

Meeting	SPA Complaints & Conduct Meeting
Date	21 November 2019
Location	Pacific Quay, Glasgow
Title of Paper	Dip Sampling
Presented By	Complaints and Conduct Team, SPA
Recommendation to Members	For Noting
Appendix Attached	Yes Appendix A – SPA: Dip-Sampling of Police Scotland complaint handling – (April 2019 to September 2019)

PURPOSE

To invite Members to note the information contained within the SPA Dip Sampling Report.

The paper is presented in line with:

- The Scottish Police Authority Complaints & Conduct Committee Terms of Reference

The paper is submitted:

- For Noting

1. BACKGROUND

1.1 Two members of the SPA Complaints and Conduct Team conducted a dip-sampling exercise of Police Scotland's closed complaints covering PSD East, North and West from April 2019 to September 2019. This period covers Quarter 1 & Quarter 2 of 2019/20

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 A total of 136 closed complaint files were audited.
2.2 A report on the results of the dip-sampling exercise has been compiled and is attached at Appendix A.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

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 no reputational implications associated with this paper.

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 equality 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 information contained within the SPA Dip Sampling Report

Report on SPA Dip-Sampling of Police Scotland's Closed Complaints (April 2019 to September 2019)

Section 1: Introduction

The Police and Fire Reform (Scotland) Act 2012 (The Act) provides that the Scottish Police Authority (SPA) and the Chief Constable must maintain suitable arrangements for the handling of relevant complaints. In addition, the Act states that the SPA 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.

Dip-Sampling of Police Scotland (PS) closed complaints will assist the SPA in discharging its statutory obligations and responsibilities in terms of complaints handling.

Section 2: Guidance

All complaints received by PS are entered into Police Scotland Professional Standard Department's (PSD) Centurion database which is a national system, enabling all complaint files to be accessed from any PSD office, irrespective of location. Complaint files on Centurion may be retrieved by various categories, such as classes of complaint and closure. This allows the SPA to select complaints of a certain category to be reviewed. The SPA has freedom to select files for scrutiny with no involvement from PS.

The SPA will look at a proportion of complaints files which it believes to be justifiably representative of the total number of closed complaints and will have regard to the types of complaint (i.e. on duty, off duty or quality of service) and the location (i.e. local policing division and local authority area). This will enable trends to be identified that might necessitate further thematic review or corrective action by the PS.

Section 3: Complaints about the Police Standard Operating Procedures (CAPSOP).

The aim of dip-sampling is to determine, through a formal structured process, whether or not proper procedures are being followed and whether an appropriate and proportionate approach is being taken by PS in its complaints handling process. Accurate and consistent recording is a fundamental part of effective complaint handling.

When reviewing files, the SPA will seek to establish if PS are adhering to their own Complaints about the Police Standard Operating Procedures

(CAPSOP). The SPA may need to seek additional information to help it reach a conclusion about the process being followed.

Section 4: Key Indicators

The following “Key Indicators” were used to assist in ensuring that relevant information was captured in order to produce a report reflecting Police Scotland’s adherence to their CAPSOP; Were essential forms completed?; Were timescales met?; Was sufficient information within complaint file to reach a conclusion?; and; Was complainer notified of what to do if they remained dissatisfied?.

- **Complaints Capture Form:** Complaints received from a member of the public must be submitted to PSD on a Complaints Capture Form within 24 hours of receipt. Complaint will then be recorded, assessed and allocated
- **6 Stage Form:** All concluded complaints must be recorded on a Complaints about the Police (CAP) 6 Stage Process Form which contains all information required for recording on the Centurion system. Given the nature of FLR it is important that all complainers are provided with information on Complaints about the Police which will allow them to make an informed decision on how to progress their complaint if, on reflection, they remain dissatisfied.
- **Heads of Complaint Form:** There should be a clear understanding between the person noting the complaint/statement from the complainer and the complainer as to what is being investigated. At the conclusion of noting the complaint/statement there must be a summary of the agreed ‘Heads of Complaint Under Investigation’ and the complainer should be asked to complete and sign a ‘Heads of Complaint’ Form which lists the description of each allegation.
- **Timescales:** Once PSD receive a complaint about the police, contact will be made with the complainer by telephone wherever possible within 3 working days. Complaints received by PSD (which have not been resolved through FLR and are suitable for local complaint handling) will be sent to the appropriate Division or Department for investigation within 3 working days. A letter or email of acknowledgement will be sent by PSD to the complainer within 3 working days of the complaint being received.

All criminal complaints should be reported to CAAPD within 56 days or in the case of a Category 1 allegation, within 48 hours. Category 1 allegations are criminal allegations, which could not be described as minor in nature and which contain sufficient prima facie evidence.

- **Documents:** As the complaint passes through the complaint system there must be an audit trail of all action taken by the Enquiry officer and the processes followed.
- **Criminal Allegations:** All criminal allegations involving on duty police officers and/or members of police staff should be investigated and concluded within 56 days of the complaint being made. All concluded criminal complaints must be recorded on a Complaints about the Police (CAP) 6 Stage Process Form.
- **Informing Subject Officer:** The Enquiry officer should notify the officer(s) / staff who are the subject of the complaint that a complaint has been investigated. If a complaint is resolved by FLR, and the matter relates to a police officer or member of police staff, then the officer or staff member and their line manager will be notified of the nature of the complaint and that it has been resolved.
- **Organisational / Individual Learning:** Any learning outcomes should be detailed on the Concluded 6 Stage Process Form and will be collated and where appropriate disseminated by PSD.
- **Final response Letter:**
 - **FLR:** Where a complaint has been resolved by FLR Division (DIV), the supervisor who carried out the FLR must complete a pro-forma letter to the complainer for the signature of the senior officer responsible in the division or department for complaint handling. The letter should then be forwarded to PSD for recording purposes. The letter should advise the complainer that should they change their mind then they should contact the PSD in the first instance.

PSD Resolution Unit staff must note details of the conversation with the complainer and what actions are agreed with them to ensure that should the complainer

change their mind there is a record of what has already been discussed and agreed.

- **Non-Criminal:** In all cases a full and clear response to the complainer is required, detailing the enquiry carried out, the rationale for any decision to uphold or not uphold allegations and what, if any, action will be taken and why. The final letter must also include details of what to do/who to contact if the complainer remains dissatisfied. i.e. advise complainer that they may request a review by the Police Investigations and Review Commissioner (PIRC).
- **Abandoned:** In some cases complainers fail to cooperate with the complaint process despite the Enquiry Officer making all reasonable efforts to secure their cooperation. If the Enquiry officer is satisfied that the complaint investigation cannot proceed without the complainer's further cooperation, consideration may be given to abandoning the complaint. A letter should be sent to the complainer requesting that they make contact within 14 days or a decision to abandon the complaint would be made.

Section 5: Complaint Numbers

Fig.1

	Quarter 3 Oct-Dec 2018	Quarter 4 Jan-Mar 2019	Quarter 1 April - June 2019	Quarter 2 July-Aug 2019
Complaint Numbers	1379	1314	1390	1345
% Sampled	5%	5%	5%	5%
Number Sampled	69	66	69	67
Command Area:				
North	18	16	18	16
East	18	19	22	18
West	33	31	29	33

Fig.1 reflects the number of complaints which were recorded for each quarter. 5% of the quarter total was randomly selected to be sampled; those selected were then arranged into their specific Police Scotland's Professional Standards Department (PSD) Command Areas.

The last two Quarters of reporting period 2018/19 have been included to provide a comparison for the first two Quarters of 2019/20.

Section 6: Complaint Closure Categories

During the current dip-sampling exercise the following complaint closure categories were in use:

Fig.2

	Quarter 3 Oct-Dec 2018	Quarter 4 Jan-Mar 2019	Quarter 1 April - June 2019	Quarter 2 July-Aug 2019
Complaint Closure Type				
Criminal	2	2	3	2
Non-Criminal	25	18	23	14
FLR (PSD)	27	33	28	38
FLR (DIV)	7	5	8	4
Abandoned	8	8	7	9

Complaint Closure Type

- **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.

- **Non-criminal (NOT Frontline Resolution (FLR)) –**
 - **Local Complaint Handling:** This category is used where there are no criminal allegations included, or where FLR has not been achieved, or is not considered to be appropriate and the complaint was allocated for local/division investigation.

 - **Specialist Investigation:** There may be instances when it will be appropriate for the investigation of the non-criminal complaint to be carried out by PSD, particularly where the complaint is considered to be serious or complex in nature, complaints of a nature which may later justify proceedings for misconduct or complaints alleging serious failures in policing services.

- **FLR (PSD):** This category is used where the complaint is resolved by the PSD Resolution Unit without the need for an investigation. This may include allegations made against individuals which, if upheld, would be unlikely to result in misconduct proceedings or allegations made about the Quality of Service provided, which are not anticipated to have a significant impact on service reputation or public confidence. The nature of the complaint should be fully discussed with the complainer and the FLR process explained. An appropriate explanation, apology or assurance will be provided to the complainer and, only if the complainer agrees, can the complaint be resolved this way and concluded at this stage. Complaints involving allegations of a serious or criminal nature are not suitable for FLR.

- **FLR (DIV):** This category is used where the complaint is resolved by Division at the initial point of contact, for example, where a complainer attends at a police office. The matter may be resolved by explanation, or a simple apology or assurance. This complaint **has not** been assessed by PSD Resolution Unit.

- **Abandoned:** Where the complainer cannot be contacted by telephone, PSD Resolution Unit will write to or email the complainer, requesting that they make contact within 14 days. In the event the PSD Resolution Unit cannot make contact there is an assumption that a complainer does not wish to pursue the complaint and it will be closed as an "Abandoned Complaint". If the complainer subsequently makes contact the original complaint will be re-opened.

Section 7: Key Findings

1. Criminal

Quarter 1 2019/20

A total of 3 criminal complaints were dip-sampled over this Quarter.

- 2 complaints were found to have been handled consistent with procedure.
- 1 complaint was withdrawn, however, there was no evidence within the Centurion file of a withdrawal statement from the complainer

Quarter 2 2019/20

A total of 2 criminal complaints were dip-sampled over this Quarter.

- Both complaints were found to have been handled consistent with procedure.

Note:

A dip-sampling report was submitted to the Complaints and Conduct Committee on 16 May 2019. This report followed a dip-sampling exercise of Police Scotland's closed complaints covering PSD East, North and West from April 2018 to March 2019.

During this exercise a complaint was identified that was initially determined by PSD to be an allegation of assault but downgraded to an Irregularity in Procedure and concluded by FLR. The file did not contain any details of why the complaint was downgraded. This was highlighted to PSD who had the file re-investigated and sent to Criminal Allegations Against the Police Division (CAAPD). Crown Office and Procurator Fiscals Service (COPFS) subsequently, after consideration of the allegation, sent a letter to the complainer stating there was insufficient evidence of assault. During the process the complainer wished to withdraw the complaint and did

not want to engage in the complaints process. It was, however, still investigated.

2. Non-Criminal

Quarter 1 2019/20

A total of 23 complaint files were dip-sampled over this Quarter

- 12 complaints were handled consistent with procedure
- 5 complaint files provided no evidence that the Subject Officer(s) had been informed of complaint
- 5 complaint files provided no evidence that identified Individual/organisational learning was shared.
- 2 complaint files did not contain details on how the complaint was resolved. Both these files had insufficient information within the final letter sent to complainer.
- 2 complaint files were exceptionally well handled. Both contained details of a comprehensive enquiry. The final letter to the complainer was clear and easy to understand, explained the facts and a summary of the enquiries carried out and how they were used to inform the conclusions reached.
- 1 complaint where wrong information was provided to a company, led to the complaint. The wrong information would suggest that there was a lack of knowledge by the subject officer/staff member. There was no evidence that any individual learning identified was shared which may prevent a similar complaint occurring in the future.

Quarter 2 2019/20

A total of 14 complaint files were dip-sampled over this Quarter.

- 9 complaints were handled consistent with procedure
- 4 complaint files were categorised as Non-criminal where they should have been categorised as Abandoned complaints. 3 of these "Abandoned" complaints were handled consistent with procedure. One "Abandoned" complaint did not contain a 14 day letter.
- In all non-criminal complaint files dip-sampled the subject officer was informed of the complaint and the final letter to the complainer contained sufficient detail and explanation, albeit;

- The final letter in one complaint file directed the complainer to PSD rather than PIRC if they were dissatisfied with the handling of their complaint. The same complaint file provided no evidence that organisational learning identified had been shared.

3. FLR (PSD)

Quarter 1 2019/20

A total of 28 complaint files were dip-sampled over this Quarter.

- 10 complaints were found to have been handled consistent with procedure
- 15 complaints where the Final letter contained insufficient detail of what was agreed between the complainer and the enquiry officer
- 4 complaint files did not contain sufficient or related documents
- 4 complaint files contained no evidence that the subject officer and/or supervisor were advised of the complaint.
- 2 complaints were found not to have been acknowledged within 3 working days
- 2 complaint files did not contain a final letter to the complainer
- 2 complaint files provided no details on how complaint was resolved, and the final letter on both occasions lacked detail. The same files specified that the complainers considered the complaint resolved with the understanding that the subject officer and Supervisor were made aware of the complainer's concerns. There is no evidence that subject officer / Supervisor had been notified of complaint in file

Quarter 2 2019/20

A total of 38 complaint files were dip-sampled over this quarter.

- 19 complaints were found to have been handled consistent with procedure
- 8 complaints where the Final letter contained insufficient detail of what was agreed between the complainer and the enquiry officer
- 3 complaint files did not contain the final letter
- 5 complaint files did not contain sufficient or related documents
- 4 complaint files provided no details on how complaint was resolved
- 5 complaint files contained no evidence that the subject officer and/or supervisor were advised of the complaint.
- 1 complaint file was categorised as "Withdrawn", however, there was no detail provided why this had happened and no letter from Complainer withdrawing complaint.
- 1 complaint file provided conflicting information. The complaint was recorded as upheld, however, the complainer was not provided with a complaint determination in the final letter and the subject officer was advised that the complaint was not upheld.

4. FLR (DIV)**Quarter 1 2019/20**

A total of 8 complaint files were dip-sampled over this Quarter

- 3 complaints were found to have been handled consistent with procedure
- 3 complaints where the Final letter contained insufficient detail of what was agreed between the complainer and the enquiry officer
- 4 complaint files contained no evidence that the subject officer and/or supervisor were advised of the complaint.
- 1 complaint file provided no evidence that organisational learning identified had been shared.

Quarter 2 2019/20

A total of 4 complaint files were dip-sampled over this Quarter

- 2 Complaints were found to have been handled consistent with procedure.
- 1 complaint where the Final letter contained insufficient detail of what was agreed between the complainer and the enquiry officer
- 1 complaint file contained no evidence that the subject officer and/or supervisor were advised of the complaint

5. Abandoned**Quarter 1 and Quarter 2 2019/20**

A total of 16 complaint files were dip-sampled over these Quarters.

- All complaints were handled consistent with procedure

Section 8: Learning Outcomes

Fig.3

2019/20 Quarter 1	Individual Learning	Evidence		Organisational Learning	Evidence	
		No	Yes		No	Yes
FLR PSD	1		1	0		
FLR DIV	1	1		0		
CRIMINAL	0			0		
NON- CRIMINAL	6	5	1	0		
ABANDONED	0			0		
Total	8	6	2	0		

Fig.4

2019/20 Quarter 2	Individual Learning	Evidence		Organisational Learning	Evidence	
		No	Yes		No	Yes
FLR PSD	0			0		
FLR DIV	0			0		
CRIMINAL	0			0		
NON- CRIMINAL	2		2	3		3
ABANDONED	0			0		
Total	2		2	3		3

Fig.3 & Fig.4 represent the number of Individual and Organisational Learning outcomes identified from the 136 complaint files dip-sampled for **Quarters 1 & 2** respectively of the year 2019/20.

Section 9: Conclusion

The SPA looked at 69(Q1) & 67(Q2) randomly selected files which were closed between April 2019 and September 2019.

Criminal and Abandoned complaints are deemed to have been handled consistent with procedure across both Quarters in terms of the CAPSOP.

CAPSOP specifies that once PSD have received a complaint about the police, contact will be made with the complainer wherever possible within 3 working days. Of all complaints dip-sampled about 1.5% went over this timescale with no detriment to the complaint.

In relation to Final Letters, 53% of Quarter 1 2019/20 Centurion FLR complaint files dip-sampled did not contain sufficient information on what was agreed between the complainer and the enquiry officer. Similarly, 21% of Quarter 2 2019/20 Centurion FLR complaint files dip-sampled did not contain this information. Quarter 2 is a marked improvement on Quarter 1 and this follows the implementation of changes introduced by PSD late in the Quarter 1 2019/20 period for Final letters to contain sufficient information to assure the complainer that they have been listened to, their complaint recorded and that the matters that they have raised have been answered

A further change implemented by PSD late in Quarter 1 2019/20 saw a notable change in Quarter 2 2019/20 of the number of subject officers being notified of a complaint made against them.

Development

As a result of a recommendation from Dame Eilish Angiolini's interim report the "Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relation to Policing" a senior cross-agency joint Working/Development Group (the Group) involving the SPA, PSD and the PIRC has been created. The Group intends to meet every six weeks and recognises the need for some constructive collaborative engagement to bring about a new approach to tackling issues arising out of the police complaints process. The objectives are to improve processes, update complaint handling procedures, identify training opportunities and improve public confidence in policing.

Part of this Group will specifically look at the FLR process which may be reflected in future dip-sampling reporting.

Section 10: Recommendations

Centurion Database

During the Dip-sampling exercise the SPA found that it was not readily clear what files were present and what documents needed to be added to complete the file.

It is recommended that all documents pertaining to a complaint should be uploaded to Centurion as soon as possible after the complaint has been concluded.

Audit Trail

Whilst the Dip-sampling Team cannot say that subject officers were never advised of complaints made about them, the files held within Centurion database provided little evidence that the subject officer

and/or their supervisor was aware of a complaint and/or of individual learning.

It is recommended that with regards to advising the subject officer of the complaint and where Individual learning has been identified, some form of audit trail should be introduced to ensure that the subject officer is aware that he has been complained about and that any learning identified has been shared with the officer. Similarly, this should also occur when Organisational Learning has been communicated to the relevant department(s).

Final Letter

With regard to FLR Final Letters and the FLR process as a whole, as alluded to earlier, specific members of the Development Group from the SPA, Police Scotland and PIRC are looking at the FLR process and any recommendations from this group implemented will be commented on in future dip-sampling reports.

However, it is recommended that the Final Letter to the complainer for all complaint types should be clear, easy to understand, contain an explanation of and a summary of the enquiries carried out and how they were used to inform the conclusions reached.

The SPA would like to thank Police Scotland's Professional Standards Department for their help and assistance with this Dip-Sampling Exercise.