

Police Investigations & Review Commissioner

Changes to “From Sanctions to Solutions”



This document sets out changes to the Commissioner’s guidance on the handling of complaints, “From Sanctions to Solutions”. The changes will come into effect on 1 April 2013. Some of changes are necessary in light of amendments made to the definition of a complaint about the police within the Police and Fire Reform (Scotland) 2012 (“the 2012 Act”). Other changes relate to parts of the guidance which required clarification in light of representations made by the police service, or as a result of complaint audits undertaken by the PCCS.

A full review of the guidance will take place during 2013/14. Until that time, the guidance must be read in conjunction with this document.

The change to the definition of a complaint about the police

Section 34(2) of the Police Public Order and Criminal Justice (Scotland) Act defined a complaint as “a written expression of dissatisfaction” about, among others, a person serving with the police, or a police force.

The 2012 Act amended section 34(2) so that, as of 1 April 2013, a complaint about the police means:

“a statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission –

- (a) by the Scottish Police Authority;
- (b) by the Police Service of Scotland; or
- (c) by a person who, at the time of the act or omission, was a person serving with the police.”

The guidance as a whole (and paragraphs 2, 46 and 69 in particular) needs to be read in light of this change. In addition, the practice of recording complaints for statistical purposes will require to reflect the new definition.

Changes to paragraphs 52 to 59 of the guidance

The following replaces paragraphs 52-59 of the guidance.

“Frontline Resolution”

52. Frontline resolution is often an appropriate way of dealing with complaints which are relatively minor and straightforward, and which are likely to have a lower impact on the individual or policing body.

53. When a complaint of this kind is made face to face in a police station or by telephone to a service centre, the person notified about the complaint, or their supervisor, should attempt to resolve the matter there and then by providing a suitable response such as an explanation, apology or assurance. If the complainer is content with the verbal response, the person handling the call must note details of the complaint, the response given and the complainer’s satisfaction with this. The Professional Standards Department must thereafter be informed of the complaint so that it can be recorded on Centurion. This ensures that the complaint features in the complaints statistics produced by the policing body.

54. In most cases, it will be clear when a caller to a police station or service centre is making a complaint about the police. However, where there is any doubt, the person dealing with the call is encouraged to clarify this. Often a simple question such as “Are you making a complaint?” will be sufficient to establish the person’s intention.

55. If the person notified of the complaint is unsure whether it is one appropriate for frontline resolution, they should consult with a supervisor.

56. It is essential to the process of frontline resolution that the person handling the call confirms with the complainer that he or she is satisfied with the response provided and to ensure that they do not wish the complaint to be progressed.

57. If the complaint is resolved verbally, but there is a potential issue concerning the conduct of an officer or staff member, this must be noted by the person handling the complaint and passed to the Professional Standards Department.

58. Similarly, where the person who resolved the complaint identifies potential learning for the policing body, details of this should be noted and passed to the Professional Standards Department.

59. Complaints resolved by frontline resolution do not need to progress through stages 3-6 of the complaint handling process. However, once notified of a complaint which has been resolved by frontline resolution, the policing body will issue to the complainer a brief letter acknowledging the complaint and confirming that it has been resolved. The letter should also advise the complainer that if, on reflection, they wish to pursue the complaint they should contact the Professional Standards Department. In such a case, the complaint will then be dealt with in accordance with the standard six stage process.

Example of frontline resolution

A member of the public called a service centre stating that he was unhappy at the length of time that it had take the police to respond to his call regarding the theft of an ornament from his garden. The call handler confirmed with the man that he wished to make a complaint and asked if he would mind holding so that the matter could be looked into.

The call handler was able to explain to the complainer that the officer who had been allocated the complainer's case had been diverted en-route to a serious road accident, which had caused the delay in responding to the complainer. The complainer understood this and thanked the staff member for their help.

The call handler thereafter noted details of the complaint, the response given and the fact that the complainer was content with the explanation provided. The Professional Standards Department was thereafter notified in order that the complaint could be recorded on Centurion. A brief acknowledgement letter was sent to the complainer, confirming that the complaint had been resolved and advising that he should contact the Professional Standards Department if he wished to pursue the matter further.

The recording of misconduct matters

The following is inserted after paragraph 70 of the guidance:

“70A Misconduct cases against officers or staff, which do not arise from a complaint by a member of the public, do not require to be recorded as a complaint about the police. An example of this would be misconduct proceedings against an officer who has been convicted of a speeding offence. Although such matters clearly require to be dealt with, as they have not arisen from a complaint by a member of a public they do not require to be recorded as a complaint about the police.”