

**Criminal Injuries Compensation Authority (CICA)**

National Guidance

## Notice:

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Contents

[Notice: 1](#_Toc194910401)

[1. Introduction / Purpose 3](#_Toc194910402)

[2. Disclosure of Information 3](#_Toc194910403)

[3. Process / Procedures 4](#_Toc194910404)

[4. Medical Notes 6](#_Toc194910405)

[5. Further Investigation 6](#_Toc194910406)

[6. Disposal of Court Proceedings 7](#_Toc194910407)

[7. Incident Report Not Traced 7](#_Toc194910408)

[8. Major Incidents or Multiple Incidents 7](#_Toc194910409)

[9. CICA Correspondence 7](#_Toc194910410)

[10. Criminal Injuries Compensation Claims by Police Officers and Authority / Police Staff members 8](#_Toc194910411)

[11. Appeals to the Criminal Injuries Compensation Tribunal 8](#_Toc194910412)

[12. Attendance at CIC Hearings 9](#_Toc194910413)

[13. Key Contacts 10](#_Toc194910414)

[Appendix ‘B’ - ‘V’ – Dumfries and Galloway 12](#_Toc194910415)

[Appendix ‘C’- ‘P’ – Fife 13](#_Toc194910416)

[Appendix ‘D’ - ‘A’ – North East 14](#_Toc194910417)

[Appendix ‘E’ - ‘E’ - Edinburgh 15](#_Toc194910418)

[Appendix ‘F’ - ‘J’ – Lothians and Scottish Borders 16](#_Toc194910419)

[Appendix ‘G’ - ‘N’ – Highlands and Islands 17](#_Toc194910420)

[Appendix ‘H’ - ‘G’ – Greater Glasgow 18](#_Toc194910421)

[Appendix ‘I’ - ‘D’ - Tayside 19](#_Toc194910422)

[Appendix ‘J’ - ‘K’ – Renfrewshire and Inverclyde 20](#_Toc194910423)

[Appendix ‘K’ - ‘L’ – Argyll and West Dunbartonshire 21](#_Toc194910424)

[Appendix ‘L’ - ‘Q’ - Lanarkshire 22](#_Toc194910425)

[Appendix ‘M’ - ‘U’ - Ayrshire 23](#_Toc194910426)

[Compliance record 24](#_Toc194910427)

[Version control table 24](#_Toc194910428)

[Feedback 24](#_Toc194910429)

## Introduction / Purpose

This Guidance supports the Criminal Justice PSoS Policy for the Police Service of Scotland, (hereafter referred to as Police Scotland), and Scottish Police Authority (SPA).

This document aims to give guidance on responding to the Criminal Injuries Compensation Authority (CICA) correspondence, attending CICA hearings, and when dealing with or making claims for Criminal Injuries Compensation.

The CICA is a government body which assists victims of crime to obtain financial compensation for serious physical injuries sustained as a result of criminal acts. It does not compensate for material loss e.g., damaged, or stolen property. To fulfil its remit, the CICA requires to gather information from Police Scotland.

Police Scotland recognises that the CICA is dependent on police forces providing the requested information to progress applications and, a failure to do so within the timeframe, will result in delays and an inability to provide an acceptable level of service to victims. Where individual divisions fail to provide the requested information within agreed timescales, the CICA may escalate this to the Police Scotland lead for victims and witnesses, to take any steps deemed necessary, to bring individual police forces into compliance with protocols.

## Disclosure of Information

Any information provided by the police to the CICA, which is subsequently used during the decision-making process, may have to be disclosed to the applicant under the rules of disclosure.

Therefore, it is essential that the police only disclose information to the CICA, which can be used in an open and transparent process. This will include any police documents protectively marked under the Government Security Classification scheme (GSC).

It is acknowledged that the disclosure of information from the police to the CICA must be adequate, relevant, and not excessive to each individual case.

To comply with this requirement, the procedure by which the CICA will request information is staged. The purpose of this is to ensure that only information relevant to the case is passed to the CICA. With each request for additional information, the CICA will undertake to request only information necessary to carry out their role in accordance with the Criminal Injuries Compensation Scheme.

Please refer to the Information Sharing Agreement (ISA) between The Police Service of Scotland and the Criminal Injuries Compensation Authority (CICA) for further information.

## Process / Procedures

Stage One:

The first stage is the application form (accessed through the ‘Claim compensation if you were the victim of a violent crime’ page of the United Kingdom Government website), completed by the victim, and provided to the CICA. For the application to progress, the applicant must provide a declaration, permitting the CICA to make enquiries with the police and other agencies to obtain further information and verify the details they have provided in the application form.

Police Scotland will work on the assumption that, when requests relating to the case come to them, the victim's signature and consent have been obtained.

Stage Two:

When the CICA have received a correctly completed application form from the victim, they will conduct a preliminary assessment. If they consider there are grounds for the claim to progress, they will send an initial information request form to the relevant police area. It will be the responsibility of each Local Policing Division to complete the requests received from the CICA for the relevant policing area, and to ensure these are processed and returned within required timescales.

This form is to be completed as soon as practicably possible, with the information known at the time, and returned to the CICA within 30 days of it being issued. It should not normally be retained to await the outcome of court cases or subsequent appeals. This will be accompanied by the following documents only:

* Statement from the applicant (only supplied if the proceedings have been concluded at court as defined in sections 118(5) and 120(5) of the Criminal Justice and Licensing (Scotland) Act 2010; where no proceedings have been instigated; or the investigation has otherwise ended). Where no suspect has been identified, an assessment on a case-by-case basis, will be required. This should take account of the time that has elapsed since the incident and any likelihood of anyone being reported in the future. However, if this relates to a serious case or there has been prior involvement of the local Procurator Fiscal (PF), then discussion should take place between the Reporting Officer (or nominated local enquiry officer) and the PF prior to any statement being disclosed.
* The applicant’s court print from the Criminal History System (CHS) and witness print from the Police National Computer (PNC) which will contain a record of unspent convictions from the date of the application for compensation and any pending cases.
* Where available, a factual account of the incident, summarising the incident and witness statements.

The purpose of the initial information request is to provide the CICA with as much information about the case as early as possible. This may be followed up by requests for further information at the conclusion of the police investigation and any subsequent court proceedings. The more completed reports (where all questions have been answered with complete and accurate information) are submitted to CICA, the fewer requests for further information will be made.

Stage Three:

* On receipt of an initial information request form, the CICA will assess the case for any further information essential to a fair and proportionate decision being made. If further information or documentation is necessary for the purpose of deciding under the scheme, a second request will be sent by the case officer outlining the information required and why it is necessary. This form is to be completed within 30 days of it being issued or as soon as practicably possible.
* In general terms, a relevant applicant statement, factual account of the incident and previous conviction information will be provided. Where necessary, third-party information will be redacted.

By following the staged processes laid out above, both the Police and the CICA will ensure the personal data they hold individually, or share, will be relevant, proportionate, and not excessive for each case. The principles of data protection will have been followed and both organisations will be acting in compliance with Data Protection Act 2018 and United Kingdon (UK) General Data Protection Regulation (GDPR).

## Medical Notes

If the CICA seeks information regarding a doctor’s examination of an applicant, they should be apprised of the doctor's identity and advised either to seek a report directly from the doctor, or to extend an invitation to give evidence at a hearing. Copy notes should not be provided by Police Scotland.

## Further Investigation

When the investigation of the crime concerned has been completed, and the Crown Office and Procurator Fiscal Service (COPFS) have concluded their case, any request, from the CICA or, solicitors acting for victims, for the police to interview witnesses, is to be declined, even where it is indicated that new witnesses have been traced by the victim. Such new evidence may be placed before the CICA by the claimant at their own expense.

After reporting a case to COPFS and before a result is made known, there may be enquiries from the CICA or solicitors acting for the victim, in which case the enquiry is to be acknowledged in the first instance and the enquirer informed that the matter is being dealt with by the appropriate Procurator Fiscal (PF), to whom any enquiry should be addressed.

Enquiries may be received in respect of an alleged crime where the victim has declined to furnish a statement or has indicated that they wished no police inquiry made. In these circumstances, a statement from the officer(s) concerned should be provided to this effect.

## Disposal of Court Proceedings

The CICA will contact the appropriate court directly to obtain the necessary information. Police should not obtain such information at the request of the CICA.

## Incident Report Not Traced

Where records have been searched and no trace is found of the incident having been reported, then a letter to that effect is to be sent to the CICA by the individual division. No police officer is required to attend a hearing to give such information.

## Major Incidents or Multiple Incidents

Following a major incident (such as a domestic terrorist incident) CICA will form a Major Incident Team (MIT) to consult with Police Scotland and plan to obtain confirmation of victims known to the police. This will enable CICA to verify whether applicants are eligible for compensation.

## CICA Correspondence

Police Scotland is committed to ensuring that there is a standard approach when communicating with the CICA.

There are five different types of CICA correspondence received by the police:

* PS1A – Application due to a single incident
* PS1B – Application due to a period or periods of physical or sexual abuse
* PS1C – Application due to a fatality
* PSB2 – Any follow-up enquiry
* TB06 – Standalone request for convictions check on applicant.

There will be occasions when enquiry forms will require to be forwarded to the reporting officer for attention and return. These forms will be accompanied by a document giving the Reporting Officer clear and concise instruction on what information is required.

Special instruction for regional variations is provided in the appropriate geographical appendices (‘A’ - ‘M’).

## Criminal Injuries Compensation Claims by Police Officers and Authority / Police Staff members

Any police officer wishing to submit a personal claim or appeal to the CICA should, in the first instance, contact the Scottish Police Federation (SPF) for more detailed guidance and advice on how to apply.

Any authority / police staff members who is a member of UNISON or Unite wishing to submit a personal claim or appeal to the CICA should, in the first instance, contact UNISON or Unite for more detailed guidance and advice on how to apply.

If not a member of UNISON or Unite, authority / police staff members should follow the guidance contained on the CICA website via ‘Claim compensation if you were the victim of a violent crime’.

## Appeals to the Criminal Injuries Compensation Tribunal

The Criminal Injuries Compensation Tribunal considers appeals against decisions made by the CICA. Copies of explanatory leaflets and application forms in relation to the Criminal Injuries Compensation Tribunal are available to members of the public at all police stations.

## Attendance at CIC Hearings

A 'Notice of Hearing Attendance' will normally be sent directly to the named individual, who must attend the relevant hearing in the same way as they would attend court.

The correspondence from the CICA will provide details of the applicant / case and directions to the CICA office. Only the following information should be taken:

* Copy statements – this should only be the applicants and the officer’s and
* Details of the applicant's convictions.

Individuals attending should be aware that anything produced at a CICA hearing will be disclosed to the applicant.

It is incumbent upon each individual to ensure that they are prepared for the hearing. Although the rules of evidence differ from those used in a court, a CICA hearing is still a formal process.

The issues that are in dispute should be established and potential questions anticipated, particularly in relation to documentation.

Individuals are encouraged to telephone the CICA Presenting Officer's Unit (Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs) for guidance or discussion prior to attending a hearing.

The Presenting Officer’s Unit is available for guidance on the format and conduct of the proceedings.

The following expenses incurred through attendance at CICA hearings can be recovered by Police Scotland from the CICA:

* Salary Costs (recorded in hours)
* Overtime Costs (recorded in hours)
* Travelling Expenses, including car parking costs
* Refreshment and Subsistence Expenses
* Any other reasonable costs incurred.

At the conclusion of the hearing, an expenses claim form should be submitted, with any relevant receipts via their line manager as soon as possible, so that relevant costs can be recovered. The expenses claim would be submitted through normal processes. Further guidance can be found within [Allowances and Expenses (Officers) Procedure](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Allowances-and-Expenses-(Police-Officers).aspx) and [Allowances and Expenses (Staff) Procedure](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Allowances-and-Expenses-(Staff).aspx).

## Key Contacts

The national contact for any queries is CJSD Policy. They can be contacted via Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

**Appendix ‘A’ - ‘C’ – Forth Valley**

* All CICA correspondence received, which is in electronic format, will be co-ordinated and processed through the Business Services Unit (BSU) based at Falkirk and is logged on to an Excel spreadsheet.
* There should be no direct correspondence with CICA outside of the BSU.
* Application enquiry forms are sent electronically to the Reporting Officer via email and the Supervising Officer is also copied in for management purposes.
* Completed forms and disclosable statements are returned via email to the BSU (via the Reporting Officers Line Manager). The Officer has 28 days to complete the form and return it to BSU.
* Staff within the BSU will check the completed form to identify if the applicant has any previous convictions.
* BSU staff will then carry out a check on CHS.
* Convictions are attached by the BSU staff prior to submitting to the CICA by email.
* Copies of all completed forms are held electronically at BSU within shared drive folder.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘B’ - ‘V’ – Dumfries and Galloway

* All CICA correspondence received, which is in electronic format, will be co-ordinated and processed through the Divisional Coordination Unit (DCU).
* Application enquiry forms are sent electronically to the Reporting Officer for completion. The Officer has 28 days to complete the form and return it to the DCU who check the content and, if the case has been disposed of, attach the previous convictions and statements.
* Follow-up enquiry forms or applications are completed by the DCU unless circumstantial information is required, in which case, the form must be sent electronically to the Reporting Officer for completion.
* The DCU keep copies of all paperwork and a spreadsheet of the requests / replies.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘C’- ‘P’ – Fife

* All CICA correspondence received, which is in electronic format, will be co-ordinated and processed through the Business Support Unit (BSU) based at Glenrothes.
* CICA communications received will be logged on an Excel spreadsheet.
* Application enquiry forms will be updated by the BSU staff, where feasible, and forwarded to the Reporting Officer for completion via email with the officer's line manager copied into the email for management purposes.
* The Reporting Officer has 14 days to complete the form and return it via email to the BSU.
* Convictions and statements are attached by the staff within the BSU and submitted to CICA electronically.
* Follow-up enquiry forms will be completed by staff within the BSU unless it is for additional information / comments from the Reporting Officer. In these instances, the form is sent electronically to the Reporting Officer for completion and returned electronically to the BSU for onward transmission to CICA.
* Forms that are not replied to within the timescale will be actioned by the BSU, to obtain a response from the Reporting Officer and their supervising officer electronically.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘D’ - ‘A’ – North East

* **All CICA correspondence received, which is in electronic format, will be co-ordinated and processed through the Divisional Coordination Unit (DCU) based at Aberdeen.**
* **CICA communications received will be saved into an Excel folder.**
* Application enquiry forms will be updated by the **DCU** staff who will attach any note of previous convictions.
* Officers are sent the form electronically to complete (within 14 days) and return to the DCU along with a copy of the applicant’s statement.
* DCU will then save a copy of the completed form in the folder and submit to CICA via email.
* Follow-up enquiry forms that require convictions only, are received via email.
* **The DCU** provide the printouts and returns the request via email to CICA.
* A copy of the request is saved into a folder and recorded on an Excel spreadsheet.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘E’ - ‘E’ - Edinburgh

* All CICA correspondence, which is in electronic format, will be co-ordinated and processed within the Business Support Unit (BSU).
* Application enquiry forms are logged and are given a log number. A folder is also created, and the electronic copy is stored in the folder.
* The application form is sent via email to the Reporting Officer.
* Officers have 14 days to complete and send the form back to the BSU.
* If no reply is received, a reminder is sent to the Reporting Officer and then a further reminder to the officer and supervisor.
* On receipt of the completed form, staff within the BSU check the form and will make any amendments required.
* The BSU staff are also responsible for attaching CHS / PNC convictions and any statements.
* All documents are saved into the electronic folder, and all completed applications are returned to CICA by email.
* Any statements and convictions are sent electronically to CICA via email.
* Follow-up enquiry forms are received via email and are sent to the Reporting Officer for completion.
* All completed forms are returned to the BSU and are submitted back to the CICA via email.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘F’ - ‘J’ – Lothians and Scottish Borders

* All CICA correspondence received, which is in electronic format, will be co-ordinated and processed by the Business Support Unit (BSU).
* CICA communications received will be logged on an internal database.
* Application enquiry forms will be updated by BSU staff.
* Any subsequent questions / queries will be forwarded electronically to the Reporting Officer for completion and returned to the BSU by email within 30 days.
* Convictions and statements are attached by the staff within the BSU and submitted to CICA electronically.
* Follow-up enquiry forms will be completed by staff within the BSU unless it is for additional information / comments from the Reporting Officer. In these instances, the form is sent electronically to the officer for completion and returned electronically to the BSU for onward transmission to CICA.
* A copy of the completed forms will be held electronically at BSU.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘G’ - ‘N’ – Highlands and Islands

* All CICA correspondence received, which is in electronic format, will be co-ordinated and processed by Service Delivery.
* CICA communications received will be logged on an internal database.
* Application enquiry forms are checked by the staff within Service Delivery to establish the applicant was a victim, details supplied are correct and to identify the Reporting Officer.
* The form is sent electronically to the Reporting Office for completion. This request is also copied into a divisional contact so that application forms are monitored / managed locally.
* If no reply is received, reminders are sent at 14 days and 21 days.
* On receipt of the completed form, staff within Service Delivery check the form and will make any amendments required.
* Staff within Service Delivery are also responsible for attaching CHS / PNC convictions and any statements.
* Follow-up enquiry forms are received electronically and will be completed by staff within Service Delivery unless it is for additional information / comments from the Officer.

Email Contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘H’ - ‘G’ – Greater Glasgow

* All CICA correspondence which is received electronically, will be co-ordinated and processed by Criminal Justice Services Division (CJSD) Glasgow Procurator Fiscal (PF) Liaison Unit staff.
* Forms are recorded on a general spreadsheet.
* PF Liaison staff are responsible for completing and, if required, the Reporting Officer is contacted by email for the information.
* It is the responsibility of the staff within the PF Liaison Unit to contact the Reporting Officer for every case, to check the report is a true and accurate reflection of the enquiry.
* Officers are responsible for attaching statements.
* PSB2 are completed by staff within the PF Liaison Unit unless it is for additional information / comments from the officer. In these instances, an email is sent to the officer requesting the information and that it is returned to the Divisional Administration Unit for onward transmission to the CICA.

Email contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘I’ - ‘D’ - Tayside

* All CICA correspondence, which is in electronic format, will be co-ordinated and processed within the Business Support Unit (BSU).
* Application enquiry forms are logged and are given a log number. A folder is also created, and the electronic copy is stored in the folder.
* The application form is sent via email to the Reporting Officer.
* Reporting Officers have 14 days to complete and send back to the BSU.
* If no reply is received, a reminder is sent to the officer and then a further reminder to the officer and supervisor.
* On receipt of the completed form, staff within the BSU check the form and will make any amendments required.
* The BSU staff are also responsible for attaching CHS / PNC convictions and any statements.
* All documents are saved into the electronic folder, and all completed applications are returned to CICA by email.
* Any statements and convictions are sent electronically to CICA via email.
* Follow-up enquiry forms are received via email and are sent to the Reporting Officer for completion.
* All completed forms are returned to the Divisional Administration Unit and are submitted back to the CICA via email.

Email contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘J’ - ‘K’ – Renfrewshire and Inverclyde

* All CICA correspondence, which is received via email, will be co-ordinated and processed by Service Delivery Unit staff.
* Application enquiry forms are recorded on a general spreadsheet.
* Service Delivery Unit staff are responsible for completing and, if required, the Reporting Officer will be contacted by email for the information.
* It is the responsibility of the staff within the Service Delivery Unit to contact the Reporting Officer for every case to check the report is a true and accurate reflection of the enquiry.
* Officers are responsible for attaching statements.
* Follow-up enquiry forms are completed by staff within the Service Delivery Unit unless it is for additional information / comments from the Reporting Officer. In these instances, an email is sent to the Reporting Officer requesting the information and that it is returned to the Service Delivery Unit for onward transmission to the CICA.

Email contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘K’ - ‘L’ – Argyll and West Dunbartonshire

* All CICA correspondence, which is received via email, will be co-ordinated and processed by Divisional Administration Support Unit (DASU) staff.
* Enquiry forms are recorded on a general spreadsheet. DASU staff are responsible for completing the form.
* It is the responsibility of the staff within the DASU to complete all enquiries received from the CICA.
* The Reporting Officer is not allocated enquiries.
* DASU staff then return the completed forms to the CICA via email and store the sent emails in a local shared drive folder.

Email contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘L’ - ‘Q’ - Lanarkshire

* All CICA correspondence, which is received via email, will be co-ordinated and processed by Divisional Administration Support Unit (DASU) staff.
* Enquiry forms are recorded on a general spreadsheet. DASU staff are responsible for completing and, should the need arise, the Reporting Officer is contacted by email for the information required.
* DASU staff then submit, via email, the completed enquiry forms, and information to the CICA.
* Records of information sent to the CICA are stored electronically in local shared folders.

Email contact: Information has been removed due to its content being exempt in terms of the Freedom of Information (Scotland) Act 2002, [Section 30](http://www.legislation.gov.uk/asp/2002/13/section/30), Prejudice to effective conduct of public affairs

## Appendix ‘M’ - ‘U’ - Ayrshire

* All CICA correspondence, which is received via email, will be co-ordinated and processed by Divisional Administration Support Unit (DASU) staff.
* Application enquiry forms are recorded on a general spreadsheet which the DASU staff are responsible for completing, and if required, the Reporting Officer will be contacted by email for the information.
* It is the responsibility of the staff within the DASU to contact the Reporting Officer for every case to check the report is a true and accurate reflection of the enquiry.
* Officers are responsible for attaching statements.
* Follow-up enquiry forms are completed by staff within the DASU unless it is for additional information / comments from the Reporting Officer. In these, instances, an email is sent to the Reporting Officer requesting the information and that it is returned to the Divisional Administration Unit for onward transmission to the CICA.

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## Compliance record

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## Feedback

All Police Scotland service delivery Policies, Standard Operating Procedures (SOPs) and National Guidance are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If any officer / staff member wishes to provide comment, or make suggestions for improvements to this or any associated document, a Service Delivery Policy and Procedure Feedback Form (Form 066-014) should be used.