



Audit of Police Complaints Handling Arrangements in Scotland

June 2010

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Section 1 – Aims and Scope

By this statement PCCS:

- makes clear its commitment to audit
- clarifies what it means by audit
- outlines the manner by which effective audit can be achieved.

Section 2 – The Act

The **Police Public Order and Criminal Justice Act (Scotland) 2006** states that the Police Complaints Commissioner has duties¹ to:

- a) *secure* that each of the relevant authorities has suitable arrangements for the handling of relevant complaints;
- b) *review* that all arrangements are maintained and adhered to;
- c) *secure* that arrangements are *efficient and effective*; and have an appropriate degree of independence; and
- d) *make recommendations* and *give advice* on the modification of complaints handling arrangements and other matters as appear to be necessary or desirable.

The relevant authorities, to whom these duties extend, include all the bodies that have police powers in Scotland as detailed in Appendix 1.

Section 3 – Nature and Purpose

This statement expresses the Commissioner's policy on Audit of Police Complaints Handling. The views expressed in this statement are consistent with the principles of the Scottish Government's approach to inspection reform. In particular, it follows Crerar's recommendations² on inspection reform, as the key elements applied include a mixture of self-assessment with conventional audit methodology that are proportionate, risk based, impartial and user-focused.

Recent events in both the financial services world and UK Parliament Affairs have, however, underpinned the need for robust and effective audit and regulatory regimes.

PCCS adhere to the principle that service providers should take ownership and therefore primary responsibility, for the quality of their services and seek to improve them.

The Commissioner is happy to utilise the results of self-assessment as part of the data gathering to inform audit work. However, this does not guarantee the totality of quality assurance or that continuous improvement is secured as illustrated by the recent events particularly in these high risk areas.

¹ Section 42 of the Police, Public Order and Criminal Justice (Scotland) Act 2006

² Crerar, Professor Lorne, The Report of the Independent Review of Regulation, Audit, Inspection and Complaints handling of Public Services in Scotland, Sept 2007

In the Commissioner's view, this has resulted in a growing consensus amongst the public and even service providers, that they all want a strong, profession-based and independent assurance of service quality. Indeed Professor Crerar himself recognised the dangers of over-reliance on self assessment, in that it can be self delusionary and scrutiny bodies need to make sure there are very robust systems embedded.

Policing, delivered at significant cost to public funds, often falls into medium or high risk operations where officers and/or staff work under significant pressure to complete their task. Inevitably there will be occasions when the interactions with, or services provided to the public, will not be to their satisfaction and they will choose to complain about it.

It follows therefore that the public has a legitimate interest in the effectiveness of the complaints process in responding to their issues. For this reason the Commissioner believes that independent assessment or audit is an essential component in fulfilling his functions and providing that re-assurance to the public.

Section 4 – Definition

The **Definition of PCCS audit** is therefore an external review that:

- is independent of the service provider;
- provides assurance (as defined in Appendix 2) to Scottish Ministers, the public and police bodies themselves, about the proper delivery of complaints handling arrangements;
- contributes to improvement; and
- reports in public.

On the whole the audits will principally focus on performance aspects of complaints handling, however, these may also include financial considerations in relation to complaints handling.

Section 5 – Methods

The **methods** applied will be:

- proportionate;
- risk based;
- impartial; and
- user focused not organisational driven.

Sometimes themes or emerging issues may arise within other public bodies or jurisdictions with an interest in policing in the UK, where joint working (also an element of the Crerar Report recommendations) with the PCCS may also contribute by adding value. Whilst so far this has not been a feature of the PCCS audit approach, joint working will be reviewed on a regular basis with other bodies which have similar responsibilities throughout the UK. In the event of any change in how audits are conducted, this policy will be changed to reflect any alternative arrangements.

Section 6 – Expectations on Policing Bodies

Policing bodies will be expected to:

- satisfy requests for information made pursuant to section 42 of the Act, and/or provide an explanation in relation to complaints handling arrangements of both a strategic and tactical nature;
- co-operate with the PCCS during the reasonable conduct of the audit and any follow-up visits;
- challenge any unreasonable or impractical recommendations; and
- respond in the public domain to the outcome of the audit within a reasonable time, by way of an action plan response.

The overarching aim of the PCCS quality assurance activities, of which audit is a critical component, is to contribute to making improvements in service delivery emanating from police complaints, to ensure the relevant authorities are more accountable and thereby enhance public confidence.

The Commissioner intends that this will be achieved by applying **the 10 Principles of Inspection³ of Public Services**, namely:

1. The **purpose of improvement**. There should be an explicit concern on the part of inspectors to contribute to the improvement of the service being inspected. This should guide the focus, method, reporting and follow-up of inspection. In framing recommendations, an inspector should recognise good performance and address any failure appropriately. Inspection should aim to generate data and intelligence that enable departments more quickly to calibrate the progress of reform in their sectors and make appropriate adjustments.
2. A **focus on outcomes**, which means considering service delivery to the end users of the services rather than concentrating on internal management arrangements.
3. A **user perspective**. Inspection should be delivered with a clear focus on the experience of those for whom the service is provided, as well as on internal management arrangements. Inspection should encourage innovation and diversity and not be solely compliance-based.
4. **Proportionate to risk**. Over time, inspectors should modify the extent of future inspection according to the quality of performance by the service provider. For example, good performers should undergo less inspection, so that resources are concentrated on areas of greatest risk.
5. Inspectors should encourage rigorous **self-assessment** by managers. Inspectors should challenge the outcomes of managers' self-assessments, take them into account in the inspection process, and provide a comparative benchmark.
6. Inspectors should use **impartial evidence**. Evidence, whether quantitative or qualitative, should be validated and credible.

³ The Office of Public Services Reform – The UK Governments Policy on Inspection of Public Services 2003.

7. Inspectors should disclose the **criteria** they use to form judgements.
8. Inspectors should be **open** about their processes, willing to take any complaints seriously, and able to demonstrate a robust quality assurance process.
9. Inspectors should have regard to **value for money**, their own included:
 - Inspection looks to see that there are arrangements in place to deliver the service efficiently and effectively.
 - Inspection itself should be able to demonstrate it delivers benefits commensurate with its cost, including the cost to those inspected.
 - Inspectorates should ensure that they have the capacity to work together on cross-cutting issues, in the interests of greater cost effectiveness and reducing the burden on those inspected.
10. Inspectors should **continually learn** from experience, in order to become increasingly effective. This can be done by assessing their own impact on the service provider's ability to improve and by sharing best practice with other inspectors.

Section 7 – Communication & Contacts

This policy will be shared for access by all interested parties, through publication on our website.

Queries should be addressed to:

Quality Assurance Manager
Hamilton House
Hamilton Business Park
Hamilton
ML3 0QA

Phone: 0808 178 5577

Email: enquiries@pcc-scotland.org

Section 8 – References Used in Policy Formulation

- The Crerar report of the Independent Review of Regulation, Audit, Inspection and Complaint handling of Public Services in Scotland, September 2007
- The Office of Public Services Reform – The UK Government Policy on Inspection of Public Services, 2003
- The Police Public Order and Criminal Justice Act, 2006

Section 9 – Review of Policy

This Policy is a formal PCCS policy and will be reviewed PCCS Management Team or Employee Task Group on an annual basis.

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Appendix 1 – Relevant Authorities to whom this policy applies

Scottish Police Forces authorities to whom the PCCS Audit Policy applies
Central Scotland Police
Dumfries and Galloway Constabulary
Fife Constabulary
Grampian Police
Lothian and Borders Police
Northern Constabulary
Strathclyde Police
Tayside Police
Police Boards and Authorities
Central Scotland Joint Police Board
Dumfries and Galloway Police Fire and Rescue Authority
Fife Police Fire and Safety Committee
Grampian Joint Police Board
Lothian and Borders Joint Police Board
Northern Joint Police Board
Strathclyde Police Authority
Tayside Joint Police Board
Other policing bodies (in relation to complaint handling procedures as are implemented in Scotland)
British Transport Police
Civil Nuclear Constabulary
Ministry of Defence Police
Serious Organised Crime Agency (SOCA)
Scottish Crime and Drug Enforcement Agency (SCDEA)
Scottish Police Services Authority ** Note: SCDEA is maintained by SPSA **
UK Border Agency
Other Policing boards and authorities (in relation to complaint handling procedures as are implemented in Scotland)
British Transport Police Authority
Civil Nuclear Police Authority
Ministry of Defence Police Committee





Appendix 2 – Assurance Criteria for inspection / audit / assessment reports

Definition of Assurance Levels

The PCCS applies the following levels of assurance when considering the conclusions relating to an Assessment or Audit:

<u>Recommendation level</u>		<u>Definition</u>
Full		Sound system of control designed to achieve the system objectives
Substantial		Essentially a sound system but with weakness that put some objectives at risk
Limited		Weakness in the system of controls put system objective at risk
Nil		Control is weak leaving the system open to significant error or abuse

In making recommendations, the PCCS assess the relative impact of the related risk on the organisation. The more serious the risk, the higher the priority we assign to the recommendation.

<u>Recommendation level</u>		<u>Definition</u>
Observation		Observations that police bodies may wish to consider, to enhance efficiency and effectiveness
Priority 3		Matters which if addressed will enhance efficiency and effectiveness
Priority 2		Issue subjecting the organisation to significant risk and which should be addressed by the senior management team
Priority 1		Issue subjecting the organisation to material risk and which requires to be brought to the attention of the police body's executive