



Meeting	SPA Complaints & Conduct Committee
Date	1 March 2023
Location	MS Teams
Title of Paper	Dip Sampling of Police Scotland Complaints
Presented By	Darren Paterson, Head of Workforce Governance
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this report is to advise Members of proposed areas for dip-sampling following the reintroduction of the process.

The paper is presented in line with:

- *Scottish Police Authority Committee Terms of Reference*

The paper is submitted:

- *For Discussion*

1 BACKGROUND

1.1. Legislation

1.1.1. The Police and Fire Reform (Scotland) Act 2012 provides that the Scottish Police Authority and the Chief Constable must maintain suitable arrangements for the handling of relevant complaints. The Act further states that the Authority must keep itself informed as to the manner in which relevant complaints are dealt with by the Chief Constable with a view to satisfying itself that the arrangements are suitable.

1.2. Broader Audit Landscape

1.2.1. In the preliminary report¹ on her review of complaints handling, Dame Elish Angiolini recommended that:

All the audit arrangements, in relation to policing in Scotland, including regular dip sampling designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public.

1.2.2. In her final report², Dame Elish remarks that:

The real power and value of audit lies in developing themes and training issues for discussion with senior managers and officers, supporting continuous improvement and ultimately delivering quicker and better resolution for the public.

1.2.3. Dame Elish notes that current audit arrangements for policing in Scotland include:

Police Scotland's own internal audit and dip sampling/quality assurance checks; SPA's quarterly dip-sampling of a random sample of complaint cases; PIRC's identification of trends based on learning from complaint handling reviews; Police Scotland's corporate monitoring of PIRC recommendations; PIRC's annual audit of complaints made to SPA; PIRC's thematic audits e.g. frontline resolution, police adherence to timescales; the SPA's statutory duty to satisfy itself that the Chief Constable has suitable complaint handling arrangements in place; and the PIRC Audit and Accountability Committee's

¹ [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. Preliminary Report, June 2019](#)

² [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. Final Report, November 2020](#)

scrutiny of that organisation's audit activities in relation to complaints.

1.2.4. Dame Elish also comments on the development of a joint annual audit strategy for Police Scotland, the SPA and the PIRC. The first joint audit, to examine the initial triage of complaints by Police Scotland's National Complaints Assessment & Resolution Unit (NCARU), is due to publish this year.

1.2.5. The resumption of dip-sampling will supplement the schedule of proposed joint audits which will be co-ordinated by the multi-agency National Complaints Handling Development Group (NCHDG)³.

1.3. Dip Sampling

1.3.1. Dip-Sampling of Police Scotland complaints assists the Authority in discharging its statutory obligations and responsibilities in terms of complaints handling.

1.3.2. Generally, dip-sampling is conducted and reported to the Committee on a quarterly basis. However, the programme of sampling was paused in 2020 due to Covid-19 and to facilitate preparations for, and completion of, the first PIRC/SPA joint audit.

1.3.3. Given a relatively small sample size, typically 60 to 70 cases, the purpose of dip-sampling is to highlight potential issues, or identify areas where no issues are evident, rather than enable firm conclusions to be drawn. The outcomes of dip-sampling inform planning around more detailed audit activity.

1.3.4. The dip-sampling exercises utilise auditing techniques and approaches required for best practice in line with ISO 19011:2018 guidelines for auditing management systems.

1.3.5. The Complaints Team has remote access to Police Scotland's Centurion system and the exercises may be conducted remotely.

2 FURTHER DETAILS ON THE REPORT TOPIC

2.1. Dip-Sampling Themes

2.1.1. The Authority has consulted with Police Scotland and the PIRC on the areas set out and both partners have confirmed they are

³ The NCHDG will reconvene once its Terms of Reference have been reviewed and refreshed. It is the intention that the Committee will be provided with a fuller update at its meeting on 1 June 2023.

content with the proposed areas, and which do not impact on their own current or planned audit activity.

- 2.1.2. It is proposed that the following areas will be the focus of the forthcoming dip-sampling exercises.

Complaints about ACU and PSD staff

- 2.1.3. In June 2016, HMICS published the 'Police Scotland – Counter Corruption Unit Assurance Review' which independently assessed the state, effectiveness and efficiency of Police Scotland's Counter Corruption Unit, now entitled the Anti-Corruption Unit (ACU). The report made 39 recommendations, one of which specifies:

Police Scotland and the Scottish Police Authority should engage with the Crown Office and Procurator Fiscal Service, Police Investigations and Review Commissioner and other stakeholders to review and strengthen the overall approach to the independent scrutiny and oversight of complaints made against Counter Corruption Unit police officers and members of police staff.

- 2.1.4. In addition, Section 10 of Police Scotland's Complaints about the Police Standard Operating Procedure states:

All complaints regarding ACU or PSD police officers/police staff are subject to mandatory notification to the SPA... The SPA will review all new complaints through a process of dip-sampling.

- 2.1.5. A number of complaints about ACU/PSD staff have previously been dip-sampled and included in general dip-sampling reports to the Committee.

- 2.1.6. It is proposed that the Complaints Team conduct an exercise to review all ACU/PSD complaint cases reported to the Authority, excluding those previously subject to a dip-sampling exercise.

Complaint Timescales

- 2.1.7. In the final report on her review of complaints handling, Dame Elish Angiolini makes numerous references to delays in concluding complaints, stating:

The Chief Constable should publish annually Police Scotland's performance in dealing with complaints against the time-scales set out in the statutory guidance. I recommend that the Scottish Police Authority Complaints and Conduct

Committee scrutinise that performance and hold Police Scotland to account where the targets are not being achieved... Another major issue for complainers, as it was for police officers who had made internal complaints or who had been the complained about, was the time taken to reach a conclusion. A recurring concern for the members of the public was that they weren't properly updated on progress and had to chase up Police Scotland or the PIRC on more than one occasion, with some complaints taking more than two years to complete.

2.1.8. In her final report, Dame Elish also makes the following recommendation:

The SPA Complaints and Conduct Committee should hold Police Scotland to account for delays in investigations into complaints and misconduct. Where there is evidence of excessive delays in PIRC investigations having an effect on policing in Scotland the Committee should raise the matter with the Commissioner.

2.1.9. The proposed area for dip-sampling relates to timescales for communication between PSD and complainers and will focus on the following:

- Timescales to contact complainers to attempt Front Line Resolution (FLR)
- Timescales to contact complainers to progress cases that are not suitable for FLR
- Timescales to provide complainers with updates on the progress of the complaint enquiry

2.2. **Next Steps**

2.2.1. It is proposed that dip-sampling will resume in Q1 of 2023/24, commencing with the areas set out in this report. It is the intention that both exercises will be reported to Committee at its meeting in August 2023.

2 FINANCIAL IMPLICATIONS

2.1 There are no financial implications in this report.

3 PERSONNEL IMPLICATIONS

3.1 There are no personnel implications in this report.

4 LEGAL IMPLICATIONS

4.1 There are no legal implications in this report.

5 REPUTATIONAL IMPLICATIONS

5.1 There are reputational implications associated with this paper. Dip-Sampling serves to highlight potential issues in respect of complaints handling, enabling the Committee to seek assurance in this important area, recognising its key link to public confidence in policing in Scotland.

6 SOCIAL IMPLICATIONS

6.1 There are no social implications in this report.

7 COMMUNITY IMPACT

7.1 There are no community implications in this report.

8 EQUALITIES IMPLICATIONS

8.1 There are no equality implications in this report.

9 ENVIRONMENT IMPLICATIONS

9.1 There are no environmental implications in this report.

RECOMMENDATION

Members are invited to discuss the proposed areas for dip-sampling following the reintroduction of the process.