

# Dealing With Complaints about the PIRC

March 2020



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## 1. Introduction

The Police Investigations & Review Commissioner (PIRC) aims to deliver a high standard of service but recognises that there may be occasions when the level of service falls short of what might reasonably be expected.

Our Complaints Handling Procedure (CHP) reflects our commitment to dealing with complaints of dissatisfaction in a timely, effective and fair manner and addresses the issues.

Complaints give us valuable information that we can use to improve our standards of service, spread good practice and prevent the problems that led to the complaint from occurring again.

We monitor all complaints received and consider whether lessons can be learned to improve our services.

This procedure is compliant with The Scottish Public Services Ombudsman's (SPSO's) guidance on complaints handling procedures.

This document explains to staff how to handle complaints. The PIRC also provides information for the public on the CHP, in the form of our "Guide for complaints about the Police Investigations & Review Commissioner" leaflet. Together, these form our complaints handling procedure.

It is designed to be adopted as an internal document. It contains references and links to more details on parts of the procedure, such as how to record complaints, and the criteria for signing off and agreeing time extensions. These explain how to process, manage and reach decisions on different types of complaints.

When using this document, please also refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the Complaints Standards Authority at the SPSO.

<http://www.valuingcomplaints.org.uk>

## 2. What is a Complaint?

The Scottish Public Sector Ombudsman's definition of a complaint is:

'An expression of dissatisfaction by one or more members of the public about the organisation's action or lack of action, or about the standard of service provided by or on behalf of the organisation.'

A complaint may relate to:

- failure to provide a service
- inadequate standard of service
- dissatisfaction with the PIRC's policy

- treatment by or attitude of the PIRC or a member of his/her staff
- dissatisfaction with a decision the PIRC has made where the customer cannot use another procedure (for example an appeal) to resolve the matter
- the PIRC's failure to follow the appropriate administrative process.

This list does not cover everything.

[Appendix 1](#) provides a range of examples of complaints we may receive, and how these may be handled.

A complaint is **not**:

- disagreement with the conclusions and findings of our CHR report
- a routine first-time request for a service
- a request for compensation only
- issues that are in court or have already been heard by a court or a tribunal
- disagreement with a decision where a statutory right of appeal exists
- an attempt to reopen a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

You must not treat these issues as complaints, and should instead direct customers to use the appropriate procedures.

[Appendix 2](#) gives more examples of 'what is not a complaint' and how to direct customers appropriately.

Those dissatisfied with decisions of the PIRC or a member of his/her staff should follow formal appeal or review processes where such exist. The complaints handling process is designed to deal with those cases where no other route for addressing a concern is available within the office of the PIRC.

### 3. Handling an Anonymous Complaint

We value all complaints. This means we treat all complaints including anonymous complaints seriously and will take action to consider them further, wherever this is appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. If, however, an anonymous complaint does not provide enough information to enable us to take further action, we may decide not to pursue it further. Any decision not to pursue an anonymous complaint must be authorised by the Director of Operations.

If an anonymous complaint makes serious allegations, we will refer it to an appropriate member of the Heads of Department Group (HDG) immediately.

If we pursue an anonymous complaint further, we will record the issues as an anonymous complaint on the complaints system. This will help to ensure the

completeness of the complaints data we record and allow us to take corrective action where appropriate.

## 4. Who Can Make a Complaint

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes a customer may be unable or reluctant to make a complaint on their own. We will accept complaints brought by third parties and representatives as long as the customer has given their personal consent.

### Complaints involving more than one service

If a complaint relates to the actions of two or more of the PIRC's services, you must tell the customer who will take the lead in dealing with the complaint and explain that they will get only one response covering all issues raised. A complaint concerning more than one of the PIRC's services will be referred initially to the Director of Operations who will decide who will take the lead. If a customer complains to the PIRC about the service of another agency or public service provider, but the PIRC has no involvement in the issue, the customer should be advised to contact the appropriate organisation directly. However, where, a complaint relates to a service provided by the PIRC or a member of his/her staff and the service of another agency or public service provider, (for example a regulator, commissioner or a government department), and the PIRC has a direct interest in the issue, you must handle the complaint about the PIRC or a member of his/her staff through the CHP. If you need to make enquiries to an outside agency in relation to the complaint always take account of data protection legislation and our guidance on handling personal information. The UK Information Commissioner has detailed guidance on data sharing and has issued a data sharing code of practice.

Such complaints may include:

- Where we have conducted the fact finding element of an investigation for the SPA and they have implemented their decision. There may be elements of the complaint that directly relate to the PIRC and other elements that clearly relate to the SPA.

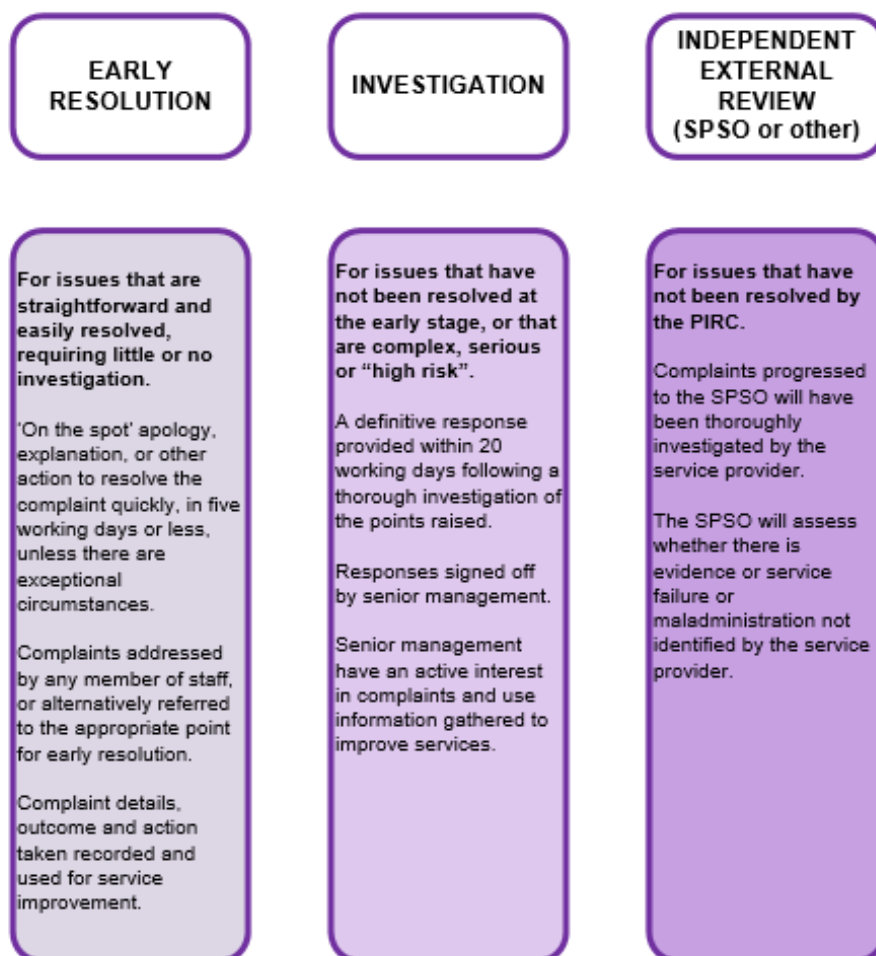
## 5. The Complaints Handling Process

Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early and locally by capable, well-trained staff.

Our complaints process provides two opportunities for staff to resolve complaints internally:

- **early resolution**, and
- **investigation**

## The Modelling Complaints Handling Procedure



### Stage one: early resolution

Early resolution aims to quickly resolve straightforward customer complaints that require little or no investigation. Any member of staff may deal with complaints at this stage.

The main principle is to seek early resolution, resolving complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean contacting a customer directly, or asking an appropriate member of staff to deal directly with the complaint.

Early resolution is suitable for complaints where:

- The issues raised do not need to be investigated
- Further work is not required to respond, or
- A written response is unnecessary

[Appendix 1](#) gives examples of the types of complaint we may consider at this stage, with suggestions on how to resolve them.

In practice, early resolution means resolving the complaint at the first point of contact with the customer, either by the member of staff receiving the complaint or other identified staff.

In either case, you may settle the complaint by providing an on-the-spot apology where appropriate, or explaining why the issue occurred and, where possible, what will be done to stop this happening again. You may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

The public/customer can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. You must always consider early resolution, regardless of how you have received the customer's complaint.

- **What to do when you receive a complaint**

1 On receiving a complaint, you must first decide whether the issue can indeed be defined as a complaint. The customer may express dissatisfaction about more than one issue. This may mean you treat one element as a complaint, while directing the customer to pursue another element through an alternative route (see [Appendix 2](#)).

2 Next, decide whether or not the complaint is suitable for early resolution. Some complaints will need to be fully investigated before you can give the customer a suitable response. You must escalate these complaints immediately to the investigation stage.

3 Where you think early resolution is appropriate, you must consider four key questions:

- **What does the customer want to achieve by complaining?**

At the outset, clarify the outcome the customer wants. Of course, the customer may not be clear about this, and you may need to probe further to find out what they expect, and whether they can be satisfied.

- **Can I achieve this, or explain why not?**

If you can achieve the expected outcome by providing an on-the-spot apology or explain why you cannot achieve it, you should do so. If you consider an apology is appropriate, you may wish to follow the SPSO's guidance on the subject: [SPSO guidance on apology](#). If you require assistance from your line manager in order to resolve the complaint please do so at this stage.

The customer may expect more than we can provide. If so, you must tell them as soon as possible. An example would be where the customer remains dissatisfied with the outcome of their CHR and the only action open to them is Judicial Review.

- **If I can't resolve this, who can help with early resolution?**

If you cannot deal with the complaint because, for example, you are unfamiliar with the issues or area of service involved, pass details of the complaint to the Head of HR and Corporate Services (HHRCS) for them to consider the best course of action.

### **Timelines**

Early resolution must be completed within **five working days**, although in practice we would often expect to resolve the complaint much sooner.

You may need to get more information from other services to resolve the complaint at this stage. However, it is important to respond to the customer within five working days, either resolving the matter or explaining that their complaint is to be investigated.

### **Extension to the timeline**

In exceptional circumstances, where there are clear and justifiable reasons for doing so, you may need to extend the timescale for responding to a complaint.

It is important that such extensions do not become the norm. Rather, the timeline at the early resolution stage should be extended only rarely. All attempts to resolve the complaint at this stage must take no longer than **ten working days** from the date you receive the complaint.

The proportion of complaints that exceed the five-day limit will be evident from reported statistics. These statistics will be considered by HDG quarterly. [Appendix 3](#) provides further information on timelines.

### **Closing the complaint at the early resolution stage**

The complaint should be passed to the HHRCS if early resolution is deemed appropriate but you are not the most suitable person to resolve the complaint.

### **When to escalate to the investigation stage**

A complaint must be escalated to the investigation stage when:

- early resolution was tried but the customer remains dissatisfied and requests an investigation into the complaint. This may be immediately on communicating the decision at the early stage or could be some time later
- the customer refuses to take part in the early resolution process
- the issues raised are complex and require detailed investigation
- the complaint relates to serious, high-risk or high-profile issues.

When a previously closed complaint is escalated from the early resolution stage, the complaint should be logged on the complaints system.

Take particular care to identify complaints that might be considered serious, high risk or high profile, as these may require particular action or raise critical issues that need senior management's direct input. The SPSO defines potential high-risk or high-profile complaints as those that may:



- involve a death or terminal illness
- involve serious service failure, for example major delays in providing, or repeated failures to provide, a service
- generate significant and on-going press interest
- pose a serious risk to the PIRC's operations
- present issues of a highly sensitive nature, for example concerning:
  - a particularly vulnerable person
  - child protection.

### **Stage two: investigation**

All stage two complaints must be recorded on the PIRC's Complaints Register by the Information Officer, who will inform the HHRCS who will then allocate the complaint to a suitable member of staff for investigation. Not all complaints are suitable for early resolution and not all complaints will be satisfactorily resolved at that stage. Complaints handled at the investigation stage of the complaints handling procedure are typically complex or require a detailed examination before we can state our position. These complaints may already have been considered at the early resolution stage, or they may have been identified from the start as needing immediate investigation. In exceptional circumstances and depending on the matter raised it may be necessary to request a complaint be investigated by an external body. The PIRC has arrangements in place should this be required.

An investigation aims to establish all the facts relevant to the points made in the complaint and to give the customer a full, objective and proportionate response that represents our final position.

### **What to do when you receive a complaint for investigation**

It is important to be clear from the start of the investigation stage exactly what you are investigating, and to ensure that both the customer and the service understand the investigation's scope.

It may be helpful to discuss and confirm these points with the customer at the outset, to establish why they are dissatisfied and whether the outcome they are looking for sounds realistic. In discussing the complaint with the customer, consider three key questions:

1. What specifically is the customer's complaint or complaints?
2. What does the customer want to achieve by complaining?
3. Are the customer's expectations realistic and achievable?

It may be that the customer expects more than we can provide. If so, you must make this clear to the customer as soon as possible.

Where possible you should also clarify what additional information you will need to investigate the complaint. The customer may need to provide more evidence to help us reach a decision.

Contact the Information Officer to arrange for the details of the investigation to be recorded on the system for recording complaints. The details must be updated when the investigation ends.

If the investigation stage follows attempted early resolution, you must hand over any case notes and associated information to the officer responsible for the investigation, and record that you have done so with the Information Officer

### Timelines

The following deadlines are appropriate to cases at the investigation stage:

- complaints should be acknowledged within **three working days** by the Information Officer or allocated to another employee by the HHRCS in their absence
- you should provide a full response to the complaint as soon as possible but not later than **20 working days** from the time you received the complaint for investigation.

### Extension to the timeline

Not all investigations will be able to meet this deadline. For example, some complaints are so complex that they require careful consideration and detailed investigation beyond the 20-day limit. However, these would be the exception and you must always try to deliver a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, the Head of HR & Corporate Services (HHRCS) will set time limits on any extended investigation. You must keep the customer updated on the reason for the delay and give them a revised timescale for completion. The reasons for an extension might include the following:

- Essential accounts or statements, crucial to establishing the circumstances of the case, are needed from staff, customers or others but they cannot help because of long-term sickness or leave.
- You cannot obtain further essential information within normal timescales.
- Operations are disrupted by unforeseen or unavoidable operational circumstances, for example industrial action or severe weather conditions.
- Operational demands

These are only a few examples, and you must judge the matter in relation to each complaint. However, an extension would be the exception and you must always try to deliver a final response to the complaint within 20 working days.

As with complaints considered at the early stage, the proportion of complaints that exceed the 20-day limit will be evident from reported statistics. These statistics may be provided our Audit and Accountability Committee on a quarterly basis.

[Appendix 3](#) provides further information on timelines.

### **Closing the complaint at the investigation stage**

You must let the customer know the outcome of the investigation, in writing. Our response to the complaint must address all areas that we are responsible for and explain the reasons for our decision. The Information Officer can provide guidance in formatting the decision letter and how best to communicate this to the customer. The Information Officer will also ensure that this is recorded on the system for registering complaints, copying this information to the HHRCS. You must also make clear to the customer:

- their right to ask SPSO to consider the complaint
- the time limit for doing so (within 12 months), and
- how to contact the SPSO.

See Appendix 5 for a copy of the standard letter issued

## **6. Independent External Review**

Once the investigation stage has been completed, the customer has the right to approach the Scottish Public Services Ombudsman if they remain dissatisfied.

The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint.

### **Information about the SPSO**

The Scottish Public Services Ombudsman (SPSO) is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, NDPBs, Agencies and other government sponsored organisations. If you remain dissatisfied with an organisation after its complaints process, you can ask the SPSO to look at your complaint. The SPSO cannot normally look at complaints:

- where complainers have not gone through all the organisation's complaints handling procedure
- more than 12 months after the complainer became aware of the matter they want to complain about, or
- that have been or are being considered in court.

The SPSO's contact details are:

*SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS*

*Freepost SPSO*

Freephone: **0800 377 7330**

Telephone **0131 225 5300**

Online contact [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

Mobile site: <http://m.spsso.org.uk>

## 7. Roles and Responsibilities

Overall responsibility and accountability for the management of complaints about the PIRC or a member of his/her staff lies with the Director of Operations. This ensures that our senior management own and are accountable for the decision. It also reassures the customer that their concerns have been taken seriously.

**PIRC Heads of Department Group:** On the Director of Operation's behalf, members of the Heads of Department Group are responsible for overseeing the Complaints Handling Procedures (CHP). This includes:

- the management of complaints and the way we learn from them
- overseeing the implementation of actions required as a result of a complaint
- investigating and ensuring that adequate resource is available
- supporting a team member in responding to a complaint

They will usually delegate elements of complaints handling (such as investigations and the drafting of response letters) to complaints investigator who will be a member of staff with appropriate knowledge and seniority. Where this happens, they should retain ownership and accountability for the management and reporting of complaints.

**Complaints Investigator:** The complaints investigator is the employee responsible and accountable for the management of the investigation. This may include preparing a comprehensive written report, including details of any procedural changes in service delivery that could result in wider opportunities for learning within the PIRC.

**All staff:** A complaint may be made to any member of staff of the PIRC. So all staff must be aware of the complaints handling procedure and how to handle and record complaints at the early stage. They should also be aware of who to refer a complaint to, in case they are not able to personally handle the matter. We encourage all staff to try to resolve complaints early, as close to the point of service delivery as possible, and quickly to prevent escalation.

**The PIRC's SPSO liaison officer (Information Officer):** Our SPSO liaison officer role will provide complaints information in an orderly, structured way within requested timescales, provide comments on factual accuracy on our behalf in response to SPSO reports, and confirm and verify that recommendations have been implemented.

**PIRC's Heads of Department Group:** The PIRC Heads of Department Group will have operational responsibility for the implementation of the CHP and the development and promotion of good practice across PIRC. Advice and support can be obtained by contacting a member of the PIRC's Heads of Department Group.

**Head of HR & Corporate Services:** Head of HR & Corporate Services (HHRCS) has operational responsibility for ensuring the complaints process is followed correctly and complaint responses are compliant with our policy. HHRCS is also responsible for ensuring any disciplinary action required as a result of complaint is implemented and that investigations are managed appropriately. In addition, the HHRCS has the responsibility for handling any complaints about the Commissioner and referring these to an external agency for investigation.

**Director of Operations:** The Director of Operations (DirOps) as accountable officer has overall responsibility for the management of complaints. He/she will consider whether a complaint is suitable for referral to an external agency to investigate or whether it should be dealt with internally.

**Commissioner:** The Commissioner will consider any complaints made about the Director of Operations and will consider whether a complaint is suitable for referral to an external agency to investigate or whether it should be dealt with internally.

## 8. Recording Complaints

Complaints provide valuable customer feedback. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the PIRC. We must record all formal complaints in a systematic way so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, we can identify and address the causes of complaints and, where appropriate, identify training opportunities and introduce service improvements.

The PIRC has a structured systems for recording complaints, their outcomes and any resulting action. These provide a detailed record of services that have failed to satisfy customers. This is in the form of a spreadsheet contained within the G drive and accessible to HHRCS and the Information Officer. All updating is be carried out by our Information Officer. To collect suitable data it is essential to record formal complaints on the Complaints Tracker in line with SPSO minimum requirements, as follows:

- the customer's name and address
- the date the complaint was received
- the nature of the complaint
- how the complaint was received
- the service the complaint refers to
- the date the complaint was closed at the early resolution stage (where appropriate)
- the date the complaint was escalated to the investigation stage (where appropriate)

- action taken at the investigation stage (where appropriate)
- the date the complaint was closed at the investigation stage (where appropriate)
- the outcome of the complaint
- the underlying cause of the complaint (including any allegations of harassment or misconduct) and any remedial action taken
- any lessons learned by the PIRC in investigating the complaint, and actions taken as a result
- the ultimate destruction of complaints materials in accordance with our retention schedule

All complaints are recorded by the Information Officer who provides the PIRC Heads of Department Group with information on all complaints received about the PIRC. Therefore any staff receiving a complaint must notify the Information Officer of any complaints they receive, providing the above data.

## 9. Reporting of Complaints

Complaints are analysed for trend information to ensure we identify service failures and take appropriate action. Regularly reporting the analysis of complaints information helps to inform management of where services need to improve.

We aim to publish on a quarterly basis the outcome of complaints and the actions we have taken in response. This demonstrates the improvements resulting from complaints and shows that complaints can influence our services. It also helps ensure transparency in our complaints handling service and will help to assure the public that we value their complaints.

We must:

- publicise on a quarterly basis complaints outcomes, trends and actions taken
- use case studies and examples to demonstrate how complaints have helped improve services.

This information will be considered quarterly by the PIRC Management Team.

## 10. Learning from Complaints

At the earliest opportunity after the closure of the complaint, the complaint investigator should always make sure that the customer and staff involved understand the findings of the investigation and any recommendations made.

The PIRC Heads of Department Group will review the information gathered from complaints regularly and consider whether our services could be improved or internal policies and procedures updated.

As a minimum, we must:

- use complaints data to identify the root cause of complaints
- take action to reduce the risk of recurrence
- record the details of corrective action in the complaints file, and
- systematically review complaints performance reports to improve service delivery. (at least quarterly)

Where we have identified the need for service improvement:

- the action needed to improve services must be authorised
- a named Heads of Department Group member should be designated the 'owner' of the issue, with responsibility for ensuring the action is taken
- a target date must be set for the action to be taken
- the designated individual must follow up to ensure that the action is taken within the agreed timescale
- where appropriate, performance in the service area should be monitored to ensure that the issue has been resolved
- we must ensure that staff learn from complaints.

### **Publicising complaints performance information**

We also report on our performance in handling complaints annually in line with SPSO requirements. This includes performance statistics showing the volumes and types of complaints and key performance details, for example on the time taken and the stage at which complaints were resolved.

### **Maintaining confidentiality**

Confidentiality is important in complaints handling. It includes maintaining the customer's confidentiality and explaining to them the importance of confidentiality generally. We must always bear in mind legal requirements, for example, data protection legislation, as well as internal policies on confidentiality and the use of customers' information.

### **Managing unacceptable behaviour**

PIRC has an Unacceptable Actions Policy in place and published on the PIRC website which details how we will deal with unacceptable behaviour.

### **Supporting the customer**

All members of the community have the right to equal access to our complaints handling procedure. Customers who do not have English as a first language may need help with interpretation and translation services and other customers may have specific needs that we will seek to address to ensure easy access to the complaints handling procedure.

We must always take into account our commitment and responsibilities to equality. This includes making reasonable adjustments to our service to help the customer where appropriate.

Several support and advocacy groups are available to support customers in pursuing a complaint and customers should be signposted to these as appropriate.

### **Time limit for making complaints**

This complaints handling procedure sets a time limit of six months from when the customer first knew of the problem, within which time they may ask us to consider the complaint, unless there are special circumstances for considering complaints beyond this time.

We will apply this time limit with discretion. In decision making we will take account of the [Scottish Public Services Ombudsman Act 2002 \(Section 10\(1\)\)](#), which sets out the time limit within which a member of the public can normally ask the SPSO to consider complaints. The limit is one year from when the person first knew of the problem they are complaining about, unless there are exceptional circumstances for considering complaints beyond this time.

## **11. Complaints about Staff**

From time to time, we may receive complaints about the attitude, behaviour or perceived competence of a PIRC staff member. We will ensure that these complaints are investigated fairly, objectively and where applicable, taking account of existing policies and procedures in place to deal with such issues. It is important to be mindful of matters relating to confidentiality and it will normally not be possible to give complainers specific details about any disciplinary action taken.

### **Complaints about senior staff**

When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. In exceptional circumstances, this may be conducted by an external organisation.

These cases, or complaints regarding the Commissioner should be referred to the Director of Operations to determine next steps. If it concerns the Director of Operations, it should be referred to the Commissioner for consideration. The HHRCS will record complaints on the Complaints Register.

### **Disciplinary action arising from a complaint**

A possible result of a complaint being raised is that disciplinary action against one or more of the PIRC's staff needs to be considered. This would arise as a result of a formal investigation. The Complaints Handling Procedure is not intended to and must not replace any of the normal disciplinary procedures in place and any manager considering the need for disciplinary action arising out of a complaint should consult with the Head of HR & Corporate Services or if necessary the Director of Operations.

## **12. Administration of the Policy**

This policy is supported by Complaint Handling Procedures for applicants, which set out in detail how this policy is applied from the complainer's perspective. This policy can be found on the PIRC intranet.



### 13. Non Compliance

Anyone who does not believe that the principles set out in this procedure have been correctly applied may appeal to the Head of HR & Corporate Services who will investigate and respond in writing within 20 days.

### 14. Implementation, Monitoring and Review of this Policy

The Head of HR & Corporate Services (HHRCS) has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation (at least annually) and additionally whenever there are relevant changes in legislation or to our working practices.

### 15. Benchmarks Used in Policy Formation

- Previous policy

#### Version control data

Title:	Dealing with Complaints about the PIRC
Author:	Janice Carter, Information Officer
Approver:	Sharon Smit, Head of HR & Corporate Services
Version Number:	Version 3.2
Date of Approval:	HoDG - March 2020
Summary of last modification:	Review of process and update to PIRC staff rebranding
Modified by:	Janice Carter
Next review date:	March 2021

## APPENDIX 1 – Complaints Resolved at Early Resolution

In the following table are specific examples of complaints that may be considered at the early stage, and suggest possible actions to achieve resolution.

<b>Complaint</b>	<b>Possible actions to achieve resolution</b>
Failure to issue an official reply within 20 working days	Issue an interim reply and offer an apology and explanation of the reasons why
Rude or unhelpful behaviour	Issue an apology and attempt to resolve initial request
Failure to keep a scheduled appointment	Issue an apology and explanation of the reasons why
Poor service or service failure	Issue an apology and advise of remedial steps which can be implemented

## APPENDIX 2 – What is Not a Complaint

### **Example 1: Unhappy with information provided after a subject access request response**

*Customer would already have been advised to make their complaint to the Information Commissioner's Office (ICO)*

### **Example 2: Complaint about the outcome of our review of their complaint about the police.**

*Customer will be advised of Judicial Review option, after seeking legal advice.*

### **Example 3: Complaint about not continuing with telephone contact where customer is on the PIRC's unacceptable actions list.**

*Customer will already have received notification of their actions which led to them being added to the list, the appeals process and timescale for review. However if the customer is not on the unacceptable actions list because of their behaviour, but demonstrate rude or abusive behaviour, staff may discontinue the call.*

### **Example 4: Complaint that the PIRC will not accept their complaint as they have not made it to the police body first.**

*Customer receives details of the process which the PIRC follows, and that we have no remit to deal with complaints which have not yet been dealt with by the police body first.*

### **Example 5: Customer asks us to "investigate" their issues, which are really complaints about a police body.**

*Customer receives details of the process which the PIRC follows, and that we have no remit to investigate complaints or issues relating to complaints about a police body.*

### **Example 6: Complaint about timescales taken to deal with complaint review after allocation to a Review Officer.**

*Customer is informed of the review process and that Review Officers have a range of cases they are working on and that time is required to provide thorough reviews. Customer is aware of the timescales and the PIRC are adhering to these.*

## APPENDIX 3 - Timelines

### General

References to timelines throughout the complaints handling procedure relate to working days. When measuring performance against the required timelines, we do not count non-working days, for example weekends, public holidays and days of industrial action where our service has been interrupted.

### Timelines at early resolution

You must aim to achieve early resolution within five working days. The day you receive the complaint is day 1. Where you receive it on a non-working day, for example at the weekend or on a public holiday, day 1 will be the next working day.

### Extension to the five-day timeline

If you have extended the timeline at the early resolution stage in line with the procedure, the revised timetable for the response must take no longer than 10 working days from the date of receiving the complaint.

### Transferring cases from early resolution to investigation

If it is clear that early resolution has not resolved the matter and the customer wants to escalate the complaint to the investigation stage, the case must be passed for investigation without delay. In practice this will mean on the same day that the customer is told this will happen.

### Timelines at investigation

You may consider a complaint at the investigation stage either:

- after attempted early resolution, or
- immediately on receipt if you believe the matter to be sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Acknowledgement

All complaints considered at the investigation stage must be acknowledged within **three working days** of receipt. The date of receipt is:

- the day the case is transferred from the early stage to the investigation stage, where it is clear that the case requires investigation, or
- the day the customer asks for an investigation after a decision at the early resolution stage. You should note that a customer may not ask for an investigation immediately after attempts at early resolution, or
- the date you receive the complaint, if you think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

### Investigation

You should respond in full to the complaint within **20 working days** of receiving it at the investigation stage.

The 20-working day limit allows time for a thorough, proportionate and consistent investigation to arrive at a decision that is objective, evidence-based and fair. This means you have 20 working days to investigate the complaint, regardless of any time taken to consider it at the early resolution stage.

### **Timeline examples**

The following illustration provides examples of the point at which we conclude our consideration of a complaint. It is intended to show the different stages and times at which a complaint may be resolved.

The circumstances of each complaint are explained below:

#### **Complaint 1**

Complaint 1 is a straightforward issue that may be resolved by an on-the-spot explanation and, where appropriate, an apology. Such a complaint can be resolved on day 1.

#### **Complaint 2**

Complaint 2 is also a straightforward matter requiring little or no investigation. In this example, resolution is reached at day three of the early resolution stage.

#### **Complaint 3**

Complaint 3 refers to a complaint that we considered appropriate for early resolution. We did not resolve it in the required timeline of five working days. However, we authorised an extension on a clear and demonstrable expectation that the complaint would be satisfactorily resolved within a further five days. We resolved the complaint at the early resolution stage in a total of eight days.

#### **Complaint 4**

Complaint 4 was suitably complex or serious enough to pass to the investigation stage from the outset. We did not try early resolution; rather we investigated the case immediately or directed it to one of the signatories to our external investigation and review MOU. We issued a final decision to the customer within the 20-day limit.

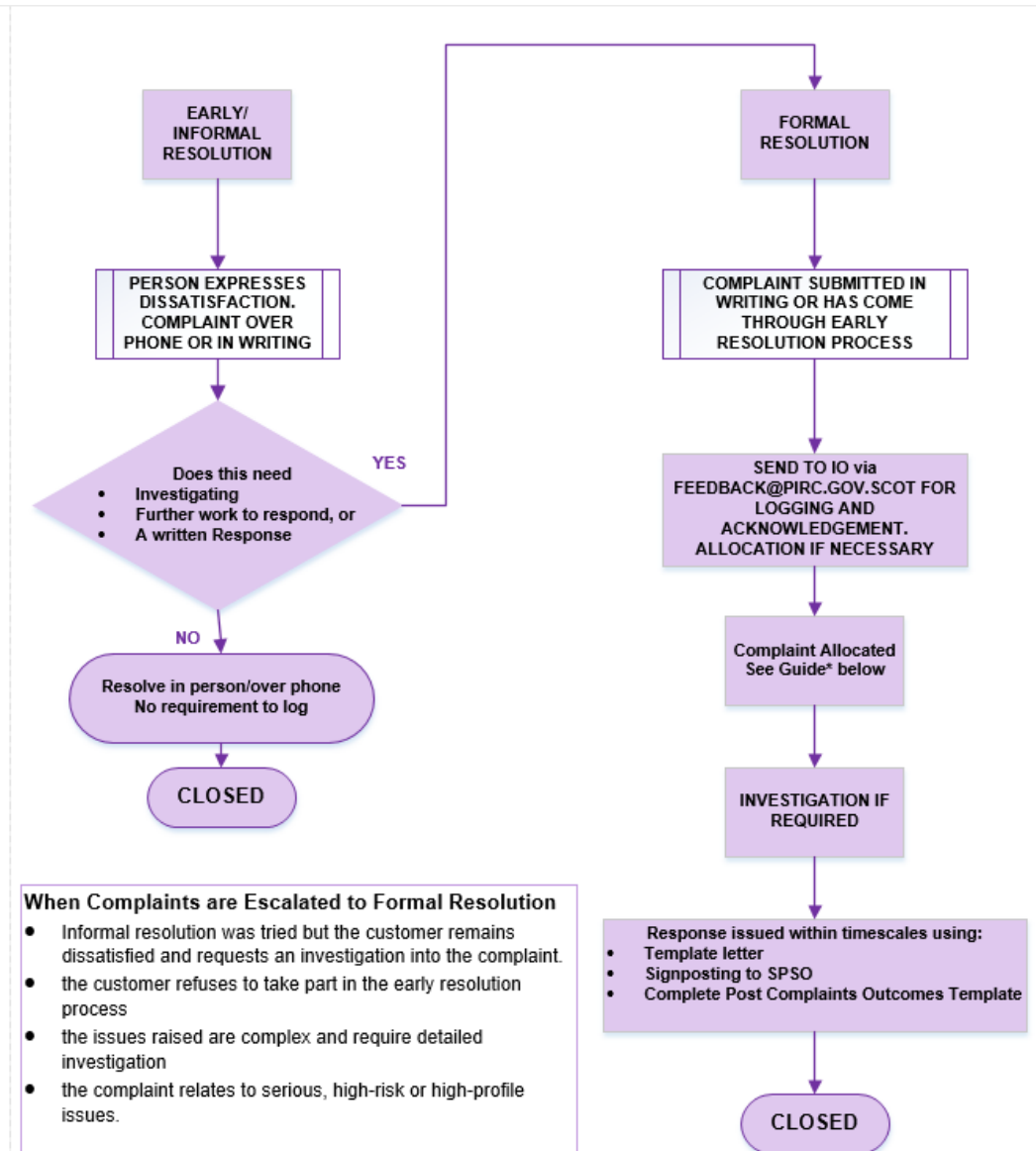
#### **Complaint 5**

We considered complaint 5 at the early resolution stage, where an extension of five days was authorised. At the end of the early stage the customer remains dissatisfied. At their request, we conducted an investigation and issued our final response within 20 working days. Although the end-to-end timeline was 30 working days we still met the combined time targets for early resolution and investigation.

#### **Complaint 6**

Complaint 6 was considered at both the early resolution stage and the investigation stage. We did not complete the investigation within the 20-day limit, so we agreed a revised timescale with the customer for concluding the investigation beyond the 20-day limit.

# APPENDIX 4 – The Complaints Handling Process



## SUMMARY

### Informal Complaints/Early Resolution

Dealt with by person receiving complaint. No formal response required

### Formal Complaints

#### General Guide

- Complaints will not be dealt with by direct colleagues, subordinates or anyone who has had involvement with the situation/implicated in the complaint
- Feedback@pirc.gov.uk mailbox available to receive complaints

#### Methods for Allocation

- Informal complaint, however person receiving complaint refers to manager. Manager if appropriate can deal with complaint following steps on flowchart.
- Complaint received via feedback mailbox or brought to Information Officer will be allocated by HHRCS – consideration of above points. Complaints will informally be dealt with by the manager or more senior graded person than whom the complaint is about.
- Complaint about Dir Ops/Commissioner, HHRCS to allocate to external body
- Complaints about Heads of Department, Dir Ops to consider.

# APPENDIX 5 – Standard Letter of Response

pirc

Police Investigations &  
Review Commissioner

<DATE>  
Our Ref XXXXX

Dear |

## YOUR COMPLAINT

I refer to the above and our previous correspondence in relation to this matter on <DATE>. As the <<PIRC staff job role>> it is my responsibility to look into and address complaints of this nature.

I understand that your complaint is that <<complaint details and response>>

I trust that I have addressed all of the matters raised by you. However, you have the right under the Scottish Public Services Ombudsman (SPSO) Act 2002 to approach the SPSO and ask for a review of my decision.

The SPSO is the final stage for complaints about most organisations that provide public services in Scotland, including the PIRC. Their service is independent, free and confidential. You can contact the SPSO for advice or to request a complaint form by any of the following means:

SPSO  
Bridgeside House  
99 McDonald Road  
Edinburgh  
EH7 4NS

Or

Freepost SPSO

Or

Freephone 0800 377 7330  
Telephone 0131 225 5300  
E-mail [ask@spsa.org.uk](mailto:ask@spsa.org.uk)  
Web site: <https://www.spsa.org.uk/>

Yours sincerely

Police Investigations & Review Commissioner  
Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA  
T: 01698 542900 E: [enquiries@pirc.gov.scot](mailto:enquiries@pirc.gov.scot) | [www.pirc.gov.scot](https://www.pirc.gov.scot) | [@PIRCNews](https://twitter.com/PIRCNews) | [pirc.scot](https://www.pirc.scot)