



GRAMPIAN
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Keeping our communities safe

**GRAMPIAN POLICE
RECONSIDERATION OF COMPLAINT
FOLLOWING RECONSIDERATION DIRECTION BY
POLICE COMPLAINTS COMMISSIONER
FOR SCOTLAND**

JUNE 2008

1. RECONSIDERATION

- 1.1 On 28 February 2008, the Police Complaints Commissioner for Scotland (PCCS) published their report into the Complaint Handling Review undertaken by them on behalf of the complainer and simultaneously issued a Reconsideration Direction to the Force to reinvestigate the complaints made against the Police.
- 1.2 In line with Force procedures, the Reconsideration was undertaken by Detective Chief Inspector Z in terms of Regulation 5(4) of the Police (Conduct) (Scotland) Regulations 1996, in order to ascertain whether any potential actions or omissions of any member of Grampian Police, may have amounted to misconduct.
- 1.3 Detective Chief Inspector Z met with the complainer and confirmed that the Heads of Complaint contained within the PCCS Case Handling Review, were indeed the areas which the complainer wished addressed. He investigated each specific element of the complaint. The outcomes of these investigations are as follows.
- 1.4 **Complaint 1 - Detective Sergeant A did not carry out a proper investigation into the complainer's allegation that X had been sexually abused.**
 - 1.4.1 During the re interview of the complainer it was clarified that this element of her complaint is an overarching summary, which encompasses all the elements outlined in points 1(a) to 1(h) of her statement and the PCCS Report. As such, satisfactory resolution of these subsequent points would ultimately address this wider complaint.
- 1.5 **Complaint 1a – Detective Sergeant A was not impartial throughout her investigation into the complainers allegation that X was sexually abused.**
 - 1.5.1 Having re interviewed the complainer, Detective Chief Inspector Z formed the view that complainer's concerns in this area were borne out of a combination of factors. Specifically these were a lack of appreciation on her part as to exactly what enquiry was being undertaken, arising out of the difficulties of passing such information to a person who is not a next of kin, as well as her receipt of a letter from Disclosure Scotland, which indicated a suspicion on the part of Detective Sergeant A that the allegations portrayed by the complainer in relation to X may in fact have in some way been fabricated.

- 1.5.2 In line with the approach outlined previously, Detective Chief Inspector Z, carried out a review of the conduct of the original child protection investigation, and benchmarked it against the relevant child protection guidelines. In addition, he interviewed key stakeholders from partner agencies who were involved in the investigation as well as obtaining an account from Detective Sergeant A.
- 1.5.3 Although it is clear that Detective Sergeant A had some concerns about the credibility of the complainer, there is no indication to suggest that these concerns had any influence on how her investigation was conducted. This view is supported fully by the views of other professionals involved in the enquiry as well as by Detective Sergeant A herself.
- 1.5.4 Based on this review, Detective Chief Inspector Z concluded that all actions which were taken during the investigation of the allegations of sexual abuse to which the complaint referred, were in line with established practices and procedures. It was equally clear that actions taken were considered carefully and with the interests of X at their heart.

1.6 **Complaint 1b – That Detective Sergeant A failed to accurately listen and record during an interview with the complainer.**

Complaint 1c – Detective Sergeant A failed to take a formal statement during an interview and subsequently failed to contact the complainer to confirm the content of the interview.

- 1.6.1 Given that these elements of the complaint relate to similar issues, it has been decided to deal with them collectively.
- 1.6.2 There is no dispute that a statement was not noted either at the time of the initial meeting between Detective Sergeant A and the complainer on 16 February 2005, or at any point subsequent to that. The questions which required to be answered in assessing this aspect of the complaint therefore were whether, in electing not to note a statement, Detective Sergeant A failed to listen to and act on the complainer's concerns, and thereafter whether this decision had any impact on the investigation.
- 1.6.3 Clearly the view of the complainer is that this apparent omission had a negative impact on what took place thereafter. However this view is directly at odds with the account provided by Detective Sergeant A who, although accepting that a statement was not noted, is firmly of the view that she did listen to the concerns expressed by the complainer and, on that basis, she made extensive notes on which the subsequent investigation was based.

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- 1.6.4 Detective Chief Inspector Z has reviewed all available information in this case, including the initial information prepared by Detective Sergeant A. Having done so, he is satisfied that this briefing document is comprehensive in nature, including as it does a detailed outline of the family circumstances and other background information as provided by the complainer.
- 1.6.5 The status of the complainer as a witness in this case is acknowledged, and in that context there is no doubt that a statement should have been noted from her either during the initial meeting, or at some stage subsequent to this. Although as outlined in the PCCS Review Document, it is preferable for this statement to be noted at as early a juncture as possible, this is not an absolute requirement.
- 1.6.6 Even if circumstances in a particular investigation negated the requirement to note a witness statement from an individual, there is a clear expectation that this decision would be communicated to the potential witness in question. The fact neither course of action took place can only have served to heighten the complainer's anxiety as to the overall conduct of the enquiry. When viewed in conjunction with her other concerns, it is easy to see why her view of the investigation was negative.
- 1.6.7 Although this omission did not ultimately have a material impact on the outcome of the investigation, the Force acknowledges that a statement should have been noted from the complainer. The Force regrets any distress that this omission may have caused, and has taken the opportunity to remind operational staff of their obligations in this regard.
- 1.7 **Complaint 1d - That X was given access to a parent before being interviewed.**
- 1.7.1 This element of the complaint is relatively straightforward, as there is a considerable body of reference material to assist decision making in this area. There is a clear understanding on the part of the Force as to why the complainer formed the view that she did in relation to this issue.
- 1.7.2 Having reviewed the conduct of the investigation and benchmarked this with the relevant guidance, Detective Chief Inspector Z has concluded that all decisions made in relation to this specific element of the complaint were proportionate, sensitive and fully in keeping with the above mentioned guidance, with the interests of X being placed at the centre of all decisions made.
- 1.7.3 This conclusion is further supported by the views of partner agencies, who had joint responsibility for the decisions made, as well as by the account provided by Detective Sergeant A.

- 1.8 Complaint 1e – Detective Sergeant A accepted without question a damning character reference of the complainer from a Local Authority Department without giving the complainer the opportunity to question this information.**
- 1.8.1 During his reconsideration, Detective Chief Inspector Z established that there was no dispute as to the fact that information was received from an external agency by Detective Sergeant A and that this information raised concerns about the background of the complainer.
- 1.8.2 It was equally clear that, as indicated in the letter sent to the complainer by Disclosure Scotland in July 2005, Detective Sergeant A harboured some concerns as to the authenticity of the allegations made by the complainer on behalf of X.
- 1.8.3 As indicated in the response to Complaint 1(a) above, to which this point is closely related, Detective Chief Inspector Z has concluded that the sequence of events relating to this element of her complaint, had no impact on the quality of the multi agency child protection investigation undertaken in relation to X.
- 1.8.4 Detective Chief Inspector Z also concludes that if Detective Sergeant A had concerns over the authenticity of the complainers allegations then, in furtherance of a child centred ethos, she would be duty bound to share this concern with partner agencies. Having received such information, and on a multi agency basis, a decision would be arrived at by relevant partners as to what, if any, weighting should be applied to this assessment.
- 1.8.5 In the view of the reviewing Officer, this concern would only become unacceptable if it overrode all other possibilities thereby inhibiting the overall objectivity of an investigation. There is no evidence that this was the case in this scenario, and is in addition strongly refuted by Detective Sergeant A, as well as by relevant partners.
- 1.8.6 In relation to the specific concern expressed by the complainer that she was not afforded the opportunity to respond to this adverse information, the Force understands the frustration felt by her in this area.
- 1.8.7 However, the decision not to offer the complainer the opportunity to respond to this information was an operational judgement, arrived at by an experienced practitioner in child protection matters. Although it is acknowledged that the complainer could have been afforded the opportunity to comment on this information, the decision not to follow this course of action is justifiable providing it does not adversely effect the wider investigation.

1.8.8 The decisions taken in this regard by Detective Sergeant A are supported by the overall belief that the management of the child protection investigation was objective and within established guidelines, a view supported by the assessment of partner agencies. In that context, Detective Chief Inspector Z concludes that the interests of X were not compromised by the decisions taken by Detective Sergeant A in this area.

1.9 **Complaint 1f – That Detective Sergeant A's investigation was based on trying to discredit the complainer as a professional and that the complainer's experience in such matters was ignored.**

1.9.1 It is clear that this element of the complaint is closely related to Complaints 1(a) and 1(e) which are responded to above, and all the considerations applied during these responses apply equally to this specific concern.

1.9.2 To summarise this in the context of this individual strand of the complaint, Detective Chief Inspector Z has concluded that the investigation carried out by Detective Sergeant A was objective and that in her view, and that of other professionals from partner agencies, X was placed at the centre of this investigation of all times.

1.9.3 The Force acknowledges that during the course of the investigation, it came into possession of information which may have contributed to doubts as to the credibility of the complainer in this matter. In considering this statement, and measuring it against the manner in which the wider child protection investigation was conducted, Detective Chief Inspector Z concluded that this information did not influence the conduct or the outcome of the enquiry.

1.9.4 The complainer's many years of experience as a child protection professional are also acknowledged, but in doing so, is qualified by the assessment that in relation to the matter to which the complaint refers, she was acting as a concerned relative as opposed to in a professional capacity. As such, she would likely be more emotionally involved than normal, and not necessarily be in possession of as full an understanding of the overall circumstances than might otherwise have been the case. In that context, it is entirely reasonable that the status afforded to the complainer was that of a concerned relative.

1.10 **Complaint 1g – That Detective Sergeant A did not communicate with the complainer throughout the course of her enquiries.**

Complaint 1h – That Detective Sergeant A was uncivil and abrupt during a telephone conversation with complainer.

1.10.1 Given that these elements of the complaint relate fundamentally to issues associated with communication, they were considered jointly.

- 1.10.2 A review of the circumstances of the case revealed the first element (Complaint 1g) to be relatively straightforward in that, having indicated to the complainer her intention to keep her as fully updated as possible as to the progress of the investigation, Detective Sergeant A re-evaluated her position and, mindful of the status of the complainer as a third party, and the need to protect the confidentiality of X, decided it would be inappropriate to maintain further contact with her.
- 1.10.3 Although Detective Chief Inspector Z concludes that the decision to disengage from the complainer may in some circumstances be justifiable, he was clear that in such an instance he would expect that, at the very least, an explanatory phone call would have been made to the complainer to explain why further contact would not be possible.
- 1.10.4 There is again no dispute that this did not take place on this occasion, and consequently may have fuelled the frustration of the complainer and contributed to wider concerns she had developed into how her allegations were being investigated. The Force acknowledges that this represents an error of judgement on the part of Detective Sergeant A, who has been reminded of her obligations in future similar cases.
- 1.10.5 The second strand of this complaint relates to a telephone conversation which took place between the complainer and Detective Sergeant A on an unknown date in Spring 2005. The complainer is of the view that throughout this conversation Detective Sergeant A was abrupt and uncivil to her.
- 1.10.6 Again, there is no dispute that a conversation did indeed take place, however Detective Sergeant A is firmly of the view that the discussion was professional and entirely appropriate in tone at all times.
- 1.10.7 Although, given the nature of this element of the complaint, there is no definitive means of establishing the exact nature of this call, Detective Chief Inspector Z has observed that, given the passage of time between the first and second (and final) contact from Detective Sergeant A to the complainer, it was unlikely that the call, however courteous or otherwise it may have been, was going to be well received by the complainer.
- 1.11 **Complaint 2 – Sergeant B failed to listen to the complainer during his 2003 investigation into her allegation that X had been sexually abused.**
- 1.11.1 This complaint relates specifically to decision made during the child protection investigation led by Sergeant B to conduct a medical examination of X. In the view of the complainer, based on her experience and which she communicated to Sergeant B, there was no requirement for such an examination to take place.

1.11.2 In common with the investigation into the various elements of Complaint 1, Detective Chief Inspector Z referred to the relevant guidelines, which give comprehensive guidance on such matters, as well as seeking the views of the parents of X, other professionals engaged in joint decision making in the case, and from Sergeant B himself.

1.11.3 Having conducted this review, Detective Chief Inspector Z, was fully satisfied that what took place was entirely in keeping with the letter and spirit of the NESPC guidelines, and that X was placed at the centre of the investigation at all times.

2. OTHER MATTERS ARISING

2.1 In the Complaint Handling Review Document, PCCS highlighted four other specific issues which may be worthy of further examination by Grampian Police to clarify whether or not they should be treated as separate complaints.

2.2 These issues were explored with the complainer during the noting of her statement. It was ascertained at that time that the first three of these points were overarching themes which formed a 'golden thread' throughout her complaint, and which she had articulated from her experience as a former health professional. She was clear that these should not be treated as complaints in their own right.

2.3 In relation to the fourth additional concern, that the complainer was not provided with a written copy of the statement noted on 21 September 2005 by Inspector J, this was resolved by way of explanation of Force policy. Consequently, the complainer was satisfied that this should not form part of the reconsideration.

3. HANDLING OF ORIGINAL COMPLAINT BY GRAMPIAN POLICE

3.1 Throughout the body of their Complaint Handling Review Document, the PCCS expressed a number of concerns as to how the original complaint from the complainer was classified, managed and investigated.

3.2 Although the focus of Detective Chief Inspector Z in conducting his reconsideration was the original complaints made by the complainer, he has also examined the aspects outlined above.

3.3 In so doing he has concluded that the overall management of this particular complaint fell short of the standard expected and normally delivered in this area. The Force acknowledges and accepts this conclusion.

- 3.4 The Force recognises that the investigation of issues associated with Child Protection requires a degree of specialist knowledge and understanding of the partnership dynamics which drive such activity.

On that basis, a number of the issues which subsequently arose may be attributable, to the original allocation of the complaint to Inspector J, who although an experienced investigator, lacked the background and experience to appreciate fully the relevant issues. The principal manifestation of this was his failure to appreciate the opportunities presented by consulting with partner agencies, to garner their views as to what had taken place. Had he done so, he would have been able to satisfy himself as to the propriety of the original investigation, and possibly address the complainer's concerns more effectively.

- 3.5 As a result of this Detective Chief Inspector Z has recommended that in future child protection related cases, the Investigating Officer should have some knowledge or background in this area and, where this is not possible, that another Officer with a suitable skill set is appointed to act on a consultative basis to the Officer appointed to lead the investigation. This has been acknowledged and adopted by the Force.
- 3.6 The Force also acknowledges the PCCS observation that Inspector J failed to develop the complaint to draw out the specific Heads of Complaint eventually identified. This is believed to be partly due to the circumstances outlined above, but also to the fact that he interviewed the complainer and noted her statement whilst accompanied by an Officer from another Force with whom he was neither familiar, or who had any knowledge of the matter under investigation. Had he been accompanied by a colleague with some knowledge of the complaint, he may have been able to draw out the specific aspects more fully.
- 3.7 In light of this finding, Detective Chief Inspector Z has recommended that in future similar occasions, as a matter of policy two Officers with some knowledge of the matter at hand are deployed to provide mutual support and maximise the ingathering of information. This has been accepted by the Force.
- 3.8 Similarly, given the background of Detective Chief Inspector Z, and his knowledge of the benefits of the compilation of interview strategies and plans, he recommended that consideration be given within the Professional Standards arena to the deployment of trained Interview Advisors, to maximise information obtained from complainers. It was learned that subsequent to the events which give rise to this report this already takes place, and is used increasingly in complex cases.

- 3.9 In a wider context, the participation of the Police in partnership arrangements continues to grow at significant pace. The ongoing existence of single agency complaints departments working in silos may be outstripped by these developments as multi agency working will inevitably lead to partnership based complaints.
- 3.10 In that context, and recognising the statutory requirements placed upon each individual agency, the concept of joint complaint management strategy meetings and the formation of multi agency teams is recommended as being worthy of further exploration. The risk associated in failing to do so is that individuals make multiple complaints to different agencies, leading to duplication of effort and the provision of fragmented responses, thereby increasing frustration at what they may perceive as an disjointed and inconsistent approach between partners. It is recognised that similar discussions have taken place in relation to other such partnership activities, and there are clear potential benefits in relation to providing a better service to the public.

4. **CONCLUSION**

- 4.1 Having reviewed the complaints made by the complainer, the Force is satisfied that the original child protection investigation was conducted in collaboration with partner agencies and in line with established child protection guidelines. It is also satisfied that at all times, decisions were taken with the interests of X at their heart, and with her welfare paramount.
- 4.2 The Force acknowledges that a statement should have been noted at some stage from the complainer and that communication with her could have been more effective, notwithstanding her status as a third party. These issues have been identified as learning points which will be shared across the organisation.
- 4.3 The Force also accepts the observations of PCCS in relation to complaint handling, and in adopting the recommendations made arising out of this reconsideration, believes it is better placed to respond more effectively should a similar set of circumstances arise in the future.