

# Scottish Courts and Tribunals Service (SCTS) submission of 19 April 2023

## PE1983/B: Improve the transparency and accountability of Scottish legal courts

Thank you for your letter of 28 March 2023 seeking the views of the Scottish Courts and Tribunals Service (“the SCTS”) on the above petition.

The response is submitted by the SCTS acting in its role to provide efficient and effective administration to the courts and tribunals and does not include the views of the Judiciary.

The Committee requested information in relation to two areas:

### ***1. Steps that are taken to ensure that both the procedural rules and practices of the court are transparent and accessible***

Every court case involves different parties, facts and circumstances – however the common procedures and rules used in a broad range of case types are made clearly available by the SCTS. The SCTS website provides an overview of the most [commonly used court processes in the sheriff courts](#) and in [the Court of Session](#).

Detailed civil and criminal court procedures are generally set out in court rules. The most commonly used [court rules](#) are also made available to members of the public on the SCTS website. The responsibility for making these rules lies with the Scottish Civil Justice Council for the civil courts and the Criminal Courts Rules Council for the criminal courts.

This information is provided as a guide and cannot cover every situation which might arise in the course of a case. The website also provides information on the Scottish [Tribunals](#). The rules followed by the Scottish Tribunals are a matter for the Scottish Government. Guidance for making an application to each chamber is also publicly available online – for example see [The Housing and Property Chamber](#).

Court and tribunal actions can be complex. Whilst SCTS staff will always seek to assist those engaged in such actions and are able to provide procedural advice in respect of actions it is important to stress that they are unable to provide legal advice, as the staff who are responsible for

the administration of the courts must remain completely impartial in relation to the merits of each case before them.

Our website does signpost members of the public to organisations who can assist parties in a case, such as the Law Society of Scotland or Citizens Advice Scotland. Where a member of the public chooses to proceed in an action without legal representation, it is open to them to request the authority of the court to have a lay representative or lay supporter to assist them with an action<sup>1</sup>. However where a person chooses, or does not have, legal representation they do have a responsibility to familiarise themselves with the rules and procedure of the court; As noted by the First Division of the Inner House of the Court of Session in [Khaliq v Gutowski \[2018\]](#):

*“the court cannot take the role of adviser to a party... it should not become the party’s law agent, just because he appears unrepresented...”* (para 41).

## **2. Steps that are taken to ensure that complaints procedures are transparent and accessible**

The SCTS is committed to providing high-quality services and has adopted the [Scottish Public Services Ombudsman’s](#) (SPSO) Model Complaints Handling Procedure. This procedure aims to provide simple, streamlined complaints handling by local staff and seeks to resolve dissatisfaction as close as possible to the point of service delivery. In order to ensure that those using our services via electronic means (such as online fine payment) and those attending our buildings in person have information on how to complain if something goes wrong, awareness of how to complain and the procedure for doing so has been highlighted both online and at the local level.

[Our website](#) provides general information and a link to the procedure – setting out what a complaint is, how to raise a complaint, how complaints will be handled and what complainants can expect from us. The various stages are explained, including signposting to the SPSO if they remain dissatisfied once the procedure is at an end. We have also published an [easy read version](#), along with [links](#) to information on judicial complaints and how to complain about other organisations our service users may

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<sup>1</sup> Eg Chapters 12a and 12b of the Court of Session Rules 1994

come into contact with as part of the court process – such as the Crown Office and Procurator Fiscal Service, Scottish Prison Service, Police Scotland and Scottish Legal Aid Board.

As part of the steps taken to achieve [Customer Service Excellence](#) accreditation, our [Customer Service Charters](#) - which detail what services users should expect when accessing SCTS services – are displayed on our website, and SCTS locations display a complaints posters, the complaints notice/procedure and charter on their notice boards.

We hope this is of assistance to the Committee.