

SPSO decision report

Case: 201802649, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and devolved administration
Subject: delay
Decision: upheld, recommendations

Summary

Mrs C complained that the Crown Office and Procurator Fiscal Service (COPFS) unreasonably delayed in investigating the death of her daughter (Miss A) and that their communication with her had been unreasonable.

We found that COPFS have no fixed timescales within which investigations should take place; the reasons for this are clear given the range of complexities of investigations and the involvement of various external authorities. We accepted their position that they have no power to compel individuals and authorities to respond to them, but we considered that they must be proactive in driving investigations forward. We considered it would be reasonable for this to include giving timescales within which a response is expected, and escalation where deadlines are not met. We saw no consistent evidence of timescales being given, and we noted that often it took communication from Mrs C before authority responses were chased up. We therefore upheld this complaint.

In relation to unreasonable communication, COPFS acknowledged failings in the period leading up to Mrs C's complaint. We upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the length of time this investigation has taken, with an acknowledgement of the personal impact. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.
- Apologise to Mrs C for the failings in communication. The apology should meet the standards set out in the SPSO guidelines referred to above.

What we said should change to put things right in future:

- Where responses to COPFS from external individuals or organisations are awaited, timescales for response should be given and proactive steps taken to escalate matters in the event that deadlines are not met.