

Stuart McMillan MSP
Convener
Delegated Powers and Law Reform Committee
Scottish Parliament

2 May 2024

Dear Convener

Evidence on the Judicial Factors (Scotland) Bill

Thank you for the opportunity to give evidence to the committee on 23 April as part of stage 1 scrutiny of the above Bill.

In am writing in response to your letter of 25 April seeking further details of the number of complaints which have been made in relation to my role as a judicial factor, and how they were resolved.

Complaints process

1. Where we are contacted by an individual or parties expressing dissatisfaction with how matters have been handled in a case we will:-
 - write to (and occasionally meet with) them to advise what we have done,
 - advise of the context in which this action was taken,
 - outline our powers and duties if appropriate in this respect,
 - provide an explanation of the basis of our decision making
 - Should the interested party continue to have concerns/be unhappy with our response we will write to them advising of them of the Accountant of Courts office details and that they can make a complaint to the Accountant who is responsible for supervising all the Factor's actions.

Please Note the [Law Society's website](#) carries the following information regarding complaints:

Complaint process

If you have any concerns about the actions of the Judicial Factor, you should first discuss your concerns with the Factor. If you believe that your concerns have not been dealt with appropriately, you should contact the:

Accountant of Court Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR

Our records reflect that that on 5 occasions in the last five years we have directed the individual to the Accountant of Court's office, because they have continued to express dissatisfaction regarding the issue they have raised.

2. Where a party with an interest contacts the Accountant of Court with a concern regarding the management/the decision making of a Judicial Factor, they will deal with such enquiries according to their process (the Accountant of Court can advise of their specific process). Where the Accountant requires information from a Factor regarding the complaint received the Accountant will:-

- Contact the Factor outlining the matter being complained of and request a detailed explanation from the Factor of the matter together with such evidence as may be appropriate.
- On receipt of the Factor's detailed response the Accountant will provide the Factor and the complainer a detailed response in relation to her findings in the matter, including what further actions are available to be pursued if any party is unhappy with the Accountant's decision on the issue.

Our records reflect that that there were no occasions in the last five years where the Accountant of Court's office has written to us asking me to respond to a complaint made by a party with an interest.

3. At the close of a case, parties with an interest are served with the petition for the Factor's exoneration and discharge. If they are dissatisfied with the Factor's actions during the course of the administration, they can oppose this discharge and bring their concerns to the court.

- The parties opposing the Factor's discharge are required to provide details of their concerns and evidence in relation to allegations made.
- The Factor is required to lodge detailed answers to the points raised and produce evidence in response.
- The court will fix hearing(s) and provide an opportunity of parties to be heard.
- The court will reach their decision on the allegations made and what further action is warranted if any and whether the Factor is entitled to be exonerated and discharged.

Our records reflect that there was one occasion in the last five years where two of the interested parties, in one case, opposed my Exoneration and Discharge petition and after the appropriate hearings the Court confirmed that I was entitled to my Exoneration and Discharge.

I hope that the above is of assistance to the committee. If the Society can assist further, please do not hesitate to contact us.

Yours sincerely,

Morna Grandison
Director of Interventions