

Meeting	SPA Complaints & Conduct Committee
Date	31 May 2022
Location	MS Teams
Title of Paper	Joint Audit SPA/PIRC
Presented By	Head of Review & Policy, PIRC
Recommendation to Members	For Noting
Appendix Attached	Yes Appendix A - Terms of Reference - PIRC & SPA Joint Audit: PSD NCARU Complaint Triage

PURPOSE

This is a report to the Complaints and Conduct Committee containing information, updates and Terms of Reference on the PIRC & SPA Joint Audit: PSD NCARU Complaint Triage.

Members are invited to note the content of this report

1 BACKGROUND

- 1.1 The attached report provides an update on the progress of the PIRC & SPA Joint Audit whose aim is to examine the initial triage of complaints by Police Scotland's National Complaints Assessment & Resolution Unit (NCARU)

2 FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 The Dame Elish Angiolini (DEA) Report, the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Police, highlighted that the arrangements that Police Scotland has in place for complaint triage/assessment needs to withstand robust internal and external scrutiny and requires regular and meaningful audit by Police Scotland, the SPA, and most importantly by PIRC. The Audit will provide assurance that all complaints have been correctly assessed, classified, and, thereafter, progressed and responded to appropriately.
- 2.1.1 The Audit is, therefore, in keeping with the recommendations made within the DEA Report regarding the requirement for a regular audit of the police complaints triage system (recommendation 42).

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this paper.

4 PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5 LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

6 REPUTATIONAL IMPLICATIONS

- 6.1 There are reputational implications associated with this paper. Both the PIRC and SPA have a statutory responsibility for ensuring that Police Scotland has the appropriate arrangements in place to deal with complaints from members of the public, in order to maintain and enhance public confidence in the handling of complaints matters within policing in Scotland.

7 SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8 COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9 EQUALITIES IMPLICATIONS

9.1 There are no equalities implications associated with this paper.

10 ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to note the content of this paper

Audit Update Report

May 2022



Background

In November 2020, the Rt Hon. Dame Eilish Angiolini published the final report of her *Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing*. The report recommended that there should be regular audits of the Police Scotland's complaint handling procedures with a view to ensuring that they remain both efficient and effective, whilst identifying opportunities for learning and improvement.

In terms of Section 40 (A) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, as amended ("the Act") the Police Investigation & Review Commissioner (PIRC) must ensure that policing bodies in Scotland have efficient and effective complaint handling arrangements in place; that those arrangements contain an appropriate degree of independence; and that policing bodies are adhering to those arrangements.

Similarly, Section 60 (3) of the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act") requires the Scottish Police Authority (SPA) to keep itself informed as to the manner in which relevant complaints are dealt with by the Chief Constable of Police Scotland with a view to ensuring that those arrangements maintained by the Chief Constable are suitable.

As both the PIRC and the SPA have a statutory responsibility for ensuring that Police Scotland has the appropriate arrangements in place to deal with complaints from members of the public, the PIRC and the SPA has agreed to carry out a multi-agency audit. The agreed Terms of Reference of this joint audit is attached as Appendix A.

Progress Update

Stage 1 – Scoping & Methodology

During this stage, the Audit Team engaged with the Professional Standards Department and:

- obtained the relevant background and statistical information
- analysed the statistical data provided by the Police Scotland (2020/2021)
- identified statistically significant samples of CO and MI files to be examined
- obtained the relevant guidance documentation available to the NCARU staff
- identified a Single Point of Contact within the PSD to facilitate the audit.

Stage 1 of the audit is now complete.

Stage 2 – Fieldwork

- onsite part of the fieldwork was undertaken between 7th and 28th March 2022
- Examination of CO files (182) and MI files (166) was undertaken by the Audit Team onsite and remotely
- Peer review of the file assessments is currently ongoing
- The Audit Team also shadowed the NCARU staff onsite at Dalmarnock to gain a better understanding of the processes and procedures in place
- Interviews with the NCARU staff were undertaken during the week commencing 2 May 2022

Stage 2 of the audit is ongoing.

Stage 3 – Analysis of Evidence

Due to commence in June 2022.

Ilya Zharov
Head of Reviews & Policy



Appendix A



PIRC & SPA Joint Audit: PSD NCARU Complaint Triage

Terms of Reference – February 2022



1. INTRODUCTION

1.1 The Dame Elish Angiolini (DEA) Report, the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Police (hereafter referred to as the DEA Report) published in November 2020 recommended that there should be regular audits of the Police Scotland's complaint handling procedures with a view to ensuring that they remain both efficient and effective, whilst identifying opportunities for learning and improvement.

1.2 Section 40 (A) of the Police, Public Order and Criminal Justice (Scotland) Act 2006, as amended ("the Act") states that the Police Investigation & Review Commissioner (PIRC) must ensure that policing bodies in Scotland have efficient and effective complaint handling procedures in place; that those procedures contain an appropriate degree of independence; and more importantly, that policing bodies are adhering to those procedures.

1.3 Similarly, Section 60 (3) of the Police and Fire Reform (Scotland) Act 2012 ("the 2012 Act") requires the Scottish Police Authority (SPA) to keep itself informed as to the manner in which relevant complaints are dealt with by the Chief Constable of Police Scotland with a view to ensuring that those arrangements maintained by the Chief Constable are suitable.

1.4 As both the PIRC and the SPA have a statutory responsibility for ensuring that Police Scotland has the appropriate mechanisms in place to deal with complaints from members of the public, the PIRC and the SPA has agreed to carry out a multi-agency audit. This will enable both organisations to discharge their statutory function whilst reducing the scrutiny burden on Police Scotland and avoiding unnecessary duplication of effort.

2. AIM

2.1 The National Complaints Assessment & Resolution Unit (NCARU) is the central point within Police Scotland's Professional Standards Department (PSD) for receiving, assessing and resolving non-criminal complaints (including quality of service complaints) made by members of the public.

2.2 The NCARU acts as a triage for all correspondence received from members of the public. The complaints triage is the process of assessing information in order to decide how serious the allegations are and how they should be dealt with. It is a critical stage in the complaints process as it determines the route and processes that applies to each complaint (or an allegation). It includes the initial assessment on whether a



complaint is a relevant complaint about the police¹ and, if so, whether the complaint is a quality of service issue, or has arisen due to poor individual performance, or is a potential misconduct issue or a criminal allegation.

2.3 While the complaint triage is designed to ensure that Police Scotland's response to a complaint is proportionate to the nature of the complaint made, it is not without risk. If a complaint has been incorrectly assessed and, therefore, not progressed, processed or disposed of in the appropriate manner, it can serve to increase the level of dissatisfaction experienced by members of the public. This can have significant ramifications, not only for the member of the public making the complaint, but also the officer who is the subject of the complaint, as well as the organisation as a whole. Ultimately, if Police Scotland gets it wrong, it has the potential to undermine public confidence.

2.4 The aim of this audit is to examine the initial triage of complaints by the NCARU. This will provide assurance that all complaints have been correctly assessed, classified, and, thereafter, progressed and responded to appropriately.

2.6 It is recommended that the assessment of the initial complaint triage is incorporated into the PIRC's annual audit plan.

3. BACKGROUND

3.1 The DEA report highlighted that the arrangements that Police Scotland has in place for complaint triage/assessment needs to withstand robust internal and external scrutiny and requires regular and meaningful audit by Police Scotland, the SPA, and most importantly by PIRC².

3.2 The audit is, therefore, in keeping with the recommendations made within the DEA Report regarding the requirement for a regular audit of the police complaints triage system (recommendation 42) and the proposal for the National Complaint Handling Development Group to arrange a multi-agency audit (paragraph 21.23).

3.3 In order to discharge recommendation 42, the PIRC will require to audit the NCARU and assess the effectiveness of Police Scotland's complaint triage arrangements in respect of complaints from members of the public.

3.4 A joint-audit by the PIRC and the SPA meets their respective obligations in terms of oversight and review of Police Scotland's complaint handling arrangements³.

¹ As per Section 34 of the Police, Public Order and Criminal Justice (Scotland) Act 2006, as amended.

² Paragraph 7.68 of the DEA Report, which has given rise to Recommendation 42.

³ Paragraph 12.6 of the DEA Report.

4. SCOPE

4.1 The audit will be undertaken by PIRC in terms of Section 40 (A) of the Act, assisted by the SPA in terms of Section 60 (3) of the 2012 Act.

4.2 As the audit is focussed on complaint handling processes, the PIRC will be responsible for liaising with Police Scotland to monitor compliance and implementation of any recommendations arising from the audit.

4.3 The specific areas that the audit will focus on are as follows:

- **CO files** – all correspondence assessed to amount to a relevant complaint about the police are allocated a CO reference number by the NCARU. Cases allocated a CO reference number are either dealt with by Front-Line Resolution (FLR) or progressed through the formal 6-stage process. It is proposed to audit a statistically significant sample of CO files from Q4 2020/21 and Q1 2021/22 to ensure that all relevant complaints are being appropriately identified.
- **CO files resolved by FLR** – Frontline Resolution (FLR) is a very effective process for handling and resolving non-serious and non-complex complaints about the police. The process is designed specifically for dealing with low level, minor expressions of dissatisfaction. Whilst this process is very effective, it is important that it is applied correctly and in the spirit in which it is intended. Although DEA has recommended that FLR be subject of a separate audit (recommendation 49 of the DEA report), the audit of CO files will consider whether FLR was: a) attempted and successful, b) attempted but not successful, and c) appropriately applied. This will serve to provide assurance that FLR is only being used to deal with non-serious and non-complex complaints. It will also inform our approach for an audit of FLR at a future point in time.

MI files – complaints and allegations that are not considered by the NCARU to be a relevant complaint and/or complaints from repeat complainers that have previously been dealt with by Police Scotland are allocated an MI (Miscellaneous file) reference number and, thereafter, not subject of further investigation. Including MI files within the audit enables an assessment as to whether Police Scotland has correctly assessed and categorised the complaint as not relevant. There has been a significant increase in the use of MI files during the first quarter of 2021/22⁴. To understand the reason for the increase,

⁴ During 2020/21, Police Scotland raised 1,516 MI files compared to 651 MI files during Q1 2021/22,

the audit will include a statistically significant sample of MI files from both 2020/21 and Q1 2021/22.

- **Criminal & Conduct Allegations** – Conduct matters received by the NCARU are referred directly from the NCARU to Conduct via PSD Investigations for assessment. However, before this can happen, it is incumbent upon the NCARU to identify any potential conduct issues at the initial assessment stage. Criminal allegations received by NCARU are referred to PSD Investigations for assessment and, where appropriate, they will refer the allegation to CAAP-D or PIRC for further assessment. An audit of the initial triage of complaints by NCARU will seek to provide assurance that all conduct matters and/or criminal allegations are appropriately identified by NCARU and progressed accordingly.

4.4 On 3 May 2021, PSD introduced a new complaint handling model, whereby all relevant non-criminal complaints are retained within PSD for investigation and resolution. Accordingly, it is recommended that the scope of this audit will examine the complaint triage by NCARU by considering samples from the three months prior to the new complaint handling model being introduced (i.e. February/March/April 2021) and the three months after the introduction of the new model (i.e. May/June/July 2021).

4.5 The reason for this is two-fold. Firstly, examining the three months prior to the introduction of the new complaint model will provide a baseline against which the new model can be adequately assessed. Secondly, by examining how complaints received post 3 May 2021 (i.e. May/June/July 2021) have been assessed will serve to provide the necessary assurance of the effectiveness of the new complaint handling model, and identify opportunities to strengthen and/or improve the new complaint handling arrangements.

4.6 It will also ensure that any recommendations arising from the audit will be current and fit for purpose.

5. EXCLUSIONS

5.1 Recommendation 42 of the DEA Report focusses on the initial triage/assessment of complaints by the National Gateway Assessment Unit (NGAU).

5.2 However, the NGAU is an internal reporting mechanism for serving police officers/members of police staff to complain about the conduct of fellow police officers/members of police staff.

5.3 The NGAU does not receive complaints or allegations directly from members of the public, which is the primary focus of this audit. As discussed at paragraph 2.1 NCARU is the central point within Police Scotland's Professional Standards



Department (PSD) for receiving, assessing and resolving non-criminal complaints made by members of the public. Accordingly, the audit will focus on the assessment undertaken by NCARU rather than the triage of reports within the NGAU.

5.4 Furthermore, recommendation 42 pre-dates the new process implemented in October 2021 to facilitate the referral of all Article 3 & Article 5 allegations from PSD to PIRC for independent assessment and oversight. At present, the referral process for Article 3 & Article 5 is currently under review and, for this reason, it will not be included within the scope of this audit. However, it may be subject to a separate audit/dip sample at a future date.

6. OBJECTIVES AND OUTCOMES

6.1 The objective for the PIRC/SPA to carry out a joint audit of the complaints triage is to ensure that all complaints received by NCARU have been properly assessed, categorised, and thereafter progressed and responded to correctly.

6.2 The intended outcomes from this audit and its subsequent publication are to:

- Provide assurance that all relevant complaints are correctly identified, recorded as such (i.e. allocated a CO reference number) and progressed accordingly;
- Provide assurance that Police Scotland is tailoring complaints handling to address any protected characteristics and individual needs;
- Provide assurance that the FLR process is being utilised correctly and in the spirit for which it is intended (i.e. to resolve non-serious and non-complex complaints about the police);
- Provide assurance that all potential conduct matters and criminal allegations are correctly identified and referred by NCARU to PSD Investigations for assessment;
- Provide transparency in the police complaints process with a view to increasing public confidence;
- Provide assurance that learning and improvement identified through the complaint handling process is being adequately shared;
- Allow for an early assessment of the new complaint handling model; and
- Identify opportunities for learning and improvement by making recommendations (where appropriate) to improve the efficiency and effectiveness of the NCARU.

7. METHODOLOGY

Stage 1- Scoping & Methodology

- The initial engagement with key stakeholders (PIRC, SPA, and PS) has already taken place via the NCHDG, with all agreeing that the audit of the initial triage of complaints by NCARU should progress.
- An audit proposal document was presented to and endorsed by the Commissioner in June 2021, which formed the basis of the initial scoping exercise.
- An analysis of Police Scotland's statistics of complaints received for 2020/21; Q1 2021/22; February to April 2021; and May to July 2021 has already been carried out. This information has been used to identify statistically significant sample sizes, the details of which are as follows:

February to April 2021

- CO Files – 91 CO Files; and
- MI Files – 81 MI Files

May to July 2021

- CO Files – 91 CO Files; and
- MI Files – 85 MI Files

- PSD will provide a list of all CO/MI files that have been raised during the time period specified. PIRC and the SPA will thereafter select a random sample of files.
- Enquiries with PSD has established that NCARU staff rely on the guidance contained within Police Scotland's Complaint about the Police Standard Operating Procedure ("CAP SOP"). At the time of drafting the ToR for the audit, the CAP SOP is currently in the process of being revised in order to take cognisance of the PIRC Statutory Guidance that was issued in March 2021.
- A Single Point of Contact within PSD to facilitate the audit will require to be identified.



Stage 2 – Fieldwork

The fieldwork will take place between 7 March 2022 and 28 March 2022. This will involve:

- The PIRC Review Team – under the direction of the Head of Reviews & Policy – will lead on the audit.
- They will be supported by the following resources: 1 x SRO; 2 x RO/Investigator; 1 x Administrator; and 2 x members of the SPA Complaint Team.

The audit will be carried out on location at Dalmarnock. The PIRC/SPA has been invited by PSD to use their Centurion system at Dalmarnock. This will allow PIRC/SPA to gain a better understanding of the procedures and processes undertaken by those in NCARU (i.e. through observing staff while they work), as well as presenting an opportunity for officers within NCARU to be consulted/interviewed as part the audit.

- Interviewing some NCARU staff.
- Examine any complaint-handling guidance/training documentation provided by Police Scotland to NCARU staff.

Stage 3 – Analysis of Evidence

During this stage, the PIRC and SPA will examine, review and evaluate the information and evidence collected during the audit. This will be assessed against the current complaint-handling guidance/procedures used by Police Scotland, as well as the PIRC Statutory Guidance for dealing with complaints and best practice.

It is anticipated that this will be completed during Q1 of 2022/23, with a draft report of the PIRC/SPA findings being completed by the end of Q1/start of Q2.

Stage 4 – Publication & Reporting

It is anticipated that, following completion of the audit, the audit report will be published by the end of Q2 2022/23 (i.e. within 6 months of the conclusion of stage 2 of the audit). A copy of the report will be provided to Police Scotland for factual accuracy. A final version of the report will be provided to the Chief Constable of Police Scotland and will be made publicly available on the PIRC's website



Timetable

Task	Number of Weeks
Scoping and Planning	Complete
Methodology Development	Complete
Terms of Reference	Complete
Gathering Evidence	4 to 6 weeks (Q4 – 2021/22; Q1 2022/23)
Analysis of Evidence	4 – 6 weeks (Q1 – 2022/23)
Drafting/writing up the report	6 – 12 weeks (Q1/Q2 – 2022/23)
QA process	Q2 – 2022/23
Factual Accuracy check	Q2 – 2022/23
Issue Report	Q2 – 2022/23
Follow up	Tbc – 6 months from date report is issued.

