

# Report of a Complaint Handling Review in relation to Police Scotland

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## 1. Role of the PIRC

Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) provide that the Police Investigations and Review Commissioner (“the PIRC”) may examine the manner in which particular kinds of complaints are dealt with by Police Scotland and the Scottish Police Authority. Through agreements with UK police bodies operating in Scotland, the PIRC may also examine the manner in which these bodies deal with complaints. The PIRC cannot review complaints of criminal behaviour against police officers or police staff, or complaints made by persons serving, or who have served with the police, about the terms and conditions of their service.

In performing this review function, the PIRC obtains information from the police body which dealt with the complaint. This information is considered together with information provided by the person who made the complaint (“the applicant”). An assessment is then made as to whether in all the circumstances the complaint was dealt with to a reasonable standard. Among the factors taken into account when making this assessment are the following:

- whether sufficient enquiries into the complaint have been carried out by the policing body;
- 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;
- whether the policing body’s response to the complaint is adequately reasoned; and
- 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.

## 2. Key findings

The complaints in this case arose from the applicant’s telephone call to Police Scotland on 2 November 2014. Three complaints were reviewed, namely:

- 1) that a 101 call handler mentioned information that should not have been known to the police;
- 2) that the call handler made an inappropriate comment; and
- 3) that two police officers told the applicant not to contact the police again and to drop her complaint against the NHS.

The review found that all three of the complaints were dealt with to a reasonable standard. One recommendation was made.

### 3. Background

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On 2 November 2014, the applicant contacted Police Scotland through the 101 telephone number. She spoke at length with a call handler regarding her concerns about her contact with the NHS, and her removal from hospital premises by police officers a few days earlier. It was unclear to the call handler whether or not the applicant was trying to report a crime and, accordingly, two officers were allocated to attend at her address to note any further relevant details.

The applicant submitted complaints about her contact with the police through the Police Scotland online complaint system on 18 November 2014. Sergeant A was appointed to investigate the applicant's concerns and Chief Inspector B responded to her complaints by letter on 5 May 2015.

### 4. The Review

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#### Complaint 1: Information given by call handler

The applicant complained that, during a 101 call to Police Scotland on 2 November 2014, the call handler mentioned information that should not have been known to the police, specifically the name of a particular person who provides patient advice and support services and who, according to the applicant, is linked to the Citizen's Advice Bureau (CAB) and the NHS.

#### Police Handling of Complaint 1

Chief Inspector B provided the following response:

*"Following enquiry I have established that on the 2 November 2014 you contacted the Police via telephone 101. In this call you spoke with a Police Service of Scotland call handler who was attempting to get facts from you as to why you had contacted the police. The call handler assessed that you required assistance with a complaint against the NHS and subsequently advised that the Citizens Advice Bureau could assist you with any complaints you may have. The call handler only gave you the name of the organisation and did not refer to any named individual. The information provided to you by the call handler was proper, correct and nothing less than I would expect from the staff member.*

*I consider your complaint to be irregularity in procedure/incivility. After investigation I find your complaint not upheld and my reasons for this are as follows: Having listened to the data recordings the name [you provided] was not mentioned in the phone call and was not known to the Police. The call handler correctly advised you to contact the Citizens Advice Bureau".*

## Consideration of Complaint 1

The recording of the applicant's 101 call was provided to the PIRC during the review process. Whilst the first few seconds of the call were not captured, throughout the remainder of the recording neither the applicant nor the call handler mentioned the name of the person identified by the applicant, and the call handler referred to the CAB in only general terms.

As the name of the person identified by the applicant does not appear to have been mentioned during the telephone call, it is considered that the decision not to uphold the applicant's complaint is supported by the material information available. Accordingly, it is concluded that the complaint was dealt with to a reasonable standard. No further action is required of Police Scotland in this connection.

## Complaint 2: Inappropriate comment made by call handler

The applicant complained that the call handler used words akin to "so you think everyone else is the problem and not you".

## Police Handling of Complaint 2

Chief Inspector B provided the following response:

*"Following enquiry again I have established that on 2<sup>nd</sup> November 2014 you were involved in a lengthy call to the Police Service of Scotland caller [sic] handler that lasted in the region of 25 minutes. In this call you did the majority of the talking and the call handler was trying to establish why you had contacted the Police and how the Police could assist you. As part of the conversation the call handler has said "Everybody appears part of the problem not you, do you have a friend who is not part of the problem who could help".*

*The conversation has then continued primarily by yourself when you have stated that you have a friend who could assist.*

*I consider your complaint to be incivility which I find not upheld for the following reasons: the call handler had great difficulty in ascertaining what you actually required and had to keep bringing you back to the main point of your call which was generally unclear but appeared not to be a Police related matter. The words used and recorded by the call handler were appropriate within the context of the conversation in that you appeared to be in disagreement with the NHS, Social work, GP and Mental Health professionals. The call handler was explaining to you that the matters to which you referred were not matters for the Police and perhaps a friend could assist you to communicate with the most appropriate agencies. I do not believe the words used by the call handler were inappropriate in the circumstances and context used. The call handler has acted in a professional and competent manner throughout your call.*

*Notwithstanding the above I do accept that there is a possibility that the context of the conversation and the terminology used may have been misinterpreted and this is unfortunate".*

## Consideration of Complaint 2

It is evident from the recording that the call handler did use words very similar to those attributed to her by the applicant. In his response, Chief Inspector B explained the context of the conversation in which the phrase was used. It is clear that the call handler experienced difficulty in trying to direct the applicant to other services which would be better placed to assist with her complaints about the NHS. It was during this section of the conversation that the comment was made. The call handler thereafter continued to try to assist to the applicant for a considerable period of time. At two other points during the conversation, the call handler commented on the number of organisations that the applicant stated would not assist her. This appeared to be in the context of trying to understand and summarise her concerns.

The response would have been strengthened had it more clearly explained the range of issues raised during the call, and reflected on the calm and patient manner displayed by the call handler throughout the majority of the conversation. The response did however refer to the length of the call and provided an accurate representation of the portion of the conversation that led to the applicant's complaint, whilst also acknowledging that the specific words recalled by the applicant could have been misinterpreted. Taking the content of the call recording as a whole, it is considered that Chief Inspector B was justified in finding that the call handler had not been uncivil by using a phrase which could potentially have been misconstrued during a lengthy and complex conversation.

Accordingly, it is considered that Police Scotland's decision not to uphold the applicant's complaint is supported by the material information available and is adequately reasoned. It is therefore concluded that the complaint was dealt with to a reasonable standard. No further action is required in this connection.

## Complaint 3: Actions of officers

The applicant complained that officers told her not to contact Police Scotland again and to drop her complaints against the NHS.

## Police Handling of Complaint 3

Chief Inspector B provided the following response:

*Again, following enquiry I have established that you were visited by Constable [C] and Constable [D] on the afternoon of 2 November 2014 following your contact with the Police Service of Scotland via 101. Both officers have been provided with an opportunity to account for their actions on the date in question and I am in receipt of statements covering their contact with you...*

*[They] said that you should drop your complaint with the NHS and try and move on with your life. Furthermore they have both stated that you should not contact the Police again about NHS matters.*

*In relation to further comments made [that you should] drop your complaint against the NHS, move on with your life and not contact the Police again. I consider this to be a quality of service/incivility matter that I find to be upheld for the following reasons: How you choose to articulate yourself in writing and how you choose to retain and store this information is a matter for you and not one the police should seek to influence nor is it for officers of the Police Service of Scotland to advise a person to 'drop' a complaint against any person, company or organisation, this decision rests solely with you. You should not be discouraged from contacting the police should you require them for a genuine policing purpose; this contact should be via telephone 101 for non emergencies or 999 for emergencies.*

*In respect of [the] above please accept my apologies. Having reviewed the information provided by the officers I genuinely believe that they made certain comments with the best of intentions in the hope that they could provide a different focus/outlook for you. The officers have been made aware of how there [sic] comments and actions have been interpreted and perceived by you and once again please accept my apologies for any misunderstanding or upset that this may have caused”.*

### **Consideration of Complaint 3**

Both Constables C and D provided statements in response to the applicant’s complaint. Constable D was not specific about the wording of their conversation with the applicant. However, both officers noted that the applicant asked whether she should “*drop the complaint against the NHS*”. According to Constable C, she informed the applicant “*If it is what it is going to take to help you feel better about yourself and help yourself move on with your life, then yes, but it is up to you*”.

In relation to whether or not the applicant was told not to call the police again, Constable C noted “*I informed her that under no circumstances should she be phoning the police regarding [her complaints about the NHS] as it was for the NHS to deal with and not the police. [She] was also told that should she have a crime to report, then by all means not to hesitate to contact police*”.

The officers’ statements support the applicant’s position that a conversation took place about whether she should “*drop the complaint*” against the NHS. The applicant was also advised that she should not contact the police about some matters. Accordingly, it is considered that the response is supported by the material information available and is adequately reasoned. As an apology was issued, and as the applicant was informed that the officers were told how their comments had been interpreted, it is concluded that the complaint was dealt with to a reasonable standard. No further action is required of Police Scotland in this connection.

## 5. Conclusions

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It is concluded that all three complaints in this case were dealt with to a reasonable standard. Notwithstanding, a recommendation is made in relation to how the applicant's complaints were recorded.

In his letter of response, Chief Inspector B listed six complaints. Two related to the applicant's 101 call, and four related to the manner of the officers who attended at her home. The applicant asked the PIRC to review the handling of the two complaints about her 101 call and one of the complaints about the attending officers. The three remaining complaints were not brought to the PIRC.

Although the applicant's six complaints were addressed separately in Chief Inspector B's letter, only two broad heads of complaint were recorded by Police Scotland in the complaint file, one relating to the 101 calls and the other to the attending officers. Accordingly, only two findings were recorded, namely that both complaints were not upheld. This is not consistent with the response provided to the applicant in respect of Complaint 3 which, as detailed above, was upheld.

For those reasons, it is recommended that Police Scotland now record that a total of six complaints were made by the applicant, correctly log the outcome of each and thereafter confirm to the PIRC that this has been done. As the applicant has already been informed of the findings in respect of each of her complaints, there is no requirement to provide her with a further response in this connection.

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