



Police Investigations &
Review Commissioner

Oysterman

By Email : request-170078-559f811e@whatdotheyknow.com

2 August 2013
FOI 196

Dear <<name redacted>>

FREEDOM OF INFORMATION REQUEST

Thank you for your request of 24 July 2013 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

"I hear by request the following information or information that would answer the following under HM Freedom of Information (Scotland) Act 2002

A) How many complaints against the commission regarding the following issues have been lodged by the public between April 2013 and today's date and April 2007 until 1/1/2013 when the service was known as the Police Complaints Commission for Scotland.

- 1. Discrimination or prejudice as against any protected characteristic as defined by HM Equality Act 2010.*
- 2. Human Rights violations as defined under HM Human Rights Act 1998, the wider EU protocols/directives on the fundamental freedoms of EU Citizens or the UN International Declaration on Human Rights.*
- 3. Lack of due rigour, due impartiality, due process or corruption.*

I would request a full count of these complaints (if any) placed in the order of "Upheld" "Partially Upheld" and "Not-Upheld" with all details disclosed in accordance to HM Data Protection Act 1998."

The PIRC has considered this as a request under the Freedom of Information (Scotland) Act 2002 ("FOISA"). An application for information held by public authorities under section 1 of FOISA requires that a public authority release all information held, subject to any applicable exemptions. Public authorities have twenty working days following the date of receipt of the request to respond to an applicant. Therefore, the deadline for response is 21 August 2013.

I have analysed all complaints received by the PCCS between April 2007 and March 2013, and those received by the PIRC from 1 April 2013, and have listed them in a table on the next page. Each complaint we receive can be made up of a number of Heads of Complaint (HOC) within each.

I can confirm we received the following complaints for both organisations:

	No Complaints	No. HOC	No. HOC Upheld	No. HOC Not Upheld
2007/08	7	13	1	12
2008/09	10	26	0	26
2009/10	21	43	11	32
2010/11	25	29	9	20
2011/12	14	22	5	17
2012/13	13	39	0	39
2013/14	7	17	1	16
TOTAL	97	189	27	162

1. Discrimination or prejudice as against any protected characteristic as defined by HM Equality Act 2010.

We received one Head of Complaint which alleged racial abuse, and other one where the applicant stated they were not treated fairly due to their nationality. Both Heads of Complaint were not upheld.

Four complaints (HOC) we received alleged unfair treatment due to an applicant's disability, and none were upheld.

2. Human Rights violations as defined under HM Human Rights Act 1998, the wider EU protocols/directives on the fundamental freedoms of EU Citizens or the UN International Declaration on Human Rights.

We have not received any complaints, either as PCCS or as PIRC which allege the violation of Human Rights.

3. Lack of due rigour, due impartiality, due process or corruption.

Most of the other complaints received relate to issues regarding the time taken to review an applicant's complaint about a policing body, or the outcome of the review, or in some cases, both. In some circumstances this has led to an applicant alleging corruption on the part of reviewing staff and/or the Commissioner. We have received 11 such allegations (HOC), none of which were upheld. The remaining complaints related to standards of service.

YOUR RIGHT TO REQUEST A REVIEW

You have a right under FOISA to request a review of this decision. If you wish to exercise this right, you must do so within forty working days following the date of receipt of this decision.

Your request for a review must be in writing and you must specify your name and address for correspondence. You must also identify the decision that you wish to be reviewed. Should you wish to request a review, please address your request to:

**Director of Corporate Services
Police Investigations & Review Commissioner
Hamilton House
Caird Park
Hamilton
ML3 0QA**

Your review will be undertaken by an individual not involved in the original decision making process.

YOUR RIGHT OF APPEAL

If you are dissatisfied with the outcome of a review, you have a right under the FOISA to appeal to the Scottish Information Commissioner. If you wish to do so, you must appeal to the Commissioner within six months following the date of receipt of the review notice. The Commissioner's contact details are as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS
Email: enquiries@itspublicknowledge.info
Tel: 01334 464610

Yours sincerely

A handwritten signature in black ink, appearing to read 'Janice Carter', with a stylized, cursive script.

Janice Carter
Policy, Performance and Research Office