

Report of a Complaint Handling Review in relation to Police Scotland

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1. Role of PIRC

Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) provide that the Police Investigations and Review Commissioner (“the PIRC”) may examine the manner in which particular kinds of complaints are dealt with by Police Scotland and the Scottish Police Authority. Through agreements with UK police bodies operating in Scotland, the PIRC may also examine the manner in which these bodies deal with complaints. The PIRC cannot review complaints of criminal behaviour against police officers or police staff, or complaints made by persons serving, or who have served with the police, about the terms and conditions of their service.

In performing this review function, the PIRC obtains information from the police body which dealt with the complaint. This information is considered together with information provided by the person who made the complaint (“the applicant”). An assessment is then made as to whether in all the circumstances the complaint was dealt with to a reasonable standard. Among the factors taken into account when making this assessment are the following:

- whether sufficient enquiries into the complaint have been carried out by the policing body;
- whether the policing body’s response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- whether the policing body’s response to the complaint is adequately reasoned; and
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented.

2. Key findings

The applicant complained that the time taken by Police Scotland to deal with a previous complaint raised by the applicant was excessive.

The review found that the complaint was not dealt with to a reasonable standard. One recommendation was made in this connection.

3. Background

On 4 October 2016, Police Scotland received a letter of complaint from the applicant. Police Scotland responded to the applicant's complaints in a letter dated 28 February 2017. The complaints raised in the applicant's letter dated 4 October 2016 are not reviewed in this report.

On 24 March 2017, the applicant raised a fresh complaint with Police Scotland regarding the time taken to respond to his original complaint. Superintendent A responded to the applicant's complaint in a letter dated 11 May 2017.

4. The Review

The applicant raised the following complaint:

"[The original complaint] was not dealt with within reasonable timescales. As the enquiry officer was off sick I feel this should have been allocated to a new enquiry officer sooner"

Police Handling of Complaint

Superintendent A provided the following response:

"On 14th November 2016 you met with [Inspector B] and signed a Heads of Complaint in relation to [the original complaint]

On 7th December 2016 [Inspector B] reported as unfit for duty and was signed off [sic] sick. This was due to unforeseen circumstances.

[Inspector B's] line manager maintained contact with him and it was originally expected he would return to work in a short time frame. As a result his workload was not re-allocated to a new officer. This was to maintain continuity of contacts and subject matter.

Unfortunately in January 2017 [Inspector B] advised that he was not going to be able to return to work when expected. As a result his workload was reviewed and re-allocated to new enquiry officers. Your complaint was re-allocated on 1st February 2017.

On 28th February 2017 a letter was sent to yourself informing you of the findings.

It is acknowledge [sic] that you state you had sent emails to [Inspector B] on 3rd January and at a later unknown date, however you did not receive any replies. Due to the unexpected nature of the sick leave, [Inspector B] had not had the opportunity to place an 'out of office' notification on his email address. This has been identified as a learning point for the Division going forward and steps will be taken to ensure officers on long-term sick leave have 'out of office' notifications

placed on their email address. [Inspector C] has advised that he has apologised to you for this oversight at your meeting on 20th April 2017.

[Inspector C] advises that he asked yourself if you had tried to either telephone [Inspector B] or any other member of Police Scotland in relation to your complaint. You stated that you had not and had preferred to correspond by email.

Based on the information available and in light of the unforeseen and unpredictable nature of [Inspectors B's] sickness, I am content there has been sufficient oversight of [Inspector B's] workload. When it has become apparent of the protracted nature of his sick leave his workload has been re-allocated.

On this occasion your complaint has not been upheld. Although there may be target dates for complaints to be dealt with, these are just that and no firm commitment is given to a finalisation date for a complaint.”

Consideration of Complaint

Police Scotland’s Standard Operating Procedures on Complaints About the Police (“the Complaints SOP”) gives a target of 56 days “from receipt of the complaint” to conclude the complaint. The Complaints SOP states:

“If there is a delay in dealing with/concluding the complaint enquiry then the complainer should be updated verbally or in writing every 28 days and file note placed in the file.”

The time between Police Scotland receiving the applicant’s original complaint and the date of the original complaint response letter was 147 days. Superintendent A has responded to the applicant’s new complaint by advising that target dates are not a firm commitment. It is considered that there must be some flexibility with target dates, particularly where the circumstances of the complaint(s) make it difficult for the police to respond within the target time. Where the target has been exceeded, particularly by such a large margin as in this case, a person raising concerns about the time taken is entitled to be provided with an explanation for the delay. Where the circumstances do not justify the delay, Police Scotland should uphold the complaint and provide an apology in this connection.

Of the 147 days taken to deal with the complaint, the time between Inspector B’s period of absence starting and the case being re-allocated only accounts for 56 of these days. It is considered that the circumstances outlined in the response to this complaint do not appear to amount to a justification for the time taken to deal with the complaint. It would also appear that the applicant was not provided with updates on the progress of his complaints which may have prevented further complaints from being raised.

The Complaints SOP states the following:

“A complaint should be upheld where the evidence based findings show that the service provided through the conduct of those serving with the police did not reach the standard a reasonable person could expect.”

The response to this complaint acknowledges that there has been an “oversight” which contributed to the delay in responding to the complaint and that this led to the applicant being provide with an apology. In these circumstances, it is unclear why the applicant’s complaint was not upheld.

5. Conclusion

It is concluded that this complaint was not dealt with to a reasonable standard. It is recommended that that Police Scotland reassess this complaint with reference to the comments made in this report. The applicant should be provided with a further response detailing any further reasons for the delay in responding to his original complaint. This response should expressly state whether or not Police Scotland now uphold this complaint.

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