Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Supplementary written submission from the Scottish Police Authority

Following the evidence session on 2 October 2018, the Scottish Police Authority submitted further written evidence. The Committee sought clarification of a couple of points included in this submission.

The Committee asked—

"1. In response to request 3 you have provided data for complaints completed out-with 40 days, and not 56 days as requested without an explanation of why this figure has been used. Is this the SPA’s own target for completing investigations?

2. In response to request 4 you indicate that the Complaints and Conduct Committee will consider communication in relation to complaints that are lawful and in the public interest. Does this mean that the SPA policy is that it will no longer publish anonymised updates on its website when referrals are made to the PIRC or that the Complaints and Conduct Committee will consider whether to do so on a case-by-case basis? If it is the latter are you able to provide information on the new process. For example, how decisions are to be taken, and the criteria that is to be used to assess lawfulness and public interest?"

The Scottish Police Authority responded—

1. Just to confirm, the 56 days and 40 days are one and the same thing. The PIRC Statutory Guidance provides an expectation that ‘relevant complaints’ will be dealt with within 40 working days of receipt. (As defined in Section 34 of the Police, Public Order and Criminal Justice (Scotland) Act 2006). 40 working days is 8 weeks. The additional 16 days is 8 x 2 days at weekends. Some people refer to it as the 56 day timescale.

2. To clarify, the SPA does not proactively release, and has not proactively released, information in to the public domain upon receipt of complaints, or upon transfer of complaints to PIRC for investigation. There have been occasions where the SPA has received press enquires following public statements made by PIRC about complaints referred to them. Our standard line deployed to any enquiries is that we do not comment on individual cases. However there have been exceptional occasions on which the SPA has confirmed that a complaint has been referred to PIRC once that information has already been made public by PIRC or other parties.

In relation to future communications, the SPA Complaints & Conduct Committee will consider cases on a case-by-case basis. However the overwhelming principle is to maintain the confidentiality of the process, the confidentiality of those making complaints and of those who are the subject of complaints.