

**Equality and Human Rights Impact Assessment (EqHRIA)**

# Summary of Results

## Policy/Practice Name:

Complaints about the Police SOP Version 9.00

## Owning Department:

Professional Standards Department (PSD)

## Date EqHRIA Completed:

25/07/2022

## Purpose of Policy/Practice:

This SOP supports the Police Service of Scotland (herein referred to as Police Scotland) Policy of Professional Standards and is mandatory for all police officers and police staff. Police Scotland aims to deliver high quality policing services to the communities it serves across Scotland. It is accepted that on occasions things will go wrong and mistakes will be made. Members of the public need to have confidence that when they wish to raise a concern or make a complaint about either the quality of the policing service provided or the actions of an individual, their concerns will be listened to, and appropriate action taken.

## Summary of Analysis / Decisions:

### What the assessment found, and actions already taken.

PROTECTED CHARACTERISTICS

The Assessment found there to be protection in general. There were no negative impacts identified. The likely impact was found to be positive and low for the protected characteristic groups of Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief and Sex. The positive impacts were due to specific guidance being provided to support members of the public with a protected characteristic with reference to relevant legislation in the SOP together with examples of how Police Scotland can support members of the public when making a complaint. The SOP provides direction to other relevant SOPs for guidance as well as ensuring accessibility for all referring to the variety of ways members of the public can make a complaint. Cognisance will always be made of equality issues when engaged in operational matters involving staff members/people involved in police complaints and investigations. Where other evidence becomes available, it would be reconsidered as part of the review process.

For the group of Sexual Orientation there was found to be no impact as there was no evidence available to suggest any known or inferred impacts in relation to this group however it was acknowledged that where such evidence does become available, then it would be reconsidered.

HUMAN RIGHTS

It was found that this SOP was not applicable to Articles 4, 9, 10 and 11 of the Human Rights Act 1998.

The SOP was found to be protective in relation to Articles 2, 3, 6, 7 and 14 due to the SOP ensuring: -

* Human Rights are upheld, and rights and freedoms are protected as set out in the legislation for members of the public, police officers and staff.
* Members of the public have access to complaints, and they are recorded and investigated.
* Officers are afforded the same rights to fair trial as that of the public by detailing action involving the Police Investigations & Review Commissioner (PIRC) and the Crown Office and Procurator Fiscal Service (COPFS) in criminal complaints about the police.
* If a complaint is made about an off-duty police officer / staff, it is formally recorded and investigated in accordance with the nature of criminality involved under the Scottish Crime Recording Standard (SCRS), with the officer/staff treated no differently to a member of the public.
* It highlights to officers and staff the need to treat people according to their needs and with care and respect.

The SOP was found to infringe in relation to Article 8 as complaints can be made about officers/staff when they are off duty however it is noted that every complaint will be assessed objectively, and consideration given whether it is linked to their role. Furthermore, obtaining medical details from a complainer may infringe Article 8 as will viewing CCTV however it is highlighted this will only be done when there is a legal basis for doing so.

The SOP was found to both infringe and protect under Article 5 due to the potential for officers/staff to be deprived of their liberty if the complaint is of a criminal nature. However, the SOP includes off duty rights and the assurance that any deprivation of liberty is covered by appropriate legislation.

The SOP was also found to both infringe and protect under Protocol 1, Article 1, Protection of Property. In a criminal investigation, productions such as CCTV evidence, or any other evidence could be lost through the passage of time. Owners may be deprived of their property. Where this occurs, there will be a legal basis with the aim and necessity being to investigate and report crime. It is also highlighted that relevant Productions and Crime Investigation SOPs and guidance will be followed.

## Summary of Mitigation Actions:

### What the assessment found, and actions already taken.

Professional Standards Department (PSD) (Owning Department) will monitor changes in legislation/circumstances which may affect the SOP and assess how these changes may impact on the protected groups. PSD will also be responsible for the oversight of the data recorded on the PSD Centurion database, in particular where this data relates to the six protected characteristics which they record. Any observations will be updated into the EqHRIA. PSD will also be responsible for the cyclical review of both the SOP and the EqHRIA.