

Lothian and Borders Police Board

Sub-Committee Dealing with Complaints Issues

Edinburgh, 17 January 2011

Present:

City of Edinburgh Council – Councillors Whyte (Convener) and Tymkewycz.

East Lothian Council – Councillor MacKenzie.

Midlothian Council – Councillor Russell.

Scottish Borders Council – Councillor Logan.

West Lothian Council – Councillor Muir.

1 Minutes

Decision

- 1) To approve the minute of meeting of the Sub-Committee Dealing with Complaints Issues of 25 October 2010 as a correct record.
- 2) To approve the minute of meeting of the Sub-Committee Dealing with Complaints Issues of 10 January 2011 as a correct record, subject to the decision at item 1) being amended to read as follows:
 - (i) To ask the Deputy Chief Constable to undertake a further review of complaint file CO/332/10 and to report on the outcome to the next dip sampling meeting on 7 March 2011.
 - (ii) Otherwise, to note that no major issues had arisen from the remaining complaints files reviewed by the Sub-Committee.

2 Investigation of Complaints About the Police – Statistical Return 1 April 2010 to 31 December 2010

The Sub-Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business for the reason that it involved the disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 7(A) of the Act.

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A breakdown was provided of the numbers and types of recorded allegations for the period 1 April 2010 to 31 December 2010 including comparable figures for the equivalent period in the previous year. A total of 614 complaint cases had been recorded compared to 700 in the previous year. During the same period the number of allegations recorded was 853, compared to 1107.

Work which had been undertaken to reduce the number of complaints was outlined with encouraging statistics highlighted as follows:

- Allegations of assault down from 56 to 35
- Neglect of duty allegations down from 107 to 77
- Irregularity in procedure allegations down from 479 to 338
- Oppressive conduct allegations down from 122 to 88.

To date, the Compliance Team had dealt with 150 (25%) of all complaints recorded during the year. Timescales had also been dramatically cut with the Compliance Team completing the majority of files within two weeks (previously eight weeks or more). It was noted that the number of enquiries allocated to divisional inspectors (total of 192, 31%) had fallen below that of those allocated to Professional Standards officers for the first time.

A total of 55 quality of service complaints had been recorded, compared to 78 in the previous year. A total of 32 off duty complaints had also been recorded.

Decision

To note the report.

(Reference – statistical return for the period 1 April 2010 to 31 December 2010 and report by the Chief Constable, submitted)

3 Police Complaints Commissioner for Scotland – Case Ref: PCCS/00071/09 and PCCS/00322/09

The Sub-Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business for the reason that it involved the disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 7(A) of the Act.

The Police Complaints Commissioner for Scotland (PCCS) had reviewed a complaint relating to Lothian and Borders Police. The complainer had asked the PCCS to review the manner in which a number of complaints about the police had been dealt with.

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The Commissioner concluded that many of the complainer's complaints were criminal in nature and therefore could not be considered. In respect of non-criminal complaints, it had been decided that these were either unreasonable or vexatious in nature. The complainer had been advised of this decision and that the Commissioner's involvement in his complaints was finished.

Decision

- 1) To note the outcome of the complaint handling review by the Police Complaints Commissioner for Scotland.
- 2) That the Chief Executive and Clerk provide an update to the next meeting of the Sub-Committee on development of an unreasonable or vexatious complainer procedure for the Board.

(Reference – letter dated 24 December 2010 from the Police Complaints Commissioner for Scotland, submitted).

4 Police Complaints Commissioner for Scotland – Consultation on Draft Statutory Guidance on Police Complaints Handling

The Sub-Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business for the reason that it involved the disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 7(A) of the Act.

A draft response had been prepared on behalf of the Police Board to the Police Complaints Commissioner for Scotland's consultation on Draft Statutory Guidance on Police Complaints Handling.

The closing date for responses had been 11 January 2011, however the PCCS had been advised that a response would be forwarded from Lothian and Borders Police Board following its meeting on 31 January 2011.

Decision

To agree the content of the draft response and that it be submitted to the Board on 31 January 2011 for approval.

(Reference – Police Complaints Commissioner for Scotland Statutory Guidance 2010 and draft response, submitted)

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5 Future of the Police Complaints Commissioner for Scotland

The Sub-Committee resolved, in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the public be excluded from the meeting during consideration of the following item of business for the reason that it involved the disclosure of exempt information, as defined in Paragraph 3 of Part 1 of Schedule 7(A) of the Act.

As part of work taking place across Scottish Government to ensure that external scrutiny of public services was proportionate, focussed and effective, the Cabinet Secretary for Justice had advised that he was reconsidering the future of the Police Complaints Commissioner for Scotland (PCCS).

It was proposed that the functions of the PCCS would be moved to the Scottish Public Services Ombudsman (SPSO) in line with the Sinclair Group recommendations to simplify the process for handling complaints against police organisations. Primary responsibility for handling complaints would remain with the organisation being complained against, with direct recourse to the SPSO for those who did not believe their complaint had been dealt with appropriately.

Views were sought on the proposal to move the function of the PCCS to the SPSO.

Decision

That the Convener write to the Cabinet Secretary for Justice seeking assurances that the specialist expertise developed by the PCCS since its inception in 2007 be retained as part of any future transfer of function in order to ensure continuity of service.

(Reference – letter dated 14 December 2010 from the Cabinet Secretary for Justice, submitted)