

Case reference: PCCS/00684/09/PF –GP

Report of a Complaint Handling Review in relation to Grampian Police

under section 35(1) of the Police Public Order and Criminal Justice (Scotland) Act 2006

Summary and Key Findings

The applicant made several complaints to Grampian Police arising from a report he made to the police concerning alleged drink-driving on the part of two motorists.

Following responses to these complaints by a senior officer who also met with the applicant, the applicant stated in an email to Grampian Police that he considered his complaint to be closed. Despite this, he subsequently made an application to the Commissioner's office raising four complaints. The Commissioner found that these complaints were handled reasonably by Grampian Police. However, the Commissioner recommended that Grampian Police inform complainers of the fact that the initial handling of their complaints will be reviewed by the Professional Standards and Conduct Department and that this might result in a further response to their complaints.

A learning point has also been identified by the Commissioner. In the Commissioner's view, where an apology is offered for a delay in the handling of a complaint, this should be accompanied by an explanation of why the delay occurred.

The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the applicant. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the applicant. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the applicant in a reasonable manner.

Background

On 30 December 2008 the applicant contacted Grampian Police's Force Service Centre (FSC) to report that two individuals had driven into a supermarket car park, got out of their vehicles holding alcoholic drinks and were drinking alcohol in the car park. The applicant stated to police that he believed both these individuals had been drink-driving.

The incident was allocated "grade 2" status, requiring an urgent but non-emergency response. A report was sent to the Force Control Room (FCR) in order to be allocated to a police patrol. The applicant contacted the FSC a short time later to report that both individuals had returned to their vehicles and driven off and that he was now following them in his own vehicle. The applicant states that during this telephone call he asked to be transferred to the FCR but his request was refused. Whilst on this call the advisor was unable to locate the details of the applicant's original report and the applicant hung up.

The applicant then contacted the FCR using the 999 emergency number and reported again that he was following the vehicles in question. He requested that the line be left open as the incident was ongoing, but this request was refused. The FCR then called the applicant back a few minutes later to enquire if he was still following the vehicles and he advised that he was not.

The Complaints

Based on the contents of the applicant's application form, and the information obtained from Grampian Police, the Commissioner has identified the following complaints;

- (1) that the applicant's call was not connected to Grampian Police's Control Room; and
- (2) that when making the 999 call the telephone line was not kept open.

In addition to these complaints the applicant requested information in relation to what measures Grampian Police had taken to prevent the problems he had encountered from recurring.

During Grampian Police's handling of the complaints the applicant raised the following additional complaints:

- (3) the length of time taken by Grampian Police to deal with his original complaints; and
- (4) irregularities in relation to the dates of letters he had received from Grampian Police.

The Commissioner's Review

The applicant first contacted the Commissioner's office by email on 2 February 2009. He thereafter submitted an application form dated March 2009 raising Complaints 1 and 2. A further application form, raising Complaints 3 and 4, was submitted by the applicant on 29 July 2009.

The remainder of this section sets out the Commissioner's views on the manner in which the applicant's complaints were handled by Grampian Police. Each complaint is set out in turn and is followed by details of Grampian Police's handling of it and the Commissioner's views on this.

Complaints 1 and 2: Alleged failures regarding the Control Room and keeping open an emergency telephone line

The applicant is unhappy that his call to the police was handled by the FSC and was not passed through to the FCR. The applicant believes that as the incident was ongoing the correct procedure would have been for his call to have been dealt with by the FCR.

The applicant is also unhappy that, having called the FCR via the 999 number while following the vehicles, the operator refused to keep the line open.

Internal Handling

The applicant wrote to Grampian Police on 30 December 2008 raising Complaints 1 and 2. On 7 January 2009, Inspector A completed a Complaint about the Police (CAP) form. Inspector A categorised Complaints 1 and 2 as on-duty complaints relating to an irregularity in procedure. Inspector A thereafter gathered a copy of the incident report and recordings of the telephone conversations involving the applicant. An enquiry into Complaints 1 and 2 was then carried out by Employee B, which was completed on 4 February 2009.

Employee C responded to Complaint 1 in a letter dated 8 January 2009. However, this letter was not sent to the applicant until 9 March 2009. In response to Complaint 1 Employee C's letter states:

"After reviewing the calls and actions that were taken as a result of the information you provided I am satisfied that the correct course of action was taken by staff at the Service

Centre and the Force Control Room... During one of the calls you requested that you be transferred to the Force Control Room. As we had the relevant information and an incident was created it was not deemed necessary to transfer your call."

In response to Complaint 2 Employee C's letter states:

"In the course of your 999 call to the Force Control Room you suggested that the 999 line remain open, in these circumstances it is usual for the call to be terminated and for you to be called back thus freeing up a 999 line. Although this did happen the staff member should have explained the process to yourself before the call was terminated. I apologise for this and the staff member involved will be made aware of the process."

The letter from Employee C concludes with the comment:

"I hope this explains the situation in relation to this matter, however if you need any further information then please do not hesitate to contact me"

On 25 June 2009, Superintendent D wrote to the applicant stating that, having reviewed the letter sent to him on 9 March 2009, she felt that it did not fully answer the queries raised by the applicant. In response to Complaint 1, Superintendent D stated:

"... having reviewed your initial conversation with the advisor, there was no mention of either person drinking alcohol within the vehicles. On that basis the advisor created an incident which was sent to the Force Control Room for allocation. I understand that you called back a few minutes later when the vehicles drove off from the location. At this time the advisor you spoke to tried to find the incident in order to update it, however I understand that you were anxious for the police to take action and therefore asked to be put through to the Force Control Room, which the advisor did not do and you rang off.

The usual procedure in this type of circumstances where an incident has already been created, would be for the advisor to update it with any new information and advise the Force Control Room verbally of the update. They then review it to determine if a more immediate response is needed. The advisor on this occasion did not find the incident prior to you ringing off.

Also as the advisor did not feel the circumstances met the criteria of an emergency, she did not pass you to the Force Control Room, through the 999 system. This action I feel was commensurate with the circumstances she was dealing with at the time."

In response to Complaint 2 Superintendent D stated:

"As with any call received through the 999 system each is dealt with on the merits of its urgency and Operators assess the need or not to keep a line open... For a call to be classed as an emergency certain considerations are taken into account such as does the incident justify an immediate, emergency response where there is the probability of Police vehicles exceeding speed limits, using lights/sirens and the subsequent risk of accidents.

On this occasion the Force Control Room Operator did not feel it warranted keeping open a 999 line. I am content that the current procedures in relation to which 999 calls are kept on an open line is appropriate. However, the Operator should have taken a moment to explain that to you and tell you that they would call straight back."

Superintendent D also provided the applicant with a response in relation to the audit and management systems that were in place to prevent the problems he had encountered from recurring.

On 10 July 2009, Superintendent D and Chief Inspector E met with the applicant in order to discuss his complaints and the subsequent issues he had raised. According to her note of the meeting Superintendent D apologised to the applicant for the delays in responding to his complaint and expanded on her written response to the complaints. According to the note, the applicant then thanked Superintendent D and Chief Inspector E for coming to see him and discussing his concerns face to face. The applicant also advised the officers that he now considered the matter to be closed and that he would be informing the Commissioner's office of this.

Consideration

In the Commissioner's view, the validity of all the complaints raised by the applicant with the Commissioner's office is undermined by the terms of an email he sent to Superintendent D dated 12 July 2009, following their meeting. The email contains the following passage:

"... thank you for the help given and courtesy shown to myself by you and your colleague. It has restored my faith in Grampian Police. I now look on the complaint as now closed."

Although the applicant was unhappy with the initial letter of response (incorrectly) dated 8 January 2009, the above comments clearly indicate he was satisfied with the ultimate outcome of his complaint.

As noted above, the applicant has submitted two applications to the Commissioner's office: the first dated March 2009 (ie before the further work done by Superintendent D on his complaints); the second dated 29 July 2009 (ie after Superintendent D's involvement in the complaints). In the first application, the applicant reiterates Complaints 1 and 2; however, in the second he makes no mention of these. The Commissioner has assumed that the reason for this is that he is satisfied with the outcome of Complaints 1 and 2. In the Commissioner's view, this is a reasonable assumption given the terms of Superintendent D's note of her meeting with the applicant on 10 July 2009 and the applicant's email of 12 July 2009.

For completeness, however, the Commissioner considers that Superintendent D's letters of 25 June and 17 July 2009 fully explain the circumstances behind the advisor's decision not to pass the applicant's call through to the FCR. Accordingly, although the initial response to Complaint 1 was inadequate, the Commissioner considers that Superintendent D's letter represents a reasonable response to the complaint. As indicated, the Commissioner does not understand the applicant to dispute this.

The Commissioner has reached the same conclusion in respect of Complaint 2. In the Commissioner's view, Superintendent D has fully explained to the applicant that it is not normal practice to keep a 999 line open. Grampian Police has also accepted that the applicant ought to have been informed by the advisor that he would immediately be called back following the termination of his 999 call. In these circumstances, the Commissioner considers that the applicant has received a reasonable response to this complaint. Again, the Commissioner does not understand the applicant to dispute this.

The Commissioner notes that Grampian Police's initial enquiry report identified two key learning points from Complaints 1 and 2. These were:

- the need for more accurate searching of STORM to find previous incidents; and
- the need to explain to 999 callers the process for calling them back on a non 999 number.

The Commissioner considers the identification of these points to be good practice on the part of Grampian Police and would expect these learning points to be communicated to staff within the FSC and FSR as appropriate.

In conclusion, the Commissioner considers that Superintendent D's detailed responses to Complaints 1 and 2 and her subsequent meeting with the applicant helped to reassure him that his complaints were being taken seriously. In the Commissioner's view, this led to a satisfactory resolution of these complaints.

However, the Commissioner wishes to raise an important issue in relation to the handling of these complaints. As noted above, in March 2009 the applicant received what he was entitled to believe was a final response from Grampian Police. He then applied to the Commissioner's office for a review of the manner in which his complaints were dealt with. When the Commissioner's office requested the files, Grampian Police advised that although the applicant had received a letter of response to his complaints, the files had not yet been reviewed by the Professional Standards and Conduct Department. Such a review is in line with Grampian Police's Standard Operating Procedures on complaints about the police.

The Commissioner considers the review function undertaken by the Professional Standards and Conduct Department as an important feature of Grampian Police's Standard Operating Procedures. Indeed, in the present case it resulted in the satisfactory resolution of Complaints 1 and 2. However, it also resulted in the applicant receiving three substantive written responses to his complaints (one from Employee C; the remainder from Superintendent D). In the Commissioner's view, that is not an efficient and effective way of dealing with complaints. The situation was made all the more confusing for the applicant because prior to his first application to the Commissioner's office he was not aware of the fact that the handling of his complaints was to be subject to a review by the Professional Standards and Conduct Department. Had this been made clear to him in the initial response he received to his complaints in March 2009, the applicant would have known the procedure to which his complaint would be subject. As it was, he applied to the Commissioner in March 2009 on the (understandable) assumption that he had received a final response to his complaints. However, in reality Grampian Police only finished dealing with his case following the end of Superintendent D's involvement in July 2009. This led to confusion for the applicant in understanding at what point the Commissioner's office had the remit to look at his complaint. The Commissioner will be contacting Grampian Police directly to consider ways in which these problems can be avoided in future.

Complaint 3: The length of time taken by Grampian Police to deal with the complaint

The applicant is unhappy in relation to the amount of time Grampian Police took to review his complaints. The applicant first raised Complaints 1 and 2 in a letter received by Grampian Police on 6 January 2009. The applicant received three written responses from Grampian Police in relation to Complaints 1 and 2, the final one issued on 17 July 2009.

Internal Handling

The applicant contacted Grampian Police on a number of occasions during the complaint handling process to report his concerns over the time it had taken to respond to his complaints. In her letter to the applicant of 25 June 2009 Superintendent D apologised for the delay in responding to the applicant's original letter of complaint. Superintendent D repeated this apology at her meeting with the applicant on 10 July 2009 and again in her letter of 17 July 2009.

Consideration

Again, the validity of this complaint is undermined by the terms of the applicant's email to Superintendent D of 12 July 2009 in which he said that he considered his complaint closed. For completeness, however, the Commissioner wishes to make the following comments.

The applicant's complaints were received by Grampian Police on 6 January 2009. He initially received a response on 10 March 2008, but the handling of the complaints were not concluded until Superintendent D's letter of 17 July 2009. Therefore the time taken from initial receipt of the

complaint to final conclusion was over 6 months. Grampian Police's Standard Operating Procedures in relation to complaints about the police state that all complaints of the kind raised by the applicant should be concluded within 56 calendar days of the date of receipt. It is clear that Grampian Police significantly exceeded that period in this case and have made a number of apologies in this regard.

Although Grampian Police has apologised for the delay in dealing with the applicant's complaints, it has not explained to the applicant why these delays occurred. It is clear that the main source of delay was the review carried out by the Professional Standards and Conduct Department which ultimately led to a satisfactory resolution of the applicant's complaints. Details of that review have been outlined above and there is therefore no need for Grampian Police to further explain matters to the applicant directly. However, generally where an apology is offered for a delay, a reasonable explanation should be given to the applicant as to why the delay occurred. This is a learning point for Grampian Police.

Complaint 4: Irregularities in relation to the dates of letters

The applicant is concerned about what he believes are irregularities between the dates displayed on letters Grampian Police have sent him and the dates on which he has received these letters. The complaint refers, in particular, to the following letters:

- Employee C's response to the applicant dated 8 January 2009 which was post-marked 9 March 2009; and
- Superintendent D's response to the applicant dated 25 June 2009 which was post-marked 8 July 2009.

Internal Handling

According to Superintendent D's file note of her meeting with the applicant on 10 July 2009 the applicant stated that he wanted the police to clarify why the letter from Employee C dated 8 January 2009 was not received by him until 10 March 2009.

The applicant also highlighted the issue in his email to the police of 12 July 2009 in which he referred to the envelope enclosing Superintendent D's letter of 25 June 2006 being date-stamped 8 July 2009.

At her meeting with the applicant of 10 July 2009 Superintendent D provided the applicant with an explanation for the discrepancy between the date of the letter sent by Employee C and the date on which he received this. Specifically, Superintendent D explained that Employee C's letter had in fact been created on 7 March 2009 but that a previous letter had been used as a template. This resulted in the date of the previous letter appearing on Employee C's letter. As noted above, Superintendent D's file note records that in light of this and other explanations, the applicant considered his complaint closed.

Superintendent D also referred to this complaint in her letter to the applicant of 17 July 2009:

"In relation to the letter received by you on 10 March 2009, but dated 8 January 2009, as I explained I have established that a previous letter had been used as a template, rather than creating a new one. This had resulted in the date remaining as on the original letter rather than the date it was printed, which is what would have happened had a new letter been created. I can assure you that this was an error on the part of the author and there was no ulterior motive behind it."

With regard to the apparent discrepancy between the date of Superintendent D's letter of 25 June 2009 and the date on which the applicant received this, the applicant has not specifically raised this as a complaint with Grampian Police.

Consideration

In the Commissioner's view Grampian Police has provided the applicant with a reasonable explanation in relation to why the letter dated 8 January 2009 was not received by him until the 10 March 2009.

As noted above, the applicant has not formally complained to Grampian Police about the apparent discrepancy between the date of Superintendent D's letter of 25 June 2009 and the date of his receipt of this. However, there is nothing to suggest that these discrepancies arose from anything other than a simple administrative error.

The Commissioner notes that Superintendent D's file note of her meeting with the applicant of 10 July 2009 states that advice has been given to FSC management in relation to the completion of letters.

In light of this, the Commissioner requires nothing further of Grampian Police in relation to these complaints.

Conclusions, Recommendations and Learning

Complaints 1 and 2: Alleged failures regarding the Control Room and keeping open an emergency telephone line

In the Commissioner's view the initial response provided to these complaints was inadequate. This was identified by the Professional Standards and Conduct Department whose involvement resulted in the complaints being resolved to the applicant's satisfaction. In the Commissioner's view, Superintendent D's letters to the applicant and the file note of her meeting with him represent a reasonable outcome to these complaints.

However, the Commissioner does not consider it to be efficient and effective complaint handling to have more than one "final" response sent to a complainer. The Commissioner also does not consider it satisfactory for complainers not be informed that the handling of their complaints will be subject to a review by the Professional Standards Department and that this review could result in a further response to his/her complaints.

As noted above, the Commissioner will be raising this matter with Grampian Police directly.

Complaint 3: The length of time taken by Grampian Police to deal with the complaint

Grampian Police has apologised to the applicant for the delay in dealing with his complaint. Although it did not explain to the applicant the reasons for the delay, these have been detailed in the present report. Accordingly, the Commissioner requires nothing further of Grampian Police. However, the absence of any explanation to the applicant for the delay is a learning point for Grampian Police.

Complaint 4: Irregularities in relation to the dates of letters

In the Commissioner's view Grampian Police dealt reasonably with the complaint concerning the discrepancy in the date of Employee C's letter and the date on which this was received by the applicant. The applicant has not formally raised with Grampian Police a complaint about a similar discrepancy in relation to Superintendent D's letter of 25 June 2009. However, in the

Commissioner's view, there is nothing to suggest that either discrepancy arose from anything other than a simple administrative error.

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