

## Thematic Report on **Complaints Handling and Feedback**

Your support  
made all the  
difference

?

Can someone  
get back to me?

What  
happens  
next?

Thanks  
for taking  
the time to  
explain

I appreciate  
being kept  
informed

# Contents

	<b>Page(s)</b>
<b>Introduction</b>	<b>4</b>
Aim	4
Methodology	4
Key Findings	6
Recommendations	7
<b>COPFS Complaints Handling Procedure</b>	<b>9</b>
What Does a Good Complaints System Look Like?	9
COPFS Complaints and Feedback Policy and Process	9
Procedure	10
Acknowledgement	10
Response	10
Content	11
Accessibility and Visibility	11
COPFS Website	12
Unacceptable Actions	12
Independent Review and the Role of the Scottish Public Services Ombudsman	13
Independent Assessors in England, Wales and Northern Ireland	14
<b>Processes and Procedures</b>	<b>15</b>
Number of Complaints	15
Who Deals with Complaints?	16
Role of the Response and Information Unit	17
Complaints Management System	17
Ministerial Correspondence	19
Role of Enquiry Point	19
Recording of Telephone Complaints	19
Communication	21
<b>Quality and Performance of Complaints Handling</b>	<b>22</b>
Case Review Sample	22
Timeliness	24
Record Keeping	24
Equalities	25
Nature of Complaint	25
Prosecutorial Decisions	26
Complaint Outcomes	27
Overall Quality of Responses	27
Communication	29
Learning Opportunities	30
Overview	30
<b>Customer Service</b>	<b>31</b>
Vision and Objectives	31
Victims' Voice	33
COPFS Customer Survey	34

<b>Organisational Culture</b>	<b>35</b>
Leadership	35
Training and Development	37
<b>Learning Outcomes</b>	<b>38</b>
Governance Structures	38
Risk	38
Feedback from Complaints	39
<b>Annex A</b>	<b>43</b>
COPFS Complaints Handling Process	43
<b>Annex B</b>	<b>44</b>
Analysis of Case Review	44
<b>Annex C</b>	<b>48</b>
Glossary of Terms	48

# INTRODUCTION

One of the essential attributes of a good organisation is an effective system for handling complaints and feedback. An effective complaints system has three key benefits:

1. it resolves issues quickly and cost-effectively;
2. it increases public/customer confidence in the organisation; and
3. it provides information that can drive improvements in service delivery.

The way in which an organisation handles complaints shows how much it values service users and good customer relations. Meeting dissatisfaction with a positive response and using customer feedback to improve service is crucial to any successful organisation. Whether or not a complaint is well founded, dealing with it effectively and empathetically can restore a complainant's confidence in the organisation.

To support the provision of a professional service, engagement with service users should be supported by a simple, accessible, and effective complaints handling process.

The Crown Office and the Procurator Fiscal Service (COPFS) handle approximately 290,000 reported criminal cases and 9,500 death reports each year.<sup>1</sup> COPFS has a diverse and divergent 'customer base'. While some people have regular, professional contact with the service, for others, such as those bereaved by sudden or unexplained death, such contact is rare and probably unwelcome, occurring at a time of significant personal crisis or distress. All are entitled to expect COPFS to deliver on its organisational values – being professional and showing respect – in their dealings with the Service.

## Aim

The aim of this inspection was to review and assess the effectiveness of COPFS complaints procedure having particular regard to:

- The effectiveness of the complaints procedure;
- Whether information about how to make a complaint is clear, easily available and accessible;
- The quality of responses to complaints, including whether complainants are responded to promptly and fairly and receive replies that address relevant issues thoroughly and are written in a way that is easy to understand;
- The governance structures in COPFS, including proper escalation procedures and an independent element to the investigation; and
- The role and impact of complaints to drive improvements.

## Methodology

Evidence was obtained from a range of sources, including:

- Interviews with key individuals in COPFS;
- Interviews with complaint practitioners from other organisations;
- Open source research of Complaint Handling Models;
- Visit and interviews with the Northern Ireland Public Prosecution Service (PPSNI);
- Visit and interviews with those responsible for managing complaints systems in other organisations; and

---

<sup>1</sup> In 2013-14 COPFS received 293,672 criminal reports and 9,549 death reports – *Strategic Plan 2015-18*.

- Examination of 85 complaints received by COPFS in 2014, including all associated correspondence and relevant information from the case file. Each response was measured against a number of indicators. To determine the overall quality<sup>2</sup> we assessed the replies against five criteria:
  - Was the reply easy to understand (plain English/avoiding legal jargon)?
  - Were all issues raised by the complainer covered in the response?
  - Was the reply appropriately empathetic (tailored to the individual, not defensive and, if upheld, was an apology offered)?
  - Was the complaint dealt within the published complaints policy time scales and, if not, were delays explained?
  - Was the complainer informed of the right to appeal or seek external review?

We would like to thank all those that gave up their time to assist with this inspection and in particular the staff of the Response and Information Unit (RIU) for their open and active participation.

---

2 **Excellent responses** – featured most or all of the above quality indicators and any failings or omissions were very minor in nature.

**Good responses** – featured some of the above quality indicators and failings or omissions generally did not detract significantly from the central message, standard of the letter or the substantive handling of the complaint.

**Fair responses** – featured some of the above quality indicators but failings or omissions detracted significantly from central message or substantive handling of the complaint.

**Poor responses** – featured few of the above quality indicators and failings impacted significantly on the standard response. Poor responses were also those where merits of a complaint had not been recognised, wholly or in part, in the response to the complainant or where there had been no substantive response sent.

## KEY FINDINGS

1. A model complaints handling system is efficient, effective, standardised, fair and aims to 'get it right first time'. Whilst the COPFS complaints and feedback process has many attributes of a model complaints policy, we identified a number of features that could add value to the existing policy and provide a more focused complaints system.
2. Overall, we found that the complaints handling staff in the Response and Information Unit (RIU), a national specialist unit that handles complaints and feedback, were helpful and skilled, and that there was a genuine willingness and commitment from the Head of Policy, managers and staff in RIU to improve the complaints handling process.
3. In the majority of cases examined efforts had been made to respond in full to all issues raised and where there was fault or poor service on behalf of COPFS, it was acknowledged, often with an apology. We rated the response from RIU to be excellent or good in 80% of replies. The most common features that detracted from the quality of the response was the use of legal terminology or jargon and a lack of empathy evidenced by being overly defensive, using formulaic paragraphs and failing to provide reassurance.
4. The role that communication plays in complaints handling cannot be overemphasised and the creation of a new post of Head of Engagement and Information combining responsibility for RIU and internal communication is a positive development. Providing helpful, clear information about the role and function of COPFS and getting initial interactions right will minimise the number of customer contacts which escalate into complaints.
5. The largest number of complaints in our review related to prosecutorial decision making. In all cases, we found evidence that the criminal case had been reviewed independently by RIU. This involved considering the case afresh and, if necessary, obtaining additional information. If appropriate, RIU has authority to reverse the initial decision.
6. Only 68% of complaints dealt with by the formal procedure were concluded within the internal target of 20 working days. Delays in obtaining information from local offices contributed to internal timescales not being achieved. In a significant proportion of cases that failed to meet the internal target, complainers were not kept informed of the progress of their complaint.
7. 30% of the complaints examined flowed from a perceived or real lack of service by COPFS. Tackling the underlying causes of complaints is clearly more effective than having to apologise or rectify an issue as a result of a complaint. Critical to improving service delivery is a culture that values complaints and commits to learning from them. While we found commitment from staff in RIU and the Enquiry Point to improving the complaints handling process, there was less evidence of 'buy in' from the wider organisation about the need to learn from complaints and to resolve complaints at the point of service delivery.
8. Other than aspects of customer service delivered at the Valuing and Managing Difference (Equalities) training course, attended by all staff, there is no training programme for frontline staff on handling complaints and customer service.
9. The absence of independent oversight of the effectiveness of COPFS in learning from complaints and identifying trends – such as is provided by the Independent Assessor of Complaints in England, Wales and Northern Ireland – makes it all the more important that COPFS has a robust and transparent self-assessment process to undertake this function.

10. While there is some evidence of complaints influencing policies and procedures, learning from complaints to support improvement and delivery of service is not systematic. There is no register of themes, actions taken, lessons learnt and outcomes.
11. The appointment of a senior prosecutor to 'champion' customer service and COPFS becoming a member of the Institute of Customer Service are positive and welcome developments. The appointment of a 'champion' provides an opportunity to promote a culture focussed on people rather than process, where complaints are valued as a key indicator of customer satisfaction, and as a source of feedback to identify recurrent themes and systematic issues.

## **Recommendations**

- 1 In its revised complaints and feedback policy, COPFS should also include the following:
  - a reference to COPFS core values – being professional and showing respect;
  - a reference to COPFS Standards of Service for victims and witnesses;
  - a diagrammatic representation of the complaints and feedback process, e.g. a flowchart;
  - a standard complaint form; and
  - a list of potential remedies/outcomes and a request to the complainant to specify which remedy/outcome they seek, e.g. an explanation or corrective action.
- 2 COPFS should include guidance on the inappropriate use of social media in the unacceptable actions section of the complaints and feedback policy.
- 3 The Response and Information Unit (RIU) should undertake an options appraisal/ value for money analysis of their complaints management system and introduce a single system to record, monitor, analyse and manage complaints handling.
- 4 COPFS should review the role of the Area Co-ordinators and issue revised guidance on the use of the complaints management system.
- 5 Complaints and feedback should be a standard item discussed at team briefings.
- 6 RIU should provide feedback to the Operational Boards on the compliance of the offices and Federations to provide information to RIU within internal timescales.
- 7 COPFS should strengthen procedures to ensure that complainants are provided with progress updates in line with COPFS complaints and feedback policy.
- 8 RIU should provide responses in plain English and, in particular, should avoid using legal and procedural jargon without adequate explanation.
- 9 The COPFS Customer Service 'Champion' should embed complaints handling as a key indicator of customer satisfaction and promote organisational learning from complaints.
- 10 COPFS should issue guidance on complaints handling to all staff.
- 11 COPFS should ensure that all staff, who have direct contact with members of the public, complete the Delivering Customer Service courses. The e-learning Delivering Customer Service module should be included as part of the COPFS induction process.

- 12 COPFS should include the complaints handling process as a specific control in the COPFS Risk Register.
- 13 The remits of COPFS Operational Boards should include a specific reference to monitoring and learning from complaints.
- 14 COPFS should introduce a system to record, analyse and report on complaint outcomes, trends and improvement actions.
- 15 COPFS should establish a set of key performance indicators to measure complaints handling performance and drive improvements.



## **COPFS COMPLAINTS HANDLING PROCEDURE**

### **What Does a Good Complaints System Look Like?**

12. The Scottish Public Services Ombudsman's (SPSO) guidance on a model complaints handling procedure published in 2011<sup>3</sup> is the definitive authority for best practice in complaints handling in Scotland. This guidance informed the development of the Scottish Government Model Complaints Handling Procedure (CHP) which advocates a standardised model CHP across government, providing 'quicker, simpler, more streamlined complaints handling with local, early resolution by empowered and well trained staff'.<sup>4</sup> The goal is an efficient, effective, standardised and fair complaints procedure across the public sector which aims to 'get it right first time'.
13. In summary, a good complaints handling process will:
  - be simple and streamlined;
  - be accessible and visible to the public;
  - deal with complaints as quickly, effectively and as close to the point of service delivery as possible; and
  - share the learning from complaints to drive up the standards of service delivery.

### **COPFS Complaints and Feedback Policy and Process**

14. In its Complaints and Feedback Policy<sup>5</sup> ("the Policy") COPFS states "We welcome feedback, positive or negative from people affected by our work. It can give valuable insight into what the public think about the service we provide. It can also help us to improve our standards of service".
15. It declares a commitment to:
  - Giving those affected by its work the opportunity to comment on the service COPFS provides, including policies, systems and procedures;
  - Listening and recording feedback;
  - Responding to complaints in a timely and helpful manner; and
  - Using feedback to inform changes and improvements, as appropriate, so that COPFS delivers a better service.
16. It has laudable aspirations, especially in relation to identifying good practice, recording feedback received and providing regular analysis of feedback to improve the service to customers.
17. Good customer service is grounded in sound organisational values. The COPFS core values – being professional and showing respect – should be at the heart of its complaints and feedback policy. It would be appropriate to re-emphasise those values in the policy.

---

3 *SPSO Guidance on Model Complaints Handling Procedure February 2011.*

4 *Scottish Government Model Complaints Handling Procedure June 2013.*

5 <http://www.copfs.gov.uk/publications/customer-care>

18. Customers should be aware of the standards of service that they are entitled to expect. COPFS, in partnership with other criminal justice organisations,<sup>6</sup> recently published new Standards of Service.<sup>7</sup> The new Standards of Service explain:
  - what a victim or witness can expect to happen at each stage of the criminal justice system process;
  - the standards of service they can expect;
  - who they can contact for help or advice so they can participate effectively in criminal justice proceedings.
19. The Standards of Service contain flowcharts setting out what can be expected from each organisation at each stage of the process. Standards of service and complaints and feedback are inextricably linked, with the standards providing a benchmark for victims and witnesses to assess the quality of service. It would, therefore, make sense to refer to the new Standards of Service in the policy.

## Procedure

20. The policy introduces a standardised approach to handling complaints across COPFS, which seeks to comply with the SPSO's guidance on a model complaints handling procedure.
21. The policy defines a complaint as:  
*“any written or spoken expression of dissatisfaction with the service we provide.”*
22. It provides a two stage procedure to resolve complaints:
  - Stage 1 – Quick Resolution – this aims to resolve expressions of dissatisfaction as soon as possible.
  - Stage 2 – Formal Procedure – complaints that require further investigation.
23. It aims to respond within the following timescales:

## Acknowledgement

- By telephone – immediate verbal acknowledgement
- By email – immediate automated acknowledgement
- By letter – acknowledgement within 3 working days

## Response

- Quick Resolution – as early as possible or, if brief enquiries are necessary, COPFS will aim to respond within five working days;
- Formal procedure – COPFS will aim to respond within 20 working days (excluding weekends and public holidays) or if this is not possible, COPFS will keep you advised of progress.

---

6 *Police Scotland, Parole Board for Scotland, Scottish Courts and Tribunals Service and the Scottish Prison Service*

7 Published in April 2015: [http://www.copfs.gov.uk/images/Documents/Victims\\_and\\_Witnesses/Standards%20of%20Service%20for%20Victims%20and%20Witnesses%20April%202015.pdf](http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/Standards%20of%20Service%20for%20Victims%20and%20Witnesses%20April%202015.pdf) Section 2 of the Victims and Witnesses (Scotland) Act 2014 requires specified criminal justice organisations to publish standards of service.

## Content

24. The policy provides guidance on key areas, including details on the type of information that should be included, and is simple and easy to understand. It provides details on how to make a complaint and emphasises COPFS commitment to listening to customers and responding in a timely and helpful manner. We were advised that the policy is currently under review<sup>8</sup> and that the revised policy will include guidance on the following:
- what a complaint might look like and the type of subjects that may constitute a complaint;
  - what is not included in the definition of a complaint, e.g. a first time request for a service; and
  - the legal right of victims to seek a review of a decision made not to take action or to discontinue a case after court proceedings have commenced.<sup>9</sup>
25. Other aids or tools that feature in many complaints policies to assist complainants and provide a more focused complaints system include:
- a diagrammatic representation of the process, e.g. a flowchart;<sup>10</sup>
  - a standard complaint form; and
  - a list of potential remedies/outcomes and a request to the complainant to specify which remedy/outcome they seek, e.g. an explanation or corrective action.

### Recommendation 1

In its revised complaints and feedback policy, COPFS should also include the following:

- a reference to COPFS core values – being professional and showing respect;
- a reference to COPFS standards of service for victims and witnesses;
- a diagrammatic representation of the complaints and feedback process, e.g. a flowchart;
- a standard complaint form; and
- a list of potential remedies/outcomes and a request to the complainant to specify which remedy/outcome they seek, e.g. an explanation or corrective action.

## Accessibility and Visibility

26. The COPFS policy provides a number of options to make a complaint, including by email, in writing, by telephone including text relay<sup>11</sup> and in person at a local office. From our sample, the most used format for making a complaint was email (44%), followed by letter (33%) and telephone (20%).<sup>12</sup>
27. 'Your Feedback' posters feature in prominent places in Procurator Fiscal offices.

8 Proposed publication date: November 2015.

9 Provided by Section 4 of the Victims and Witnesses (Scotland) Act 2014.

10 Example provided at Annex A.

11 A communication service for persons who are deaf, hard of hearing or have a speech impediment and cannot use a standard voice telephone. It connects people using a textphone with those using a telephone or other textphone,

12 See paragraph 97.

28. The headline on the poster reads:
  - ‘We want to hear about your experience of COPFS, was it good... or could we have made it better?’
29. The policy is published on COPFS’ website and a hard copy can be made available on request at local offices.
30. We understand that the Scottish Government Justice Disability Project team is working towards a collaborative Easy Read version of the complaints procedures of criminal justice partners, namely COPFS, Police Scotland, Scottish Courts and Tribunals Service (SCTS), Scottish Legal Aid Board (SLAB), the Law Society and the Scottish Prison Service (SPS) that will be available on all justice partners public websites.<sup>13</sup>

## **COPFS Website**

31. The Policy can be accessed via the front page of the COPFS website by clicking on ‘Comments and Complaints.’ This links to a page detailing information about feedback and complaints which in turn has a direct link to the policy and other publications, including the Complaints and Feedback Policy Annual Report 20142015. There is also a link to the central COPFS contact point for complaints – the Response and Information Unit (RIU) email box – that complainants can use to send complaints or feedback.
32. The font size on the website can be changed and documents can be translated to any language on request or made available in an audio format.
33. We welcome the publication of the COPFS Annual Report on the performance of its Complaints and Feedback policy. The report includes quantitative data on the volume and type of complaints and key performance details such as the time taken to reply, the stage at which complaints were resolved and whether or not they were upheld.

## **Unacceptable Actions**

34. A concern expressed by COPFS staff working on the frontline is how to deal with unreasonable actions or behaviour from members of the public. This has been exacerbated by increased use of social media.<sup>14</sup> For example, staff at RIU expressed anxiety about being identified on websites and the posting of abusive comments and derogatory remarks on blogs etc.
35. COPFS complaints and feedback policy includes a section on “unacceptable” actions, providing guidance to staff on how to deal with such behaviour, including:
  - Aggressive or abusive behaviour;
  - Unreasonable demands;
  - Unreasonable persistence; and
  - Vexatious correspondence.
36. The unacceptable use of social media is, however, not addressed in the policy.

---

13 Proposed publication date is early 2016.

14 Term for online tools, websites and interactive media that enable users to interact with each other in various ways, through sharing information, opinions, knowledge and interests.

37. To address staff concern, we recommend that COPFS includes guidance in the unacceptable actions section of the policy on this type of social media use. The guidance should emphasise that there is strict monitoring of social media and that COPFS will seek to remove posts containing offensive language or personal comments relating to members of staff, and if the post is deemed to constitute a crime that the person responsible may be reported to the police.

### **Recommendation 2**

COPFS should include guidance on the inappropriate use of social media in the unacceptable actions section of the complaints and feedback policy.

## **Independent Review and the Role of the Scottish Public Services Ombudsman**

38. A good complaints policy will have an element of independent external review.
39. This is provided to COPFS in part by the Scottish Public Services Ombudsman (SPSO), which provides a free, independent and impartial service for dealing with complaints about public services in Scotland, including COPFS. Complainants should exhaust the COPFS complaints handling procedure before being referred to the SPSO.
40. The SPSO has published a leaflet<sup>15</sup> explaining its role in handling complaints about COPFS. The leaflet provides advice on what the SPSO can and cannot investigate. For example, it clarifies that SPSO cannot take up a complaint about what happened in court or a COPFS' decision to take or not take criminal proceedings.
41. While, the SPSO cannot review operational decisions, it has adjudicated on process or administrative issues flowing from such decisions. This includes delays in replying to correspondence, failure to return productions timeously and failure of COPFS to meet its own standards of service to victims and witnesses.
42. The number of complaints referred to SPSO after the completion of the COPFS internal complaints process is low. The SPSO website summarises thirteen decisions relating to COPFS between February 2012 and June 2015. Of those, eight were partially or fully upheld. The main issues were a lack of communication and delay in dealing with a complaint. The main recommendations were for COPFS to apologise to the complainant, to ensure compliance with its own complaints policy and to ensure that appropriate and accurate information is provided.
43. On occasion, SPSO and COPFS have different interpretations of whether a complaint falls within the remit of SPSO but, similar to the approach in other jurisdictions (discussed below), agreement has been reached through discussion on a case by case basis.
44. The SPSO provides a wealth of information designed to improve complaints handling across the public sector. One aspect emphasised in the guidance is the importance of organisations learning from complaints. All complaints referred to SPSO and the outcome of the SPSO investigations are discussed at a weekly meeting between the Head of COPFS, the Crown Agent, and the Head of RIU to ensure that any systematic deficiencies are addressed.

---

15 [www.spsso.org.uk](http://www.spsso.org.uk)

## Independent Assessors in England, Wales and Northern Ireland

45. In other UK jurisdictions, external review of complaints about public prosecution services is provided by externally appointed 'independent assessors'.
46. In England and Wales and Northern Ireland, on completion of the internal complaints process, service complaints about the Prosecution Service can be referred to the Independent Assessor of Complaints (IAC) for review.<sup>16</sup>
47. In Northern Ireland, the Independent Assessor (IA) will review a complaint where the complainant is not satisfied with the way in which the Public Prosecution Service (PPS) has dealt with the matter. S/he is unable to comment on matters which relate directly to a prosecutorial decision. Agreement on whether a complaint falls within the jurisdiction of the assessor is reached via 'mature discussion' between the IA and PPS senior managers.
48. The present Independent Assessor in Northern Ireland can and does talk directly to complainants to try to understand their grievance. He believes that complainants value his personal interest and that an early apology can set the tone and prevent unnecessary escalation.
49. In addition to reviewing complaints, the Independent Assessor provides guidance on best practice in complaints handling and undertakes an annual audit of PPS complaints. This audit allows him/her to identify emerging patterns and themes and evaluate whether the organisation has learned lessons from complaints. The assessor publishes an annual report that makes recommendations to the Director of Public Prosecution for consideration and action. We heard that the relationship is constructive and the PPS respects the judgement and guidance provided by the Independent Assessor and values the contribution made by his annual audit to organisational learning and development.
50. The IAC<sup>17</sup> in England and Wales has a similar role and remit. Similarly to the IA in Northern Ireland, the IAC cannot review complaints that are solely about prosecution decisions. In addition to providing an independent tier, the IAC has a role in supporting the Crown Prosecution Service to develop best practice and improved service standards.
51. The role of the IACs in Northern Ireland and England and Wales in reviewing complaints received at any stage to identify trends, promote best practice and evaluate whether lessons have been learnt, provides transparency for members of the public as well as valuable feedback for both organisations.
52. SPSO similarly promotes best practice and learning through publication of reports and newsletters but it can only evaluate complaints that have exhausted the COPFS complaints process and fall within its jurisdiction, which are relatively few.
53. **The absence of independent oversight of the effectiveness of COPFS in learning from complaints and identifying trends – such as is provided by the IACs in England, Wales and Northern Ireland – makes it all the more important that COPFS has a robust and transparent self-assessment process to undertake this function.**

---

16 *Independent Assessor of Complaints for the Public Prosecution Service Annual Report 2013-2014* and [IAComplaints@cps.gsi.gov.uk](mailto:IAComplaints@cps.gsi.gov.uk).

17 Introduced in April 2013.

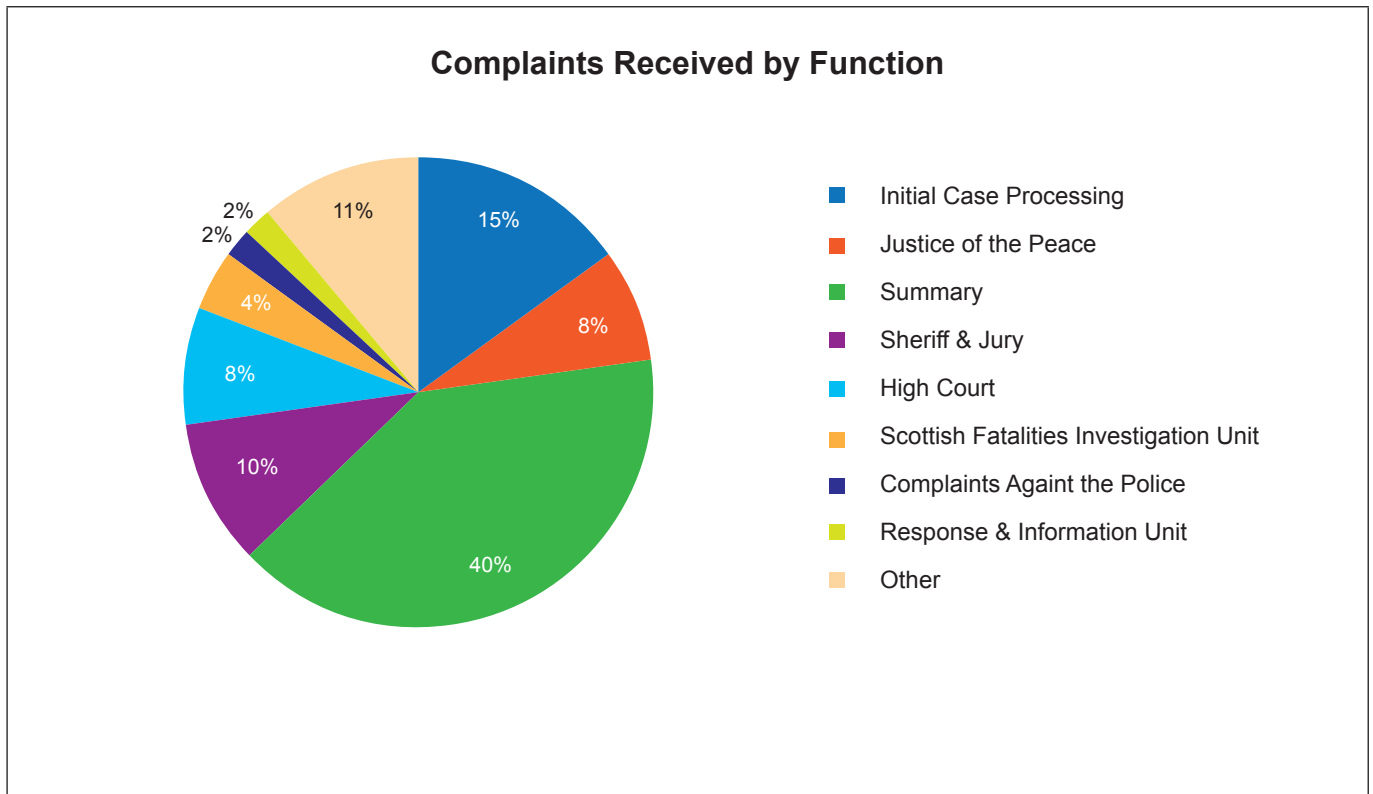
# PROCESSES AND PROCEDURES

## Number of Complaints

54. To place the number of complaints in context, in 2014, COPFS received 255,858 criminal cases and 9,048 death reports.<sup>18</sup> Over the same period, 731 complaints were recorded equating to approximately one complaint for every 350 cases received.<sup>19</sup> Of these, 44 (6%) were dealt with by quick resolution (QR)<sup>20</sup> and 687 (94%) by the formal investigative procedure. During that time, RIU also issued 141 responses to complaints that pre-dated 2014.

55. Chart 1 provides a breakdown of the complaints received by function.

Chart 1<sup>21</sup>



18 Source – COPFS Management Information Book – 27/07/15.

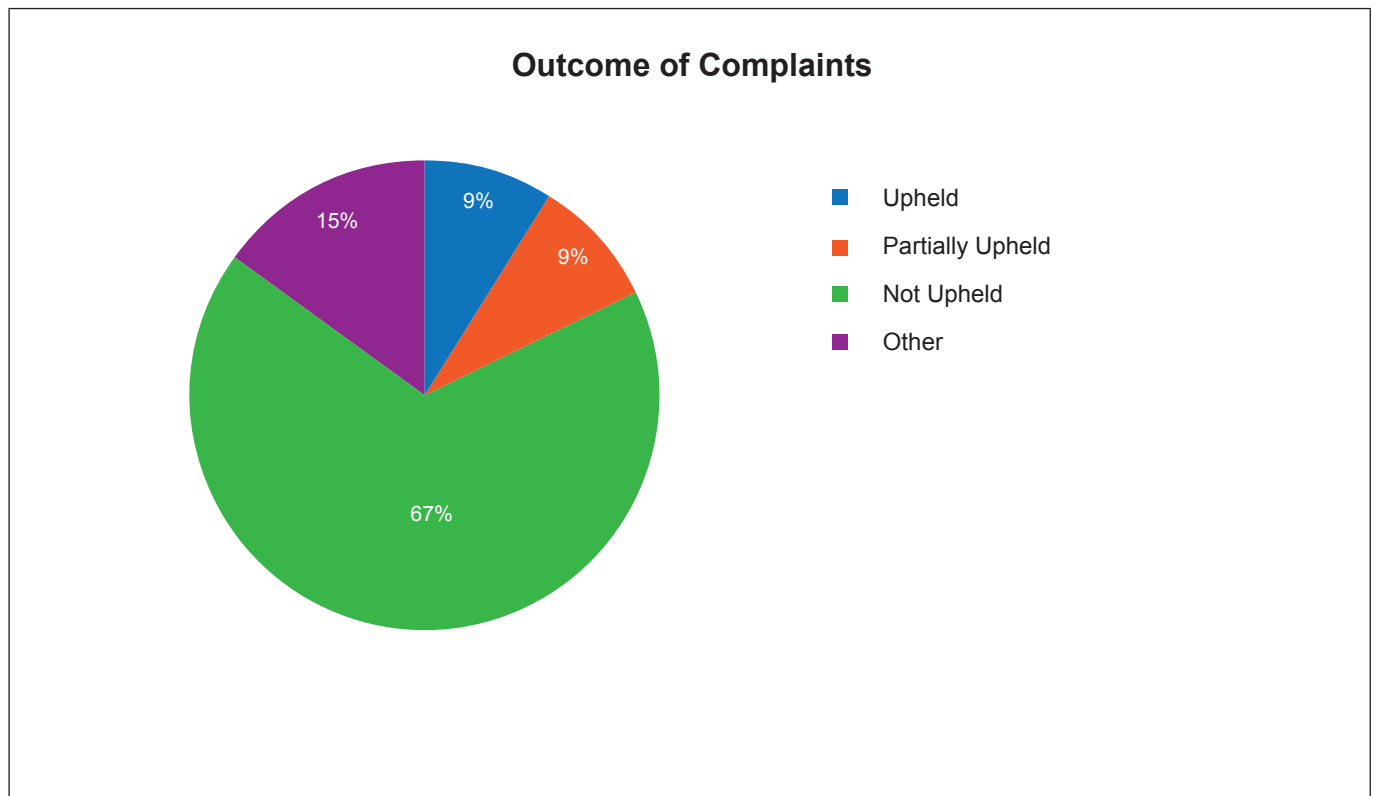
19 Source – RIU spreadsheet – 27/01/15.

20 The low number of complaints resolved by Quick resolution is discussed in more detail at paragraph 80.

21 Source – RIU spreadsheet – 27/01/15.

56. Chart 2 shows the recorded outcome.

**Chart 2<sup>22</sup>**



57. The 'other' category includes complaints dealt with by quick resolution, where no response was received to requests from RIU for further information and complaints that remain ongoing or were withdrawn.

58. Excluding those in the 'other' category, of the remaining 619, 11% were upheld, 10% were partially upheld and 79% were not upheld.

### **Who Deals with Complaints?**

59. Prior to 2013, complaints were handled primarily by senior staff in local Procurator Fiscal Offices, supported by Area Co-ordinators who were responsible for recording complaints, adding documentation to the complaints management IT system and issuing replies. Concerns regarding inconsistencies in the quality of responses, variations in the response time across the Federations and the amount of time spent by senior staff drafting responses led to a proposal for the establishment of a central Customer Care Unit. A number of benefits were envisaged, including:

- a customer care process more focussed on meeting the needs of the public;
- earlier resolution in some cases, with a greater opportunity to get it right first time;
- opportunity for complaints with the potential to cause reputational risk to be identified at an earlier stage;
- better opportunity to monitor trends in complaints received and to act on these where necessary;
- a single management focus for customer care functions; and
- building expertise in complaints handling.

22 Source – RIU spreadsheet - 27/01/15.



60. The result was the creation of the Response and Information Unit (RIU) (initially launched as the Customer Care Unit), a national specialist unit established by COPFS in June 2013, to provide a central point of contact.

## **Role of the Response and Information Unit**

61. The aims of RIU are:
- 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; and
  - to improve learning from all feedback by recording and analysing results and feeding these back to senior management.
62. RIU is part of Policy Division and the Head of Policy is responsible for the strategic oversight and efficient running of the Unit. The Unit is run on a day-to-day basis by the Head of RIU<sup>23</sup> and consists of three members of legal staff and a four-person administrative team headed up by a Business Manager. The team work across the country with a central unit in Edinburgh. In addition to complaints, RIU deals with all Freedom of Information and data subject access requests.
63. Most quick resolution complaints, comments, compliments or suggestions continue to be handled by the Enquiry Point<sup>24</sup> and local offices but if the matter is complex or requires further investigation, the complaint will ordinarily move to the formal stage two of the policy. RIU deals with all complaints made under the formal stage two of the policy.
64. On receipt of a complaint by RIU, a check is first made to ascertain if there are any associated complaints before the complaint is entered in the COPFS complaints management system. An acknowledgement is made verbally or via email or letter depending on the form of the complaint. The complaint is then passed to the Head of RIU to determine if it can be dealt with by quick resolution or if it is more appropriate for a response under the formal procedure.
65. If it is dealt with by the formal procedure, it is allocated to a member of the team to investigate and draft a reply. If information is required from offices or Federations, a request is normally sent via the Area Co-ordinators<sup>25</sup> or the Federation Head of the subject matter of the complaint. The internal timeline for receipt of such reports is five working days, although it is a source of frustration for those working in RIU that this timescale is regularly exceeded. All replies are approved by the Head of RIU. In addition, any particularly complex or problematic complaints and all complaints referred to SPSO are discussed at a weekly meeting between the Head of RIU and the Crown Agent.<sup>26</sup>

## **Complaints Management System**

66. The complaints management IT system operated by COPFS (“the complaints system”) was introduced in 2005. It provides two levels of access:
- Access to log new complaints or search existing complaints is available to all staff;
  - Full access to the complaints database is available to a nominated group of persons. Full access requires a licence. COPFS currently holds 43 such licences.

---

23 Recently re-titled as Head of Engagement and Information.

24 Discussed at paragraph 76.

25 See paragraph 67.

26 Civil service head and Chief Executive of COPFS.

67. The complaints system is used by RIU to record and monitor complaints and feedback. It contains many useful functions, including mandatory fields, diary alerts, document storage facility, etc. It was set up to operate alongside the previous three-stage complaints procedure used within the old 11 Area COPFS structure in which each Area had responsibility to record and monitor its own complaints with the help of nominated Area Co-ordinators, who had full access to the database.
68. In April 2012, COPFS replaced the 11 Areas with three operational Federations and a National Federation. In June 2013, RIU took over responsibility for the complaints handling process and a new two-stage approach was introduced. The complaints system was not adapted or modified to reflect these developments and to compensate RIU has introduced a number of work arounds to operate the system and developed a parallel system of Excel spreadsheets to record and track complaints. RIU uses the spreadsheets as their main source of management information.
69. This negates one of the most valuable functions of a complaints system – the ability to generate reports and interrogate data electronically for analysis. Dual recording is not only inefficient; it increases the potential for human error. We found this practice leads to inconsistent data recording, for example, there were 90 Quick Resolution and 733 ‘Resolution through Stages’ complaints recorded on the complaints system for 2014, whereas the spreadsheet showed 44 ‘Quick Resolution’ and 687 ‘Resolution through Stages’. There were also inconsistencies between the spreadsheets and the complaints system on the stage of complaints recorded, with the spreadsheets including data on complaints that pre-dated the new two stage process.
70. During our inspection, the mis-match between the configuration of the complaints system and current practices and inefficiencies of double recording were recognised by COPFS, which has recently commissioned a re-configuration of its complaints system to tailor it to reflect the current complaints policy and organisational structures. A number of other modifications have been identified to make it more user-friendly and training for RIU staff on the use of the complaints system has been delivered to maximise its value.
71. The support arrangements for complaints handling were similarly not reviewed following the establishment of RIU. For example, the role of the Area Co-ordinators has not been re-visited. We found a lack of clarity on their role and in some cases we were advised that they no longer had any interaction with the complaints system. Most described their role as facilitating RIU by obtaining reports on their behalf. This would not necessitate having access to the complaints system. Given that the Co-ordinators hold licences, there is considerable scope to explore the current requirements for user licences.

#### **Recommendations 3 and 4**

The Response and Information Unit (RIU) should undertake an options appraisal/value for money analysis of their complaints management system and introduce a single system to record, monitor, analyse and manage complaints handling.

COPFS should review the role of the Area Co-ordinators and issue revised guidance on the use of the complaints management system.

## Ministerial Correspondence

72. Ministerial correspondence received by the Law Officers from MPs, MSPs, MEPs, and Scottish Ministers is subject to different procedures in line with Scottish Government policy and is not included in this review.
73. RIU do investigate and respond to complaints from a member of the public addressed to the Law Officers. Although responsibility for handling such complaints rests with RIU, there is a degree of co-ordination between the Private Office and RIU in coordinating response letters.
74. During our visit to the Private Office, however, we heard there is public misperception about escalation of complaints within COPFS with some complainants seeking to use Ministerial correspondence as a “third stage”. This view was reiterated by some stakeholders, including some representatives of Victim Support Scotland.
75. To help in addressing this misperception, COPFS should encourage partner agencies and stakeholders to provide a link on their websites to the COPFS Complaints and Feedback policy.

## Role of Enquiry Point

76. RIU also incorporates the Enquiry Point. The Enquiry Point acts as the first point of telephone contact for COPFS. It is located in Dumbarton and handles calls, providing information on the status of a case and court processes and directing enquiries to the most appropriate person or office. It receives over 330,000 calls per annum and on average provides a first point of resolution to 85% of these calls.<sup>27</sup> If a person is calling to complain, Enquiry Point staff will try to resolve the issue then and there. The organisation defines this early, front line response as “Quick Resolution”.<sup>28</sup>
77. If an issue cannot be resolved via quick resolution, details of the complaint are recorded by Enquiry Point staff and forwarded to RIU.
78. We visited the Enquiry Point and found skilled helpful front line staff dealing with complaints. During an inspection visit call handling staff were observed to be pleasant, patient and helpful, often resolving an initial request for information by sensitive and skilled communication, preventing a call escalating to a complaint.

## Recording of Telephone Complaints

79. We were advised that when a call is received by Enquiry Point expressing dissatisfaction the caller will be asked if they want to want to make a complaint and only if the caller replies “yes”, will the call be logged as a complaint and transferred to RIU. If, however, the issue is resolved by Enquiry Point, it is unlikely to be logged as a complaint. Resolution at first point of contact is seen as the ‘bread and butter’ business of the Enquiry Point. Most queries are recorded on the Enquiry Point database by reference to set criteria, reflecting the nature of the caller and subject matter of the enquiry e.g. witness – citation, witness – excusal, victim – case progress, etc.

---

<sup>27</sup> Source: *COPFS Enquiry Point Review Report, June 2015*.

<sup>28</sup> See paragraph 23.

80. We encountered a lack of clarity over the respective roles of Enquiry Point and RIU in handling complaints and a lack of shared understanding of the terms “quick”, “early” and “front line” resolution. Many calls which involve dissatisfaction with some aspect of the Service, are resolved by Enquiry Point, but not recorded as such and so not included in the “quick resolution” figures. This results in under-recording of “quick resolution” complaints and is reflected in the low numbers referred to earlier in this report.<sup>29</sup> The failure to capture the true extent of complaints dealt with at first contact is a missed opportunity. It deprives COPFS of credit for resolving such “complaints” at the earliest contact and the ability to analysis the nature of such complaints to inform and improve services.
81. COPFS recently commissioned an external consultancy review into the functions of the COPFS Enquiry Point.<sup>30</sup> The review supported the view that the current function of the Enquiry Point is not clear within the business and commented that the lack of visibility of the Enquiry Point has led to a failure to recognise its contribution to the wider business. The review highlighted a number of areas that impacted on the ability of Enquiry Point to deliver the level of customer service that COPFS would like to achieve.
82. One of these areas was a lack of co-ordination between Enquiry Point and the wider organisation, including RIU. While acknowledging progress made by Enquiry Point towards providing a more client-focused approach, the review found that this was not replicated across COPFS and highlighted inconsistent processes and policies for dealing with those who come into contact with the organisation. This chimes with the findings from our case review.<sup>31</sup>
83. In addition to issues resolved and dealt with by Enquiry Point, staff across COPFS are encouraged to record complaints resolved at the start of the process as ‘Quick Resolution’ matters so that COPFS has more information about the type and number of problems which are resolved in this way. However, our review and COPFS statistics<sup>32</sup> suggest an under-reporting throughout the Service of issues resolved by quick resolution.
84. On querying the low number of complaints dealt with by quick resolution, we were informed that staff are unlikely to add a record to the complaints recording system when they have dealt and resolved dissatisfaction, resulting in, yet again, a lack of credit for dealing with dissatisfaction at the frontline.
85. Similarly, an interrogation of the complaints system showed that between January and December 2014, there were only 14 compliments and positive comments recorded. Although it may be that members of the public are less likely to get in touch to record their satisfaction with service, this may also be attributed in part to a lack of awareness by staff of the need to record such feedback.
86. To address this under-reporting, a reminder was issued in the COPFS Bulletin,<sup>33</sup> to record all complaints and compliments to give a true reflection of work carried out and capture positive feedback. Such reminders would benefit from greater clarification, perhaps through the use of examples, on the type of interaction that qualifies as “quick resolution.”

---

29 See paragraph 54 above.

30 *Crown Office and Procurator Fiscal Review of Enquiry Point, Reported in June 2015.*

31 See page 22.

32 98 complaints were recorded as quick resolution and 623 recorded as formal complaints between June 2013 (when RIU was set up) and March 2014, 99 were recorded as quick resolution and 740 recorded as formal complaints between April 2014 and March 2015 – Source: *COPFS Complaints and Feedback Policy Annual Report 2014/2015.*

33 *COPFS Newsletter, March 2015.*

87. We consider that complaints and feedback should also be a standard item discussed at team briefings. This will help to reinforce the need to record complaints resolved by quick resolution as well positive feedback received and to develop a culture of learning from customer feedback.

### Recommendation 5

Complaints and feedback should be a standard item discussed at team briefings.

## Communication

88. Recognising that appropriate quality and tone of responses is essential to improving communication with the public, it is helpful that the recently appointed Head of RIU has a background in corporate communications.
89. Traditionally, COPFS has managed external and internal communication functions through different structures, however, in April 2015 the post of Head of Engagement and Information, combining both functions, was created.
90. The post holder will head up the external facing RIU and have oversight of the Staff Information Unit which includes internal communication and some aspects of corporate communication such as publications. The appointment offers the potential to raise awareness in COPFS of the role of RIU, to encourage front line staff to engage with customers and to strengthen the internal understanding of the importance of clear customer focused communication. The Head of Engagement and Information sits on the COPFS Communications Board which includes the Head of Media Relations and so ensures that internal and external key messages are consistent.
91. Responsibility for both RIU and internal communication affords ample opportunity for the new Head of Engagement and Information to identify complaint themes and areas for organisational improvement and to encourage the Operational Boards<sup>34</sup> to instigate, support and monitor service improvements arising from complaints.
92. The role that communication plays in complaints handling cannot be overemphasised and the creation of this new post is a positive development. Providing helpful, clear information about the role and function of COPFS and getting initial interactions right will minimise the number of customer contacts which escalate into complaints.

---

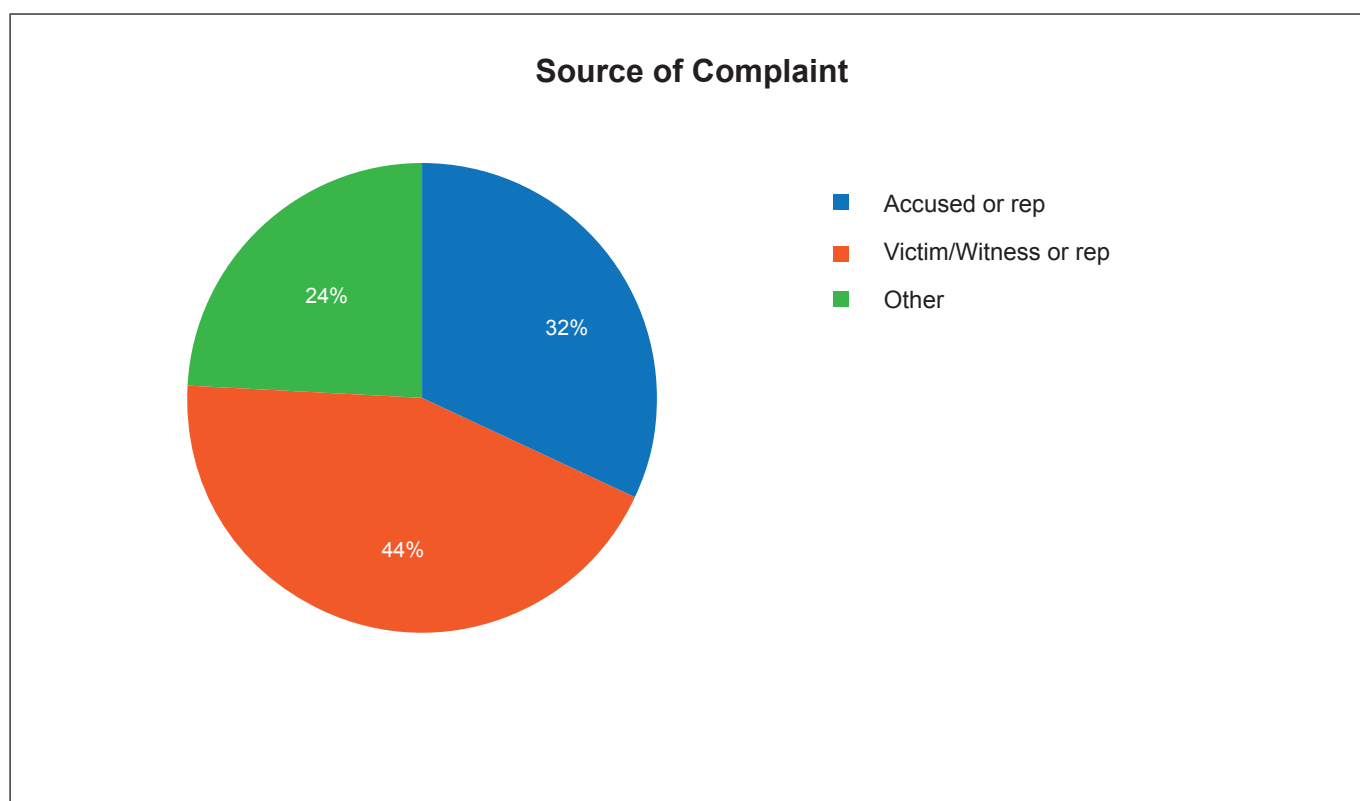
<sup>34</sup> Each of the core functions – initial decision making, Summary, High Court and Sheriff and Jury business – is overseen by an Operational Board headed up by a member of the Senior Civil Service as the functional lead.

# QUALITY AND PERFORMANCE OF COMPLAINTS HANDLING

## Case Review Sample

93. During 2014<sup>35</sup>, COPFS received 731 new complaints.<sup>36</sup> We examined the response provided by RIU in 85 cases.<sup>37</sup> Of these, we identified five cases that did not fall within the definition of a “complaint” and one that could not be assessed due to the absence of the reply on the system.
94. Of the remaining 79<sup>38</sup> cases assessed, 17 were dealt with by quick resolution and 62 by the formal complaints procedure. Annex B provides a detailed breakdown of the results of our review.
95. Chart 3 illustrates the source of the complaints. The largest number came from victims and witnesses or their representatives (44%) with accused persons or their representatives constituting the second largest category (32%).

**Chart 3**



96. Chart 4 provides a breakdown of complaints by business function. The largest number of complaints were about cases prosecuted in the summary courts (summary procedure) (47%). Complaints about case marking<sup>39</sup> (Initial Case Processing) were the second largest category (19%).

35 Calendar year.

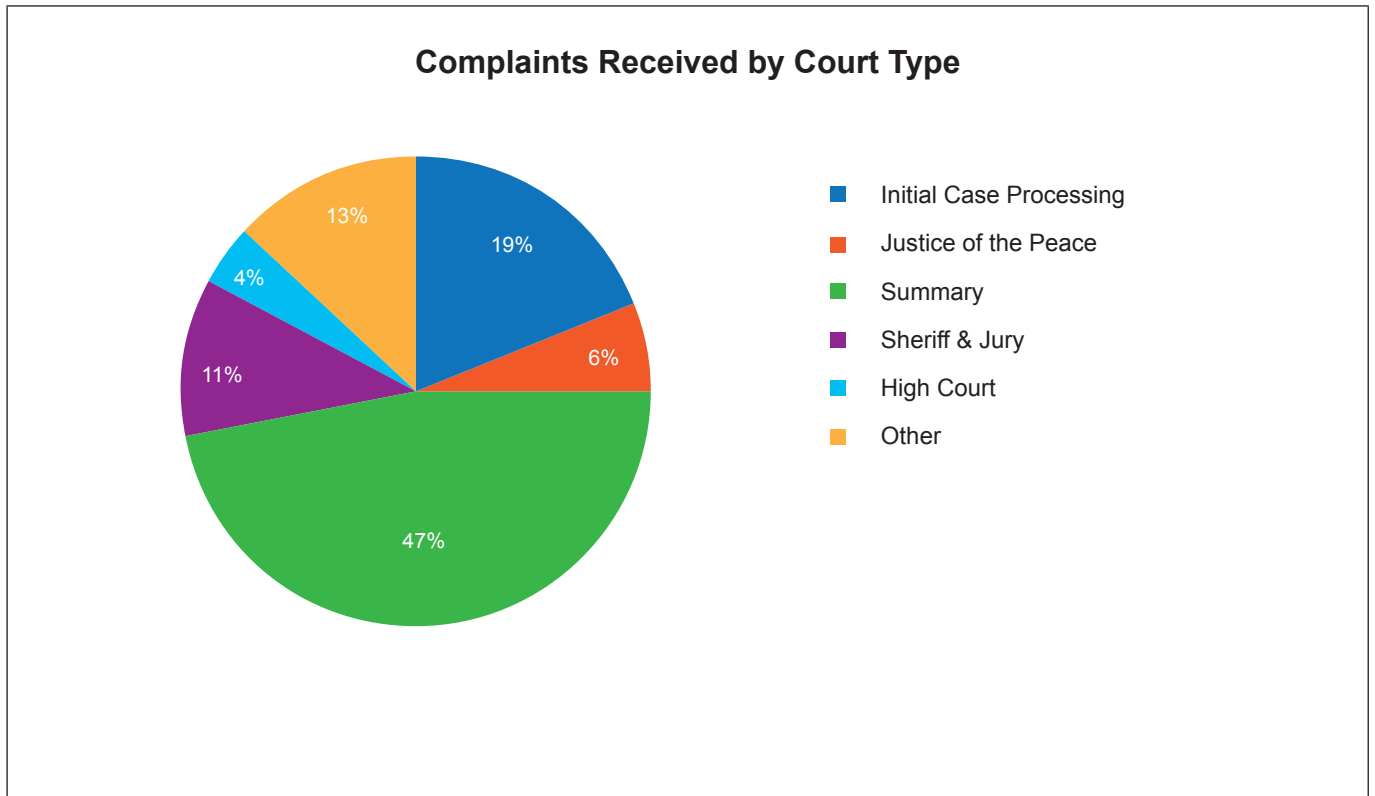
36 Source: RIU spreadsheet.

37 Determined using a sample size calculator with a confidence interval of +/- 10 and a confidence level of 95%.

38 The total may not always add up to 79 due to the information not being available.

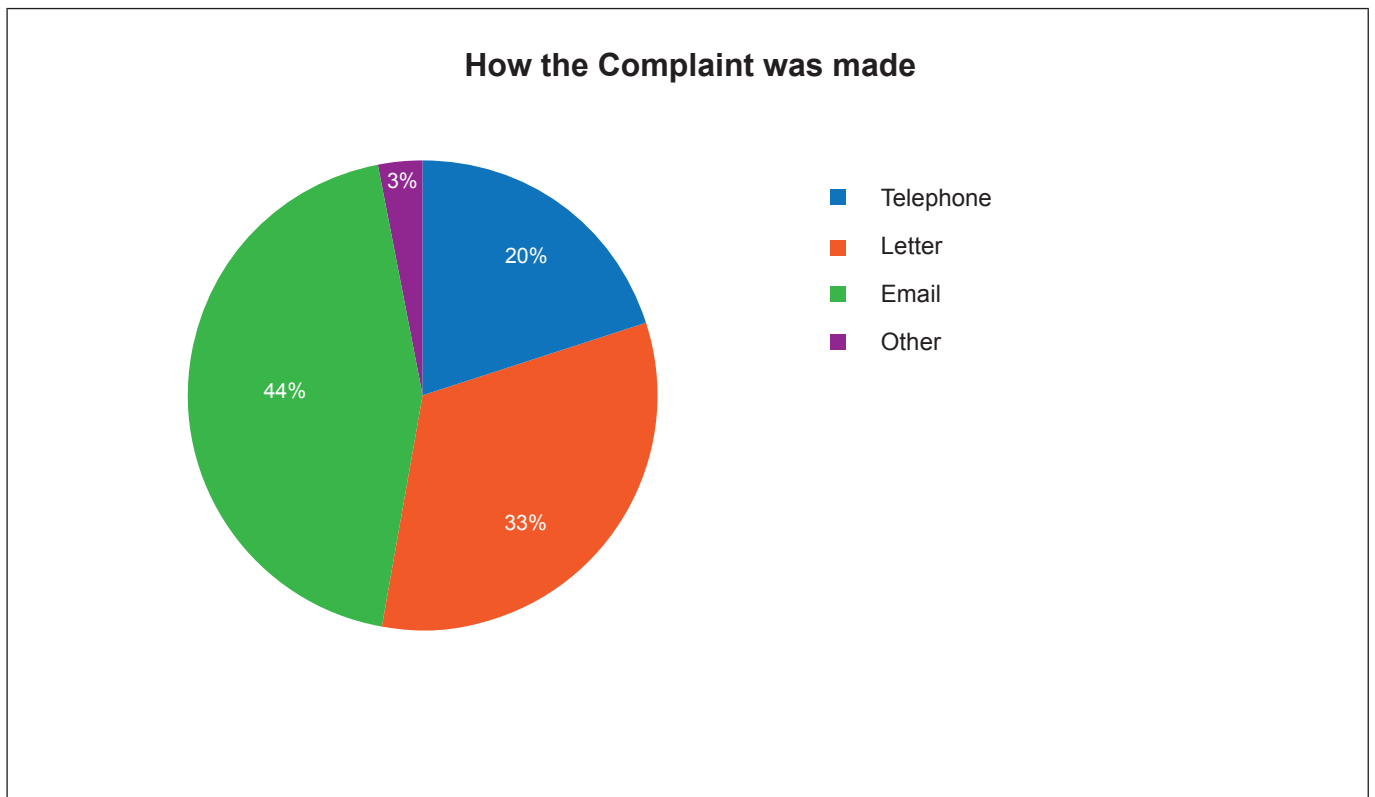
39 Term for initial decision making on what action to take in the public interest, including whether to prosecute or not.

**Chart 4**



97. Chart 5 demonstrates the formats used to make a complaint. Email was the main method used (44%) with written correspondence (33%) the second most common mechanism.

**Chart 5**



98. Almost half of the complaints were received by RIU (46%) with the remainder submitted to COPFS Enquiry Point (23%) or local offices, sheriff court, etc.

99. The most common recorded method of dealing with quick resolution complaints was email (44%) followed by letter (33%).<sup>40</sup> All formal complaints were responded to in writing.

## Timeliness

100. We reviewed the progress of the complaints against COPFS internal timescales and found:

- An acknowledgment was sent within 3 days in 79% of the complaints.
- “Quick resolution” complaints were concluded in 65% of the complaints within 5 working days, with 18%<sup>41</sup> taking more than 20 days to conclude.
- In complaints dealt with by the formal procedure, only 68% were concluded within 20 working days, with 16%<sup>42</sup> taking more than 30 days to complete.

101. We found evidence of delays in local offices referring complaints to RIU as well as in local offices providing information required by RIU in order to answer complaints. As reported, such delays impact on the ability of RIU to meet internal timescales.<sup>43</sup>

A complaint was received in a local PF office on 03/02/14 but was not forwarded to RIU until 14/05/14. The response issued on 18/06/14, 99 working days after receipt in the local office.

102. Another area regularly falling below the organisational aspiration is keeping complainers informed of the progress of their complaint. In the 20 cases that exceeded 20 days, letters providing an update were only issued in 5 cases.

A complainer sent an email of complaint on 18/02/14. An automatic email acknowledgement was issued on the same day. On failing to receive a reply 20 days after the acknowledgment, the complainant sent a further email on 18/03/14 (28 working days later) querying the lack of response. This prompted an email reply on the same day apologising for the delay and explaining that the complaint was being actively investigated. A response was issued the following day.

### Recommendations 6 and 7

RIU should provide feedback to the Operational Boards on the compliance of offices and Federations to provide information to RIU within internal timescales.

COPFS should strengthen procedures to ensure that complainants are provided with progress updates in line with COPFS complaints and feedback policy.

## Record Keeping

103. We found that in 81% of the complaints reviewed the records were accurate and complete. Examples of incomplete records included missing letters and a lack of details of action taken to progress the complaint by local offices.

40 Excludes quick resolution complaints dealt with by Enquiry Point.

41 3 cases.

42 10 cases.

43 See paragraph 65.



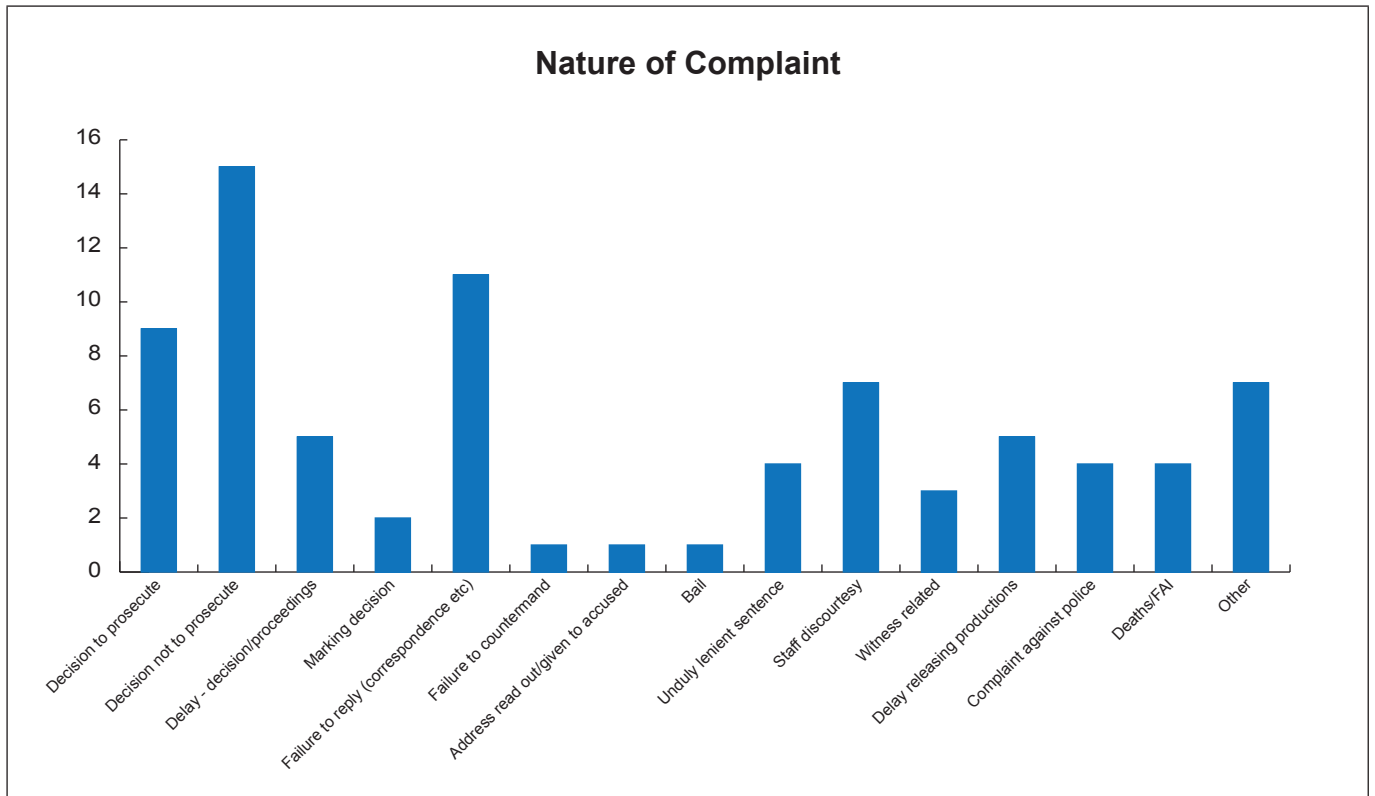
## Equalities

104. The complaints and feedback policy is available in other languages, audio, large print, electronic or any other format. Text Relay and Language Line are also available.
105. RIU maintain a record of any equality issues arising from complaints and highlight such issues with the Equalities team in the Policy Division to inform improvement of COPFS approach to its equality duties. None of the complaints we reviewed required any special arrangements to meet the equality needs of complainants.

## Nature of Complaint

106. Chart 6 provides a breakdown of the subject matter of the complaints reviewed.

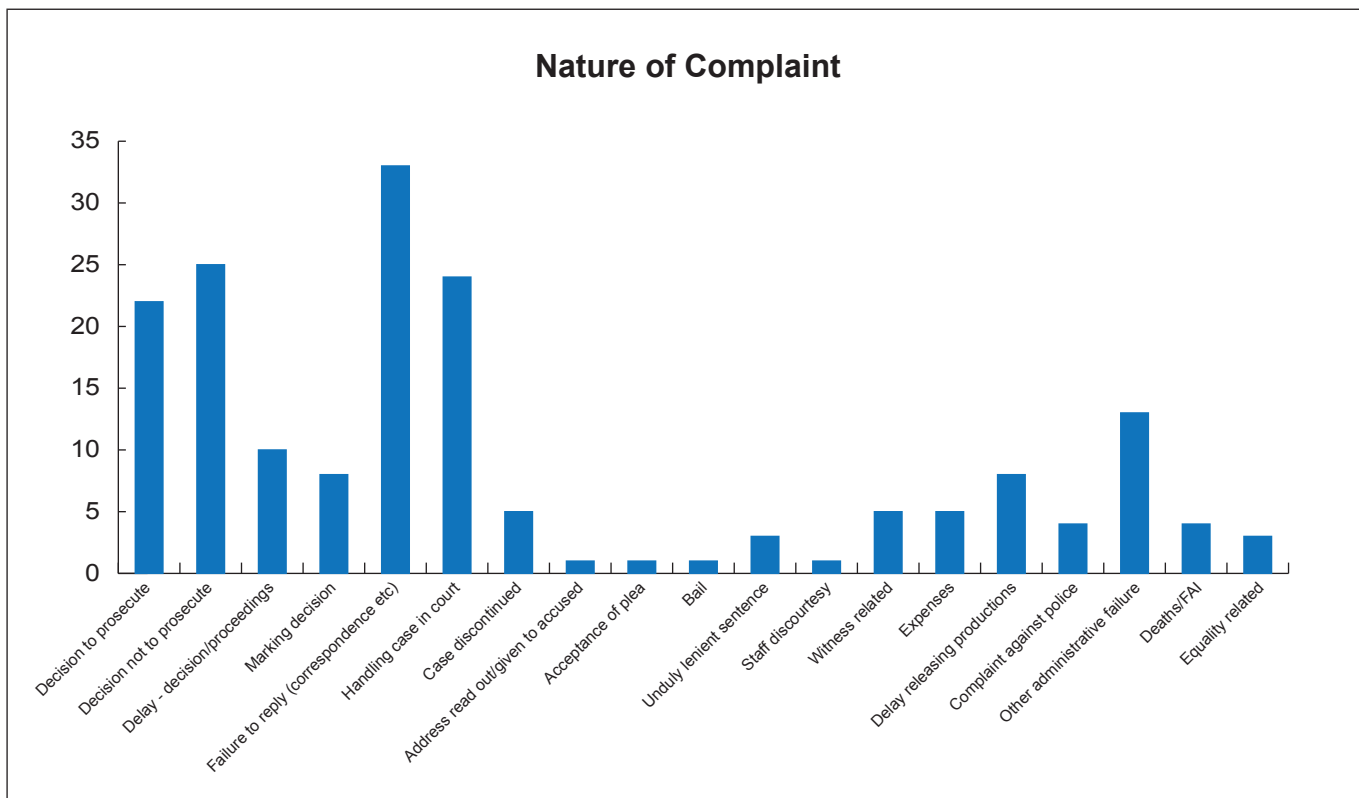
Chart 6



107. The largest number of complaints related to decisions not to prosecute followed by failure to reply, and decisions to prosecute.

108. This is consistent with the data collated by RIU<sup>44</sup> between January and March 2015, as illustrated in Chart 7, although ‘handling of case in court’ and ‘other administrative failure’ also scored highly in the RIU report.

**Chart 7**



### Prosecutorial Decisions

109. The ability to provide an independent check with the authority to admit and apologise if a decision is erroneous, and in some cases reverse the outcome, is critical to an effective complaints system.

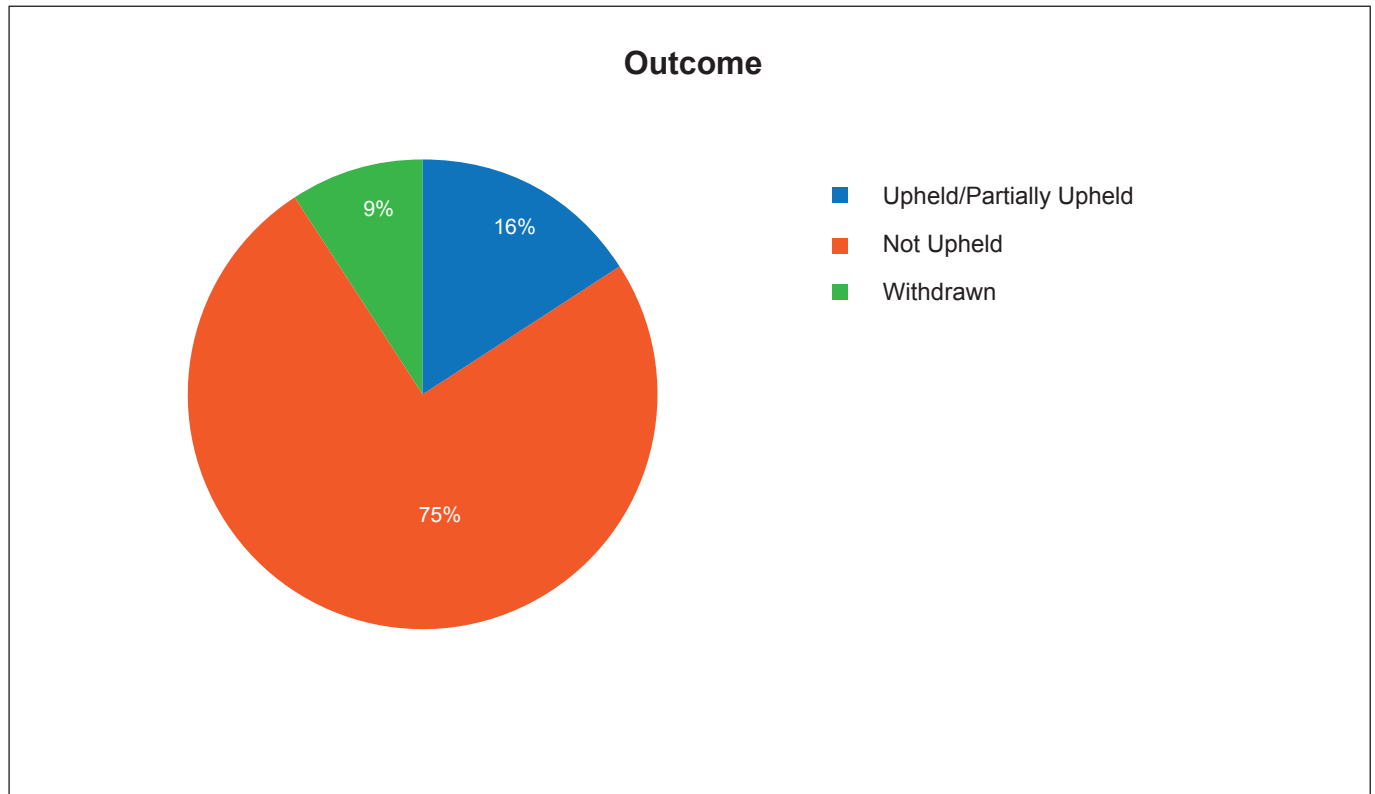
110. 32% of the complaints examined related to a prosecutorial decision. In all of these cases, we found evidence that the criminal case had been reviewed independently by RIU. This involved considering the police report and statements afresh and in some cases seeking additional information. In one case, RIU referred it back to the local Procurator Fiscal’s office for the decision to be reviewed.

44 Source: RIU report to Operational Boards.

## Complaint Outcomes

111. Of the 77<sup>45</sup> complaints assessed, 75% were not upheld, 16% were partially or fully upheld and 9% were withdrawn as shown in Chart 8.

Chart 8



## Overall Quality of Responses

112. The standard of response from RIU was scored as excellent in 47% of the complaints reviewed. 33% were assessed as good, 16% as fair and 4% were considered poor.

113. There were a number of commonly occurring features in responses deemed to be excellent. They were easy to understand, addressed all issues in a sensitive and empathetic manner, were open, not defensive and tailored to the individual. The following is an example where the reply featured all of the attributes associated with excellent complaints handling.

On receipt of a complaint about the attitude of a member of staff who answered a call from a person seeking an update on the progress of the investigation into a death of a relative, RIU, after listening to a recording of the call, upheld the complaint. The reply acknowledged that the call was poorly dealt with and apologised for the lack of communication which had led to the relative having to contact COPFS to receive an update on the progress of the investigation. The response was empathetic and highlighted areas where the member of staff had failed to meet the standard of service expected by COPFS and concluded by advising that training had been provided to address these failings.

<sup>45</sup> In two instances there was no final reply on file, the complaints were referred back to the local office.

114. Features that detracted from complaints being assessed as excellent were the use of jargon, a lack of empathy/inappropriate tone, failure to address all issues raised and to respond within the published timescales. The following two examples were assessed as good and fair respectively.

The complainant sought an explanation for her elderly husband having been arrested, on the instruction of COPFS, kept in cells overnight, without being advised why he was being detained and then subsequently released. While all the issues raised were addressed and the reply was empathetic and timeous, it included phrases such as “appear from custody”, “libelled a charge” “liberated on an undertaking” and “the undertaking appearance was cancelled” without explanation.

A victim concerned about what was perceived to be an inadequate sentence received a timeous reply advising that sentencing was a matter for the Sheriff. It acknowledged that COPFS could appeal against unduly lenient sentences, however, in explaining why COPFS did not intend to appeal the sentence, the reply used overly formal and jargonistic terminology including phrases such as “prosecuted under solemn proceedings”, “petition warrant”, “remand in custody pending trial”, “full committal”, “served with an indictment” “first diet”, “mitigation” and “pleas tendered”.

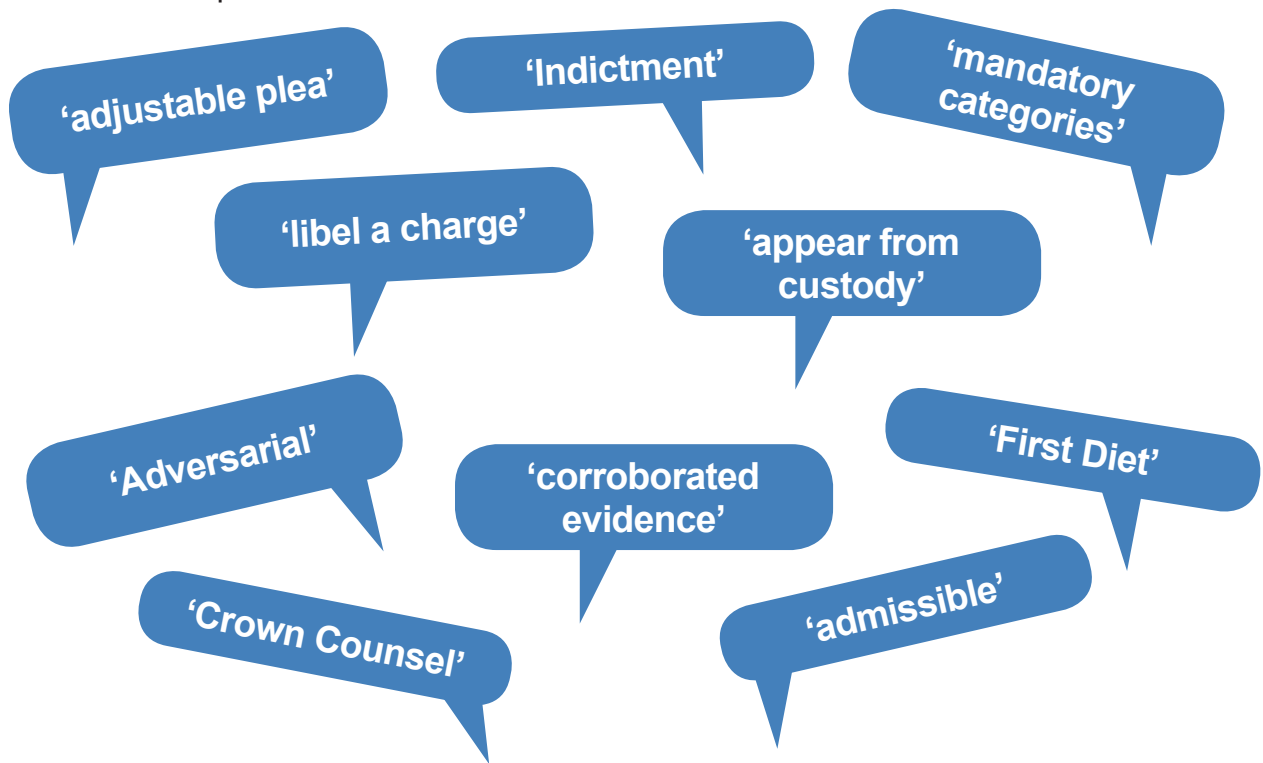
115. Common elements of responses rated as poor were vagueness, failure to address all issues raised, a lack of empathy and reassurance, dismissive, significant delays, and not informed of the right to appeal. The following is an example of a reply assessed as poor.

A witness wrote complaining that the police had come to her home and left a calling card six months after she had provided a statement and two weeks before the trial. She queried why the police were looking to speak with her. The response was abrupt and lacked empathy. While, it advised that it was not unusual for the police to seek additional information, it proceeded to state that COPFS could not provide any further comment as the case was ongoing, without providing any further explanation. Overall, the response failed to provide advice and reassurance and was confused and unsatisfactory.

In contrast the same witness received a letter from the Scottish Government. The reply advised the witness to contact the police who would be able to explain why they needed to get in touch and reassured the complainant that it was not unusual for police or COPFS to have to contact witnesses prior to a trial commencing. A telephone number for COPFS and the website address and contact numbers for Victim Support Scotland (VSS) were provided with a suggestion that the witness may wish to contact VSS as they offer free practical and emotional advice.

## Communication

116. In 79% of complaints examined, the reply was tailored to the complainants' level of understanding as far as could be ascertained and avoided the use of legal jargon. We found 17 cases that used legal terminology or jargon without any explanation. Some common examples are:



### Recommendation 8

RIU should provide responses in plain English and, in particular, should avoid using legal and procedural jargon without adequate explanation.

117. In 92% of complaints examined, all of the issues raised by complainers were addressed. This is aided by the practice of RIU of setting out the issues raised by the complainant at the beginning of the reply. Where there are a number of issues complained of, this can appear cumbersome. In such cases, the practice adopted in some replies of setting out the issues in an Annex, was easier to follow.
118. We found that the response could have been more empathetic and tailored to the individual in 20% of replies. This was evidenced by being overly defensive, not offering an apology, using standard formulaic paragraphs and failing to provide reassurance.
119. 32% of the complaints reviewed involved other criminal justice organisations. There was consultation with the other organisation in 7 of those cases (28%).
120. Complainers were informed of the right to appeal to the Ombudsman in all but 3<sup>46</sup> of the 62 formal complaints.

46 No written reply in 2 cases.

## Learning Opportunities

121. There was a reference to the complaint prompting a change of practice or procedure in only 4 of the 79 complaints reviewed. These referred to ongoing reviews of the service provided by Victim Information and Advice, mail handling and a revised process to ensure that any correspondence requesting compensation was appropriately highlighted to the prosecutor dealing with the case.

## Overview

122. Overall, we found that the complaints handling staff in RIU were helpful and skilled, and that there was a genuine willingness and commitment from the Head of Policy, managers and staff in RIU to improve the complaints handling process. In the majority of cases examined efforts had been made to respond in full to all issues raised and where there was fault or poor service on behalf of COPFS, it was acknowledged, often with an apology.
123. A lack of understanding and knowledge of the role of the prosecution and the criminal justice system was evident in many of the complaints, particularly in relation to court processes, indicating that there is value for COPFS in providing more information on its website on the roles and responsibilities of the various organisations in the criminal justice system. Incorporating a reference in the policy to the new Standards of Service, which include flowcharts setting out what can be expected from various criminal justice organisations at each stage of the process, may go some way to address misconceptions.<sup>47</sup>
124. As noted,<sup>48</sup> there were few cases where the response referred to a change of practice or policy to tackle the cause of the complaint, from which it may be implied that the intelligence provided by complaints is not being utilised to improve the service provided by COPFS. Using complaints as a vehicle to identify service issues and inform and stimulate organisational improvements is discussed in more detail below.

---

47 See paragraph 18 and 19.

48 See paragraph 121 .

# CUSTOMER SERVICE

## Vision and Objectives

125. COPFS published vision is “To be the world leading public prosecution and death investigation service”.<sup>49</sup>
126. Within its strategic plan, COPFS includes two objectives which have a direct bearing on its approach to complaints handling and customer service:
- a level of service which takes account of individual needs and characteristics is provided to all;
  - victims, nearest relatives and witnesses and those accused of an offence are treated with dignity and respect.
127. Customer service is one of the key elements that define an organisation’s effectiveness. Good service demonstrates an organisation that adheres to its organisational values – being professional and showing respect. By better serving those who come into contact with COPFS and clearly demonstrating this, the overall public perception of COPFS can be improved, affecting areas as diverse as complaints, public confidence and staff recruitment and retention.
128. Addressing and learning from complaints where there are identifiable service issues should, therefore, be a priority. Of the 79 complaints examined, 30% flowed from a perceived or real lack of service by COPFS. Examples included:
- Failing to advise a victim that bail conditions had been cancelled
  - Discourtesy of staff
  - Failure to respond to correspondence, telephone calls, excusal requests
  - Delay in returning productions
  - Cases not referred to VIA
  - Repeated citing of witnesses
  - Incorrectly addressed correspondence
  - Difficulty in contacting local offices
  - Failure to provide a stand-by arrangement for a witness

---

49 COPFS Strategic Plan 2015-18.

## CASE STUDY

A witness contacted COPFS to ask if there was any support that could be offered regarding her attendance as a witness. At the outset, she acknowledged her responsibility to attend at court but asked if there was any potential for a stand-by arrangement to be made and highlighted a pre-existing commitment which was of some importance.

The witness advised that the person who she spoke to initially was very understanding, however, on being put through to the case investigator, she was told that she had to be available on a daily basis at court and that attending court took priority over her pre-existing commitment. She was not offered any reassurance or flexibility.

The complainant stated that she felt “completely undervalued as a witness” and that she supported the sentiment that she had heard from other people that she would “think twice before offering to be a witness in the future”. Overall, the witness concluded that the attitude of the prosecutor had heightened her level of stress.

The reply issued by RIU acknowledged that the case investigator had reinforced the importance of the witness attending court, explaining that the case investigator was attempting to emphasise the serious nature of the proceedings and the importance of the witness’s attendance. This is repeated in the reply on two further occasions. The reply acknowledged the distress and inconvenience that attending court can cause and explained that High Court trials are fluid and can be subject to last minute change. It also referred to the case investigator making enquires to ascertain if there was scope for flexibility although accepts that this was not relayed to the witness.

While it thanked the witness for attending at court, there was no acknowledgement that that her contribution had been undervalued nor was there any apology for failing to engage with the witness about her attendance at court or acceptance that the COPFS had fallen below the appropriate standard of service.

129. Given the importance of witnesses in the justice system, the lack of any attempt to try to accommodate this witness by introducing a stand-by arrangement, or by liaising with the prosecutor to establish if the witness could be excused to attend her pre-existing appointment, failed to address the needs of the witness and place her at the heart of the system. The repeated emphasis by the case investigator and in the written response of the importance of the witness attending court and the seriousness of the offence, which had already been acknowledged by the witness, comes across as somewhat arrogant and lacking in empathy. It demonstrates a focus on process before people.



## CASE STUDY

A witness telephoned to advise that she had a holiday abroad booked for the court date on which she was due to attend as a witness. She also queried whether it was necessary for her to attend as her evidence was non-contentious and factual. She was provided with the email address of the team dealing with the case and she duly emailed explaining the situation. Despite emailing and making several further phone calls, she received no response to her request to be excused attendance at court. One working day before the court date she received a telephone call advising that the case had been postponed and she was no longer required to attend. The person calling had no knowledge of her request for excusal.

The reply from RIU to the witnesses' complaint, apologised that no acknowledgement or response had been issued to the emails requesting excusal although it advised that RIU had 'been unable to confirm that the emails were received' by the team dealing with the case. It also apologised that it had not been explained that the prosecution were seeking to agree her evidence with the defence.

## CASE STUDY

A complainant wrote a letter "in desperation" after calling the COPFS contact centre eight times seeking to have property returned. The case had been concluded four months previously. The staff member at the Enquiry Point apologised for the delay which was caused due to no-one being available at the relevant office to authorise the release of the property.

On receiving the complaint, RIU made immediate arrangements to issue authorisation to the police to return the property.

130. Both case studies highlight a common complaint of failing to reply timeously to inquiries. Similar issues were reflected in feedback obtained from Victim Support Scotland (VSS) and a recent COPFS customer survey.

## Victims' Voice

131. We met with representatives from VSS to gain feedback of the user/victim experience of contact with the prosecution service and their complaints system.
132. We heard various accounts of victims' experiences of the prosecution service across urban and rural parts of Scotland.
133. Of the cases highlighted, the common themes of dissatisfaction were:
- lack of explanation;
  - lack of communication;
  - perception that offenders are better informed than families and victims; and
  - delays in Sheriff and Jury cases.
134. We found a lack of awareness of the COPFS complaints process among the VSS representatives and a general belief that correspondence with an MSP, escalating to the Lord Advocate, was the only way to make a complaint heard.
135. As VSS has a valuable role in supporting and advising victims of crime, there is an opportunity for COPFS to raise the visibility of their complaints policy and the role of RIU with Victim Support staff.

136. VSS representatives also raised a perceived gap in the information available to help victims and witnesses understand the legal process. This suggests that there may be scope for partnership working across the criminal justice system to publish basic information in plain English covering legal processes from the victims'/witnesses' perspective.

## **COPFS Customer Survey**

137. COPFS conducted a customer survey over a two-week period in April 2015. We understand this is the first time that COPFS has undertaken a survey of its users in this manner and although some of the feedback may be uncomfortable for the organisation, we applaud this development as a positive indication that COPFS is taking its published commitment to listen and record feedback seriously.
138. The survey was promoted through the news feed on the COPFS website, the COPFS Twitter account and included in the pre-recorded message greeting callers to the Enquiry Point.
139. A total of 79 customers completed the survey. The majority of respondents (58%) had contacted COPFS to ask for information about a case in which they were involved as either a victim/witness or accused. Of the 79 respondents, 68% had telephone contact with COPFS.
140. Although the customer satisfaction ratings appear disappointing, with 58% of respondents stating they are “extremely dissatisfied” with the service received from COPFS, the result should be taken with a ‘health warning’, in that the number of respondents is not statistically significant in relation to the number of people who come into contact with COPFS and in any self-selecting sample there is a greater tendency for those who are unhappy with a service to be motivated to complete a survey seeking feedback.
141. Nevertheless, there is resonance between the recurring themes emerging from the customer survey and from our case review of complaints handling, namely:
- lack of information/communication about what is happening with a case;
  - inaccessibility of staff in local offices to answer questions/deal with issues;
  - correspondence not being acknowledged or answered; and
  - delays in returning productions.
142. Some of the respondents took the time to provide constructive suggestions to improve the service provided by COPFS. One such suggestion was creating a system which allows victims and defence solicitors to log in to access information as an alternative to phoning. We were advised that COPFS is developing a website to enable witnesses and victims to access information on their cases electronically. The suggestion should also be addressed by the justice public information portal that is being developed as part of the Scottish Government’s Digital Strategy for Justice in Scotland.<sup>50</sup>

---

<sup>50</sup> *The Digital Strategy for Justice in Scotland: Published August 2014.*

# ORGANISATIONAL CULTURE

## Leadership

143. Critical to a good complaints handling system and improving service delivery is an underpinning culture that values complaints and commits to learning from them. While we found commitment from staff in RIU and the Enquiry Point to improving the complaints handling process there was less evidence of ‘buy in’ from the wider organisation about the need to learn from complaints illustrated, for example, by the low number of complaints reviewed where the response indicated that there would be a change to COPFS policies or practices.

144. Creating and embedding a culture that values and learns from complaints needs strong leadership. The Scottish Government’s introduction to the 2015 ‘On Board – A guide for Board Members of Public Bodies in Scotland’<sup>51</sup> states:

*“Governance is not just about what we do but how we do it, creating a positive environment that supports improvement and delivery.”*

145. The Scottish Public Service Ombudsman, commenting on the Francis report into the Mid Staffordshire NHS Foundation Trust,<sup>52</sup> identified ‘culture, governance and management’ as the critical seats of organisational failure and states:

*“The challenge of Francis is to truly value complaints as a learning tool and to ensure that we have the right culture, management and governance processes in place to ensure we are doing so.”*<sup>53</sup>

### CASE STUDY

We visited an organisation held out as a leader in dealing with complaints. Their written policy followed the SPSO model and, similar to COPFS, they provide a single complaint handling point. The organisation credited a commitment to improve services, including the use of complaints as source of information to inform this process, from the top of the organisation down as being key to changing attitudes throughout the organisation.

Complaint handling performance is seen as a key indicator of customer satisfaction. The ethos emphasised throughout the organisation is that a complaint should be resolved at the earliest possibility and there is an expectation that a practical solution should be identified for all complaints. This is underpinned with clear staff guidance on effective complaints handling highlighting the following key considerations:

- Identify the exact issue or issues the customer is complaining about;
- What does the customer want to happen as a result of their complaint;
- Can I achieve what they want or explain to them why not;
- If I can’t resolve it, then who should the complaint be assigned to for resolution?

Their success is demonstrated by a decrease in the overall number of complaints in 2014/15 compared to the previous year and the overwhelming number of complaints resolved through early resolution at the front line, with only 4.3% of complaints escalated to stage 2 procedure. In contrast, only 6% of complaints in COPFS are resolved by quick resolution at the front line.

51 *Scottish Government On Board: A Guide for Board Members of Public Bodies in Scotland (2015).*

52 *Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry: Published February 2013.*

53 *Scottish Policy Now: Why Complaints Matter, December 2014.*

146. There are a number of key learning points that can be drawn from the case study:
- the role of senior management in supporting improvement and delivery of service to customers and promoting organisational learning from complaints is pivotal;
  - complaints handling is seen as a key indicator of customer satisfaction;
  - complaints handling Key Performance Indicators (KPIs) are embedded as part of the management structure; and
  - front line staff are provided with the tools to deal with complaints effectively and at the earliest possibility.
147. Embedding a similar ethos in COPFS requires clear direction from senior management on the extent and limits of discretion and responsibilities of all staff in resolving complaints, including taking effective remedial action and apologising where appropriate and promoting a “can do”, “solution focused” culture, placing the service user at the heart of the process.
148. The value of personal interactions, either by telephone or face-to-face, should be emphasised and promoted as an essential part of the process.
149. It is, therefore, significant that COPFS has recently appointed a senior prosecutor to ‘champion’ customer service. The remit is currently under consideration but we understand that it will include improving the user experience and addressing organisational culture.
150. The appointment provides an opportunity to promote a culture focussed on people rather than process, where complaints are:
- handled by people at the point of service delivery;
  - recognised as a key indicator of customer satisfaction; and
  - valued as a source of feedback to identify recurrent themes and systematic issues.
151. Potentially, the ‘Champion’ could fulfil the oversight role that is undertaken by the IACs in the other UK jurisdictions, in relation to identifying trends, promoting best practice and learning from complaints.

### Recommendation 9

The COPFS Customer Service ‘Champion’ should embed complaints handling as a key indicator of customer satisfaction and promote organisational learning from complaints.

152. As part of the drive to improve customer service, COPFS has also become a member of the *Institute of Customer Service*, an independent organisation committed to improving the quality of customer service.<sup>54</sup>
153. The appointment of a customer service “champion” and membership of the *Institute of Customer Service* are welcome developments demonstrating COPFS commitment to improving service delivery but excellent customer service also requires staff armed with the appropriate skills and confidence to resolve complaints at first contact.

---

<sup>54</sup> A senior member of staff has attended their training on ‘How to Turn Public Sector Complaints into Service Improvements’.

## Training and Development

154. To deal with complaints effectively and at an early stage, staff require to be supported by training and clear and practical guidance.
155. At present all COPFS staff complete the Valuing and Managing Difference (Equalities) course. In addition, staff at the Enquiry Point undergo an intensive four-week training course that contains elements of customer service and complaints handling training and staff in RIU staff receive communication training from the Samaritans. There is, however, no specific training provided for front line staff on dealing with complaints and customer service.
156. There are a number of potential options available to COPFS to address training needs. There is a SVQ Customer Service Award that staff can access and the Civil Service Learning, which is available to all staff, includes the following courses:
- ‘Delivering Excellent Customer Service’ – an e-learning course
  - ‘Delivering Excellent Customer Service Part 2’ – a face-to-face course, building on the previous course
  - ‘Good Complaint Handling’ – an e-learning course designed to assist with identifying a complaint, the importance of communicating and concepts such as resolution and redress.
157. The Complaints Standards Authority<sup>55</sup> also offers courses on dealing with Complaints Handling including:
- Good Complaints Handling (aimed at staff who have direct contact with members of the public who received complaints as part of their day to day work);
  - Complaint Investigation Skills (aimed at managers, team leaders, complaints officers and any other staff involved in the investigation of complaints).

### Recommendations 10 and 11

COPFS should issue guidance on complaint handling to all staff.

COPFS should ensure that all staff, who have direct contact with members of the public, complete the Delivering Customer Service courses. The e-learning Delivering Customer Service module should be included as part of the COPFS induction process.

<sup>55</sup> An internal unit set up by SPSO to provide support to providers in improving complaints handling procedures.

# LEARNING OUTCOMES

## Governance Structures

158. Tackling the underlying causes of complaints is clearly more effective than having to apologise or rectify an issue as a result of a complaint. Complaints signpost areas where there is scope for improvement whether it is customer service or policies and procedures. Critical to actively and visibly promoting a culture of embracing and learning from complaints and supporting improvement and delivery of service to customers is senior staff engagement and an effective system to capture learning lessons.
159. To ascertain how effective COPFS governance structure and processes are in learning from complaints and supporting improvement and delivery of service to customers we examined remits, minutes, agendas and practices of the various Management Boards.
160. COPFS delivers its business via four Federations: three geographical Federations – the East, West and North and a National Federation which includes a number of specialist units including RIU and the Health and Safety Division and corporate functions. Overall day-to-day responsibility for the service delivery of complaints in COPFS is held by the Head of the Policy Unit which sits within the National Federation.
161. Each of the core functions<sup>56</sup> is overseen by an Operational Board headed up by a member of the Senior Civil Service as the functional lead.
162. The Operational Boards are accountable to the COPFS Executive Board,<sup>57</sup> chaired by the Crown Agent.
163. The Executive Board is charged with implementing the vision and delivering the priorities set by the COPFS Strategic Board<sup>58</sup> and accountable for standards of delivery of COPFS strategic objectives.
164. The Executive Board reports in turn to the COPFS Strategic Board, chaired by the Lord Advocate. It provides strategic direction to COPFS and sets priorities to be delivered effectively and efficiently within the available resource.

## Risk

165. The COPFS Risk Register 2014/15 identifies organisational risks. Of most relevance to this review are risk objectives linked to delivering high customer service, ensuring COPFS processes and best practices are followed correctly and maintaining the confidence of vulnerable witnesses, victims and their families. While appropriate controls such as monitoring, analysing and managing performance by the Operational Boards are identified as means of mitigating risks, there is no reference to the analysis of complaints as part of this process.
166. Good practice observed in other high performing organisations suggests that systematic analysis and monitoring of complaints data can contribute significantly towards achieving organisational objectives and the mitigation of reputational risk.

---

56 Initial decision-making, Summary proceedings, High Court and Sheriff and Jury business.

57 Comprises of the Crown Agent and the four Federation Heads. The Chairs of the Operational Boards attend as required.

58 Comprises of the Law Officers and the Crown Agent. The Chair of the Audit and Risk Committee, the Chair of the Equality Advisory Group and the Senior Executive Team (the four Federation Heads) also attend.

167. The lack of a specific reference to feedback from complaints data or lessons learned from review of complaints is a potential weakness in corporate governance.

### **Recommendation 12**

COPFS should include the complaints handling process as a specific control in the COPFS Risk Register.

## **Feedback from Complaints**

168. RIU provide the Operational and Executive Boards with quarterly statistical reports broken down by function. Following feedback from the Operational Boards, the quarterly report focuses on complaints that have been partially upheld or upheld.

169. The reports provide statistical data on the following:

- complaints received and closed each month
- complaints dealt by quick resolution
- complaints dealt by formal procedure
- outstanding complaints
- complaints upheld, partially upheld, withdrawn and not upheld
- complaints dealt with in the published timescales
- any equality issues
- a breakdown, by function, of complaints that have been upheld or partially upheld

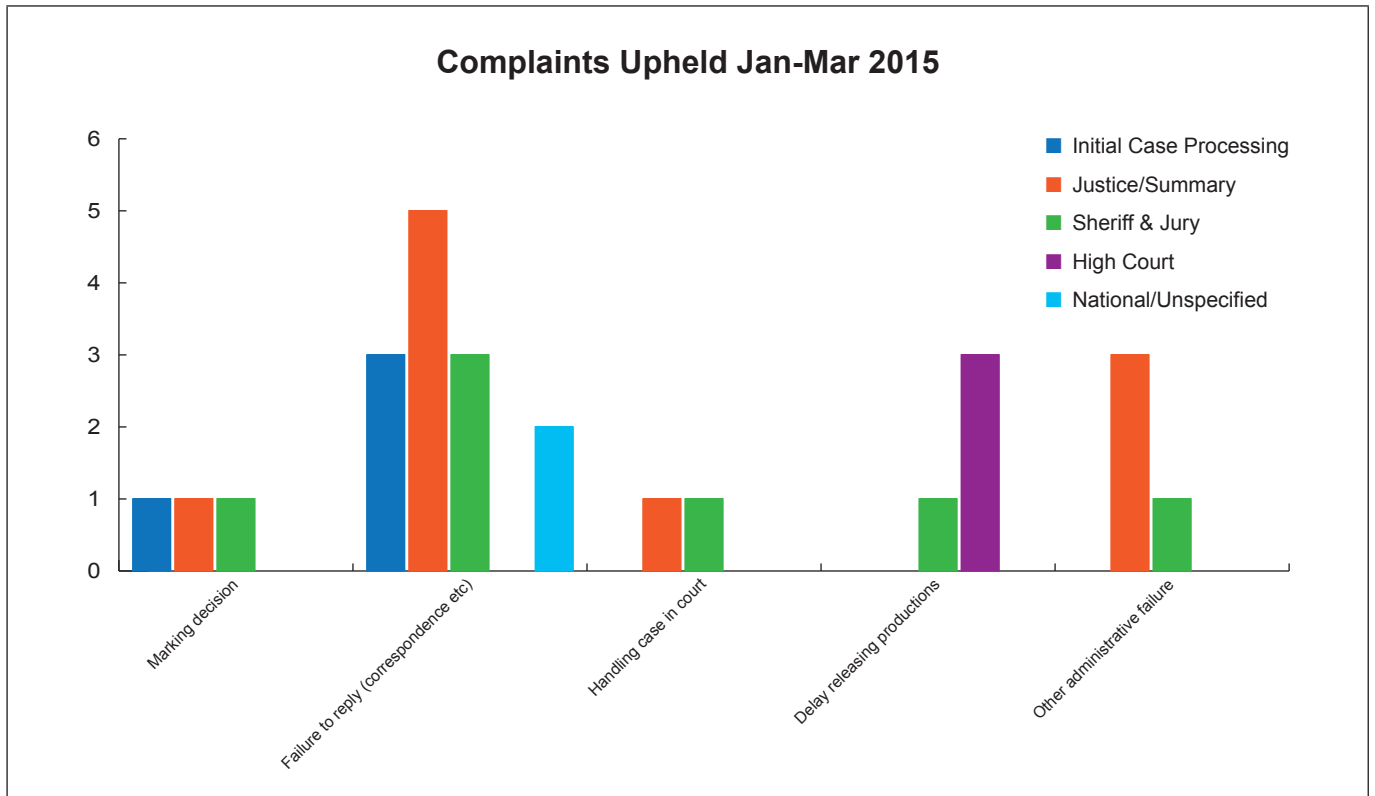
170. In addition, copies of correspondence relating to upheld complaints are provided.

171. The Executive Board also receives the quarterly report from RIU. As previously noted, the Crown Agent, meets weekly with the Head of RIU to discuss current complaints and all COPFS complaints referred to SPSO.

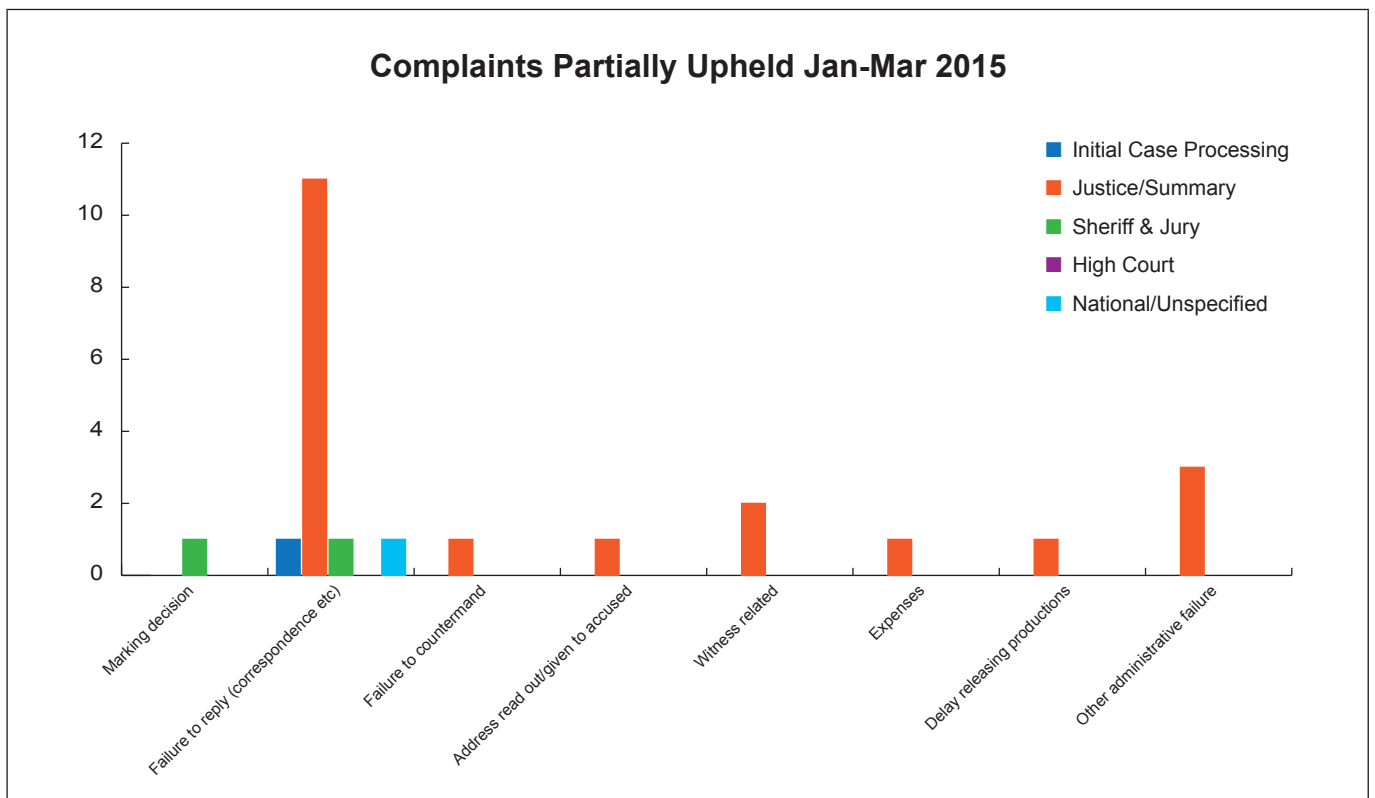
172. At present only the remit of the Summary Operational Board includes a responsibility 'to liaise with RIU to identify lessons learnt relating to summary cases', although all of the operational boards take account of the quarterly reports produced by RIU.

173. Charts 9 and 10 illustrate complaints upheld and partially upheld broken down by function and subject matter between January and March 2015.

**Chart 9**



**Chart 10**



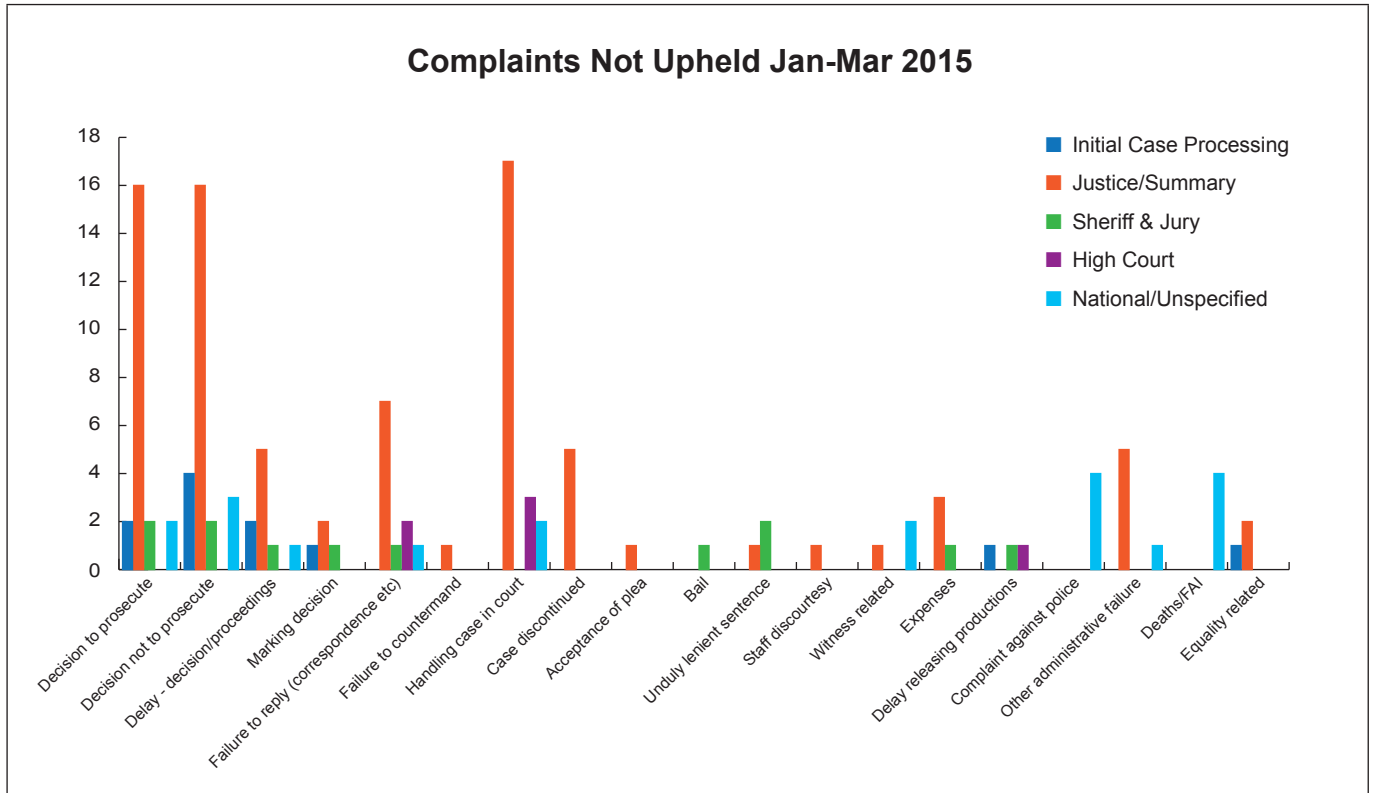
174. While the report provided by RIU is an extremely useful source of customer feedback and provides an overview of common themes, it does not provide any analysis of thematic issues across the functions or any information on actions taken to address common themes by the Operational Boards or any lessons learnt.



175. The provision of the data in a more user-friendly format may assist with highlighting common and recurring themes. For example, Chart 7<sup>59</sup> is a graphic representation of the statistical data provided in the RIU report for all closed complaints between January to March 2015. At a glance the type of complaint can be easily identified.

176. This can be further broken down by function to assist in identifying any recurring themes applicable to specific functions as shown in Chart 11.

**Chart 11**



177. The RIU report focuses on complaints that have been upheld or partially upheld. While these complaints should be prioritised to ensure lessons are learnt and remedial action taken, it overlooks the value of all complaints as an information tool. Complaints that are not upheld may flag up different issues such as a lack of understanding of the role of COPFS or a lack of awareness of procedures or processes in the criminal justice system. Regardless of whether or not complaints are upheld, they represent statements of dissatisfaction with some part of the criminal justice system and an assessment of such complaints could identify misapprehensions that could be clarified or resolved through the provision of information or clearer signposting in the complaints policy of areas over which COPFS has no control.

178. There are examples where COPFS actions and policies have been influenced by complaints:

- Recognising that communication (failing to reply to correspondence/telephone calls) is a recurring complaint, COPFS is undertaking a scoping exercise on implementing a centralised correspondence unit to prioritise dealing with all forms of communication and is considering adding a member of legal staff to the Enquiry Point;
- The Communications Board are using feedback from complaints to inform corporate messaging and update the content of the COPFS website;

59 See page 26.

- COPFS has recently set up a Case Review Group<sup>60</sup> to examine cases where difficulties have arisen to ensure that the relevant learning is identified and disseminated and any systematic issues are rectified. Cases are referred for consideration in a number of ways, including via complaints. The Group is in its infancy but its work has already led to changes of policy and practice, e.g. the appointment of a prosecutor at the High Court at Glasgow to assist and liaise with Advocate Deputes dealing with Preliminary Hearings.

179. However, the approach is not systematic. Neither the Operational nor Executive Boards maintain a register of themes, actions taken, lessons learnt and outcomes. It is noteworthy that from the sample of complaints reviewed, there were only four cases (5%) where the response to the complainant indicated that there would be a change to COPFS policy or other organisational change.
180. COPFS has not identified any key indicators aimed at measuring performance or driving improvements or articulated what constitutes “success” in terms of complaints handling, e.g. increasing the number of complaints dealt with at first contact or a reduction in the number of complaints on a particular aspect of service such as failure to reply.
181. There is an opportunity for the Operational Boards to work with the new Head of Engagement and Information and the Customer Service Champion to develop a meaningful and useful reporting format which will allow COPFS to learn from complaints in a systematic manner and drive forward service improvements across COPFS.

#### **Recommendations 13, 14 and 15**

The remits of the COPFS Operational Boards should include a specific reference to monitoring and learning from complaints.

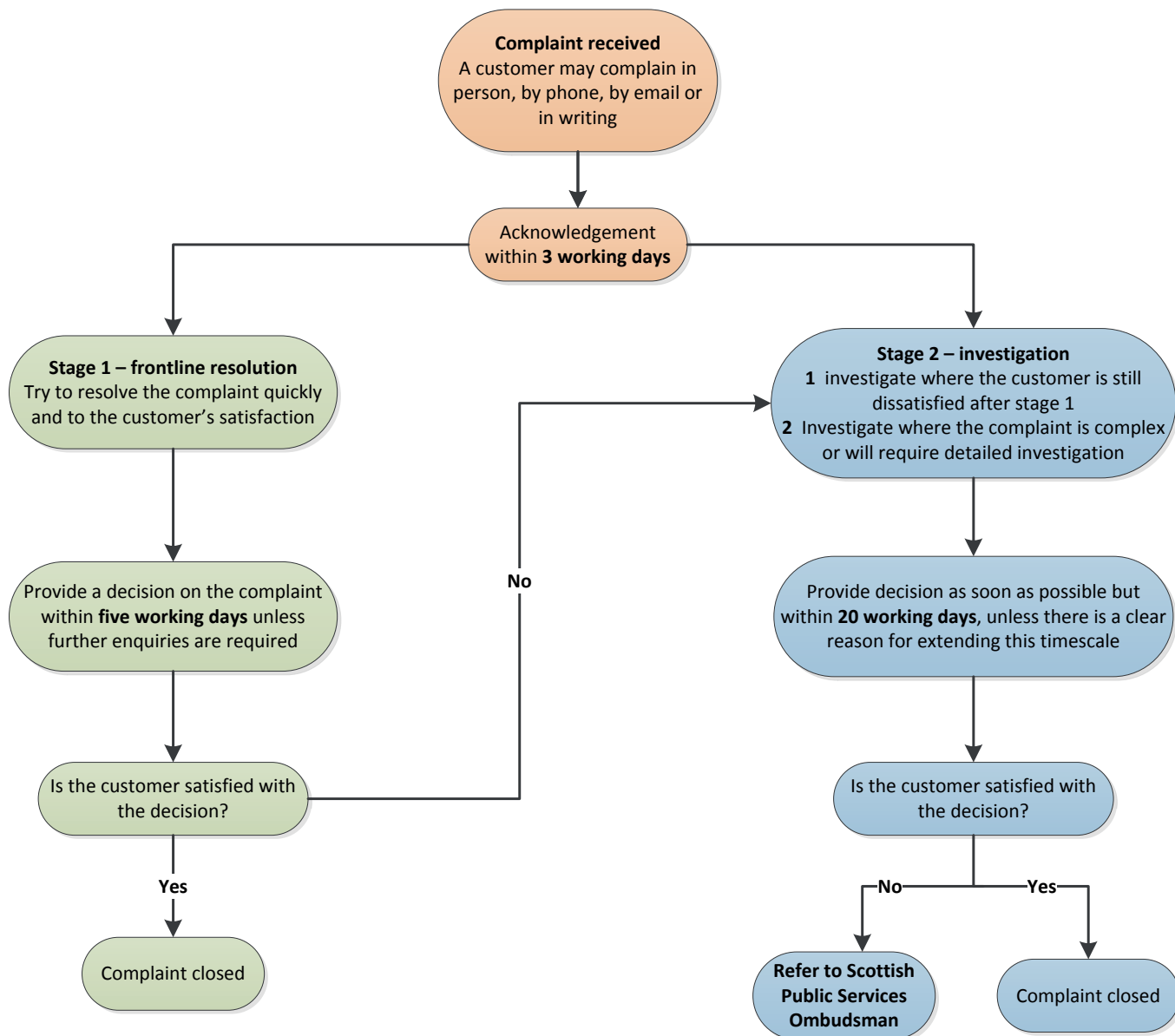
COPFS should introduce a system to record, analyse and report on complaint outcomes, trends and improvement actions.

COPFS should establish a set of key performance indicators to measure complaints handling performance and drive improvements.

<sup>60</sup> Members are senior officials who meet weekly with one of the Law Officers.

# ANNEX A

## COPFS Complaints Handling Process



## ANNEX B

### Analysis of Case Review<sup>61</sup>

QUESTION	ANSWER	RESULT
<b>GENERAL</b>		
Court Type	ICP Justice of the Peace Summary Sheriff & Jury High Court Other <sup>62</sup>	19%(15/79) 6.3% (5/79) 46.8% (37/79) 11.4% (9/79) 3.8% (3/79) 12.6% (10/79)
Who made the complaint?	Accused or rep Victim or rep Witness or rep Other <sup>63</sup>	31.6% (25/79) 27.8% (22/79) 16.5% (13/79) 24.05% (19/79)
How the complaint was made	Telephone Letter Email Other	20.3% (16/79) 32.9% (26/79) 44.3% (35/79) 2.5% (2/79)
Where the complaint was received	Enquiry Point RIU Other <sup>64</sup>	22.8% (18/79) 45.6% (36/79) 31.6% (25/79)
Is there evidence the complainant had difficulty in making the complaint?	Yes <sup>65</sup> No	6.3% (5/79) 93.7% (74/79)
Complaint Type	Stage 1 – Quick Resolution Stage 2 – Formal Complaint	21.5% (17/79) 78.5% (62/79)
<b>STAGE 1 – QUICK RESOLUTION (17 CASES)</b>		
Nature of complaint	Decision to take no proceedings Failure to return productions Communication issues Sentencing issues Complaints against police Other <sup>66</sup>	35.3% (6/17) 11.8% (2/17) 23.5% (4/17) 5.9% (1) 5.9% (1) 17.6% (3/17)
Acknowledgement issued within 3 days?	Yes No	88.2% (15/17) 11.8% (2/17)
How was the complaint resolved?	Letter Telephone Email	18.8% (3/17) 43.8% (7/17) 37.5% (6/17)

61 The total may not always add up to 79 due to the information not being available.

62 'Other' includes SFIU and Complaints against the Police.

63 'Other' includes parents, partner, sister, wife, etc.

64 'Other' includes local office, sheriff court, etc.

65 Evidenced by numerous calls or emails.

66 'Other' includes poor/inadequate service, fiscal fine etc.

QUESTION	ANSWER	RESULT
Number of days to deal with complaint	5 days or less <sup>67</sup> 20 days or less More than 20 days	64.7% (11/17) 17.6% (3/17) 17.6% (3/17)
In the circumstances was quick resolution deemed appropriate?	Yes No	82.4% (14/17) 17.6% (3/17)
Outcome	Resolved	100% (17/17)
<b>STAGE 2 – FORMAL COMPLAINT (62 CASES)</b>		
Nature of complaint	Deaths Decision to take no proceedings Failure to return productions Communication issues Failure to countermand witnesses Bail Sentence related Witness related Decision to prosecute Defer/delay Poor service Address read out Complaint against the police Marking decision Other	6.5% (4/62) 14.5% (9/62) 4.8% (3/62) 11.3% (7/62) 1.6% (1/62) 1.6% (1/62) 4.8% (3/62) 4.8% (3/62) 14.5% (9/62) 8.1% (5/62) 11.3% (7/62) 1.6% (1/62) 3.2% (2/62) 3.2% (2/62) 8.1% (5/62)
Acknowledgement issued within 3 days?	Yes No	77% (47/61) 23% (14/61)
Number of days to deal with complaint	20 days or less <sup>68</sup> 30 days or less More than 30 days	67.7% (42/62) 16.1% (10/62) 16.1% (10/62)
Delays and use of holding letters handled correctly?	Yes No <sup>69</sup> N/A	8.1% (5/62) 21% (13/62) 71% (44/62)
Was information from office received timeously?	Yes No N/A	45.9% (28/61) 18% (11/61) 36.1% (22/61)
In the circumstances was formal complaint procedure deemed appropriate?	Yes No <sup>70</sup>	96.8% (60/62) 3.2% (2/62)
Outcome	Complaint resolved Referral to SPSO	93.5% (58/62) 6.5% (4/62)

67 Internal target for quick resolution is 5 days.

68 Internal target is 20 days.

69 No evidence of holding letters being issued.

70 Could have been dealt by quick resolution.

QUESTION	ANSWER	RESULT
<b>RECORDING OF COMPLAINT</b>		
Are records accurate and complete?	Yes No	81% (64/79) 19% (15/79)
Is there sufficient evidence to provide an audit trail of contact/communication (including telephone calls)?	Yes No <sup>71</sup>	82.3% (65/79) 17.7% (14/79)
<b>COMMUNICATION</b>		
Was the reply easy to understand? <sup>72</sup>	Yes No	77.3% (58/75) 22.7% (17/75)
Were all the issues raised by the complainer covered in the response? <sup>73</sup>	Yes No	92.2% (71/77) 7.8% (6/77)
Did the reply contain an appropriate level of empathy (e.g. was the response tailored to the individual and not defensive/if upheld was an apology offered)? <sup>74</sup>	Yes No	79.5% (58/73) 20.5% (15/73)
If the complaint related to a prosecutorial decision, was the evidence considered afresh? <sup>75</sup>	Yes No N/A	32.1% (25/78) 0.0% (0/78) 67.9% (53/78)
Outcome of complaint? <sup>76</sup>	Upheld Partially upheld Not upheld Withdrawn	13% (10/77) 2.6% (2/77) 75.3% (58/77) 9.1% (7/77)
Did the complaint involve another criminal justice organisation?	Yes No	31.6% (25/79) 68.4% (54/79)
If yes, which agency?	Police Court Other <sup>77</sup>	60% (15/25) 32% (8/25) 8% (2/25)
Was there consultation with this other agency?	Yes No	28% (7/25) 72% (18/25)
Was the complaint dealt within the complaints policy time limits or if not were any delays explained?	Yes No N/A <sup>78</sup>	67.1% (53/79) 24.1% (19/79) 8.9% (7/79)

71 Letters not on system, lack of detail if local office dealt with it, etc.

72 No written reply to assess in 4 cases.

73 No written reply to assess in 2 cases.

74 No written reply to assess in 6 cases.

75 No written reply in 1 case.

76 2 cases dealt with by local office.

77 'Other' includes solicitor and Scottish Government.

78 Dealt with by local office.

QUESTION	ANSWER	RESULT
Was the complainer informed of the right of appeal? <sup>79</sup>	Yes No <sup>80</sup>	76.66% (59/77) 23.4% (18/77)
What was the overall quality of the response?	Excellent Good Fair Poor	46.8% (37/79) 32.9% (26/79) 16.4% (13/79) 3.8% (3/79)
<b>LEARNING OPPORTUNITIES</b>		
Did response from the complaint indicate there would be a change to COPFS policy or other organisational change?	Yes No	5.1% (4/79) 94.9% (75/79)
Is there evidence of organisational change?	No N/A	5.1% (4/79) 94.9% (75/79)
<b>EQUALITY</b>		
If appropriate were special arrangements made, e.g. languageline, typetalk, etc?	N/A	100% (79/79)

79 Dealt with by local office in 2 cases.

80 Dealt with by quick resolution.

# ANNEX C

## Glossary of Terms

### ***Accused***

Person charged with a crime.

### ***Adjournment***

A break during court proceedings or suspension to another hearing.

### ***Advocates Depute***

Advocates Depute are prosecutors appointed by the Lord Advocate. Advocates Depute prosecute all cases in the High Court and present appeals in the Appeal Court.

### ***Bail***

Release from custody of an accused person until the trial or next hearing.

### ***Case Investigator***

Members of staff who interview witnesses and prepare cases for court in solemn proceedings

### ***Criminal Allegations Against the Police Division (CAAP-D)***

A division in COPFS that independently investigates criminal allegations (including Counter Corruption Cases) made against police officers in Scotland.

### ***Crown Office and Procurator Fiscal Service (COPFS)***

The independent public prosecution service in Scotland. It is responsible for the investigation and prosecution of crime in Scotland. It is also responsible for the investigation of sudden, unexplained or suspicious deaths and the investigation of allegations of criminal conduct against police officers.

### ***COPFS Federation Structure***

COPFS is organised into four Federations, each led by a Procurator Fiscal. All operational work is managed within the East, West and North Federations. The fourth federation is the National Federation which includes a number of specialist units including the Scottish Fatalities Investigation Unit and corporate functions.

### ***Crown Prosecution Service (CPS)***

Principal prosecuting authority for England and Wales, acting independently in criminal cases investigated by the police and others.

### ***High Court of Justiciary***

The Supreme Criminal Court in Scotland with sole jurisdiction to hear the most serious crimes such as murder and rape.

### ***Initial Case Processing***

Division within COPFS where initial decisions are made on what action to take in the public interest, including whether to prosecute or not.

### ***Justice of the Peace***

A lay person who presides over criminal cases in local courts.

### ***LanguageLine***

A telephone interpreting service that enables a person to communicate in over 200 languages, 24 hours a day, 365 days a year.



**Lord Advocate**

The Ministerial Head of COPFS. He is the senior of the two Law Officers, the other being the Solicitor General.

**Law Officers**

The Law Officers are the Lord Advocate and the Solicitor General for Scotland.

**Law Society**

The independent professional body for solicitors. It represents and supports its members and promotes the highest professional standards and rule of law.

**Preliminary Hearing**

Procedural hearing in all High Court cases. The purpose is to adjudicate on the state of preparation of the defence and prosecution and to resolve all outstanding issues prior to the trial.

**Procurator Fiscal**

Legally qualified prosecutors who receive reports about crimes from the police and other agencies and make decisions on what action to take in the public interest and where appropriate prosecute cases. They also look into deaths that require further explanation and where appropriate conduct Fatal Accident Inquiries and investigate criminal complaints against the police.

**Productions**

Items/exhibits produced in court as part of the evidence.

**Public Prosecution Service, Northern Ireland (PPSNI)**

The department of the Northern Ireland Executive responsible for public prosecutions of people charged with criminal offences in Northern Ireland.

**Scottish Courts and Tribunals Service (SCTS)**

Supports justice by providing the people, buildings and services needed by the judiciary, courts, Office of the Public Guardian and devolved tribunals.

**Scottish Fatalities Investigation Unit**

A national specialist division within COPFS responsible for investigating all sudden, suspicious, accidental and unexplained deaths in Scotland with dedicated teams in each COPFS Federation.

**Scottish Legal Aid Board (SLAB)**

A non-departmental public body of the Scottish Government responsible for managing legal aid.

**Scottish Prison Service (SPS)**

A public service-led delivery agency which is legally required to deliver custodial and rehabilitation services for those sent to it by the courts.

**Sheriff and Jury**

Serious criminal cases heard in the Sheriff Court by a jury.

**Stand-by Arrangement**

An arrangement with witnesses to attend at court on a specific date and time.

**Solemn Proceedings**

Prosecution of serious criminal cases before a judge and jury in the High Court or Sheriff Court.

**Summary Proceedings**

Prosecutions held in the Sheriff or Justice of the Peace Court before a judge without a jury.

**Text Relay**

A communication service for persons who are deaf, hard of hearing or have a speech impediment and cannot use a standard voice telephone. It connects people using a textphone with those using a telephone or other textphone.

**Victim Information and Advice (VIA)**

A COPFS dedicated Victim Information and Advice service.

**Victim Support Scotland (VSS)**

An organisation that provides support and information services to victims and witnesses of crime in Scotland.

**If you require this publication in an alternative format and/or language, please contact us to discuss your needs.**



© Crown copyright 2015

**OGL**

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.scot](http://www.gov.scot)

Any enquiries regarding this publication should be sent to us at  
The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-78544-850-8 (web only)

Published by The Scottish Government, December 2015

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS55781 (12/15)

W W W . G O V . S C O T