

# 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 a number of complaints about Grampian Police which were subject to a previous review by the Commissioner (reference PCCS/2008/00021/PF-GP). Following this review the Commissioner issued a reconsideration direction requiring Grampian Police to reconsider the applicant's complaints in their entirety. The applicant's present complaints arise from the reconsideration carried out by Grampian Police.

Of the three complaints considered, the Commissioner found that all were dealt with in a reasonable manner. The Commissioner made a single recommendation.

## 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

In December 2003 the applicant reported to Grampian Police that her granddaughter, Child X, was claiming to have been sexually abused. Child X was interviewed at a police office but she did not make any disclosure of abuse. A medical examination of Child X was carried out which found no evidence of abuse.

In February 2005 the applicant contacted Grampian Police advising that Child X had again stated that she had been sexually abused. A further interview was carried out but once again Child X made no disclosure in this connection. On this occasion Grampian Police decided not to have a medical examination carried out.

In March 2005 Child X apparently made another allegation in the presence of the applicant and a family friend. As a result Child X was once again interviewed and she again made no disclosure in this connection. Another medical examination carried out with a negative result. The suspect, Mr D, was interviewed under caution on 17 March 2005 and the allegations put to him. Mr D denied any impropriety.

The applicant made a number of complaints to the Commissioner regarding the police investigation into the allegations. An overarching theme of these complaints was the applicant's belief that Detective Constable A (now Detective Sergeant A), the officer in charge of the investigation, had focussed her enquiries on trying to discredit the applicant rather than acting in Child X's best interests. These complaints were the subject of a complaint handling review carried out by the Commissioner (reference PCCS/2008/00021/PF-GP) in July 2008. The review resulted

in the Commissioner issuing a reconsideration direction to Grampian Police to the effect that they should reinvestigate the applicant's complaints.

The reconsideration was primarily carried out by Superintendent B and Inspector G. A report of their findings was produced in June 2008. The report stated that, although Detective Sergeant A had concerns about the applicant's credibility and had investigated her background, there was no evidence of impropriety in this connection. It was found that Detective Sergeant A's misgivings about the applicant had no detrimental impact upon the investigation into the alleged sexual abuse of Child X. The report concluded that all decisions taken during the investigation into the alleged abuse were made with Child X's welfare at heart.

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant and the information obtained from Grampian Police, the Commissioner has identified the following complaints:

- (1) that Superintendent B "buried" evidence during the reconsideration of the applicant's complaints;
- (2) that Superintendent B refused to meet with the applicant; and
- (3) that Superintendent F failed to address all of the issues raised by the applicant since December 2008.

## The Commissioner's Review

This section sets out the Commissioner's views on the manner in which the 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.

### Complaint 1: The "burying" of evidence

On 9 October 2008 the applicant came into possession of a letter dated 2 October 2007 from Detective Superintendent C of Grampian Police to Mr E, a representative of a local authority where the applicant was once employed. The letter is referred to throughout this report as "the letter to the local authority". The applicant believed that the letter to the local authority proved that Detective Sergeant A's original investigation into the alleged abuse of Child X was flawed in that it focussed on the applicant's credibility rather than the allegations themselves.

The applicant sent a letter to Superintendent B dated 6 November 2008 in which she asked if Grampian Police had been aware of the letter to the local authority during its reconsideration of her complaints. On 21 November 2008 Superintendent B issued a response to the applicant.

The Complaint about the Police (CAP) form completed by Grampian Police describes the applicant's complaint as follows (the applicant had insisted on this precise wording used):

*"It is alleged by the Complainer that between April and June 2008, during an enquiry relating to a reconsideration direction by the Police Complaints Commissioner for Scotland [Superintendent B] failed to remain impartial, transparent and open and chose to bury a*

*piece of evidence which clearly documented and endorsed her original complaint against the then Detective Constable [A] that her investigation was flawed, she acted on information received from [the local authority] and this piece of evidence, namely Detective Superintendent [C]'s letter dated 2 October 2007 also states the true sequence of events during her investigation which is the opposite to which she has also been led to believe from Grampian Police and she believes she has been lied to in that Superintendent [B] and Grampian Police documented in correspondence to her that the Commissioner was aware of the letter during the reconsideration, this being a blatant lie."*

### *Internal Handling*

On 3 August 2009 Superintendent B submitted an operational statement in response to the applicant's complaints. With regard to complaint 1, he stated:

*"During the course of my investigation, I accumulated many pieces of correspondence potentially connected with the enquiry. Given the novelty of the process, my baseline was that all information gathered should be retained and filed, in the event that it be required at a future date for reference purposes, whether this be internal or on behalf of PCCS. All information was correspondingly indexed and filed in chronological order and ultimately occupied three complete ring binders (four if published reference material was included)...*

*... At the outset of the investigation it was clear and beyond dispute that [Detective Sergeant A] had concerns about [the applicant] and that she sought, obtained and ultimately shared information received from a third party agency which may have cast doubt on her credibility.*

*In that context, on coming into possession of the letter dated 2 October 2007 from Detective Superintendent [C], I assessed the contents and formed the view that they served to confirm what I already knew. In that context I retained the letter on file, but did not give it any weight or indeed progress it in any other way. It remained accessible for future reference should it be required ...*

*... My report to the PCCS is silent on this letter, albeit clear reference is made in paragraph 1.8.1 to the fact I had established that information was indeed shared. As previously indicated, my report was the only document submitted to PCCS. The letter in question continued to be held on file in Force and was accessible should it have been required.*

*I am clear, to the best of my knowledge and recollection, and having reviewed the correspondence available to me, that I have not communicated to [the applicant] that PCCS had sight of the letter in question prior to her bringing it to their attention. Subsequent to her coming into possession of this letter, I have written to [the applicant] on two separate occasions, neither of which refer to the point in question. I am therefore adamant that I did not lie to her and am uncertain as to how she arrived at this view ...*

*... in conclusion I once again refute the allegation that I 'buried' the letter and assert that I viewed, assessed and evaluated it and therefore decided to treat it in the manner outlined above. There was no intention to disadvantage [the applicant] in doing this, given my own assessment that the contents did not contribute materially to the matter under investigation."*

On 30 August 2009 Inspector G submitted an operational statement in which he stated:

*“At the time of the PCCS reconsideration enquiry, [the applicant]’s position as detailed in the original PCCS report and re-enforced in her statement to me of 11 April 2008 was:*

- *1e That Detective Sergeant [A] accepted without question a damning character reference of the complainer from a local government department without giving the complainer the opportunity to question this information.*

*During our investigation Superintendent [B] and I worked on the premise that there was no argument or doubt whether Detective Sergeant [A] had received the adverse information about [the applicant]. Her disquiet was rather that Detective Sergeant [A] should have given her the opportunity to comment on it’s validity.”*

On 18 September 2009 Assistant Chief Constable H issued the applicant with the following response to the complaint:

*“Superintendent [B] has been very clear with you that Grampian Police and [the local authority] had corresponded with one another.*

*Moreover, the information contained within the various letters was, and is, known not only by Grampian Police, but also the Police Complaints Commissioner for Scotland (PCCS) ...*

*... In the circumstances therefore, I find this allegation unfounded.”*

### *Consideration*

In October 2008 the applicant sent to the Commissioner a copy of the letter to the local authority. On 20 November 2008 the Commissioner wrote to the applicant stating:

*“Having considered the contents of both your letter and the enclosed copy of Detective Superintendent [C]’s letter of 2 October 2007 to [Mr E], I am satisfied that Grampian Police has followed in full the remit I set for the Reconsideration of your complaints and that this reconsideration has been conducted thoroughly and impartially.”*

The Commissioner has not received any information since this letter that would change his view on the significance of the letter to the local authority.

According to the applicant Grampian Police lied when it informed her that the Commissioner was aware of the letter during the reconsideration process. The Commissioner first became aware of the letter when he was sent a copy by the applicant in October 2008, after the reconsideration process was over. There is nothing in the files to suggest that Grampian Police told the applicant that the Commissioner had seen the letter prior to the applicant sending him a copy.

In terms of section 40 of the Police Public Order and Criminal Justice (Scotland) Act 2006 Grampian Police was obliged only to submit to the Commissioner a report of the reconsideration. There was no requirement on Grampian Police to send to the Commissioner copies of any documents it uncovered during the reconsideration. In the Commissioner’s view, neither Superintendent B, nor anyone else within Grampian Police, can be said to have “buried” the letter or otherwise concealed its contents from the Commissioner during the reconsideration. Although the Commissioner did not receive a copy of the letter until this was provided by the applicant, he was generally aware of the information it contained.

For the reasons given, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

## **Complaint 2: Refusal to meet with the applicant**

According to the applicant, Superintendent B withdrew his offer to meet her without explanation. The offer of a meeting was first made by Superintendent B in a letter dated 8 September 2008 and was arranged for 7 November 2008. On 13 September 2008 the applicant sent a letter to Superintendent B advising that she was in possession of the letter to the local authority and wished to discuss this with him. On 6 November 2008 Inspector G telephoned the applicant to advise that the meeting would be cancelled. On 10 November 2008 Superintendent B wrote to the applicant apologising for the cancellation of the meeting. The letter included the following passage:

*“Having received copies of correspondence that you have sent to both PCCS, as well as to the Chief Constable, I believe it is important for me to take time to consider the content and to consult with PCCS, before coming to a decision as to how I can best move matters forward to a satisfactory conclusion.”*

On 3 December 2008 Superintendent B wrote to the applicant advising that he would not be meeting with her. He stated:

*“As indicated in my letter dated 10 November 2008, this postponement was as a result of my wishing to consider and review all the points raised by you as well as the further information you provided. I also wished to take the opportunity to have consultation made with the PCCS to clarify if they wished to provide further direction to us during our original investigation.*

*Having now had the opportunity to further review this material, I am satisfied that my original conclusions continue to represent my definitive position, and that the matters raised by you have already been covered, either during dialogue, through correspondence and, principally, through my report to the PCCS.*

*The overriding conclusion from this work from which I hope and believe you should be able to draw considerable comfort, remains that, despite the issues identified by me in my final report, the investigations into the allegations of sexual abuse against your grand daughter were thorough and in line with established multi agency procedures ...*

*... Having carefully considered all the circumstances, including the view of [the Commissioner] and discussed this matter in detail with our professional standards and conduct department I have come to the conclusion that I am unable to assist you any further...*

*... in my view any further correspondence between us will make that closure less likely”*

As with complaint 1, the applicant insisted that Grampian Police record this complaint in exactly the terms she stated. The complaint was recorded as follows:

*“It is alleged by the complainer that following the publication of the outcome of the reconsideration direction by the Police Complaints Commissioner for Scotland on 15/07/09 the Subject Officer promised to meet with her in order to discuss the many issues she*

*raised concerning his report to the Commissioner and having made an appointment it was suddenly withdrawn without an explanation and she wishes to know why she has not been allowed her rights to a discussion regarding his report and why a decision was made to deny her this right ....”*

### *Internal Handling*

On 7 July 2009 Chief Superintendent J and Inspector G met with the applicant to discuss her complaint. Chief Superintendent J recorded the details of the meeting in an email he sent to Superintendent F on 2 July 2009. In terms of the email the meeting did not result in a satisfactory resolution of the complaint.

The following passages are quoted from the statement Superintendent B provided in connection with the complaints:

*“This decision [to cancel the meeting] was taken consciously, based on all my previous dialogue with [the applicant] and my overall assessment that should a meeting take place, it would serve only to allow her a platform to rehearse grievances all of which had been aired repeatedly previously and for which she was unlikely to accept any explanation.”*

In his letter of response to the applicant the Assistant Chief Constable stated:

*“Whilst Superintendent [B] admits that he did agree to meet with you again (in his letter dated 8 September 2008) it is well documented and explained why he withdrew this offer in his subsequent letters dated 10 and 21 November 2008 ...*

*... Nevertheless, it is clear that Grampian Police have provided valid reasons for not meeting with you earlier and that even allowing one final attempt, you remain dissatisfied.*

*Whilst your continued dissatisfaction is regrettable, I am very satisfied that the reasons for not meeting with you have been clearly explained to you and again therefore, I find this allegation unfounded.”*

### *Consideration*

The Commissioner is satisfied that Superintendent B's reasons for cancelling the meeting were reasonable and that these have been clearly explained to the applicant. In the circumstances, the Commissioner has nothing further to add to the information which Grampian Police has provided to the applicant in this connection.

In these circumstances the Commissioner considers that this complaint was dealt with in a reasonable manner. Accordingly no further action is required in this connection.

## **Complaint 3: Failure to address issues raised by the applicant**

### *Internal Handling*

This complaint was recorded by Grampian Police as follows (again at the applicant's insistence as to the precise wording):

*“It is alleged by the complainer that between December 2008 and June 2009 [Superintendent F] has failed to take any correspondence she sent to him seriously, he tried to manipulate the situation when she clearly documented that her complaints were not about her grand-daughter but about the adverse information Grampian Police received and hold about her from [the local authority] and he has consistently and deliberately failed to comprehend her purpose in writing to him and has subtly avoided answering directly all her questions dating back to December 2008.”*

In his letter of response, Assistant Chief Constable H stated the following:

*“I find that there is simply no substance to this allegation whatsoever ...*

*... In his letters dated 16 February, 10 March, 9 April and May 2009, Superintendent [F] has gone to extreme lengths to carefully and politely explain the definitive Grampian Police position in relation to you continued complaints.*

*Accordingly, I also find allegation No 3, clearly unfounded ...*

*... In the circumstances therefore, I must point out to you that the continued investigation and response to these various reiterations of an original complaint, which has already been investigated and independently adjudged to have reached a thorough and impartial conclusion, is depriving the wider community of a service.*

*As a consequence therefore, I have instructed that my Officers no longer acknowledge or respond to any further allegations you make which are connected with this matter.”*

### **Consideration**

In the Commissioner’s view, Assistant Chief Constable H has explained clearly to the applicant why this complaint was found to be unsubstantiated. Having considered the contents of Superintendent F’s letters, the Commissioner considers Assistant Chief Constable H’s response to be reasonable. The Commissioner has not identified any issues raised by the applicant in her correspondence with Superintendent F that Grampian Police have not responded to.

For these reasons, the Commissioner considers that this complaint was dealt with in reasonable manner. Accordingly no further action is required in this connection.

In the Commissioner’s view, Grampian Police has thoroughly investigated the applicant’s allegations and has taken all reasonable steps in seeking to resolve her complaints. A substantial amount of resources has been expended by Grampian Police in dealing with the applicant’s complaints, which in terms of those listed in this report, have been dealt with reasonably. In the particular circumstances of this case the Commissioner recommends that Grampian Police no longer considers or responds to any complaint made by the applicant which relates directly to those it has already dealt arising from the allegations of abuse.

## **Conclusions, Recommendations and Learning**

### **Complaint 1: Superintendent B buried evidence**

In the Commissioner’s view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly no further action is required in this connection.

### **Complaint 2: Refusal to meet with the applicant**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly no further action is required in this connection.

### **Complaint 3: Failure to address issues raised by the applicant**

In the Commissioner's view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly no further action is required in this connection.

The Commissioner recommends that Grampian Police no longer considers or responds to any complaint made by the applicant which relates directly to those it has already dealt arising from the allegations of abuse.

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