



Meeting	SPA Complaints & Conduct Committee
Date	22 August 2023
Location	MS Teams
Title of Paper	SPA Dip Sampling of Police Scotland Complaints
Presented By	Darren Paterson, Head of Workforce Governance
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A – Dip-Sampling of PS Complaints, Q3 2022-23

PURPOSE

The purpose of this report is to advise Members of the recent SPA dip-sampling exercise of Police Scotland complaints.

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. Dip Sampling

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

1.2.2. At its June 2023 meeting, the Committee was advised of the commitment to adopt a prioritised and co-ordinated approach to a broad multi-agency audit plan, co-ordinated through the National Complaint Handling Development Group (NCHDG) which aligns with the recommendation in Dame Elish Angiolini's [preliminary report](#), 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.”

1.2.3. Following engagement with Police Scotland and the PIRC, and as reported to the June 2023 meeting of the Committee, the SPA Complaints Team have reintroduced its quarterly dip-sampling of Police Scotland complaints (a process previously paused during the COVID-19 pandemic).

1.2.4. Dip-Sampling involves regularly assessing a sample of complaints, in line with recognised auditing techniques, for compliance with the Police Scotland 'Complaints about the Police' Standard Operating Procedure (CAPSOP), and the underpinning PIRC [Statutory Guidance](#), as well as undertaking a corresponding assessment in relation to any complaints which relate directly to Police Scotland's Anti-Corruption Unit (ACU) or Professional Standards Department (PSD).

1.2.5. In planning this exercise, the Authority consulted with Police Scotland and the PIRC in order to ensure no overlap between this activity and forthcoming annual audit plans.

1.2.6. The Authority would like to thank Police Scotland's Professional Standards Department for their help and assistance with this exercise.

2 FURTHER DETAILS ON THE REPORT TOPIC

2.1. Review Areas

General Dip-Sampling Exercises

2.1.1. The Complaints Team has resumed general dip-sampling exercises in line with those previously conducted, beginning with a review of 2022-23 Quarter 3 (October to December 2022).

2.1.2. Details of the most recent dip-sampling exercise are contained in Appendix A to this report with the following key findings and recommendations.

Key Findings

- Criminal, FLR PSD (NCARU) and Withdrawn complaints are deemed to have been handled appropriately in terms of the CAPSOP.
- The PIRC Statutory Guidance states that, wherever possible, contact should be made with the complainer within 3 working days of receipt. This timescale was met in all but 1 of the cases reviewed.
- The PIRC Statutory Guidance provides an expectation that policing bodies should respond to complaints requiring investigation within 56 days (40 working days) of receipt. Of the 80 cases reviewed, 51 were found to have been concluded within 40 working days.
- The average timescale for concluding Non-Criminal cases was 88 working days.
- In complaints that were subsequently abandoned, delays were identified in the time taken for an investigating officer to contact the complainer once the complaint had been passed for allocation.
- In 1 abandoned complaint, no details were recorded to show that all reasonable efforts had been made to secure the complainer's co-operation before the case was closed as abandoned.
- The review found 3 complaints were incorrectly categorised.

- The exercise identified some occasions in which process/procedures were not adhered to, for example, notification of complainer's right to recourse by the PIRC; learning points to be shared as appropriate; and subject officer/supervisor to be advised of a complaint.

Recommendations

- Police Scotland should review the timescales for acknowledging receipt of a complaint and making initial contact.
- Police Scotland should provide guidance on appropriate timescales to issue a '14-day letter' and what constitutes "all reasonable efforts to secure a complainer's co-operation" within the CAPSOP.

Complaints about ACU/PSD officers and staff

- 2.1.3. In accordance with the CAPSOP, all complaints made about ACU/PSD officers and staff are subject to mandatory notification to the Authority who will review all such complaints.
- 2.1.4. Prior to 2020, all ACU/PSD complaints received by the Authority were reviewed and reported to the Committee on a quarterly basis. As noted above however, Covid-19 paused both the dip-sampling exercises and the review of all ACU/PSD complaints.
- 2.1.5. Complaints about ACU/PSD officers and staff are not subject to a "dip-sample" but all are reviewed utilising the same process as that used for general dip-sampling exercises.
- 2.1.6. In reviewing ACU/PSD complaints for this exercise, a small number of cases had been received. However, during the course of the exercise, a larger number of cases were identified.
- 2.1.7. To allow consideration in the round, the small number of cases reviewed during the exercise is not being reported at this time but will be included, along with those complaints recently identified, in the next quarterly update to the Committee at its meeting in November 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 recent SPA dip-sampling exercise of Police Scotland complaints.



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Appendix A

Dip Sampling of Police Scotland Complaints

Q3 2022-23

July 2023

Introduction

The information and evidence collected during the exercise was assessed against the Police Scotland Complaints about the Police Standing Operating Procedure (CAPSOP) and the Police Investigations & Review Commissioner (PIRC) [Statutory Guidance](#) on the handling of complaints about the police in Scotland.

This report covers complaints received by Police Scotland's Professional Standards Department (PSD) during the period Quarter 3 (Q3) of 2022-23.

Sample Size

- In Q3 2022-23, 1606 complaints were received by PSD
- A random selection of 80 (5%) were selected for review
- Of these, 34 (43%) were from the West Command Area, 28 (35%) from the East, and 18 (22%) from the North.

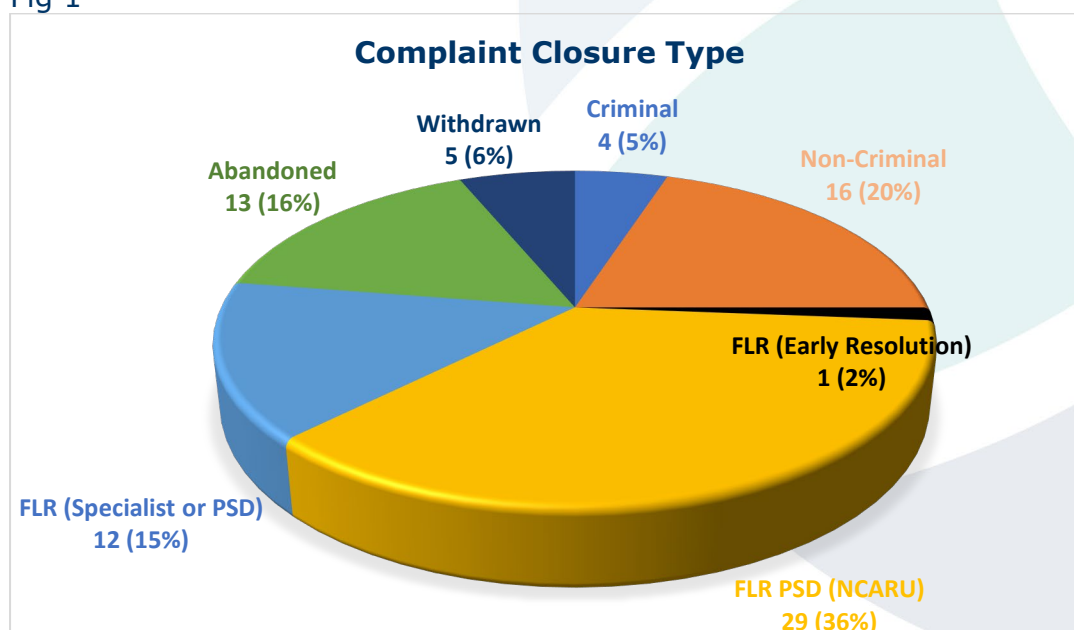
Complaint Closure Type

Of those cases reviewed during this exercise, the following Complaint Closure Types were identified:

1. Criminal
2. Non-Criminal
3. Front Line Resolution (FLR) (Early Resolution)
4. FLR Professional Standards Department (PSD) (National Complaints Assessment & Resolution Unit (NCARU))
5. FLR (Specialist or PSD)
6. Abandoned
7. Withdrawn

Fig 1 below shows the number (and percentage) of complaint closure types of those cases reviewed during this exercise.

Fig 1



1. Criminal

This category is used where a complaint about the police is made and there is a reasonable inference that a crime may have been committed. The CAPSOP states that the Crown Office & Procurator Fiscal Service (COPFS) and specifically, the Criminal Allegations Against the Police Division (CAAPD) will be consulted regarding allegations where criminality is inferred to direct who investigates and how the allegation is categorised.

A total of 4 complaints were reviewed and the following points identified.

- No issues were found with these complaint files and all were handled appropriately in terms of the CAPSOP.
- The average time for the complaints to be concluded was 98 working days.

2. Non-Criminal

This category is used where no criminal allegations are made; FLR has not been achieved; complaint is serious or complex in nature; complaint may later justify misconduct proceedings; or complaint alleges serious failures in policing services.

A total of 16 complaints were reviewed and the following points identified.

- The CAPSOP provides that once PSD receive a complaint about the police, contact will be made with the complainer, wherever possible, within 3 working days. In all of the files reviewed, complainers were contacted within the 3 working days.
- The CAPSOP further provides that complaints received by PSD will be sent for investigation within 3 working days or as soon as reasonably practicable. The average time found for a complaint to be allocated for investigation was 17 working days. The average number of days to conclude the complaint was 88 working days. Of the 16 complaints reviewed, 4 were concluded within 40 working days.
- It should be noted that the highest number of days to conclude one of the complaints was 188 working days due to the reluctance of the complainer to engage fully with the investigation process. This significantly contributes to the average number of days to conclude the complaints.
- In 2 complaints, which took 110 and 143 working days respectively, apologies were provided to the complainers for the delay in concluding their complaints.

3. FLR (Early Resolution)

This relates to a complaint resolved by Front Line Resolution (FLR), where a complaint is made face-to-face or by telephone and a supervisor at Division may

be able to conclude the complaint at the point it is first received. Rather than conducting a comprehensive investigation, the supervisor may resolve the matter by providing the complainer with a simple explanation, assurance or apology.

1 complaint was reviewed and the following points identified.

- No evidence of the subject officer and supervisor being advised of the complaint.
- No evidence that an identified learning point was shared with the subject officer.

4. FLR PSD (NCARU)

The NCARU is the central point within Police Scotland's PSD for receiving, recording and assessing complaints.

Where the complaint is assessed as suitable for FLR, PSD NCARU staff will contact the complainer and an effort will be made to resolve the complaint by telephone. The nature of the complaint will be fully discussed with the complainer and the FLR process clearly explained. Any appropriate explanation, assurance or apology will be provided. Only if the complainer agrees that the complaint can be resolved by FLR will the complaint be concluded at this stage.

A total of 29 complaints were reviewed and the following points identified.

- All complaints reviewed were correctly identified as being suitable for FLR and on all occasions FLR was achieved.
- The average time taken from receipt of the complaint to allocation was 6 working days.
- The average time taken to resolve the complaint after allocation was 4 working days, however, one complaint took 40 working days due to lack of contact from the complainer.
- In 98% of the complaints it was recorded that the complainer was satisfied with the way in which their complaint had been dealt with.
- In 91% of the complaints, where it was applicable, it was recorded that the subject officer and their supervisor were advised of the complaint and that the matter had been resolved.

5. FLR (Specialist or PSD)

Where a complaint has been allocated to either a Specialist Division or the PSD Non-Criminal Team, NCARU will have updated the complaint handling form with a full description of the work already undertaken. On receipt of the complaint, the assigned Specialist/PSD enquiry officer will commence the complaint handling process. By contacting the complainer and having a more detailed knowledge of the matter under investigation and/or any relevant local

information, the enquiry officer may resolve the complaint by explanation, assurance or apology.

A total of 12 complaints were reviewed and the following points identified

- 1 complaint contained an allegation of excessive force. This was assessed by PSD NCARU as being unsuitable for FLR, however, it was concluded by way of FLR by a PSD investigating officer where the complainer was provided with an apology.

In this case the complainer was provided with a final letter which did not contain details of what to do if they remained dissatisfied, i.e. no paragraph to advise of complainer's right to recourse by the PIRC, or option to refer back to PSD.

- No other issues were found in the remaining 11 complaints.
- The average time taken from receipt of the complaint to allocation was 6 working days.
- The average time taken to resolve the complaint after allocation was 40 working days.
- In 83% of the complaints, where applicable, it was recorded that the complainer was satisfied with the way in which their complaint had been dealt with.
- In 83% of the complaints, where applicable, it was recorded that the subject officer and their supervisor were advised of the complaint and that the matter had been resolved.

6. Abandoned

Where the complainer cannot be contacted by telephone, PSD will write to, or email, the complainer requesting that they make contact within 14 days. In the event that contact cannot be made there is an assumption that a complainer does not wish to pursue the complaint and it will be closed as an "Abandoned Complaint". The CAPSOP states: "All contact and attempts to contact a complainer should be recorded. The investigating officer will make all reasonable efforts to secure a complainer's co-operation."

A total of 13 complaints were reviewed and the following points identified.

- 1 complaint was not categorised correctly as it was resolved via FLR.
- 5 complaints had delays of between 72 and 159 working days for an investigating officer to contact the complainer once the complaint had been passed for allocation.
- Apologies were sent to 2 complainers citing the delay was due to the high number of complaints under investigation.

- 1 complaint, made by a complainer's representative, alleged excessive force and incivility which NCARU assessed as not suitable for FLR. No further contact was made until, 72 working days later, a letter was sent to the representative apologising for the delay in responding and advising that further details were required to progress the complaint. No response was received and the complaint was closed as abandoned one month later. Other than the initial letter sent to the representative, the file contained no details of further attempts to make contact.
- Of the 13 complaints reviewed, the average time taken from receipt of complaint to allocation was 19 working days.
- The average time taken to establish complaint abandonment after allocation was 68 working days.

7. Withdrawn

Where the complainer has been contacted by NCARU staff at the initial assessment stage, and the complainer wishes to withdraw the complaint, NCARU staff will record this as a withdrawn complaint and direct the complainer to contact PSD in the first instance should they reconsider. In criminal, or non-criminal, complaints which have progressed to a full investigation and the complainer wishes to withdraw their complaint in full, a statement of withdrawal should be obtained. In cases where the complainer withdraws their criminal complaint there may be circumstances where the complaint still requires to be investigated.

A total of 5 complaints were reviewed and the following points identified.

- No issues were found with 4 of the complaint files and all were handled appropriately in terms of the CAPSOP.
- 1 complaint had been categorised as withdrawn rather than FLR.
- The average time taken from receipt of the complaint to allocation was 11 working days.

Key Findings

- Criminal, FLR PSD (NCARU) and Withdrawn complaints are deemed to have been handled appropriately in terms of the CAPSOP.
- The PIRC Statutory Guidance states that, wherever possible, contact should be made with the complainer within 3 working days of receipt. This timescale was met in all but 1 of the cases reviewed.
- The PIRC Statutory Guidance provides an expectation that policing bodies should respond to complaints requiring investigation within 56 days (40 working days) of receipt. Of the 80 cases reviewed, 51 were found to have been concluded within 40 working days.

- The average timescale for concluding Non-Criminal cases was 88 working days.
- In complaints that were subsequently abandoned, delays were identified in the time taken for an investigating officer to contact the complainer once the complaint had been passed for allocation.
- In 1 abandoned complaint, no details were recorded to show that all reasonable efforts had been made to secure the complainer's co-operation before the case was closed as abandoned.
- The review found 3 complaints were incorrectly categorised.
- The exercise identified some occasions in which process/procedures were not adhered to, for example, notification of complainer's right to recourse by the PIRC; learning points to be shared as appropriate; and subject officer/supervisor to be advised of a complaint.

Recommendations

This exercise found some similarities with the findings in a [report](#) of the SPA/PIRC Joint Audit of Police Scotland's initial triage of complaints, published in April 2023. Specifically, the following recommendations were found to be still relevant.

- Police Scotland should review the timescales for acknowledging receipt of a complaint and making initial contact.
- Police Scotland should provide guidance on appropriate timescales to issue a '14-day letter' and what constitutes "all reasonable efforts to secure a complainer's co-operation" within the CAPSOP.