Under the Complaints Procedure, we can accept complaints about conveners and members of ASNTS. If you are unsure if we can deal with your complaint, please contact us using the details on page 1.

## What can I complain about?

We can only consider complaints about a member or convener's **personal conduct**. We cannot consider complaints about a decision of the tribunal or the way a case has been managed.

The definition of personal conduct covers a wide range of behaviour both in and outside of tribunals. However, you should understand that on occasions a tribunal member or convener may have to be firm, direct or assertive in his or her management of a case.

It is not possible to provide a definitive list of what is considered personal misconduct. However, below are some examples of the types of matters we can and cannot investigate.

<b>We can investigate</b>	<b>We <u>cannot</u> investigate</b>
<ul style="list-style-type: none"><li>• The use of racist, sexist or offensive language</li><li>• Falling asleep during a hearing</li><li>• Misusing judicial status for personal gain or advantage</li><li>• Conflict of interest</li></ul>	<ul style="list-style-type: none"><li>• A decision of the Tribunal</li><li>• The impact of the decision made</li><li>• What evidence should be, or has been considered</li><li>• The award of expenses or damages</li><li>• Decisions about hearing programming, case management or conduct of proceedings</li><li>• Who should be allowed to participate in a hearing</li><li>• Allegations of criminal activity</li></ul>

For further information on what may be considered misconduct, it may be useful to look at the [Statement of Principles of Judicial Ethics](#) for the Scottish Judiciary. This is a document that describes the principles and standards which tribunal members and conveners should adhere to in their personal and professional lives.

## What do we need from you?

To enable us to accept your complaint, we ask that you provide as much of the information listed below as possible.

**You must provide the following (your complaint will not be accepted without it):**

- Your name.
- An address that we can use to contact you (if providing both a postal and email address please indicate your preferred contact method).
- The name of the tribunal member or convener whom you wish to complain about.
- The date or dates of the alleged misconduct you wish to complain about
- Specific details of the alleged misconduct you wish to complain about.

Please note we cannot accept a complaint document that indicates that you do not want the tribunal member or convener to see it.

**It will also assist us if you could provide the following;**

- The building where the tribunal hearing took place (if applicable)
- The relevant case number (if known)
- Copies of any documents that you are relying on to support your complaint

It is important that you provide enough information for us to consider your complaint. For example, it is not enough to simply say that 'Mr X was rude to me'. You will need to explain what was said or done by the member or convener that you felt was rude; providing examples of the language used or behaviour shown.

If we are considering dismissing your complaint because it does not contain sufficient information, you will be offered a further **4 weeks** to provide the necessary details. Failure to provide further information will result in your complaint being closed.

## What happens when I have complained?

- Each complaint is handled in accordance with the Complaints Procedure for the Additional Support Needs Tribunals for Scotland 2016.
- If we are unable to help you we will try to direct you to other organisations that may be able to assist. Please see page 5 for useful websites.
- The Judicial Office will acknowledge your complaint within 5 working days on receipt.
- If we are unable to accept your complaint we will clearly explain to you why this is.
- If your complaint is dismissed, the Judicial Office will write to you explaining why.
- If your complaint is not dismissed by the Judicial Office, your complaint will be sent to the President of ASNTS, who will seek comments on the allegations from the person you have complained about and any other people as deemed appropriate.
- Once your complaint has been investigated by the President of ASNTS, they will write out to you detailing the findings and any proposed action to be taken.

## Getting help to make your complaint

We understand that you may be unable, or reluctant, to make a complaint yourself. We can take complaints from a friend, relative, or someone who will support you, if you have given them your consent to complain for you.

You can find out about Independent Advocacy Support Workers in your area by contacting the Scottish Independent Advocacy Alliance.

### Scottish Independent Advocacy Alliance

- Tel: 0131 556 6443
- Fax: 0131 550 9819
- Website: [www.siaa.org.uk](http://www.siaa.org.uk)

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help people access and use our services. If you have trouble putting your complaint in writing, or want information in another language or format, such as large print, audio or Braille, please tell us in person, or contact us at the addresses on page one.

## Useful Websites

- Scottish Judiciary website: <http://www.scotland-judiciary.org.uk/1/0/Home>
- Scottish Courts and Tribunals Service: <http://www.scotcourtribunals.gov.uk/>
- COPFS: <http://www.crownoffice.gov.uk/>
- Judicial Conduct Investigations Office for England and Wales: <http://judicialconduct.judiciary.gov.uk/>
- Scottish Legal Complaints Commission: <http://www.scottishlegalcomplaints.org.uk/>
- Law Society of Scotland: <http://www.lawscot.org.uk/>
- Police Scotland: <http://www.scotland.police.uk/>

**Judicial Office for Scotland**  
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