

# FOCUS

Focus gives police force professional standards departments (PSDs) and local policing bodies practical guidance on dealing with complaints, conduct matters, and death or serious injury cases. It supports them to handle complaints appropriately and improves standards. This issue focuses on handling complaints in line with the *Policing and Crime Act 2017*.

[www.policeconduct.gov.uk/focus](http://www.policeconduct.gov.uk/focus)

ISSUE FIFTEEN / FEBRUARY 2020

## Reasonable and proportionate handling of complaints outside of Schedule 3

### Quick links

Providing meaningful updates and thorough explanations	2
Providing complainant with a debrief	3
Apologies	4
Gesture of goodwill	5
Sharing learning	5
Policy or procedure review	7

## Providing meaningful updates and thorough explanations

Sometimes, people express dissatisfaction because they actually want an update, an explanation or further information about a matter. Providing a prompt, meaningful update or a thorough explanation is good customer service and is often an effective way of handling a complaint outside Schedule 3 of the *Police Reform Act 2002*. The response does not need to be in writing, unless the person expressed their dissatisfaction in writing.

It may be that a specific department is best placed to provide a response to the

complaint, and to explain what actions they may have taken as a result of it. The relevant department may be familiar with the complainant's concerns or they may have technical knowledge that could assist with providing an explanation or practical response. For example, if a complainant has raised dissatisfaction with the procedure followed when they were issued a fixed penalty notice, it may be that the roads policing department is best placed to explain the procedure.

Alternatively, if a complaint was received about a seized item not being returned, it may be that the person who seized the item would be best placed to either explain the seizure or return the item. The explanation can then be relayed to the complainant by the complaint handler.

### CASE STUDY ONE

#### Woman dissatisfied after receiving warning and police record

A woman complained to a force professional standards department (PSD) that she was unhappy she had been given a 'police record' as a result of officers attending her home to give her a warning about her behaviour towards her neighbour. She was concerned about the impact having a police record would have on her.

The complaint handler checked the background to the situation. They explained that the warning was a verbal warning and they described the difference between this and a charge or a caution. They reviewed the details of the incident and reiterated the reasons why the officers had given the warning. Once she received this explanation, the woman felt she understood the process better and did not wish to make a formal complaint.

*Providing the woman with further information about the verbal warning, and explaining why this had been given, enabled the complaint handler to alleviate the woman's concerns and improve her understanding of the process. The woman was satisfied with the response and the matter was effectively dealt with outside of Schedule 3.*

## CASE STUDY TWO

### Man complains about lack of update on his crime report

A man had reported an assault to police. He then made a complaint to the force PSD that police had failed to update him on his crime report. When he was contacted about his complaint, the man explained that he was provided with a brief update about his report six weeks ago. However, he was dissatisfied that he hadn't heard from the officer in charge (OIC) since then and was worried that the matter wasn't being looked at. The complaint handler apologised for the lack of update and confirmed that they would contact the OIC that day and ask them to provide him with a more thorough update. This was provided the following day.

*By contacting the complainant early, the force was able to determine the root of the complainant's dissatisfaction and rectify it quickly. This meant that the man received an update on his crime report, which was what he wanted.*

## CASE STUDY THREE

### Woman dissatisfied about lack of response to a subject access request

A woman was unhappy that she had not received a response to a subject access request (SAR). She had made the request via email and thought it was being ignored. When the complaint handler looked for the email, it couldn't be found, so they forwarded the SAR to the appropriate department. They also asked the IT department to examine what had happened to the original email and whether anything needed to be checked with the Information Commissioner's Office (ICO). The complaint handler described to the woman the actions they had taken and confirmed that they would provide an explanation from the IT department once this was available.

*The complaint handler resolved the complaint by forwarding the SAR the complainant was chasing to the appropriate department. They also made sure the issue about the original email was looked into.*

## Providing complainant with a debrief

Sometimes, a complaint can be resolved by talking through the incident with the complainant and explaining the decisions that were made. This approach could be used when a complainant does not understand the methods that police officers used during

a particular incident, or when the police response was not what the complainant expected. The explanation could be given in person, over the telephone or in writing, depending on the complainant's preference. Body-worn footage or call recordings could be used to assist in debriefing a complainant, particularly when the incident did not happen as the complainant remembered or perceived.



## CASE STUDY FOUR

### Complaint about call handler's manner

A complaint was received from a CCTV operator for a local housing association. While on duty, the operator saw two men attempting to force entry to a block of flats and reported this to police. He was not satisfied with the level of service he received from the call handler, who he felt was aggressive and spoke over him repeatedly.

The complaint handler liaised with the control room and arranged to listen to the original call reporting the suspected burglary. They then contacted the man and advised him that his call had been logged as needing a Grade 1 response (which means an immediate response). Therefore, because of the urgent need to establish essential information before dispatching officers, the manner of the call handler had been assertive, but not unprofessional – they had only interrupted him and spoken over him in order to get the information necessary to ensure that officers were deployed swiftly. They offered to share a recording of the call with the man, but he was happy for the complaint to be finalised as resolved.

*The man received sufficient information about his report and the decisions that were made. He was satisfied with this response and didn't want to pursue it further.*

## Apologies

Where it is clear that something could have been handled better, a prompt and sincere apology shows a willingness to accept accountability.

It also acknowledges that the service provided fell short of what can be reasonably expected. An early apology (where necessary and appropriate) can be enough to resolve a matter quickly and proportionately.



## CASE STUDY FIVE

### Woman dissatisfied after her mobile phone was not returned to her

A woman was unhappy that her mobile phone was not returned to her after it was seized during her arrest. She wanted to know when she could have it back.

The complaint handler sought an update from the OIC of the investigation, and a possible timescale for the return of her phone. The OIC confirmed that the phone could be released. The OIC had intended to contact the woman the week before about the release of her phone but had been busy dealing with various enquiries relating to the case. The complaint handler contacted the woman, updated her and offered an apology on behalf of the police force for the delay in releasing her phone. The woman was able to collect it the next day and was satisfied the matter had been resolved.

*Because the complaint handler dealt with the matter promptly and apologised for the delay in releasing her phone, the complaint was resolved quickly and to the satisfaction of the complainant.*

## Gesture of goodwill

On occasion, it may be appropriate to offer a gesture of goodwill to a complainant to acknowledge any inconvenience or distress they have experienced.

## Sharing learning

Learning from complaints can fall under the following categories:

- > organisation-wide learning
- > department/division learning
- > team learning
- > individual learning

### CASE STUDY SIX

#### Complaint after police damage child's toy during search of property

A man complained that when police searched his home, they damaged his daughter's favourite toy dog and she was very upset about this. An apology was given on behalf of the police force and the man was advised how to claim compensation for the damaged toy. After the conclusion of the case, as a gesture of goodwill, an arrangement was made for his daughter to visit the force's dog unit to see the police dog puppies.

The complaint handler took appropriate action by providing an apology and advice about claiming compensation. The additional gesture of goodwill showed the complaint handler had understood the impact on the complainant's daughter.

### CASE STUDY SEVEN

#### Woman unhappy with how she was addressed during phone calls

A woman complained that she had consistently been referred to by her first name during phone calls with the police made via 101 and she was unhappy about this. She said she felt that members of staff should check how people want to be addressed. The complaint handler checked the force's telephone customer service guidance and identified a lack of information about asking callers whether they preferred to be addressed by their first name or surname at the beginning of a call. The complaint handler apologised for any annoyance this may have caused her. They explained that a force-wide learning notice would be issued to instruct everyone to check callers' preferred method of address at the beginning of a call. The force would also amend its telephone customer service guidance. The complainant was satisfied with this outcome.

*Although the complaint was about the actions of a few individuals, the matter related to a broader issue. Addressing it solely with the individuals involved would not get to the root of the issue or stop it happening again. By identifying that there was a gap in the guidance for call handlers and arranging for learning to be issued to the entire organisation, the complaint handler ensured better customer service for anyone calling the force.*



## CASE STUDY EIGHT

### Learning about communication preferences shared with complaint handlers

A man complained about how a PSD had communicated with him when they handled his complaint. He had sent his complaint in the post and had included his email address only because the form asked for it. He was then worried that his complaint had been lost because he did not receive anything from the force by post. In fact, the PSD had contacted him via email, but the man rarely checked his inbox. Ultimately, he was satisfied with the outcome of his complaint, but he was dissatisfied that the PSD contacted him by email. He felt that a complainant should be able to choose how they are contacted.

The complaint handler apologised that the man had missed the communication because it had been sent by email. The complaint handler arranged for a notice to be sent to the department asking complaint handlers to check complainants' preferred method of contact when they begin to deal with their complaint, and to use that method throughout their contact with the complainant. They also amended the complaint form to ask complainants if they had a preferred method of contact.

*The complaint handler dealt with the matter efficiently by apologising and taking steps to ensure that it would not happen again.*



## CASE STUDY NINE

### Man complains that police staff member was abrupt

A man complained that he had attended his local police station to report a theft and a staff member on the front desk had been abrupt. When the complaint handler spoke to him, he clarified that the staff member hadn't been rude but had seemed quite dismissive and rushed. This made him feel like he was wasting their time.

When the complaint handler spoke to the staff member, they explained that they were aware that they had another matter to attend to and didn't want to be late. They said they gathered the necessary information about the theft but acknowledged that their manner may have come across as abrupt. They showed an understanding of how this may have made the man feel. They apologised and accepted that they should have either postponed the other matter or tried to see if another member of staff who had more time could have dealt with the report of theft. The complaint handler spoke to the staff member's supervisor about the complaint. The supervisor said that it was very out of character for the staff member and they felt that they had acknowledged their mistake.

The complaint handler explained the situation to the man, passed on the staff member's apology with their agreement and explained that the staff member had learnt from the situation.

*The complaint handler addressed the complainant's concern fully. They explained why the staff member had seemed abrupt and passed on an apology. They also ensured that the staff member learnt from the situation and reflected on how their manner had made the complainant feel, and how they could have handled the matter differently.*

## Policy or procedure review

A review of the relevant policy or procedure may be an appropriate way to resolve a

complaint, particularly if several complaints have been made about the same thing. The content of the complaints can provide critical insight into what might need to change in a specific policy or procedure.

### CASE STUDY TEN

#### Woman unhappy about hold ups associated with random checks for documents

A woman complained that she had been held up on her commute when random police checks had been conducted to inspect vehicle documents. She reported that she had been stopped on other occasions, making her late for work more than once. The complaint handler apologised that the checks had made the woman late. They confirmed that the policy associated with these checks was due to be reviewed in the next two months, and that her feedback would be included in this review.

*The complaint handler addressed the complaint appropriately. The woman's complaint was not about the officers doing the random checks, but the policy decision to target the road during rush hour. Arranging for her feedback to be included as part of the upcoming review enables her concerns to be considered as part of that process.*

We have published an issue of Focus called [Handling complaints – decisions and thresholds](#) that provides guidance on when

handling a complaint outside of Schedule 3 is no longer reasonable and proportionate, meaning that it must be recorded.

## Get in touch

This guidance was published by the Independent Office of Police Conduct (IOPC) in February 2020, and was correct at the time of publication.

Contact the IOPC for further advice, or to request this issue in another language or format.



030 0020 0096



[enquiries@policeconduct.gov.uk](mailto:enquiries@policeconduct.gov.uk)



[policeconduct.gov.uk](https://www.policeconduct.gov.uk)



[@policeconduct](https://twitter.com/policeconduct) [@IOPC\\_Help](https://twitter.com/IOPC_Help)