



## The Judicial Appointments Board for Scotland Complaints Handling Procedure

1. The Judicial Appointments Board for Scotland (JABS) has been in existence since 2002. Its role is to recommend to the Scottish Ministers individuals for appointment to judicial offices.
2. Since its creation, JABS has worked hard - and is continuing to do so - to bring transparency to the selection process and to build a system in which the public, the Lord President, the legal profession, Scottish Ministers, and other elected officials can have trust and confidence.

### **JABS values complaints and uses information from them to help it improve its processes.**

3. This paper describes JABS complaints procedure and how to make a complaint.

### **What can I complain about?**

4. Paragraph 20 of Schedule 1 to the Judiciary and Courts (Scotland) Act 2008 ("the Act"), requires the Board to make arrangements for investigating any complaints of **maladministration** made to it by an individual concerning the manner in which the Board has carried out its functions in relation to the individual. This procedure sets out the Board's arrangements as required under the Act.

### **What can't I complain about?**

5. There are some things JABS can't deal with through its complaints handling procedure. These include:
  - requests for compensation.
  - Freedom of Information or Environmental Information request decisions.
  - appeals from applicants against the decisions of the Board.

So, JABS will not normally consider complaints about recommendation decisions if you just say you disagree with them. For example, the following are not usually grounds for complaint:

- that you were not selected for an interview or recommended for an appointment
- that you disagree with the feedback you have been given on your application or interview.

6. You can complain about things like:

- failure to follow a proper procedure
- failure to provide a service, such as unreasonable delays in responding to your enquiries and requests
- being unfairly treated.

## Who can complain?

7. Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service. If you wish to make a complaint, you can ask others to support you through the process, including friends, a relative, a councillor, your MSP etc. The Scottish Independent Advocacy Alliance or Citizens Advice Bureau may also be of assistance.

## How do I complain?

8. Complaints should preferably be made in writing or by email via [mailbox@jabs.gov.scot](mailto:mailbox@jabs.gov.scot).
9. JABS is committed to making its service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help applicants access and use its services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, tell us in person, contact us on 0131 528 5101, or email us at [mailbox@jabs.gov.scot](mailto:mailbox@jabs.gov.scot).
10. It is easier for JABS to resolve complaints if you make them quickly and directly. So please talk to a member of our Business Management Unit in the first instance and they can try to resolve any problems on the spot.
11. When complaining, tell us:
  - your full name, address and contact details
  - as much as you can about the complaint, including which appointment round and which aspect of the process your complaint relates to, enclosing any supporting information, if these are relevant
  - what you consider has gone wrong and
  - if possible, the outcome you are looking for.

## How long do I have to make a complaint?

12. Normally, you must make your complaint to JABS within 20 working days of:
  - the event you want to complain about, or
  - finding out that you have a reason to complain, but in exceptional circumstances, and at the discretion of the Board, no longer than 6 months after the event itself.
13. Complaints are more likely to involve matters of JABS policy, processes or administration. However, if your complaint concerns a member of the Board, a panel member or member of staff, about their work in JABS, you will be notified within two working days if that person is a lay or legal member of the Board, a lay or legal appointment adviser or a judicial member of the Board or a member of the judiciary. This is important as there are separate independent processes for making complaints against members of the Board or staff which are entirely separate to the complaints process which JABS will undertake on your behalf in relation to a complaint of maladministration.
14. In the event you wish to make a complaint against a lay or legal member of the about a breach of the Code of Conduct in relation to their work in JABS - the Ethical Standards Commissioner (ESC) will investigate your complaint. A complaint should be made to the ESC via its website: <https://www.ethicalstandards.org.uk/>

15. In the event that you wish to make a complaint against a member of the judiciary, in relation to their work as a Board member of JABS, that complaint should be submitted to the Judicial Office for Scotland, and would be dealt with either under the 'Complaints about the Judiciary (Scotland) Rules 2017' or 'Complaints about members of the Scottish Tribunals Rules 2018'.
16. In either case, you must submit your complaint in writing to the Judicial Office within 30 days of the event you want to complain about. Other rules apply to this process.

You can find information on the 2017 rules here: [SI/SR Template \(judiciary.scot\)](#)

and the 2018 rules here: [SI/SR Template \(judiciary.scot\)](#)

17. Complaints regarding staff, will be directed to the Chief Executive, or their nominee or the Chairing Member as appropriate and will be handled under Scottish Government Civil Service procedures.

### **Contact details for JABS**

Complaints should be made in writing to:

Head of Operations  
Judicial Appointments Board for Scotland  
Thistle House  
91 Haymarket Terrace  
EDINBURGH  
EH12 5HD

or email us at [mailbox@jabs.gov.scot](mailto:mailbox@jabs.gov.scot)

### **Contact details for the Ethical Standards Commissioner**

Complaints about lay or legal members of the Board should be made in writing to:

The Ethical Standards Commissioner  
Thistle House  
91 Haymarket Terrace  
EDINBURGH  
EH12 5HD

Or email [investigations@ethicalstandards.org.uk](mailto:investigations@ethicalstandards.org.uk)

### **Contact details for the Judicial Office for Scotland**

Complaints about members of the judiciary should be made in writing to:

Judicial Office for Scotland  
Parliament House  
Edinburgh  
EH1 1RQ

or email [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk)

## **What happens when I have complained?**

18. JABS complaints procedure has two stages:

### **Stage One – frontline resolution**

19. JABS aims to resolve complaints quickly and close to where it provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

20. Where it appears to the Chief Executive of JABS that a complaint:

- (a) contains no statement of reasonable grounds; or
- (b) discloses that it is frivolous, vexatious, abusive or wholly misconceived,

the complainer shall be notified accordingly, and no further action will be taken in respect of the complaint.

21. JABS will notify you within two working days if the person about whom you have made a complaint is a member of the Board or not. You will then be advised of the appropriate channel for a complaint against the individual in question, which could be to the Ethical Standards Commissioner, Judicial Office or Scottish Government. These are entirely separate independent complaints processes to that provided by JABS and JABS has no locus to intervene in that process.

22. In relation to your JABS complaint, JABS will give you its decision at Stage One in five working days or less, unless there are exceptional circumstances, in which case, JABS will let you know and advise when you should expect to hear further.

23. If JABS can't resolve your complaint at this stage, it will explain why and tell you what you can do next. JABS might suggest that you take your complaint to Stage Two, or if it is obvious that your complaint is a complex case, JABS will notify you accordingly and will immediately move your case to Stage Two.

### **Stage Two – investigation**

24. Stage Two deals with two types of complaint: those that have not been resolved at Stage One and those that are complex and require detailed investigation.

When using Stage Two JABS will:

- acknowledge receipt of your complaint within three working days
- where appropriate, discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- give you a full response to the complaint as soon as possible and within 20 working days.

25. In such cases, the Chairing Member of the JABS will establish a Complaint Committee of three Board members who, where possible, have had no previous direct involvement in the matter complained of, to consider and reach a determination on the complaint. If its investigation will take longer than 20 working days, it will tell you. JABS will agree revised time limits with you and keep you updated on progress.

26. At the conclusion of its investigation the Complaint Committee will state in writing its findings of fact in relation to the complaint, its reasons for those findings, whether it concludes that the complaint should be upheld and its reasons for so concluding, and if the complaint is upheld, the action that the Committee will recommend to the Board to take.
27. Complainers will be kept informed of the progress of the investigation and will be notified in writing of the decision regarding the complaint at the earliest possible opportunity following the making of the determination.
28. It should be noted that information about judicial appointments is confidential (section 17 of the Act and paragraph 3 of Schedule 7 to the Data Protection Act 1998 refer) and that, consequently, the Committee's report to the complainer of its investigation of the complaint will not include personal data which relates to an identified or identifiable individual other than the complainer.
29. If you are still dissatisfied with the way JABS dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO **cannot** normally look at:

- a complaint that has not completed our complaints procedure (**so please make sure it has done so before contacting the SPSO**)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

SPSO's contact details are as follows:

- **FREEPOST SPSO**

is all you need to write on the envelope, no stamp required)

- **SPSO**

Bridgeside House, 99 McDonald Road, Edinburgh EH7 4NS

Opening hours: Monday, Wednesday, Thursday, Friday 9am–5pm,  
Tuesday 10am–5pm

- **SPSO freephone** 0800 377 7330; Fax 0800 377 7331 H
- **SPSO Website** [www.spsso.org.uk](http://www.spsso.org.uk)
- **SPSO Online contact form** [www.spsso.org.uk/contact-form](http://www.spsso.org.uk/contact-form)

**SPSO Online complaints form** You can fill in a complaints form online at  
[www.spsso.org.uk/complain/form](http://www.spsso.org.uk/complain/form)

## Quick guide to the Judicial Appointments Board for Scotland (JABS) Complaints Handling Procedure

### Complaints Handling Procedure

You can make your complaint by e-mail or in writing.

JABS has a **two-stage complaints procedure**. It will always try to deal with your complaint quickly. But if the matter will need a detailed investigation, it will tell you and keep you updated on its progress.

### Stage 1: frontline resolution

JABS will always try to resolve your complaint quickly, within **five working days** if it can.

If you are dissatisfied with JABS response, you can ask it to consider your complaint at Stage 2.

If your complaint is about an individual, JABS will notify you within 2 working days of the appropriate complaints process which applies to them.

### Stage 2: investigation

JABS will look at your complaint at this stage if you are dissatisfied with its response at Stage 1. JABS also look at some complaints immediately at this stage, if they are complex or need detailed investigation.

The Chairing Member of the Board will establish a Complaint Committee of three Board members who, where possible, have had no previous direct involvement in the matter complained of to consider and reach a determination on the complaint.

JABS will acknowledge your complaint within **three working days**. It will give you its decision as soon as possible. This will be after no more than **20 working days** unless there is clearly a good reason for needing more time.

### The Scottish Public Services Ombudsman

If, after receiving JABS final decision on your complaint, you remain dissatisfied with its decision or the way it has handled your complaint, you can ask the SPSO to consider it.

JABS will tell you how to do this when it sends you its final decision.