



Meeting	SPA Complaints and Conduct Committee
Date	14 November 2023
Location	Video Conference
Title of Paper	Police Scotland Progress Report on April 2023, PIRC Audit Recommendations.
Presented By	CS Catriona Henderson
Recommendation to Members	For Discussion
Appendix Attached	Yes (Appendix 1 – Full Report)

PURPOSE

To provide the SPA Complaints & Conduct Committee with an update regarding ongoing activity.

Members are invited to discuss the content of this report.

1 HEADING

- 1.1. In March 2023, the Police Investigations and Review Commissioner (PIRC) published their audit report in relation to the triage of Complaints About the Police (CAP).
- 1.2. The audit took place between February 2021 and July 2021, with the intention of capturing how Police Scotland triaged CAPs in the three months prior to the implementation of the National Complaint Handling Model (NCHM) and the three months after.
- 1.3. This paper will provide an update to the eight Recommendations identified in the PIRC's Audit Report. Further information is included within the full report (Appendix 1).

2 Recommendations Update

2.1. Recommendations 1 – 6, ongoing

Complaint Handling Form (CHF) to include protected characteristics, vulnerability, individual need(s) relevant to complaint and whether any reasonable adjustments are required.

PIRC, SPA and NCARU should work together to revise the existing CHF.

- 2.2. A working group has been established and is chaired by the PSD NCARU Inspector; membership includes PSD, ICT and the PIRC. The CHF has been reviewed, however, full use of the form is dependent on the implementation of Centurion V7. Progression of Centurion upgrades V4 and V7 currently is ongoing. On 26 September 2023 SPA Complaints and Conduct confirmed two representatives are to join the working group. Information relating to protected characteristics and reasonable adjustments to be included in the updated CHF.

2.3. Recommendation 2, anticipated completion January 2024

Police Scotland should review the timescale for acknowledging receipt of complaint and making initial contact.

- 2.4. The PIRC audit highlighted Police Scotland handle on average 6500 CAPs per year – this figure does not cover the additional correspondence received by NCARU and by 2023/24, it is projected NCARU will process almost 13000 pieces of correspondence.

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- 2.5. The PIRC audit highlighted the CAP SOP timescale, which stipulates that PSD contact complainers within 3 working days of the receipt of the complaint, was not being met.
- 2.6. It has been proposed at the Complaint Handling Group (CHG) that a 10-working day timescale be reflected within the SOP. CHG members agreed with above proposal and consultation is ongoing to update the Complaints SOP with PSD Service, Support and Delivery.
- 2.7. Recommendation 3, anticipated completion December 2023
- Police Scotland should standardise training provided to NCARU.*
- 2.8. PSD have implemented an in-depth induction training course for new members of staff. This 4-day course will be held every six months and provides operational insight of all PSD business areas with inputs from SPA and the PIRC.
- 2.9. Bespoke complaint handling training was piloted with an external company SANCUS – Complaint Handler’s workshop; positive feedback was received, and this will now form part of the induction training.
- 2.10. The induction training course was trialled in October 2023. Feedback is awaited from the course which will thereafter be evaluated.
- 2.11. Recommendation 4, ongoing
- Police Scotland should develop guidance on the classification of complaints with practical examples, including what constitutes excessive force.*
- 2.12. PIRC have provided clarity and it was stated the crux of the recommendation surrounded the number of allegation categories.
- 2.13. Members agreed a Short Life Working Group (SLWG) is best placed to review the suitability of current allegation categories. Police Scotland PSD will engage with relevant stakeholders to discuss SLWG proposal. In light of this additional information, no anticipated completion date has been included in this recommendation as this will require engagement with a number of internal and external stakeholders.
- 2.14. Recommendation 5, anticipated completion January 2024
- Police Scotland should provide guidance on appropriate timescales to issue a 14-day letter and what constitutes all reasonable efforts.*

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- 2.15. PSD are developing the current risk-based triage approach for NCARU complainer contact for inclusion in CAP SOP. This will initially be placed through the PSD Complaint Handling Working Group (internal) for review.
- 2.16. It is proposed that for low-risk complaints, dependant on the complainer's preferred contact method, NCARU make two phone calls on different days at different times and send an e-mail (if provided). Depending on the nature of the complaint, if no contact is made within two to three days, a 14-day letter will be sent. This is considered proportionate.
- 2.17. Recommendation 7, anticipated completion January 2024
- Police Scotland with input from PIRC and the SPA should develop a training module that includes guidance on what constitutes a relevant complaint.*
- 2.18. Additional training has been provided by PIRC (7 June 2023) to ensure current PSD staff members were upskilled in relation to relevant complaint criteria. For those unable to attend inputs were cascaded locally. This training has been incorporated by PIRC into the PSD Induction Training (October 2023). Evaluation of training to take place now course concluded to determine its suitability.
- 2.19. Recommendation 8, anticipated completion January 2024
- PSD should review and revise the MI Assessment Sheet.*
- 2.20. NCARU now ensure they record their rationale as to why a complaint is not recorded. The additional training as per recommendation 7 has ensured the longevity of the wider knowledge of the criteria in terms of relevant complaint.
- 2.21. Dip sample review of MI files to be undertaken to ensure compliance.

3 FINANCIAL IMPLICATIONS

- 3.1. There are no financial implications in this report.

4 PERSONNEL IMPLICATIONS

- 4.1. There are no personnel implications in this report.

5 LEGAL IMPLICATIONS

5.1. There are no legal implications in this report.

6 REPUTATIONAL IMPLICATIONS

6.1. There are no reputational implications in this report.

7 SOCIAL IMPLICATIONS

7.1. There are no social implications in this report.

8 COMMUNITY IMPACT

8.1. There are community implications in this report in terms of maintaining and enhancing public trust and confidence in our approach to complaint handling.

9 EQUALITIES IMPLICATIONS

9.1. There are no equality implications in this report.

10 ENVIRONMENT IMPLICATIONS

10.1. There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of this report.



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Audit Report of Police Scotland on the Triage of Complaints About the Police – April 2023 – Police Scotland Progress Report.

Disclosable under FOISA 2002		YES	
Author/Contact	CI Anne Steel	Department / Unit	NCARU
Date Created	27 September 2023	Last Update	31 October 2023

1 Background

- 1.1 In March 2023, the Police Investigations and Review Commissioner (PIRC) published their audit report in relation to the triage of Complaints About the Police (CAP).
- 1.2 The audit took place between February 2021 and July 2021, with the intention of capturing how Police Scotland triaged CAPs in the three months prior to the implementation of the National Complaint Handling Model (NCHM) and the three months after.

2 Police Review

- 2.1 In March 2023 the PIRC Audit Report of Police Scotland on the Triage of Complaints about the Police was published. Between July 2021 and March 2023, a change in Professional Standards Department (PSD) management and staff took place, in conjunction with an internal review (2022) where several changes were proactively made by PSD.
- 2.2 Both the PIRC audit and PSD internal review identified a lack of governance in the initial National Complaints Assessment and Resolution Unit (NCARU) phase meaning there were geographical discrepancies in working practices. PSD also acknowledged several processes and decisions made in 2021 were out with the guidance. The PSD internal review implemented a number of measures, highlighted within this paper, to rectify these discrepancies prior to the publication of the PIRC audit.

3 Key Findings Update

- 3.1 The PIRC audit assessed that an abandoned or withdrawn rate of 26% was both high and disappointing. Following the internal PSD review 2023 figures indicate this has dropped to 16%.¹ It is suggested the proactive work undertaken as part of the PSD internal review and revision of the use of 14-day letters, have contributed to this reduction. (Recommendation 5).
- 3.2 The PIRC audit dip sample in relation to FLR of complaints found that PSD officers had incorrectly applied FLR criteria. This was also identified during the PSD internal review and PSD implemented internal training and additional NCARU governance to increase awareness and compliance in this area. (Recommendation 4).
- 3.3 The PIRC audit identified a number of incomplete records. This has been addressed through improved governance and support to team members as part of the PSD internal review – with supervisory support for officers of all ranks within NCARU. Work also remains ongoing as per Recommendation 1 and 6.
- 3.4 A dip sample of Miscellaneous (MI) Files during the PIRC audit found 36% contained correspondence which should have been recorded as a CAP. Similar observations were also highlighted within the PSD internal audit, where it was identified a historical practice of assessing complaints on competency as opposed to relevancy (as per legislation and SOP). As part of the PSD internal review, a temporary policy was implemented requiring Inspector authorisation to close correspondence through an MI file. To engender a culture of learning and encourage peer support, where a staff member assessed a

¹ Commanders Report 1 April 2022 to 28 February 2023 based on a national YTD cases (page 16) vs abandoned & withdrawn totals (page 17)

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complaint as “not relevant” they would bring it to the NCARU morning meeting for peer discussion (Recommendation 7 and 8).

4 Update to Recommendations

4.1 Recommendations 1 and 6 – Ongoing

4.2 *Complaint Handling Form (CHF) to include protected characteristics, vulnerability, individual need(s) relevant to complaint and whether any reasonable adjustments are required.*

4.3 *PIRC, SPA and NCARU should work together to revise the existing CHF.*

4.4 Both the PIRC audit and PSD internal review, identified the CHF required to be simplified to improve the accuracy of record keeping. The PIRC audit highlighted further benefits to the capture of equalities data in relation to the complaints - promoting equality of opportunity, elimination of discrimination and understanding of protected characteristics of individuals engaging in the CAP process. As both these recommendations relate to the re-development of the CHF, a joint update has been provided.

4.5 A Working Group has been established and is chaired by the PSD NCARU Inspector. Membership includes PSD, ICT and the PIRC. The CHF has been reviewed; however, full use of the form is dependent on the implementation of Centurion V7. Progression of Centurion upgrades V4 and V7 currently is ongoing.

4.6 On 26 September 2023 SPA Complaints and Conduct confirmed two representatives are to join the working group.

4.7 It is anticipated the new CHF will include protected characteristics and reasonable adjustment information.

4.8 Recommendation 2 – Ongoing – anticipated completion January 2024

4.9 *Police Scotland should review the timescale for acknowledging receipt of complaint and making initial contact.*

4.10 The PIRC audit highlighted Police Scotland handle on average 6500 CAPs per year – this figure does not cover the additional correspondence received by NCARU. NCARU staff have responsibility for reviewing and triaging all submissions that are made through the on-line Complaint Capture Form and that are received via post or direct to PSD. The volume of correspondence received has increased significantly and it is projected that in year 2023/24 NCARU will deal with almost 13000 pieces of correspondence.

4.11 The PIRC Audit highlighted the Complaint SOP stipulating that PSD make contact within 3 working days of the receipt of the complaint, was not being met. Significant increase in demand and the prescriptive nature of the Complaint SOP, as was highlighted by the PIRC as ‘*extremely ambitious and places considerable pressure on the NCARU.*’

4.12 A triage process identifies and expedites criminal matters to the PSD Criminal Investigation Inspector, who directs complainer contact for criminal CAPs. A risk-based triage process is undertaken for all submissions (additional information provided Recommendation 5).

4.13 It has been proposed at the Complaint Handling Group (CHG) that a 10-working day timescale be reflected within the SOP.

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4.14 CHG members agreed with above proposal and consultation is ongoing to update the Complaints SOP with SSD.

4.15 The above was discussed at National Complaint Handling Development Group 18 September 2023 with no objections being raised by members.

4.16 Recommendation 3 – Ongoing – anticipated completion December 2023

4.17 *Police Scotland should standardise training provided to NCARU.*

4.18 PSD have implemented an in-depth induction training course for new members of staff. This 4-day course is held every six months and provides operational insight of all PSD business areas with inputs from SPA and the PIRC.

4.19 Bespoke complaint handling training was piloted with an external company SANCUS – Complaint Handler’s workshop. This received positive feedback and will now form part of the induction training. A new bespoke induction course was trialled in October 2023. Feedback is awaited from the course which will thereafter be evaluated.

4.20 Recommendation 4 – Ongoing

4.21 *Police Scotland should develop guidance on the classification of complaints with practical examples, including what constitutes excessive force.*

4.22 The PIRC audit highlighted discrepancies in classification of complaints – specifically highlighting confusion between Excessive Force and Assault.

4.23 Prior to the publication of the PIRC audit, the PSD review identified incorrect usage of the FLR process. Internal governance was implemented and all members of NCARU staff now understand and adhere to the criteria and guidance in relation to FLR use.

4.24 Recommendation and above was discussed at the National Complaint Handling Development Group on 18 September 2023. It was agreed that PIRC would provide examples of classification errors and correct classification examples. PIRC have provided clarity on the recommendation, and it was stated the crux of the recommendation surrounded the number of allegation categories.

4.25 Members agreed a Short Life Working Group (SLWG) is best placed to review the suitability of current allegation categories. Police Scotland PSD will engage with relevant stakeholders to discuss SLWG proposal. In light of this additional information no anticipated completion date has been included in this recommendation as this will require engagement with a number of internal and external stakeholders.

4.26 Recommendation 5 – Ongoing - anticipated completion January 2024

4.27 *Police Scotland should provide guidance on appropriate timescales to issue a 14-day letter and what constitutes all reasonable efforts.*

4.28 On submission of an online CAP the member of the public will receive an automated response that their CAP has been received. At present there is no reciprocal response provided to members of the public who submit a CAP via post, in person or telephone. PSD NCARU are undertaking a new process to send acknowledgements for postal, in person or via telephone CAPs when received within NCARU.

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- 4.29 Not all CAP correspondence will result in NCARU contacting the complainer. There may be bespoke instances where a CAP will be passed directly to PSD investigations criminal or non-criminal, or alternatively due to the seriousness of the allegation enquiry / request is passed to division to progress. This risk-based triage process allows CAPs to be progressed timeously when required.
- 4.30 Contact from NCARU to complainers designated as unacceptable or repeat / challenging / abusive complainers may result in different but proportionate methods of contact for example written contact as opposed to telephone contact.
- 4.31 PSD are developing the risk-based triage approach for NCARU complainer contact for inclusion in CAP SOP. This will initially be placed through the PSD Complaint Handling Working Group (internal) for review.
- 4.32 It is proposed that for low-risk complaints, dependant on the complainer's preferred contact method, NCARU make two phone calls on different days at different times and send an e-mail (if provided). Depending on the nature of the complaint, if no contact is made within two to three days, a 14-day letter will be sent. This is considered proportionate.

4.33 Recommendation 7 – Ongoing – anticipated completion December 2023

- 4.34 *Police Scotland with input from PIRC and the SPA should develop a training module that includes guidance on what constitutes a relevant complaint.*
- 4.35 The PSD induction training referred to includes inputs from NCARU, SPA and PIRC. SPA and PIRC presentations include relevant complaints. An input is also provided by NCARU which provides specific information in relation to relevant complaints.
- 4.36 Additional training has also been provided by PIRC to ensure current PSD staff members were upskilled in relation to relevant complaint criteria. This took place 7 June 2023 and a significant number of staff members from across PSD attended. For those unable to attend this training inputs were delivered at PSD team meetings. This training has been incorporated by PIRC into the PSD Induction Training (October 2023). Again, evaluation of training to take place now course concluded to determine its suitability.

4.37 Recommendation 8 – Ongoing - anticipated completion January 2024

- 4.38 *PSD should review and revise the MI Assessment Sheet.*
- 4.39 Both PIRC audit and PSD internal review recognised that in 2021 NCARU did not adequately record rationale and decisions in relation to relevant complaints. This was addressed in the 2022 internal review with significant improvements put in place which included in-house training and an interim measure of supervisory review of complaints classed as not relevant prior to closure. NCARU now ensure they record their rationale as to why a complaint is not recorded. The additional training as per Recommendation 7 has ensured the longevity of the wider knowledge of the criteria in terms of relevant complaint.
- 4.40 Where a complaint is assessed as not being a relevant CAP this is now recorded, and notification sent to the complainer with the advice they can contact the PIRC if they disagree with the Police Scotland assessment. PIRC confirmed at the recent National Complaint Handling Group on 18 September 2023, that previous year / month approximately 70 reviews were requested in comparison to zero this year / month.

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- 4.41 Additional information is to be added to the public facing Police Scotland Complaints page for members of the public to understand and be aware of the criteria for making a CAP.
- 4.42 A process of internal Dip Sample of MI files has been introduced by PSD to ensure correct use of the MI form.
- 4.43 The PIRC Audit also referred to the Unacceptable Complainer SOP in terms of MI assessment. The Unacceptable Complainer SOP is currently under revision to become a guidance document. The SOP remains in draft stages and requires to be submitted for consultation amongst relevant parties.

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