In my response to the Scottish Government’s consultation document: Keeping Scotland Safe and Strong, I recommended that that the new Scottish police authority should continue and develop a complaints oversight capability, which is currently exercised by boards/authorities through a sub committee or working group of that body.

This is addressed at Section 61 of the Bill which places a statutory duty on the Authority and chief constable to maintain suitable arrangements for the handling of relevant complaints and seek the views of others as to what those arrangements should be. This will be significant in terms of the relation of the Authority with local authorities and I would expect them to be consulted in relation to what these arrangements are.

This is all the more significant as I note that under the heading local policing (Chapter 7 Para’s 45 - 48) the local authority may monitor and provide feedback to the local commander in particular in relation to its views on any matter in relation to the policing of its area and to make recommendations for improvement of the policing of the area. As the local commander is specifically tasked with providing the local authority with statistical information on complaints made about the police in relation to the area, I believe that this places a duty on the local authority to hold the local commander to account in this respect.

I very much welcome this as part of the local authority role in policing. Since my appointment as commissioner I have been working in partnership with the Scottish police service and with police boards/authorities to secure continuous improvement and modernisation of police complaint handling arrangements. This has led to two significant pieces of work.

Working with ACPOS, a new six stage police complaints process with significant emphasis on local complaint handling has been developed. Over time I expect to see most police complaints dealt with at a local policing level. Full details of the model and what local police complaint handling is about are to be found in the Statutory Guidance I issued to relevant bodies including police authorities and boards in march last year.

http://www.pcc-scotland.org/assets/0000/3020/PCCS_statutory_guidance_web.pdf

My 2011 report “Holding to Account” introduces common minimum standards for police boards and authorities scrutinising and monitoring complaints, while allowing local flexibility in response to the different circumstances which exist across the country. It provides a checklist for existing board members and should act a reference document for the formation of the new Scottish police authority and for
local authorities in carrying out an oversight of police complaints both national and at a local level.

\(^1\)http://www.pcc-scotland.org/quality_assurance/2011reports/holding_to_account

I do not believe that a single national authority exercising its role in relation to police complaints will be able to do without the assistance of local authorities exercising a similar role at the local policing level. I would expect to see strong links developed between the local authority and the national authority’s ‘professional Standards’ committee. Should the local authority have concerns in relation to specific complaints or complaint handling in general it should refer these to the national authority. I would expect the Authority in normal circumstances to be the conduit of these concerns to PIRC.

Professor John McNeill
Police Complaints Commissioner for Scotland
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