

Making a Complaint about PIRC

Applicant Guide
February 2025

Contents

1. [Introduction](#)
2. [What is a Complaint](#)
3. [Who Can Make a Complaint](#)
4. [The Complaints Handling Process](#)
5. [Independent External Review](#)
6. [Complaints Involving Children](#)
7. [Roles and Responsibilities](#)
8. [Recording Complaints](#)
9. [Reporting of Complaints](#)
10. [Learning from Complaints](#)
11. [Complaints about Staff](#)
12. [Administration of the Policy](#)
13. [Non-Compliance](#)
14. [Implementation, Monitoring and Review of this Procedure](#)
15. [Benchmarks Used in Policy Formation](#)

[Appendix 1 Complaints Resolved at Early Resolution](#)

[Appendix 2 Identifying a Service Complaint](#)

[Appendix 3 Timelines](#)

[Appendix 4 Consent Form](#)

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1. Introduction

The Police Investigations & Review Commissioner (PIRC) aims to deliver a high standard of service but recognises 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, encourage good practice and address the issues 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 document explains to the public how we handle complaints. The PIRC also provides information 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.

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

When reading this Guide you may also wish to refer to the 'SPSO Statement of Complaints Handling Principles' and best practice guidance on complaints handling from the SPSO Complaints Standards Authority.

[Valuing Complaints – Website for best practice in complaints handling](#)

2. What is a Complaint?

The SPSO 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
- 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**•:

- 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 the conclusions and findings of our CHR report
- disagreement with investigative decisions regarding allegations of potential criminality made against the police
- disagreement with the decision not to undertake a CHR
- disagreement with any other 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.
- a query about or disagreement with how we have processed someone's personal data
- a query about or disagreement with our response to a request for information.

* Note this is a suggestive not determinative list.

We will not treat these issues as complaints, and will instead direct you to use the appropriate procedures and / or alternative routes are available to raise your concerns and obtain a response. Where one exists, we will provide the more appropriate way of raising concerns in relation to these issues.

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

If you are dissatisfied with decisions of the PIRC or a member of our staff, you should follow any relevant formal appeal or review processes in place. The complaints handling process is designed to deal with those cases where no other route for addressing a concern is available.

In circumstances where we determine the complaint is not valid, we will let you know and explain the reasons why.

3. Who Can Make a Complaint

Anyone who receives, requests or is affected by our services can make a complaint. Sometimes individuals 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 individual has given their personal consent, and we have written evidence of this. A Consent Form is provided at Appendix 4.

Complaints can be made by telephone, in writing or by email. It is easier for us to resolve complaints if you make them quickly, and directly to the relevant department. We therefore encourage individuals to talk to a member of staff and to allow them to try to resolve a complaint 'on-the-spot'

Complaints involving more than one service

If a complaint relates to the actions of two or more of the PIRC's services, we will tell you who will take the lead in dealing with the complaint and explain that you 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 Head of Corporate Services who will decide who will take the lead.

Where a complaint received relates solely to the service of another agency or public service provider, you will be advised to contact the appropriate organisation directly. Where, a complaint relates to a service provided by the PIRC and the service of another agency or public service provider, (for example, the Scottish Police Authority, a regulator, commissioner or government department), we will deal with the complaint relating to PIRC under this procedure. If enquiries need to be made with any outside agency in relation to the complaint, cognisance will be taken of data protection legislation and PIRC's guidance on handling personal information.

Handling an Anonymous Complaint

We value all complaints. This means we treat all complaints including anonymous complaints seriously and will consider them and take action, as appropriate. Generally, we will consider anonymous complaints if there is enough information in the complaint to enable us to make further enquiries. Any decision not to pursue an anonymous complaint must be authorised by either the Commissioner, Director of Operations or Head of Corporate Services.

Anonymous complaints including allegations of a serious nature will be referred to an appropriate member of the Senior Leadership Team (SLT) immediately.

4. The Complaints Handling Process

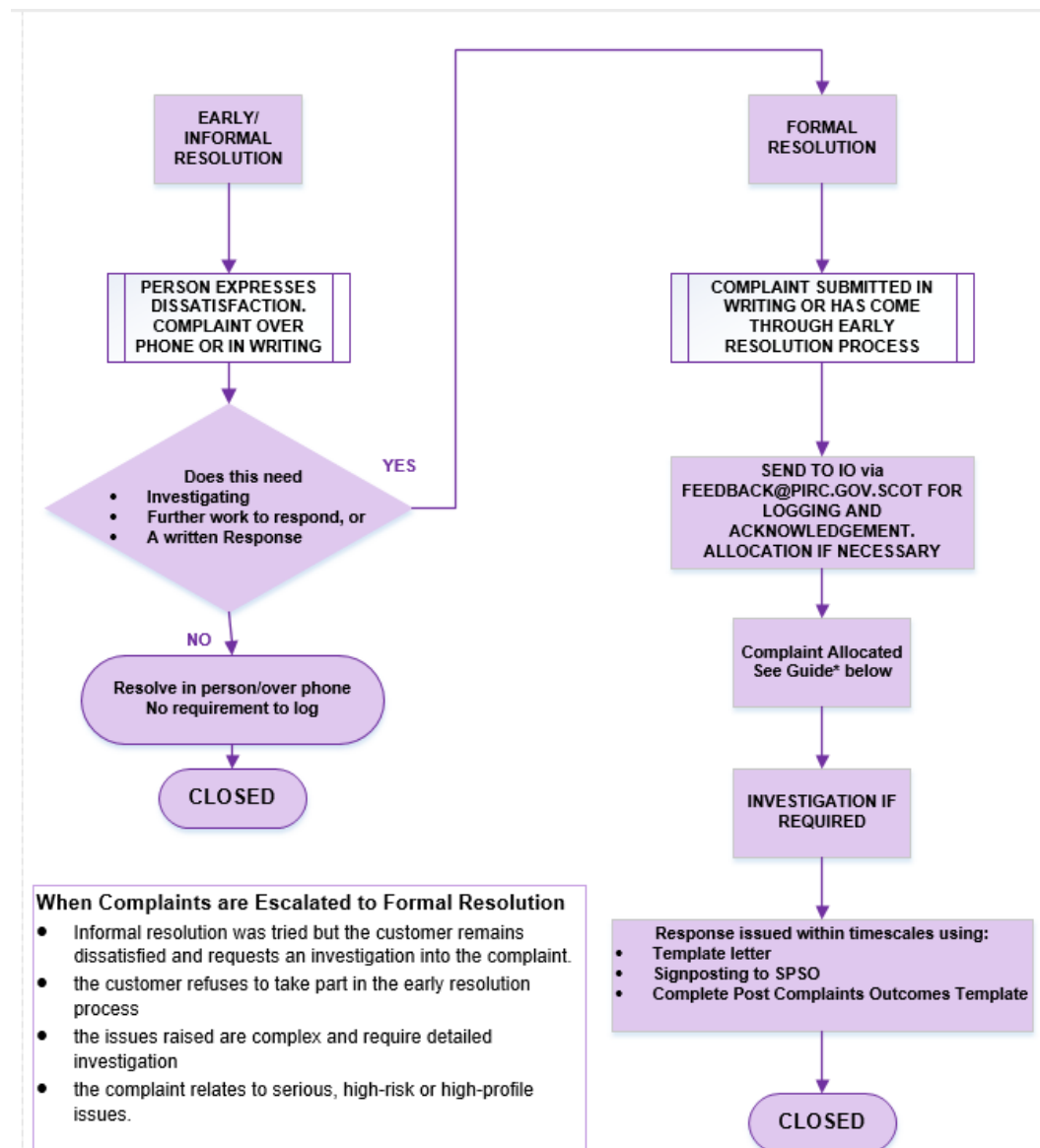
Our complaints handling procedure aims to provide a quick, simple and streamlined process for resolving complaints early by capable, well-trained staff.

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

- early resolution, and
- formal resolution.

These are set out in the following flowchart:

Complaints Handling Process:



Stage one: early resolution

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

On receiving a complaint, we will first decide whether the issue can indeed be treated as a service complaint about our organisation. We will then decide whether or not the complaint is suitable for early resolution. Many complaints will need to be fully investigated before we can give you a suitable response. We will escalate these complaints immediately to the investigation stage.

Where we think early resolution is appropriate, we will consider two key questions:

- What do you hope to achieve by complaining?
- Can we achieve this for you?

If we cannot achieve what is hoped for in the complaint, we will explain why not.

The aim of early resolution is to resolve complaints at the earliest opportunity and as close to the point of service delivery as possible. This may mean contacting you 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 not necessary

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

Outcomes of early resolution may include 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. We may also explain that, as an organisation that values complaints, we may use the information given when we review service standards in the future.

Where the staff member receiving the complaint cannot deal with it – either because they are unfamiliar with the issues or area of service involved – they will refer the complaint to the Head of Corporate Services (HCS) for further action.

Individuals can make a complaint in writing, in person, by telephone, by email or online, or by having someone complain on their behalf. Early resolution should always be considered, regardless of how you have made your complaint.

Timelines

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

We may need to get more information from other services to resolve the complaint at this stage. However, we will provide a response to you within five working days, either resolving the matter or explaining that the complaint is to be investigated.

Extension to the timeline

In exceptional circumstances, where there are clear and justifiable reasons for doing so, we may need to extend the timescale for responding to a complaint by way of early resolution.

Closing the complaint at the early resolution stage

The complaint will be passed to the HCS if early resolution is deemed appropriate but a different member of staff is identified as the most suitable person to resolve the complaint. The Information Officer (or Information Coordinator in their absence) will

record complaints which have been addressed at the early resolution stage. As such, the Information Officer must be made aware of any complaints that have been received and resolved at this stage, together with full details of the complaint and resolution.

When to escalate to the investigation stage

A complaint will be escalated to the investigation stage when:

- early resolution has not been successful
- 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.

Complaints that might be considered serious, high risk or high profile, will be brought to the attention of Senior Management as these may require particular action or raise critical issues. These may include complaints relating to those that:

- 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 vulnerable person(s)
 - child protection.

Stage two: investigation

All complaints – irrespective of stage of resolution – will be recorded on the PIRC's complaints system by the Information Governance Team, who will inform the HCS who will then allocate the complaint for investigation.

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

In exceptional circumstances and depending on the matter raised it may be necessary to request a complaint be investigated by an external body. Such complaints will, in the first instance, will be considered by the HCS for referral to the relevant external body.

What we do when we receive a complaint for investigation

We will aim to be clear with you from the start of the investigation stage exactly what we are investigating, and to ensure that you understand the investigation's scope.

We may discuss and confirm these points with you at the outset, to establish why you are dissatisfied and whether the outcome you are looking for is realistic and achievable.

It may be that you expect more than we can provide. If so, we will make this clear to you at the outset.

Where possible we will also clarify what additional information we need to investigate the complaint. You may need to provide more information to help us reach a decision.

The Information Governance Team will arrange for the details of the investigation to be recorded on our system for recording complaints. The details will be updated when the investigation ends and we are able to provide a response to you.

Timelines

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

- complaints will be acknowledged in writing within **three working days** by the Information Governance Team and allocated to a complaint enquiry officer by the HCS (or in their absence the Head of Legal Services)
- we will aim to provide a full response in writing to the complaint as soon as possible but not later than **20 working days** from the date it was determined the complaint would be escalated to investigation stage.

Extension to the timeline

It is recognised that not all investigations will be able to meet this deadline. For example, some complaints will be complex and require detailed investigation beyond the 20-day limit. Such extensions should be considered the exception and we will always try to provide a final response to a complaint within 20 working days.

If there are clear and justifiable reasons for extending the timescale, the HCS will set time limits for any extended investigation. We will aim to keep you updated on the reason for the delay and give you a revised timescale for completion. The reasons for an extension may include the following:

- essential accounts or statements needed from staff or others which is impacted by absence
- unforeseen or unavoidable operational circumstances, for example industrial action, or severe weather conditions
- operational demands.

As with complaints considered at the early stage, the number of complaints that exceed the 20-day limit will be reported to our Audit and Accountability Committee on an annual basis.

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

Closing the complaint at the investigation stage

We will let you know the outcome of the investigation, in writing. The response will explain the reasons for our decision and also make clear to you:

- your right to ask the SPSO to consider the complaint

- the time limit for doing so (within 12 months), and
- how to contact the SPSO.

5. Independent External Review: SPSO

Once the investigation stage has been completed, you have the right to contact the SPSO if you remain dissatisfied.

The SPSO considers complaints from individuals 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 SPSO is the final stage for complaints about public services in Scotland. This includes complaints about the Scottish Government, Non-Departmental Public Bodies (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 individuals have not gone through all the organisation's complaints handling procedure
- more than 12 months after you became aware of the matter you 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

Website: www.spsso.org.uk

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

6. Complaints Involving Children

There are three main types of complaints involving children:

1. complaints / allegations raised by a child directly;
2. complaints / allegations raised by an adult at the request of / on behalf of a child; and
3. complaints / allegations raised by an adult about any issues affecting a child.

Complaints / allegations that fall under definitions 1 & 2, above, are Child-Led and ownership rests with the child. Consent will be needed from the child for their Responsible Adult (RA) to be informed and/or act on the child's behalf in relation to the complaint / allegation.

Complaints / allegations that fall under definition 3, above, are Adult-Led and ownership could rest with either the child or the adult. Staff should clarify if the adult is acting on behalf of the child, or on their own behalf. Where they are acting on behalf of the child, the Child-Led process should be followed. Where they are acting on their own behalf, the Adult-Led process should be followed.

The RA is generally the child's parent / carer / legal guardian. However, other adults can fulfil this role, for example social workers, teachers, etc.

Guidance on the consent process and carrying out the best interests assessment are contained in the Guidance for PIRC Staff published separately, and available on the Intranet

Staff should bear in mind that any decision involving a child must take account of the best interests of the child as one of the primary considerations. There is an obligation on staff to ensure that the views, feelings and wishes of every child capable of forming their own views are heard, with this assessment made on a case by case basis rather than with reference to the child's age alone. There is also an obligation for staff to consider and take seriously any views expressed by the child. The rationale for any decision in this regard must be fully recorded.

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 Head of Corporate Services.

PIRC Senior Leadership Team (SLT): On the HCS' behalf, members of the SLT 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 a complaints enquiry officer who will be a member of staff with appropriate knowledge and seniority. Where this happens, they will retain ownership and accountability for the management and reporting of complaints. The PIRC SLT will have operational responsibility for the implementation of the CHP and the development and promotion of good practice across PIRC.

Complaints Enquiry Officer: The complaints enquiry officer is the employee responsible and accountable for the progressing the complaint enquiry. This may include preparing a comprehensive written complaint enquiry report, including details of any procedural changes in service delivery that could result in wider opportunities for learning and improvement within the PIRC.

All staff: 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.

The PIRC's SPSO liaison officer (Information Officer): Our SPSO liaison officer 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.

Head of Corporate Services: The HCS as Accountable Officer has overall responsibility for the management of complaints. They will consider whether a complaint will be dealt with internally or requires to be referred to an external agency.

They also have operational responsibility for ensuring the complaints process is followed correctly and complaint responses are compliant with our policy. The HCS is also responsible for ensuring any disciplinary action required as a result of a complaint is implemented and that investigations are managed appropriately. In addition, the HCS has the responsibility for handling any complaints about the Commissioner and referring these to an external agency for investigation.

Commissioner: The Commissioner will consider any complaints made about the HCS and will consider whether a complaint will be dealt with internally or requires to be referred to an external agency.

8. Recording of Complaints

Complaints provide valuable organisational feedback and opportunity for learning. One of the aims of the complaints handling procedure is to identify opportunities to improve services across the PIRC. We will 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.

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 process and will help to assure the public that we value their complaints.

This information will be considered annually by the Audit and Accountability Committee.

10. Learning from Complaints

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

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 the time taken to resolve complaints and the stage at which complaints were resolved.

Maintaining confidentiality

Confidentiality is important in complaints handling. It includes maintaining your confidentiality and explaining to you the importance of confidentiality generally. This includes complying with the requirements of UK data protection legislation, as well as internal policies on confidentiality and the use of personal information.

Managing unacceptable behaviour

PIRC has an Unacceptable Actions Policy. This is published on our website which details how we will deal with unacceptable behaviour.

Supporting the individual

All individuals have the right to equal access to our complaints handling procedure. Individuals who do not have English as a first language may need help with interpretation and translation services others 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 ensure equality. This includes making reasonable adjustments to our service to help individual(s) where appropriate.

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

Time limit for making complaints

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

11. Complaints about Staff

Where we receive complaints about a PIRC staff member (relating to potentially behaviour, competence or perceived competence), we will ensure that these complaints are investigated fairly and objectively and, where necessary, take such action as required. It will not normally be possible to give you specific details about any disciplinary action taken.

Complaints about senior staff

When complaints (including serious complaints) are raised against senior staff, it is 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.

Senior staff shall be taken to mean members of the SLT.

Disciplinary action arising from a complaint

A possible outcome of a complaint investigation is that disciplinary action against one or more of the PIRC's staff must 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 will consult with the Head of Corporate Services prior to undertaking any action or steps under the disciplinary procedure.

12. Administration of the Policy

This policy is supported by Complaint Handling Procedures for PIRC staff, which set out in detail how this policy is applied from an employee'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 write to the SPSO.

14. Implementation, Monitoring and Review of this Policy

The HCS 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:	Information Officer
Approver:	Head of Corporate Services
Version Number:	Version
Date of Approval:	February 2025
Summary of last modification:	Split into two policies, one for staff and one for individuals making a complaint.
Modified by:	Information Officer / Head of Legal Services
Next review date:	February 2027

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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.

Complaint	Possible actions to achieve resolution
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

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APPENDIX 2 – Identifying a Service Complaint

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

Individual 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.

Individual will be advised that the internal process has concluded and should they remain dissatisfied, they may wish to seek independent legal advice.

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

Individual 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 individual 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.

Individual 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: Individual asks us to "investigate" their issues, which are really complaints about a police body.

Individual 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.

Individual 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. Individual 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

We hope to achieve early resolution within five working days. The day we 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 we 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 early resolution has not resolved the matter and you want to escalate the complaint to the investigation stage, the case must be passed for investigation without delay.

Timelines at investigation

We may consider a complaint at the investigation stage either:

- after attempted early resolution, or
- immediately on receipt if we 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 you ask for an investigation after a decision at the early resolution stage. We note that you may not ask for an investigation immediately after attempts at early resolution, or
- the date we receive the complaint, if we think it sufficiently complex, serious or appropriate to merit a full investigation from the outset.

Investigation

We hope to 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 we have 20 working days to investigate the complaint, regardless of any time taken to consider it at the early resolution stage.

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APPENDIX 4 - Complaint about the PIRC : Consent Form

If you would like somebody to act on your behalf (such as a solicitor, friend or relative), please give their details here:

Name	
Address	
Postcode	
Phone number	
Mobile number	
Email	

To give us your permission to talk to your representative about your case, please sign and date below.

I agree to you sharing information about my case with my representative named above.

Signed:

Date:

Return your completed consent form with your letter of complaint to feedback@pirc.gov.scot or post to PIRC, Hamilton House, Hamilton Business Park, Caird Park, Hamilton ML3 0QA