

Our Ref: IM-FOI-2022-1713
Date: 11 October 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I am grateful to you for clarifying aspects of your request and, for ease of reference, I have included your initial request and the updated questions provided once clarification was received.

- **All information on complaints against the police from members of the public which have not been actioned on time. (You clarified: By 'on time' I suggest you inform me how many complaints have not reached Stage 3 in the process within two months of receipt. The years I require are 2020, 2021 and so far in 2022.)**
- **I am happy to hear if you have a definition of 'delayed responses' but, failing that, may I request information on how many complaints have not been assigned to an investigating officer within two months of receipt.**
- **I understand there will be reasons for this happening and your response could include what these are. (You clarified: I do not expect a reason for the delay in each case, more a general one relating to overall reason or reasons.)**

All Complaints About the Police (CAPs) received by Police Scotland are managed in line with our CAP Standard Operating Procedure (SOP), details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

I note your request relates to the allocation of complaints at Stage 3 – Allocation and Investigation, as detailed further in the CAP SOP.

In addition, further detail in relation to our complaints process can be found on our public facing website at the following link:

<https://www.scotland.police.uk/about-us/police-scotland/complaints/>

To provide some context to this response, I would like to highlight that each item of correspondence received by our National Complaints Assessment and Resolution Unit

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(NCARU) must be assessed to determine whether it meets the definition of a 'relevant complaint' as defined in the Police, Public Order and Criminal Justice (Scotland) Act 2006:

“A statement, whether oral, written on electronic, expressing dissatisfaction about an act or omission by the Authority, by the Police Service or by a person who, at the time of the act or omission, was a person serving with the Police”.

Not all items of correspondence received by NCARU are, following assessment, dealt with as a 'relevant complaint' about the police.

Complaints can be received in a variety of formats, including:

- Hard copy / electronic letter
- Email / telephone
- Correspondence from Legal representatives or other person on behalf of those wishing to make a complaint.
- Electronically via our website on a 'Complaint Form'.
- In person to an officer or at a Police Station – in these circumstances the officer receiving the complaint completes an electronic 'Complaint Capture Form' on the intranet which is then transmitted to NCARU for assessment

In dealing with each complaint, there are various impact factors which may account for delay, for example, difficulty establishing contact with complainers – on occasion there may be an incorrect telephone number/ address or email address on the correspondence which would necessitate further investigation to establish initial contact. Some complainers advise that they do not wish to be contacted between certain dates due to holidays or other commitments. Some complainers who may be involved in associated criminal proceedings elect to wait until the conclusion of the criminal case prior to wishing to progress their complaints.

Other factors causing delay could be the complexity of cases, volume of allegations per complaint and other, ongoing, legal proceedings. Where the notional timescales are exceeded, we endeavour to ensure that complainers are regularly kept updated on the progress of the enquiry throughout the process until the complaint is concluded.

To address your initial point and provide information regarding complaints which have not reached Stage 3 (Allocation and Investigation) within two months, information has been gathered from our database to include complaints graded as 'Criminal, Non-Criminal, Ongoing with the PSD NCARU or Front Line Resolved (FLR) PSD/Specialist' within this response.

Data provided is based on the number of days between the 'case received' date and the date on which a named Investigating Officer was appointed. Note that those graded as 'Ongoing' may, or may not, progress to Stage 3 of the complaints process as some may be FLR by our NCARU. Those graded as 'FLR PSD/Specialist' have been passed from NCARU to an Investigator (Stage 3) and were subsequently resolved by the Investigator following agreement with the complainer.

By contrast, any complaint which has been 'Abandoned, Withdrawn or FLR (by NCARU)' prior to Stage 3 of the process have been excluded from the data provided below.

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For the purposes of this request, the time period requested of “within two months of receipt” has been interpreted as 56 days.

Complaints which have been graded in accordance with the above explanation and did not have an Investigating Officer appointed within 56 days have been detailed in the table below, broken down by calendar year in which the complaint was received.

Table 1: Complaints graded as Criminal, Non-Criminal or Ongoing NCARU not assigned to an Investigating Officer within 56 days, by Calendar Year Received ^{1 2}

Timescale Category	2020	2021	2022
Over 56 days	69 (3%)	333 (12.9%)	631 (40.3%)

1. Data is based on the case received date.
2. Data for 2022 covers the period of 01/01/2022 – 25/08/2022 inclusive.

Please note, as the data for 2022 does not cover the full year, an accurate comparison cannot be made with the previous two years.

If you require further assistance or are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.