

Meeting	SPA Complaints & Conduct Meeting
Date	27 August 2020
Location	Videoconference
Title of Paper	Dip Sampling Report on COVID-19 Complaints
Presented By	SPA Complaints Team
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix 1 – Dip-Sampling Report on COVID-19 Complaints

PURPOSE

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

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 Covid-19 related complaints plus non-criminal complaints closed in the period 23 March 2020 to 20 July 2020.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 A total of 86 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 1.

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

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.

On 9 April 2020, it was announced that an Independent Advisory Group (IAG) would be set up to review Police Scotland's use of new temporary powers to tackle coronavirus.

Mindful of the extraordinary nature of the powers conferred on the police by the Coronavirus Act 2020 and the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations, Police Scotland and the Scottish Police Authority agreed that it was appropriate to establish the Group in order to reassure the public that the temporary powers of enforcement were being used appropriately, and only as a last resort.

The Group is chaired by John Scott QC and will report directly to the Scottish Police Authority, as the Governance and oversight body for Police Scotland.

In addition, the SPA Complaints Department undertook an audit of closed Covid-19 related complaints handled by Police Scotland's Professional Standards department over the period 23 March 2020 to 20 July 2020.

Covid-19 complaints are defined as a matter considered by Police Scotland to have a clear link to the COVID-19 pandemic, or to have been prompted or influenced by the COVID-19 pandemic.

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 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 the 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 Front Line Resolution (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.
- **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.
- **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.
- **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.
- **Resolution / Determination:**

FLR: Where a complaint has been resolved by FLR details of the conversation with the complainer and what actions are agreed with them must be noted to ensure that should the complainer change their mind there is a record of what has already been discussed and agreed.

The complainer should be advised that should they change their mind then they should contact the PSD in the first instance.

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).

Section 5: Closed Complaint Numbers

	23 March 2020 to 20 July 2020
Closed COVID 19 Complaint Numbers	323
% Sampled	25
Number Sampled	80
Command Area:	
North	22
East	26
West	32

Fig.1

Complaint numbers reflect the number of complaints which were recorded for that time period. 25% 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.

Section 6: Complaint Closure Categories

	23 March 2020 to 20 July 2020
COVID 19 Complaint Closure Type	
Non-Criminal	6
FLR (PSD)	80

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

Fig.2

Temporary process for Non-criminal Covid 19 complaints: This category is used where the complaint is non-complex, non-criminal and not serious and can be resolved without investigation other than familiarisation with the circumstances of the incident.

If FLR cannot be achieved this would have previously been allocated to the respective Division for allocation/investigation. In order to reduce this demand on front line policing during the pandemic, where it is determined that the complaint is minor or trivial in nature and there is no subject officer, a full response letter was provided to the complainer advising that the complaint had been recorded, that following an initial review and assessment the matter would not be investigated further owing to the Covid 19 situation/demand, advised if the complaint was upheld or not upheld, an apology given if necessary in the circumstances and should they be dissatisfied with the way in which the complaint was handled they may refer the complaint to the PIRC for review.

Complaint Closure Type

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.

Non-criminal (NOT Frontline Resolution (FLR)) –

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.

Section 7: Key Findings

1. Covid-19 FLR (PSD) Complaints

23 March to 20 July 2020

A total of 80 complaint files were randomly dip-sampled over this period.

- The most common complaint received was about the lack of PPE & Social Distancing by police officers. 45% of all complaints dip-sampled were with regard to police officers not wearing Personal Protective Equipment (PPE) or maintaining social distancing when engaging with members of the public. When broken down into Policing Area, this represented 48% of Covid Complaints in West area; 40% of Covid Complaints in East area and 50% of Covid Complaints in North area.
- 2nd most common complaint received was Inaction by Police when attending complaints about Covid-19 breaches. 16% of all complaints dip-sampled were with regard to police officers allegedly taking no action when handling matters relating to gatherings of people. This represented 17% of Covid Complaints in West area; 18% of Covid Complaints in East area and 14% of Covid Complaints in North area.
- Only 3 complaints were received from complainers about receiving a Covid-19 Fixed Penalty Notice (FPN). These complaints were all from the West area. (2 for unnecessary travel, 1 for social gathering)
- There was a consistent approach in terms of how complaints were resolved throughout the three policing areas.
- The SPA Complaints Team found that all Covid-19 FLR Complaint files dip-sampled have been handled consistent with procedure.
- Of all the complaints dip-sampled 3 Complaint files were found not to have been acknowledged within 3 working days but with no detriment to the complaint.
- Organisational Learning was identified in 1 complaint file which was shared nationally within 3 days of the complaint being concluded.

2. Non-Criminal

23 March to 20 July 2020

6 Covid-19 non-criminal complaints during this period could not be FLR'd. However, the complainer was provided with a Covid-19 letter advising that any further investigation into their complaint was not proportionate and they were directed to PIRC if not satisfied. For comparison purposes 9 non-Covid-19 complaints which were also unable to be FLR'd during this period were examined. The complainers too were provided with the Covid-19 letter. The Complaints Team are content that a consistent approach was used in the handling of both the Covid-19 and non-Covid-19 files.

Section 8: Learning Outcomes

Fig.3

23 March 2020 to 20 July 2020	Individual / Organisational Learning
FLR PSD	1
NON-CRIMINAL	0
Total	1

Fig.3 represents the number of Individual and Organisational Learning outcomes identified from the 86 Covid-19 complaint files dip-sampled from **23 March 2020 to 20 July 2020**

Section 9: PPE/Social Distancing Advice for Frontline Police Officers

The following advice has been issued to Police Officers and staff

Officers should exercise social distancing as much as possible when dealing with members of the public, while maintaining a professional approach to interactions and undertaking dynamic risk assessments, as per normal procedures.

If officers are walking in a pair on duty they should also maintain a two metre distance from each other insofar as is possible. We are aware that in some circumstances this will not always be possible.

Mask wearing: In any situation when 2m physical distancing is not achievable, the default position is to wear the Type IIR Fluid Resistant Surgical Masks (FRSM).

In addition to the specific guidance on the use of the FFP3 mask, officers have previously been advised to wear Type IIR fluid-resistant surgical mask in situations where physical distancing is difficult, including in police vehicles.

Given the risks to both individuals and the organisation presented by the lack of compliance with guidance, officers and staff should consider that wearing Type 2 masks in situations where they cannot physically distance, including in multiple-crewed vehicles and when dealing with the public, should be the default position.

Section 10: Conclusion

The SPA Complaints Team looked at 80 randomly selected FLR (PSD) Covid-19 related complaint files and 6 Non-criminal Covid 19 complaints which were closed from **23 March 2020 to 20 July 2020**.

All 86 Covid-19 related complaints are deemed to have been handled consistent with Police Scotland's procedures.

Section 11: Recommendations

None

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