

SPSO decision report



Case: 202002728, Crown Office and Procurator Fiscal Service
Sector: Scottish Government and Devolved Administration
Subject: Other
Decision: upheld, recommendations

Summary

C complained about the Crown Office and Procurator Fiscal Service (COPFS), regarding interactions they had before, during and after a homicide prosecution following the death of their adult child (A). C did not consider that COPFS had adopted a reasonable approach to victim support in their case. They expressed a number of concerns about the support that they had initially been provided. They told us that this led them to request no further contact with the officer initially allocated to provide support, but when they changed their mind and asked for contact to resume, COPFS had refused to allocate another officer to support their family. They also raised concerns about COPFS communication with them and their family, both in terms of the tone, and failures to respond to specific points raised by them. In addition, they told us they did not consider COPFS had reasonably handled their resulting complaints about these matters.

On investigation, we found that COPFS had failed to provide C and their family with appropriate support in a number of ways. We found that COPFS had internally recorded a number of concerns about C's attitude and behaviour, suggesting that they were acting in a way that was difficult or unreasonable, without recording what behaviours they considered were unreasonable or why, or raising these concerns with C to allow them the opportunity to amend any behaviours COPFS considered unreasonable. This was despite the difficult circumstances C's family were facing, and nothing within the records evidenced that COPFS had considered the additional pressures facing C and their family.

We considered that COPFS had effectively refused to provide normal victim support to C and their family, by failing to honour clear requests by C for support to resume. We also found that COPFS had failed to follow their normal protocols when the case had been handed over from the Police, which negatively impacted C's family's experience of that process. Overall, we considered that COPFS had failed to meet the standards they had committed to provide in the Victim's Code for Scotland by failing to treat C's family with sensitivity and tailor their approach to support based on C and their family's needs.

Regarding C's communication concerns, we found a number of examples of unreasonable failures in communication. We found that there were a number of delays and/or failures to respond to contacts from C. We also found that a number of COPFS communications failed to treat C with appropriate sensitivity, including failures to offer appropriate condolences to C's family on their loss. We also found a number of entries in COPFS internal records which used a concerning tone when referring to C. We did not consider that this could be said to meet the standards that COPFS committed to providing to victim's families under the Victim's Code.

Regarding C's complaints handling failures, we found that COPFS had failed to respond appropriately to all of C's complaints. A number of their responses failed to respond to specific points C had raised or failed to respond in sufficient detail.

Given all of these points, we upheld all of C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and their family for failing to provide them with appropriate support, failing to communicate with them reasonably, and failing to handle their subsequent complaints reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- All of COPFS interactions with victims and their families should meet the standards of the Victims' Code. Communication should be sensitive and tailored to victims' individual needs. Records made about individuals should also be sensitive and appropriate in tone.
- The Managing Family Liaison Protocol should be followed whenever making initial contact with a victim or their family.
- When concerns are held about someone's behaviour, COPFS should make a clear record of the reasons for this and follow their Unacceptable Actions Policy if they wish to take action to address those concerns.

In relation to complaints handling, we recommended:

- COPFS should fully investigate all complaints and provide detailed explanations of their findings. Where failings are evident, these should be highlighted and appropriate steps taken to avoid similar mistakes in future.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.