

PCCS Statutory Guidance Consultation 2010

From sanctions
to solutions



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Send your responses as a pdf to:

pccenquiriessecure@scotland.gsi.gov.uk

or by post to:

PCCS Statutory Guidance Consultation

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Closing date for responses is Tuesday 11 January 2011

Your information

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Tel no	0131 528 5111

1. Are you responding as (please tick or mark the appropriate box):

an individual?

on behalf of a group or organisation?

Individuals

2a. Do you agree to your response being made public on the PCCS website?

Yes

 Go to 2b below

No

If you wish part of your response to remain confidential please indicate which part or parts:

Q1

Q2

Q3

Q4

Q5

Q6

Additional comments

2b. Where no confidentiality is requested, we will make your response available to the public on the following basis (please tick one box):

Make my response and name available

Make my response available, but not my name

On behalf of groups or organisations

2c. Do you agree to your response being made public on the PCCS website?

Yes Go to 2d below

No

If you wish part of your response to remain confidential please indicate which art or parts:

Q1 Q2 Q3

Q4 Q5 Q6

Additional comments

2d. Where no confidentiality is requested, we will make your response available to the public on the following basis (please tick one box):

Make my response and organisation's name available

Make my response available, but not my organisation's name

Further Contact

3a. We may wish to contact you again in the future to clarify comments you make in your response. Are you content for us to do so?

Yes

No

3b. We may wish to contact you again in the future for consultation or research purposes. Are you content for us to do so?

Yes

No

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Q1 The statutory guidance, paragraph 18, makes reference to forces requiring to have reasonable timescales in place. However, the guidance is not prescriptive in this regard. The Commissioner welcomes your comments on this, and in particular your view on whether this guidance goes far enough to address this issue.

Timescales are required in line with good practice targets fulfilled by other complaints handling organisations. Whilst it is understood that the PCCS does not need to be prescriptive, it might be helpful to put in place some indicative KPIs such as :

50% of cases within 13 weeks

80% of cases within 26 weeks

98% of cases within 52 weeks.

The PCCS might also wish to consider making it mandatory for the Forces to have KPIs and to publish those. If the plan is that the policy will be reviewed every 12 months, as outlined in paragraph 14, timescales/KPIs can be amended with experience.

Q2 Paragraphs 52-59 of the guidance outlines a vision for frontline resolution of potential complaints. The PCCS welcomes stakeholders' views on the practicalities of this.

The SLCC agrees with the general principle of early resolution although it might be helpful to include reference to keeping a record for statistical purposes.

In addition, the complaint should not be dealt with by the complained about officer/member of staff (who could be the person notified)- this should be passed immediately to their line manager to ensure that resolution (an apology/explanation etc) can take place. The line manager should keep a record of the complaint and that the complainer is satisfied with the outcome and ensure that the police officer or staff receives appropriate training or that local systems are improved to ensure a similar complaint does not result in the future. If appropriate the line manager should also be responsible for making sure that organisational learning takes place.

The SLCC raises a question about whether in the context of early resolution of "potential complaints" the conduct of the officer/staff should be reported to the Professional Standards Department for monitoring purposes as this appears contrary to creating a non-blame culture as the policy intends.

Q3 Paragraphs 83-85 are concerned with the assessment of off duty complaints, which remains to some extent, subjective. The PCCS is keen to hear the views of stakeholders on how consistency in the assessment of such complaints might be achieved?

Do the codes of practice for the police clearly document that their off duty behaviour can be reported to the PCCS? Does the code of practice denote the behaviour and standards expected of officers? If not, it needs to.

In terms of the assessment of off duty complaints one way to focus the forces may be to develop an assessment check list/flowchart, for example:

- Could the issue complained about amount to a crime? If yes, accept and investigate as a complaint in the normal manner.

No



- Could the issue complained about amount to a serious breach of a Code of Conduct (or equivalent)? If yes accept and investigate as a complaint

No



- Could the issue complained about amount to a minor breach of a Code of Conduct ? No, ...

Yes



Does the issue complained about have a direct impact on that Officer's duties?...No

And so on

While this may not achieve total consistency in outcome it might achieve consistency in approach which in turn will lead to consistency of outcome.

Q4 Within the guidance, paragraphs 98-100 there are proposals as to how complaints about chief officers might be addressed, which go beyond the minimum standards of the current regulations. The Commissioner welcomes your comments on the practicalities of this.

This sounds reasonable.

Q5. The statutory guidance, paragraphs 229-240 focuses on learning arising from complaints. The Commissioner welcomes suggestions as to whether the guidance goes far enough to address this issue.

The Guidance seems reasonable in this respect. It might be helpful to have some model assessment plans available for forces to use.

In terms of the bigger picture- Is there a forum within forces- for quality improvement- so that lessons learned from complaints can be shared along with lessons learned from other incidents, FAIs, accidents etc?

Q6 . Paragraphs 243-254 of the guidance addresses the issue of training and awareness. The PCCS is eager to hear stakeholders' views on how this might be developed and delivered across Scotland (for example, should a national package be devised by the Scottish Police College?)

Training for complaint handling is more important for the police than for many other organisations. There are some significant differences between how police investigate and how complaints are dealt with. The most significant differences are the burden of proof, the objectives of the investigation and the amount of investigation. In complaint handling the burden of proof is variable. For a complaint about a minor issue it might be focused around reasonableness and probability while for a serious conduct issue it would be closer to the criminal standard of beyond reasonable doubt. As regards the objectives of the investigation, in complaint handling it is about resolution and learning which contrasts sharply with criminal investigations which are about achieving a conviction. This in turn might affect the amount of investigation, which is dependent on the nature of the complaint. If the focus is on resolution a non-serious complaint might be better resolved by mediation/conciliation with virtually no investigation.

All of these point to the need for training of officers to achieve not just a skill base but also a potential change in culture.

The idea of a standard, police-focused package is a good one but does it have to be the Police Training College? It could be developed by a commercial complaint handling training organisation and at the very least any such proposal should go out to tender to ensure best value is achieved.

Please use this space to record any other comments on the guidance or to expand on any areas that you feel should be considered as part of this consultation

Please insert any additional comments here.

General comments:

- The Guidance would benefit from the overview as outlined in Section 3 featuring much nearer the beginning within the executive summary.
- The complaints process should have a dedicated entrance point staffed by complaints handlers (possibly the Professional Standards Dept) As the SLCC have experienced it is vital that complaints are noted and assessed by trained personnel, that way all complaints will be dealt with in a standard way. Having the ability to make a complaint to any police station sounds efficient and handy but the difference in the way the various stations may deal with the initial contact will vary immensely.
- How do the PCCS intend to regulate this guidance/process?
- The document is good at stating that complaints should be accessible to all complainers and to achieve this it might be helpful to state that interpreters are available to help immigrants and minority ethnic groups, and that 'appropriate adult schemes' and 'advocacy' arrangements should be used to help people with learning disability, and mental illness (respectively) articulate their complaints.

Thank you for contributing to the consultation