



Report on a User-focused  
Assessment of the Accessibility  
of Police Complaints Handling  
in relation to:

# Scottish Police Bodies

December 2009

## Opening Statement

This report details the first assessment undertaken by the Commissioner across all eight police constabularies in Scotland. The assessment began in August 2009 and the findings were shared with the policing bodies on 16<sup>th</sup> November when they were asked to respond by 14<sup>th</sup> December with their proposed actions in response to the recommendations.

In publishing this report, the Commissioner is pleased to acknowledge the positive and prompt response received from each force, particularly as all are now well on the way to addressing the recommendations and variously anticipate completing their individual actions by the end of June 2010. In addition, the forces will also be working together over the course of 2010 to find ways of encouraging people who may have a problem with the police but for a variety of reasons currently do not make a complaint.

Progress to improve the Accessibility Arrangements for Police Complaints Handling will be monitored by the Commissioner throughout this period and made available on the PCCS website.

## Summary and Key Findings

This report, prepared in response to the Police Complaints Commissioner for Scotland's general functions, contains both findings and recommendations that he considers are necessary or desirable, to ensure that everyone who has a problem or issue about an aspect of police services that they have used or come into contact with,

- knows how to complain if dissatisfied,
- is confident in the independence of PCCS to provide an impartial assessment and review of how the police investigated and handled their complaint.

The following table summarises the recommendations the Commissioner has made:

Priority 1	Priority 2	Priority 3	Observation
	1	3*	3

\*Several Police Bodies have been graded Observation in two of these items.

On the whole, the core management controls were found to be operating effectively. If however, Police Bodies are to develop a more inclusive and accessible approach, it is important that they become more responsive to complainer feedback and identified needs.

In order to assist Police Bodies and the public in using this report, the Commissioner applies an overall assurance level indicative of the issues raised. The assurance level for this assessment is as follows:

### **Substantial Assurance**

Essentially a sound approach but with weaknesses that put some objectives at risk.

The User-focused Assessment on the Accessibility of Police Complaints Handling draws on advice and information provided on websites together with findings from broader research into the awareness and accessibility of the process, examining both existing and potential complainer views.

Part A contains five sections where a number of ineffective practices or risks have been identified from each of the eight police web sites on the information provided on how complaints are handled within their area. As a result, the Commissioner has made one generic Priority 2 level recommendation<sup>1</sup> designed to improve efficiency and effectiveness that all Police Bodies are requested to consider collectively, to improve current practice. Four further findings have been made for police bodies individually on the remaining sections of either a Priority Level 3 recommendation or Observation level.

Part B contains two sections, based on broader research into complainer and potential complainer views and awareness of the complaints process. The findings include one Priority 3 recommendation and one observation in an area that the Commissioner will re-visit in some detail in the near future. The observation is again generic in nature and the Commissioner would encourage its consideration at this stage by both the police authorities' executives and ACPOS Professional Standards Business Area to enable them to work together to identify a consistent approach, that may align to existing ACPOS strategic priorities.

The findings are identified in Part A and B of this report. Part C contains a supplementary record of findings to assist each Police Body to develop and respond with their individual action plans. Two are identified as generic findings that are highlighted for consideration by all police bodies- (Part A- Process Explanation and Part B-Broaden the definition of *Accessibility and Awareness to include potential complainers-people who feel dissatisfied following use of or contact with the police but currently do nothing*). In these instances however, a collective response may be appropriate initially to develop a consistency of approach, following which, each police body may identify timescales for their implementation.

Finally, in responding to these recommendations, the Commissioner actively encourages everyone to adopt the principles of a learning culture that focuses on a best practice solution in working towards the Shared Agenda of improving public confidence.

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<sup>1</sup> Definition of Assurance Levels and Recommendations in Appendix A

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## Commissioner's Role

Section 42 of the Police Public Order and Criminal Justice (Scotland) Act 2006 gives the Commissioner the power to secure that suitable arrangements are maintained (and adhered to) for the handling of relevant complaints within Scottish police bodies. He must ensure that these arrangements are effective, efficient and contain an appropriate degree of independence and can make recommendations and give advice on their modification and practice. This report is issued in line with this power.

## Introduction and Scope

Sinclair<sup>2</sup> in his report to Scottish Ministers highlights one of the key findings of Crerar - Report of the Independent Review of Regulation, *Audit, Inspection and Complaints Handling of Public Services in Scotland (2007)*, that the complaints processes in the public services are not fit for purpose. They are not always accessible or easy to use, are often complex and far too variable in content.

The Commissioner has further stated his view as one that is 'centred on the fact that we are fortunate to live in a democratic society, where policing is done by consent and 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'.

Improving public confidence is clearly a Shared Agenda issue and the Commissioner aims to work innovatively and in partnership with organisations, complainer representatives and policing bodies to promote dialogue, influence change and make a difference in striving towards better police complaints handling.

This report presented in this context, includes findings of a user-focused assessment on the accessibility of the police complaints handling process, with particular regard to its visibility and accessibility to all people who may have a concern about a policing matter. The assessment relates to the following eight police organisations:

Strathclyde Police  
Lothian and Borders Police  
Grampian Police  
Northern Constabulary  
Fife Constabulary  
Tayside Police  
Central Scotland Police  
Dumfries and Galloway Constabulary

Hereafter referred to collectively as 'police bodies'.

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<sup>2</sup> Douglas Sinclair- Chair, Fit For Purpose Complaints Action Group –July 2008

Recent feedback revealed that most people engaging in the process hear about PCCS and complaints handling either through the internet or directly from the police. For this reason the Commissioner decided to undertake an objective assessment of information and advice available on police websites about the arrangements that each police body has in place within their individual area.

The second strand of the assessment draws on a broader definition of accessibility. Sinclair, in his report to Scottish Ministers further highlights that many people know how to complain but brings into sharp focus the need to redress the balance “to help give those less likely to have a voice, the confidence to complain as well”.

The Commissioner recognises the value of establishing a baseline for police complaints by balancing the web site review with a perspective on ‘Complainers’ awareness of and views on the accessibility of the police complaints process’. Complainers in this context therefore include both those who complain to the police and those who are dissatisfied about an aspect of police services, but currently do not engage with the complaints process.

No direct burden was placed on the eight Scottish policing bodies involved during the preparation of this assessment, which was conducted as a desk- top exercise.

### **Findings and Recommendations in two parts, comprising:**

Part A findings from the review of websites conducted in August 2009, presented under five main sections;

1. Functionality and accessibility
2. Process Details and Explanation
3. Contact Options
4. Links to other relevant sources
5. Satisfaction or other feedback.

Part B is based on findings emerging from a review of research and information examining both complainer and potential complainer views from two sources;

1. Preliminary results of feedback from a survey conducted on PCCS service users over the two year period since coming into operation.
2. Published data on Scottish policing surveys and operations and comparable studies elsewhere on complainer attitudes and behaviours that included some subsequent validation through the examination of a sample of police complaints files being reviewed by PCCS.

## Part A - Review of the Advice and Information on Police Web sites

### Functionality and Accessibility

This section looks at the ease of access for users of all abilities and how straightforward it is for users who wish to complain to find out more from police websites.

All police bodies have a complaints page on their individual websites. Most complaints pages are readily available with two, Lothian and Borders Police (L & BP) and Northern Constabulary (NC), having links directly from the home page; others have information contained within 'specialist unit' information.

In examining Plain English and web design standards for visual and hearing impairment, Dumfries and Galloway (D&G), Grampian (GP), NC and L & BP have comprehensive options with 'Listen to page', Browsealoud guide for the people with hearing and speech impairment, colour change and keyboard shortcut options.

Alternative language options however did not feature particularly strongly on any website, excluding Grampian Police (GP), where a choice of eight languages, *excluding Gaelic*<sup>3</sup> are clearly displayed on the homepage. Strathclyde Police (SP) and D& G however offer an interpreting service either through 'Assistive Services' or detailed on their complaints form.

#### Functionality and Accessibility

Overall all Police Bodies demonstrated some of the features examined within this section, however observations are made for each individually on both ease of access and providing information in a way that assists users with differing requirements and abilities to understand it.

### Process Details and Explanation

This section examines the explanation of the arrangements that exist within each police body area to address the various aspects of the complaints handling process.

All police bodies except GP provide information on how they deal initially with a complaint and in most cases also describe the internal escalation procedure available to the complainer if dissatisfied i.e. through an Investigating Officer, then Professional Standards departments.

<sup>3</sup> Scottish Government Draft Gaelic Language Plan- Statutory Guidance on public services' service delivery- **Communications on Complaints Procedures**

Tayside (T), D&G and NC in particular use a clear, structured approach, however a number of shortcomings have been identified in the details provided by all police bodies, as follows;

Information on the various aspects of the process involved does not always strike a balance between conduct and non conduct issues, quality of service or criminal and non criminal complaints.

Two police bodies (F and L&BP) still continue to use the previous definition (prior to 2006) of a complaint 'against the police' in both the text and as the title of their web page.

Only one police body (NC) provides details of the separate arrangements that exist for complaints handling arrangements about senior officers through their Police Authorities and Boards; and none indicate the scrutiny and governance role that they provide on complaints within the area.

None of the websites address the outcomes available when concluding non-criminal complaints which have not been conciliated.

The style and language used in providing the explanation generally appears to be relatively easy to understand, however some conveyed an authoritative tone, rather than a more user-friendly style.

Central Scotland (CP) offer specific advice on timescales for both criminal and non criminal complaints handling, however few police bodies overall provide any information on service standards in relation to complaints.

Significantly, no police body currently provides information on learning from complaints arising either through their internal investigation of complaints, or any specific findings contained in the Commissioner's reviews of cases that apply to their area, or issues of a Scotland-wide nature.

#### Process Details and Explanation

A Priority 2 level recommendation applies to all Police Bodies to review and amend the explanation provided over a range of aspects and all of the stages involved in dealing with a complaint.

### Contact Options

This section looks at the availability of on-line contact options.

Both SP and L&BP provide an on-line complaint form, which can be submitted directly, not as an email attachment. The latter also has features to capture demographic information. One other

police body Fife, appears to offer this facility through their FAQ section however this is not a live link.

None of the remaining police bodies offer the option to download a complaint form as an alternative.

Whilst email contacts were apparent in all instances except Fife, but only Strathclyde and Tayside have set this up as a direct link from the webpage. No police body other than Tayside currently provide specific contact details for professional standards units including address & telephone numbers.

Whilst mobile text facilities are available in some areas for crime reporting, no police body as yet offers this facility specifically for complaints.

#### Contact Options

A Priority 3 level recommendation applies to Grampian, Fife, Tayside, Dumfries and Galloway, Northern and Central on the provision of on-line and other contact options including complaints forms and consideration of a mobile texting option; an observation applies to Strathclyde and Lothian & Borders to offer direct contact details and consideration of mobile text facilities.

### Links to other Relevant Sources

This section examines links to other organisations or information sources that complainers may call upon to assist them.

Half of the police bodies highlight support available from Citizens Advice, however the remainder offer no information on CAB, or any other support organisation available in their locality.

Few provide a link to the relevant Police Authority or Board although these are mostly available on the relevant local authority website, with details of how complaints against Chief Officers are handled under the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999.

Most websites provide a direct link to the *Complaints about the Police* information leaflet available on the Scottish Government website; however several appeared to be an incomplete link (not to the leaflet).

Three, F, D& G and NP do not have a link.

Just over half of police bodies provide an explanation of PCCS role, however one (L&BP) continues to refer to the previous arrangements available through HMICS until March 2007, whilst the remaining two provided none.

Few provided a PCCS address but where available, these are out of date, albeit the Commissioner acknowledges that this may be due to the fact that PCCS have not previously formally requested this change.

Only half of the police bodies provide a link to the PCCS web site.

#### Links to other Sources

A Priority 3 level recommendation applies to all police bodies with the exception of Tayside, on the provision of the appropriate links and contact details for support and advice organisations other than the police, including PCCS, that may assist the complainer; an observation applies to Tayside only on the provision of links to advocacy organisations and other bodies involved in complaints within their area.

### Satisfaction and Feedback

Providing opportunities for people to express their satisfaction or feedback as well as complain, was identified as an example of good practice emanating from Boston Police Department in an HMICS thematic review inspection report<sup>4</sup>.

Five years on, it is disappointing therefore to note that this example has had limited take up in Scotland until now, by less than half of Scottish police bodies.

#### Satisfaction and Feedback

An observation applies to five police bodies excluding Grampian, Lothian & Borders and Northern Constabulary, to consider adopting good practice in providing a feedback and satisfaction mechanism, thus ensuring consistency Scotland-wide .

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<sup>4</sup> HMICS Thematic Inspection Report Quality of Service  
A review of the investigation of complaints against the police in Scotland- 2004

## **Part B- Research on Accessibility and Awareness of Groups A & B**

Recent research conducted in Scotland<sup>5</sup> on a public service, similar in terms of complexity and reach to policing, reveals that many people identified themselves as 'complainants', however further discussion suggested that their problem had not been taken through the formal complaints procedure.

This finding together with those previously referenced as reported by Sinclair, render it appropriate for this assessment to take a broader view of accessibility and awareness than is evidenced solely through police websites, to consider additional aspects of research into the complainer perspective.

For the purposes of this assessment therefore, 'accessibility' to the police complaints handling system, is considered to apply equally to two broad groups;

A - Those people who chose to complain to the police, and in some instances PCCS.

B -Potential complainers who currently do not engage with the complaints process to formally complain about any aspect of police services that they have used or come into contact with and with which they are dissatisfied.

As a public service, both groups contribute to providing their consent for policing in a democracy and their perceptions will be a key driver in their confidence in policing. It follows that analysing the views of both groups is therefore critical to planning effective and efficient improvement strategies, as negative perceptions that remain 'unchallenged' may undermine confidence in policing.

### **Review of accessibility and awareness of Group A- People who chose to complain**

Group A is currently around 4,854 people per annum<sup>6</sup>, of whom approx 350 per annum currently make an application to PCCS for an independent review of the manner in which their (non criminal) complaint has been handled.

In June 2009, PCCS commissioned research on user satisfaction, which included details of awareness and understanding of the complaints process using quantitative research methods<sup>7</sup>.

<sup>5</sup> Making it Better Complaints and Feedback from Patients and carers about NHS services in Scotland-May 2009 (Craigforth Consultancy and Research)

<sup>6</sup> Annual (2008-09) Statistical Return to PCCS of police complaints in Scotland

<sup>7</sup> Externally commissioned research: 292 contacts, 115 interviews- 38% response rate-Accuracy of results (based on a confidence interval of 95%) is between  $\pm 7.2\%$  and  $\pm 8.2\%$ .

Further work is on-going that focuses on more in-depth responses of some of the respondents, together with more general population awareness of and engagement in police complaints through a public survey. The results of this research will be published in the new year.

Preliminary results have however highlighted the following;

Almost equal numbers of people heard of PCCS directly from the police (24%) or through the internet (23%).

Those who heard about PCCS through the police, were asked how well the police explained the review process used by PCCS. More respondents thought not very, or not at all well (46%), compared to respondents who said very or fairly well 39%.

However, of the people who originally heard of PCCS from the internet or other source, nearly 75% thought the police did not (later) inform them of the option of a review by PCCS.

A (human) rights based approach should demonstrate the 'appeals' role that the PCCS may undertake in examining the manner in which the police handled the complaint.

Clarity of understanding of the process is also critical, as this research has established the significance of the relationship<sup>8</sup> between people's initial understanding and their subsequent satisfaction overall. When asked to comment on their level of understanding of the review process at the initial stage, 57% felt it was fairly or very bad.

Following this feedback, PCCS reviewed a representative sample of police complaints case files for information confirming the review role of PCCS. From this, it was not evident that police bodies currently ensure that complainers within their area are consistently made aware of this verbally or in writing, either during and, or at the final stage of the complaint.

The Commissioner is aware that current proposals on amendments to the Police (Conduct) Regulations 1996 include more devolved local process however in so doing, it is important that key messages are delivered in a consistent manner, irrespective of where the complaint arises, whether at the centre or local command unit level, be it in Castle Douglas or Lerwick.

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<sup>8</sup> Statistically significant -unlikely to have occurred by chance, using Pearson's Chi-square test

Priority 3 level recommendation applies to all police bodies to issue written notification of the role of PCCS in a consistent way, to all complainers who have raised a complaint about the police in their area. This should also include the provision of supporting information about the process at the earliest opportunity following receipt of a complaint. e.g. Complaints about Police leaflet.

### **Review of accessibility and awareness of Group B- Potential complainers who currently do nothing.**

This group comprises people who use or come into contact with the police and feel dissatisfied, but for some reason do not engage with the complaints process.

The majority of people have a satisfactory experience of policing in Scotland<sup>9</sup>, however, the sheer scale and reach of policing means that problems occur and some people inevitably have unsatisfactory experiences.

An estimate<sup>10</sup> of the size of the group who are dissatisfied but currently do nothing, is potentially between 200,000 and 400,000.

This estimate however serves to highlight the significant difference between the ratio of PCCS complainers to Police Bodies complainers (Group A) at circa 1:10, and Police Bodies complainers to Group B (people who may have an issue but currently appear to do nothing about it) ranging between 1:40 and 1:100.

Group A currently has significant time and resources applied to it to deal with individual complaints, however it is not clear to the Commissioner, what level of resource if any, is applied to proactively engage with Group B.

As previously identified Sinclair, in his report to Scottish Ministers<sup>2</sup> highlights the need to redress the balance “to help give those less likely to have a voice, the confidence to complain as well”.

Other recent research<sup>5</sup> also referenced previously that was conducted in Scotland revealed that whilst many people identified themselves as ‘complainants’, a significant number suggested that their problem had not been taken through the formal complaints procedure. This research along with the Independent Police Complaints Commission (England & Wales) survey of general

<sup>9</sup> HMICS Scottish Policing Performance Framework Annual Report 2007-08

<sup>10</sup> Calculation of the estimated group size is contained in Appendix B

population<sup>11</sup> has further identified the disincentives or barriers to making a complaint that reveal striking similarities;

Reason	Top 6 disincentives towards complaining	
	IPCC Police Complaints	NHS Scotland
Wouldn't make a difference	37%	33%
Didn't know how to	32%	11%
Didn't think would be treated seriously	30%	
Takes up too much time, to busy coping	22%	21%
Worried about the consequences/affecting future treatment	19%	18%
Wasn't a big problem		5%
Didn't want to cause trouble	19%	2%

The table above reveals that one of the main barriers to making a complaint is *people don't know how to*. The findings and recommendations contained of this report so far, may contribute to improving this aspect, by making the process more accessible. The Commissioner however also believes that the other barriers identified in this research, are entirely pertinent to Scottish police complaints handling.

In his view, this research presents an opportunity for all professional standards departments within Scottish police bodies to begin thinking of a more pro-active response that will demonstrate that complaints *do make a difference, are taken seriously and that there is no need to be concerned about the consequences* etc. In so doing, this would 'challenge' the perception of the significant majority of complainers, who currently do not engage with the process.

The Commissioner also considers that in any developmental work in this area, it is important to take into account the demographic composition of the population as a whole and those who use, or come into contact with police services. This will ensure that appropriate support is considered for the most vulnerable, marginalised or currently under-represented groups of actual and potential complainers.

<sup>11</sup> IPCC Confidence in the police complaints system population survey 2007

Formulating thinking and developing a comprehensive strategy in this area will in the Commissioner's view, demonstrate a commitment to effective complaints management and improve public confidence in Scotland's policing.

Finally, the Commissioner also acknowledges that ACPOS Performance Management Business Area has a strategic objective to identify best practice with regard to surveys and consultation<sup>12</sup>. On this basis a Scottish police-wide response through ACPOS Professional Standards Business Area may be beneficial and may enable alignment with the existing ACPOS work stream. This will ensure that any changes taken forward to improve current practice can be evaluated against future user feedback and research.

An observation applies to all police authority executives and ACPOS Professional Standards Business Area, to consider a pro-active response designed to address people's perceptions on the disincentives to raising a complaint. **This is an area that the Commissioner intends to re-visit in some detail in the near future.**

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<sup>12</sup> ACPOS Performance Management 2009/10 Priority- to identify best practice with regards to surveys and consultation conducted by Scottish Police Bodies

## Part C. Findings/recommendations for Police Bodies' Response

The following supplementary records highlight the specific findings and recommendations to enable Police Bodies to make an individual response.

The summary table highlights the findings in relation to each Scottish police body.

Findings	SP	GP	F	T	D&G	L& B	NC	C
<b>Part A</b>								
1. Functionality and Accessibility	Ob	Ob	Ob	Ob	Ob	Ob	Ob	Ob
2. Process Details and Explanation -GENERIC	P2	P2	P2	P2	P2	P2	P2	P2
3. Contact Options	Ob	P3	P3	P3	P3	Ob	P3	P3
4. Links to other relevant sources	P3	P3	P3	Ob	P3	P3	P3	P3
5. Satisfaction and Feedback	Ob	n/a	Ob	Ob	Ob	n/a	n/a	Ob
<b>Part B</b>								
1. People who chose to Complain to the Police (Group A)	P3	P3	P3	P3	P3	P3	P3	P3
2. Potential police complainers who currently do nothing (Group B)- GENERIC	Ob	Ob	Ob	Ob	Ob	Ob	Ob	Ob

Key P2= Priority Level 2 recommendation, P3= Priority Level 3 recommendation, Ob= Observation (Refer to page 16 for assurance levels)

## Appendix A - Definition of Assessment Assurance Levels

We apply the following levels of assurance when considering the conclusions relating to an Assessment or Audit:

Recommendation Level	Definition
FULL	Sound system of control designed to achieve the system objectives
<b>SUBSTANTIAL</b>	Essentially a sound system but with weaknesses that put some system objectives at risk
LIMITED	Weaknesses in the system of controls put system objectives at risk.
NIL	Control is weak leaving the system open to significant error or abuse.

In making recommendations, the PCCS assess the relative impact of the related risk on the organisation. The more serious the risk the higher the priority we assign to the recommendation.

Recommendation Level	Definition
Priority 1	Issue subjecting the organisation to material risk and which requires to be brought to the attention of the Police Bodies executive.
Priority 2	Issue subjecting the organisation to significant risk and which should be addressed by the senior management team.
Priority 3	Matters which if addressed will enhance efficiency and effectiveness
Observation	Observations that Police Bodies may wish to consider to enhance efficiency and effectiveness.

## Appendix B - Estimate of Potential Police Complainers Calculation (Group B)

The Scottish Policing Performance Framework (SPPF) data<sup>13</sup> records 4579 incidents per 10,000 population, which equates to **2,335,290** overall in 2007/08.

Scottish Police satisfaction survey results contained in the SPPF in the same year resulted in a Scotland-wide return rate of 31.8%, where most respondents indicated fairly or very satisfied service ratings over four areas, as follows,

- General performance of police 76.2%
- Initial contact 84.9%
- Overall way police dealt with the matter 70.9%
- Kept adequately informed 45.3%

The average satisfaction rate of 69.3% is a similar level to England & Wales<sup>14</sup>

An estimate of the possible number of service users, assumes one per incident-2,335,290 - of whom those 'dissatisfied' (30.7%) in 2007/08 equates to **716,934**.

Comparable research contained in Part B of the report – Review of accessibility and awareness of Group B- Potential complainers who currently do nothing, indicates that across the full range of NHS services, 53% of people who had a problem in Scotland did nothing about it.

The IPCC population survey (England & Wales) of respondents who said if they had a problem with the police, they would probably do nothing is lower at 26%.

The Size of Group B is therefore calculated using similar proportions of the (716,934) dissatisfied police service users, to estimate;

Those **who might do nothing** in response (26%) **200,000**

Those **who actually do nothing** in response (53%) **400,000**

<sup>13</sup> HMICS Scottish Policing Performance Framework Annual Report 2007-08

<sup>14</sup> IPCC General Population Survey 2007- 67% satisfied with contact they'd had with police in previous 12 months

