

**Consultation and Information Sharing Seminar
6 October 2009**

Speech by John McNeill, Police Complaints Commissioner for Scotland

Can I add my own welcome to that of Ian and thank you for taking time out of your busy schedules to attend this event.

I have been the Complaints Commissioner for just short of two months and I have met a number of you already. For those of you that that I haven't met yet I will make good use of the various refreshment breaks throughout the day to introduce myself and meet as many of you as I can.

Like every new Ombudsmen or Commissioner for an oversight body I was called in to meet the relevant Cabinet Secretary in the Scottish Government. It was a fairly informal meeting that gave us both the opportunity to discuss current issues, future challenges and how the role of Police Complaints Commissioner can support the Scottish Government's strategic aims of a safer, stronger and fairer Scotland.

At the meeting I was delighted when Kenny MacAskill reinforced privately the points he had already made publicly at the time of my appointment, namely that my role was **to set standards for the way the police handle complaints and, when something has gone wrong, help the police learn lessons and improve the way they work.**

This chimes exactly with my own view of what I can achieve during my time as Commissioner. I would like to say right at the outset that I do not see it as having to be adversarial, rather it's a shared agenda and one that is centred on the fact that we are fortunate to live in a democratic society, where policing is by consent.

I am firmly of the view that people are much more likely to continue to give their consent if they have confidence in the police, including how the police handle complaints when they are made about them.

The theme of public confidence in the police is something that Kenny MacAskill clearly supports and sees the PCCS as having a role to play when he said "It is vital that the public continues to have confidence in our police service. Modernising Scotland's police complaints system through the PCCS is an important element in that work."

As I have said, confidence in the police is linked directly to the strategic aim of the Scottish Government to make our communities a safer place to live and work.

PCCS has a clear role to play in helping to secure and increase the confidence that people have in the police by holding them to account, by identifying how the complaints process itself can be improved and by contributing to making those improvements to the system.

Which brings me to the business of the day.

I see today's briefing as the first in a series of events where we meet and measure our progress towards our shared agenda during my tenure as Police Complaints Commissioner.

Today is not about looking back and certainly don't want to use it to reheat old arguments. I want our focus to be clearly on the future, recognising the challenges that we will face, with me setting out my stall for how I intend to address them and listening to your views and concerns.

I am keen that our mission statement accurately reflects what we do and encapsulates our vision, strategy and approach. From today we will use

Increasing Scotland's confidence in police complaints handling through impartial oversight and reform

and within that there are three key words that we will pull out: "confidence" "oversight" and "reform" and use them on the statement across our marketing materials, email signatures, display panels, leaflets and the new website.

I've been around long enough to know that I am still in the honeymoon period, and I also know that before too long we will find ourselves on different sides of the debate. I fully expect that when we do, we will do it forcefully but I also know that if we treat one another with respect - and if we keep the communication channels open - then we will be able to find ways to work through issues and come to a conclusion, or a set of actions that we can all support publicly and privately.

As well as meetings with policing organisations, I am giving a number of interviews to trade and national media as part of our communications strategy to raise awareness of PCCS and its role in Scotland. I have also recently accepted an invitation to speak at a conference at the end of the year on the future of policing.

I have begun to craft the messages that will become the narrative of my time as Commissioner. You will hear me talking consistently about several themes: First, **Inclusion** - my approach will be inclusive and that means I need to be prepared to hear difficult messages from you as well as talking tough myself. But there is another side to that and that is that I will recognise and give equal air time to best practice wherever I find it.

This supports my second theme of **moving away from a blame culture towards a learning culture** where we work together to drive up standards.

I give you fair warning that I am going to take the widest possible interpretation of my role with regards to various sections of the Act to achieve my goals which are contained in the themes of **driving up standards, in increasing public confidence in the police and developing a human rights culture within the police.**

The adoption of a Human Rights Based Approach is not something to be feared. It's simply a common sense tool for better practice. It's about process as well as outcomes. Here I acknowledge the work of my former colleagues in the Scottish Human Rights Commission, and draw from the model we developed. It's one that requires a high degree of participation. It pays attention to accessibility, including access to redress or complaints mechanisms. It also focuses on raising levels of accountability by identifying the entitlements of rights holders, and the responsibilities of duty holders. In addition to promoting a Human Rights Based Approach, I intend to explore with the Scottish Human Rights Commission the potential for moving away from those few complaints that persist over time and damage relationships, through the application of a Human Rights

Interaction. I believe that this approach will increase the confidence of all involved in the complaints process.

How these themes translate into best practice will be the challenge. Increasing public confidence in how the police will handle your complaint is a laudable aim, but it also touches on a very tricky area of concern for many people and one that you must be aware of too. If I complain about the police to the police will there be any comeback? I think we can tackle that by demonstrating a willingness to learn lessons and respond positively to criticisms. If you constantly check your policies, practices and procedures for dealing with complaints from the public, you can begin to allay that fear. And, as many of you have realized, there are huge organizational benefits in adopting a culture of learning from complaints.

This is a shared agenda. I am under no illusions that we have to up our game too at PCCS, and I hope that when you leave here today that you will have gained some insight into what changes we are making and the rationale behind them.

We are moving up a gear and becoming more pro-active, extending our reach both in terms of the organisations that fall within our remit and the scope of our responsibilities. I want us to learn from the experiences of other oversight bodies, within the UK and elsewhere, and to benchmark our work against the best in class.

One of the new areas that we have taken on is the responsibility for compiling and publishing the annual statistical return of complaints for policing bodies in Scotland.

Frank Mulligan who is up next will run through the general landscape of complaints and give you an overview on the trends that are emerging. The full report will be published on our website later this month and we will issue a press release on it at that time. It is my intention to let you see the draft text of that release ahead of publication.

Also on the agenda is Fiona Forster our Quality Assurance Manager, who will be talking to you about the steps we are taking to connect better with different groups. She will also be looking specifically at the reasons why some people do not pursue their complaint, and the early signs are that accessibility could be an issue.

We are looking to tackle this at PCCS by increasing our use of web-based technology, to inform and educate people about what they can expect from the complaints process.

Fiona will also present the findings of an assessment on the accessibility features of your websites in relation to sign-posting what to do if you have a complaint about the police, including some research and findings that we have from people who have made a complaint and then followed this up by coming to PCCS.

The assessment highlights some lessons and quick wins arising from these results where we will make some recommendations, as well as perhaps introducing new areas that we need to begin thinking about to demonstrate a more responsive approach.

This could be something as simple as adding a paragraph to the final letter that you send to a complainer, which sets out what they can do if they are unsatisfied with the conclusion of your examination of their complaint. This acknowledgement that there is a further stage that the public can access, and that it is independent of the police themselves, will contribute to increasing public confidence in the police.

I hope that you will make time today to talk to Fiona about your reaction to the findings and share your thoughts on the next steps. I am keen that we have open and constructive dialogue on these findings.

I am all too aware that there is room for improvement on our part too. I was disappointed to learn on my first day at PCCS that it could be somewhere in excess of twelve months, and in some cases as much as two years to conclude a complaint. That is not acceptable. It would not be accepted in any other area of public life and I am determined to cut the period dramatically.

Robin Johnston who is also with us today heads up the complaints handling review team. He was already on the case when I joined and I was happy to put my weight behind his idea of a triage approach, to identify and channel complaints through the system more efficiently. He will outline the new approach we are taking as part of his presentation, including how we are trying to make our reports much more user-friendly and how we are looking to use Complaint Handling Reviews as a vehicle to help you improve your service by identifying themes.

To that end I would like to see PCCS develop an analytical capability either in-house or through a partnership arrangement, to acquire expertise that keeps us ahead of the local, national and international agenda. We need to be in a position to influence things at a much earlier stage. It strikes me that we have been caught on the hop on a couple occasions recently where we are behind the curve and reacting to Scottish Government policy when it has been set rather than shaping, influence and informing the debate itself.

For my part I intend to be vocal and visible in my determination to drive up standards in the handling of police complaints. I see us adding most value where we can move beyond the specifics of an individual complaint, towards the wider implications that it has for how the police in Scotland handle complaints.

As you know, you can expect to hear more on this from me in the early in the new year, when we release our consultation document on the review that we are undertaking, which many of you have contributed to through the supporting research being undertaken by Robert Gordon University.

We cannot do this without your support. It is a shared agenda. As Commissioner, I look forward to working with each of you, to provide assurance to those who bring a complaint that the process is accessible, transparent, proportionate, and has addressed all their concerns. For our part, we will seek to provide assurance to you that your policies and procedures are not just fit for purpose, but represent best professional practice. Together, we will be able to assure The Scottish Ministers that the way in which the police and policing bodies deal with complaints secures the confidence of the public.

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