



SCOTTISH POLICE
AUTHORITY
ÙGHDARRAS POILIS NA H-ALBA

SPA Complaints Policy

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SPA Complaints Team	1.00	August 2018	Approved by SPA Complaints and Conduct Committee at its meeting on 28 August 2018.
SPA Complaints Team	2.00	August 2021	Version 2.00 clarifies categories of complaint for which the Authority is responsible. Approved by SPA Complaints and Conduct Committee at its meeting on 19 August 2021.
SPA Complaints Team	2.01	August 2023	Version 2.01 provides updated hyperlinks.

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Purpose

The SPA Complaints Policy is in place to ensure that all relevant complaints are considered and addressed in an objective, proportionate, balanced, consistent, reasonable and timely manner. This approach is underpinned by the principles of necessity, fairness, procedural openness and transparency, while respecting individual confidentiality.

The principle aim of the SPA Complaints Handling Process is to be open and transparent.

The policy will enhance public, partner and police confidence in the SPA complaints process by offering assurance to people who make complaints, and to those who are subject of a complaint, that the associated procedures¹ and any decisions taken in respect of that complaint will be based on these overarching principles.

The policy and associated procedures will ensure that following relevant complaints being made about either a senior police officer of Assistant Chief Constable rank or above; a member of SPA staff; a member of the SPA Board or about the SPA itself, concerns will be addressed at an appropriate level, proportionate action taken, with opportunities for individual and organisational learning identified.

The Police Public Order and Criminal Justice (Scotland) Act 2006 [as amended by the Police and Fire Reform (Scotland) Act 2012] defines a "complaint", "relevant complaint" and "person serving with the police".

A "relevant complaint" means a complaint which is made, given or sent by any of the persons mentioned in paragraphs (a) to (d) below to the appropriate authority in relation to the complaint-

- (a) a member of the public who claims to be the person in relation to whom the act or omission took place;
- (b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the act or omission;
- (c) a member of the public who claims to have witnessed the act or omission;
- (d) a person acting on behalf of a person falling within any of paragraphs (a) to (c) above.

A "complaint" means a statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission-

- (a) by the SPA;
- (b) by Police Scotland;

¹ SPA Complaints Handling Procedures, March 2023

- (c) by a person who, at the time of the act or omission, was a person serving with the police.

A "person serving with the police" means-

- (a) a constable of Police Scotland
- (b) a member of police staff
- (c) a member of the SPA's staff

A "complaint" may relate to-

- (a) any action taken, or failed to be taken, by or on behalf of the subject of the complaint;
- (b) the standard of any service which the subject of the complaint has provided or failed to provide.

But "complaint" does not include-

- (a) any statement made by a person serving with, or who has served with, the police, about the terms and conditions of that person's service with the police; or
- (b) a statement which consists of or includes an allegation of an act or omission which constitutes a crime.

An act or omission need not be one occurring in the course of a person's duty, employment or appointment (as the case may be) in order to fall within the definition of a "complaint".

A complaint need not identify a person serving with the police who is the subject of the complaint in order to fall within the definition of a "complaint".

Complaints can fall into a number of categories as defined in legislation and Standard Operating Procedures, and the SPA Complaints Team will work with individual complainers to identify how to categorise each complaint allegation.

In essence these are:

- (a) Complaint about an SPA Board Member
- (b) 'Relevant' complaints about senior officers of Police Scotland, the SPA, or a member of the SPA's staff (including complaints about Forensic Services and Forensic Services staff)
- (c) Grievances raised in an employment context
- (d) 'Public interest disclosures' ('whistleblowing' allegations)
- (e) Misconduct allegations against senior officers of Police Scotland

Application

This policy applies to all potential complainers, whether they are members of the public, current or former police officers and staff.

It also applies to senior police officers of Police Scotland of the rank of Assistant Chief Constable or above, SPA staff or board members who are subject of a complaint.

It does not apply to members of staff working within Police Scotland, under the direction and control of the Chief Constable.

The following legislation and other sources are relevant to the handling of complaints received by the SPA:

- [The Police, Public Order and Criminal Justice \(Scotland\) Act 2006 as amended](#)
- [Police and Fire Reform \(Scotland\) Act 2012](#)
- [Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#)
- [The Police Service of Scotland \(Senior Officers\) \(Conduct\) Regulations 2013](#)
- [The Police \(Conduct\) \(Senior Officers\) \(Scotland\) Regulations 1999](#)
- [The Police Service of Scotland \(Senior Officers\) \(Performance\) Regulations 2016](#)
- [Equality Act 2010](#)
- [PIRC Statutory Guidance on the handling of complaints about the police in Scotland](#)
- SPA/ Police Scotland Code of Conduct
- Grievance, Police Officers and Authority/ Police Staff, Standard Operating Procedure (SOP)
- SPA Whistleblowing Guidance
- SPA Forensic Services Management of Non-Conforming Work (SOP)
- SPA Forensic Services Complaints and Negative Feedback

Where a complaint is made that should be considered under a different framework (for example, criminal allegations which must be referred to COPFS, whistleblowing legislation or reports which should be more appropriately considered under the SPA / Police Scotland grievance procedure) the complainer will be advised.

The SPA Complaint Handling Procedures provide details on the process that is followed once a complaint has been received by the SPA.

Principles

The overarching principles of this policy are:

- Objectivity
- Proportionality
- Balance
- Consistency

- Reasonableness
- Fairness
- Necessity
- Procedural Openness and Transparency
- Individual Confidentiality
- Timely

These principles are consistent with the Conduct Regulations² which relate to senior police officers in Scotland and support existing Statutory Guidance³ which provides six essential characteristics of the police complaints process:

- Visible and accessible; a process that is open, transparent and available to everyone
- Independent; a system that incorporates an appropriate degree of independence
- Objective, impartial and fair; complaints must be dealt with objectively, impartially and fairly, with outcomes firmly based on evidence
- Quick and simple; a process that is efficient and can deliver effective results as quickly as possible
- User-focussed and accountable; a process which takes into account the needs of the individual and is open to scrutiny
- Values complaints and continuous improvement; complaints provide an opportunity to measure performance, improve service delivery and share lessons learned

Accountability

To evidence adherence to these principles and characteristics, auditable records will be maintained by the SPA Complaints Department which will provide clear rationale for material decisions taken in respect of complaints.

Decision making and complaint disposal will be carried out in accordance with the published SPA Complaints Handling Procedures.

Review of Policy

This policy will be kept under review by the SPA Complaints and Conduct Committee on an annual basis.

² The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 and The Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 (as amended by the 2013 Regulations)

³ PIRC Statutory Guidance, October 2022