

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 is for the handling of complaints in line with the *Policing and Crime Act 2017*

www.policeconduct.gov.uk/focus

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Access to the police complaints system

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Access

The IOPC's [Statutory Guidance](#) on our website sets out the importance of an accessible police complaints system. It suggests ways in which forces can promote access.

The public should be able to access the complaints system in a way that suits their individual needs. Forces should ensure that they implement measures to enable people to have the confidence and ability to make complaints easily. Once complaints are received, complaint handlers should look beyond the seriousness of the allegations. Their focus should be on the context behind why the complainant has come into contact with the police, their vulnerabilities and other support already provided by the police service or other agencies.

This issue of Focus aims to help complaint handlers recognise and overcome the barriers people may face when attempting to making a complaint. In particular, it considers how best to deal with people who may need additional assistance.

Complaints made by people aged under 18

As set out in our [Statutory Guidance](#), most young people who make a complaint against the police will be supported by a parent, guardian or other appropriate adult. Young people should be able to make complaints on their own and forces or local policing bodies should make sure that young people are given the option to have their parent or guardian involved. They may have reasons for not wanting their parent or guardian notified and, where this happens, the wishes of the young person should be followed. In this situation, complaint handlers should explore with the young person whether they would like anyone else to support them – for example, a friend, teacher, support worker or other advocate.

Where a young person wishes to complain without the support of a guardian or other adult, the complaint handler should ensure that they understand the process and provide additional support where necessary. This may include exploring the most suitable method of communication for the young person, providing more regular updates on progress, offering various methods for providing a witness statement, or exploring other specialist support services. The young person should understand that their complaint will be treated confidentially, unless there are exceptional circumstances in which it is necessary to safeguard their wellbeing.



CASE STUDY ONE

Complaint reveals differing views held by young person and their parent

A group of 15-year-olds were near a local shopping area and were reported to the police for shoplifting. Officers attended and when the group ran away, they chased them and restrained a boy. The boy complained that excessive force was used to restrain him causing bruising and scratches to his hands and cheek. His mother supported that aspect of his complaint.

The boy told the complaint handler he felt he was chased because he was dressed as a Goth. He said that the officers did not chase some of his friends who did not dress like him, but whose behaviour had been worse. However, his mother felt that the situation would not have arisen if her son had not been hanging about in a big group and misbehaving. She felt the actions of the police were not linked to the way her son dressed.

During the conversation, the complaint handler concluded that the boy understood the complaint being made and demonstrated a good level of maturity in dealing with the complaints process. The complaint handler decided to include the boy's perception that his appearance had been part of the rationale for chasing him as part of the terms of reference for the complaint, regardless of his mother's opinion.

Complaints made by people whose first language is not English

Given the diverse population of England and Wales, it is likely that complaints will sometimes be made by people whose first language is not English. Forces should consider the use of translation services so complainants are able to send and receive information in the language of their choice. Insisting on using English to communicate with someone who is not confident with the language can become a barrier to handling a complaint successfully.

Communicating with complainants in the language of their choice improves confidence in the system by enabling people to express themselves fully, engage in the process, and better understand what will happen with their complaint.

Forces in Wales should be mindful that the [Welsh Language Standards](#) set out that the Welsh language must not be treated less favourably than the English language.

This includes making sure that:

- materials published in English are also available in Welsh
- complainants can access a Welsh speaker over the phone



CASE STUDY TWO

Using an interpreting and translation language service to facilitate a complaint

A man called 101 to make a complaint about how an officer had spoken to him. It was clear to the operator that English was not his first language. The operator notified the complaint handling department of this when transferring the call. After talking for a while, the complaint handler felt that dealing with the man using English could become a barrier to handling the complaint effectively. She arranged to speak to him through an interpreting and translation service. This allowed them to have a meaningful conversation about the complaint. She agreed with the complainant that letters would be sent to him in his first language, and she provided a translation of the force's complaints leaflet with the letter acknowledging the complaint.

The complainant fed back that he felt more confident about the process after the adjustments made by the complaint handler. The complaint handler also recognised that the translated complaints leaflet could be useful to other members of the community. She arranged for it to be uploaded to the force's website. It was later used as part of proactive engagement with the community to improve confidence in the force.

Complainants with disabilities, difficulties and health conditions

The *Equality Act 2010* legally protects people from discrimination based on their protected characteristics. The Public Sector Equality Duty sets out that public bodies have to consider all individuals in their work, through creating policy and delivering services to the public. This includes the need to make suitable reasonable adjustments to ensure fair access to services for disabled people. Complaint handlers should consult our [guidelines for handling allegations of discrimination](#) for additional support and practical examples.

If a complainant has a health condition that could impact on their ability to access the complaints system, it may help to find out more about the condition. If complaint handlers understand more about a disability

or health condition it can help complainants to feel more supported. Use recognised websites (such as the NHS or well-known charities) to conduct research and get a broad understanding of a complainant's condition.

Engaging with the complainant

Complainants have the right to keep information about their health and disability issues private. However, if forces become aware that a complainant has a condition that may affect them accessing the complaints system, complaint handlers should try to get as much information as possible to help understand how best to support the complainant. This should include trying to get a better understanding of the extent and nature of the complainant's condition and how it affects them. Police forces also have a duty to be proactive and have strategies in place to remove any barriers to accessing the complaints system.

Gathering this information from the complainant should be done sensitively. Every person is different, and the complainant (or their guardian or advocate) is the best person to explain how their disability, difficulty or health condition affects them. Complaint handlers should never assume what the impact may be, as conditions affect people differently. While a person may have a disability, difficulty or health condition, they may not necessarily be 'vulnerable' or consider themselves to be vulnerable,

especially if the right mechanisms are in place to support them through the complaints process.

Sometimes disclosures are made indirectly rather than in a clear request for a reasonable adjustment. Discussions with the complainant about such disclosures will require additional sensitivity because the complainant has not initiated the conversation. Complaint handlers could start a conversation of this type by asking open questions about whether the person has any additional needs.



CASE STUDY THREE

Indirect disclosure

A man contacted a force's complaint handling department to complain about the way he had been dealt with by his local Police Community Support Officer. The complaint handler contacted the complainant to discuss how he wanted to proceed with his complaint. During this conversation, the man said he didn't understand the complaint process and found the whole experience overwhelming. He said he found dealing with paperwork difficult.

The complaint handler asked the man to explain why he found dealing with paperwork difficult. The man disclosed he had a brain injury following a motorbike crash. The complaint handler asked how the injury affected him and whether there was any support the force could provide. The man explained his injury meant he struggled to process information and became confused by anything complex.

With the complainant's consent, the complaint handler contacted a local brain injury charity. The charity supported the man to set out his complaint and future meetings were held face-to-face, wherever possible. Written materials were provided in easy read format and sent to his advocate at the same time, so they could help him to understand it. Where there is a statutory requirement to provide certain decisions in writing, complaint handlers should consider using additional formats and ways to communicate which best suit the persons needs.

Making reasonable adjustments

Forces must make reasonable adjustments where needed. Complaint handlers should not make assumptions about what adjustments may be appropriate and should remain aware that the need for a reasonable adjustment

may change over time. It is good practice to consult complainants regularly to ensure that any reasonable adjustments in place remain the best way of supporting the complainant.



CASE STUDY FOUR

Dealing with a change in reasonable adjustment

A woman complained to the police about how they handled calls about anti-social behaviour in her road. The complaint handling department noticed that when making a previous complaint, the woman had disclosed she had multiple sclerosis (MS). She had explained that this affected her ability to process lots of information, and that she had difficulty interpreting visual information. They agreed that all correspondence would be in short, clear sentences to enable her to process the material.

When the complaint handler contacted the woman about her latest complaint, they checked whether the information they had about her condition, and how it affected her, was still correct. The woman explained that her MS now affected her sight and she had blurred vision. The complaint handler agreed that any letters sent to her would also be in a large font.



CASE STUDY FIVE

Complainant with dyslexia, dyscalculia and autism unhappy with treatment by complaints handling department

A woman complained she was not dealt with fairly and objectively over a ten-year period of contact with the complaints handling department. Her complaints stemmed from the handling of an original incident relating to a breach of the peace. The woman said that on numerous occasions she had disclosed that she had dyslexia, dyscalculia and autism. She felt that the force had discriminated against her because of these disabilities in terms of how they handled her complaints. She said that she found the letters the force sent too long and overcomplicated and she felt this was done deliberately to confuse her.

The force conducted a review of the woman's complaints, which found that although she had mentioned her disabilities in her letters several times, her records had not been updated to reflect this information. In addition, no one had explored her disabilities and how they affected her during the ten year period of contact.

The complaint handler spoke to the woman and they agreed simple measures for future correspondence would include:

- *using double spacing*
- *using coloured paper*
- *simplifying the language used*
- *writing out web addresses in full*
- *giving clear instructions and simple options such as yes, or no*
- *sending an audio version of case decisions and responses*

Public bodies are required to collect information on protected characteristics to inform their decision making under the Public Sector Equality Duty. [Further guidance is available from the Equality and Human Rights Commission.](#)

Working with other agencies

Where possible, forces should be aware of the services available locally. With a complainant's consent, referring them to appropriate support agencies may help to remove any barriers they face when trying to make a complaint. Where appropriate, complainants can be signposted to services such as their GP or a dedicated charity or support service.

Many people have complex needs and/or mental health conditions. Supporting them may involve multiple agencies. It is important that the complaints process does not exacerbate the complainant's condition. Complaint handlers should work with other relevant agencies to ensure the complainant's mental health is protected, while complying with the relevant legislation.

CASE STUDY SIX

Agreeing a suitable approach to support a complainant with significant mental health needs

A woman had significant mental health needs and was being treated in a secure mental health unit.

She had sent a high volume of correspondence to the force making new complaints about police contact, many repeating historical issues the force had dealt with. The complainant's health care team contacted the complaint handling department and asked them to stop making contact with her as they felt it was making the complainant's condition worse and hampering her recovery.

The complaint handling department explained they were not able to stop acting on complaints. A multi-agency meeting was arranged with the local neighbourhood policing team and the woman's community psychiatric nurse to discuss how the woman's complaints could be dealt with. A plan was agreed to deliver correspondence about the complaints by hand at monthly intervals with a police officer and health care member of staff present. This meant the woman had support readily available to help her understand what was being communicated to her. It also allowed the neighbourhood policing team to rebuild the woman's trust in the force.

Providing a tailored service

Complaint handlers should check whether a complainant already has a support network and whether they want support from that network during the complaints process. For example, they may be supported by family or friends or have an advocate.

For some complainants, deviation from an agreed timeframe or method of contact will be a source of stress. It is important to establish clear boundaries about how and

when contact will occur. It is essential that complaint handlers observe these agreements or provide an explanation if this is not possible.

Complaint handlers should be sensitive in their interactions with complainants in order to avoid affecting the complainant's well-being or aggravate their underlying condition. There may also be particular time periods that are difficult for complainants, such as the anniversary of a traumatic event.

CASE STUDY SEVEN

Deaf complainant frustrated by attempts to access the system

A deaf man made a complaint about how police officers treated him when his house was burgled. He said when the attending officers realised he was deaf, they did not arrange a British Sign Language interpreter and instead raised their voices. The man found the complaints system difficult to navigate and there was very little information on the force's website about how to make a complaint. When he tried to speak to the complaint handling department using a text relay service, his calls were either declined or staff struggled to use the service. The man continued to contact the complaint handling department because he could not obtain the information he needed. After making several phone calls the man became frustrated and took out his frustrations on the complaint handlers. As a result, he was given a warning about his behaviour.

Forces should make information accessible to people with additional needs in a range of different formats. This might mean providing information in large font sizes, using audio or video formats or using easy read versions. Check text relay services work regularly, and provide training for staff using it. All digital content should comply with government accessibility standards. Forces could consider having an internal 'champion' who is knowledgeable about the use of any services offered, and can provide advice and guidance to staff on these.

Complainants who are survivors of child sexual abuse

Survivors of child sexual abuse have already experienced exceptionally difficult and traumatic situations. They may seek to complain about police behaviour or how the police handled their criminal allegations. Often, a survivor will already feel that their trust in the police service has been damaged. In order to help restore that trust and help the complainant engage in the complaints process, complaint handlers must be sensitive to the individual needs of survivors when dealing with their complaints.

If a complaint sits alongside a current criminal investigation, there is likely to be support in place for the survivor from partner agencies. However, this might not be the case where the abuse is not under active investigation.

Complaint handlers should signpost survivors to appropriate agencies or have access to trained staff to support them in engaging with the complainant. Complaint handlers should also bear in mind that survivors may disclose additional issues of a criminal or safeguarding nature during the complaint process. Processes must be in place to enable complaint handlers to recognise any such disclosure and forward them to the appropriate organisation/person without delay.

CASE STUDY EIGHT

Sensitive handling of safeguarding issues and appropriate signposting

A survivor of child sexual abuse alleged that when she tried to report the abuse to police when she was a teenager several years earlier, her allegations were not taken seriously and no action was taken. Within her complaint against the police, the woman disclosed that the alleged abuser was now living with a vulnerable woman and her teenage daughter.

The complaint handler informed the police safeguarding team of the disclosure so they could conduct the necessary safeguarding actions promptly.

The complaint handler dealing with the woman's complaint letter had recently attended training on child sexual abuse and exploitation, which included the details of nominated people within the force with specialist knowledge who could provide advice. The complaint handler was aware it could be difficult for survivors of abuse to raise complaints at an early stage. He made a note of this on the complaint file for any future complaint handler to bear in mind. He also sought advice from one of the specialist contacts who provided details of a local specialist support agency that worked with survivors and had a dedicated independent sexual violence advisor (ISVA).

The complaint handler telephoned the woman to explain what would happen next with her complaint. He confirmed that he had passed the safeguarding concerns to the relevant team. Any further updates on those would come from that team, and the complaint handling department would concentrate on her complaint. This gave the woman clear expectations about how the various aspects of her complaint would be dealt with. The complaint handler sensitively asked about the complainant's circumstances and whether she had any support in place. He also asked if she would prefer a female complaint handler and whether she wanted to be put in touch with the specialist support agency. The woman agreed for a referral to be made.

Dealing with a vulnerable complainant

Members of the public may be vulnerable in less obvious ways that may affect their access to the complaints process. A person can become vulnerable for a short

period of time and sometimes this can be because of the police contact they are trying to complain about. Anyone can become vulnerable if their situation or personal circumstances puts them in a position that is unusual or not typical for them.

CASE STUDY NINE

Woman's burglary leads to temporary vulnerability

A woman's home was burgled and electrical items and jewellery were stolen. She reported the matter to the police. Officers attended her address and began an investigation where fingerprints were taken. After a number of weeks the woman was told that all lines of enquiry had been pursued and the suspect could not be found. She was also informed that the fingerprint evidence had been mislaid and was never processed. An apology was issued.

The woman complained about the investigation and the mishandling of the fingerprint evidence. She expressed feeling vulnerable and violated by the burglary and she was unhappy that the failure of the investigation meant that no suspect had been found. She stated that she had found the experience very traumatic and was suffering from anxiety attacks due to living alone and fearing the suspects could return. She felt very let down by the police.

Having identified the woman's vulnerability, the complaint handler worked with her to restore her confidence in the police. They gave a full explanation of the complaints process and their role in investigating the complaints. They provided contact information for support agencies working with victims of crime, as well as safety advice, including information about home alarm systems. The complaint handler also explored ways to manage the woman's anxiety. They agreed to provide updates over the phone at a set time and date each month so that these were expected and did not trigger further anxiety.

Guarding against unconscious bias

Complaint handlers should consider how their awareness of a person or previous experience of dealing with a vulnerability may affect the way they handle complaints or engage with complainants. This is not to suggest that complaint handlers might wilfully decide to handle a complaint to a different standard because of their prior knowledge. However, complaint handlers should actively consider how unconscious bias could affect their approach, and take

steps to assure themselves that they are providing the same level of service to every complainant.

Tactics can include asking colleagues to check decisions and considering whether the same decision would be made for a different complainant. If a single point of contact (SPOC) has been appointed, regular dip samples can ensure fairness, or SPOCs can be rotated to ensure that matters are not overlooked. Unconscious biases are an automatic pattern of thinking and any unintentional behaviours should not attract negative inferences or other criticisms.

CASE STUDY TEN

Ensuring complaint handlers keep an open mind

A man was arrested for a series of malicious communications offences. After his release he made more than 20 similar complaints stemming from his arrest in a very short space of time. The way in which the complaints letters were written was confusing, with text from previous letters copied in and inaccurate timelines. In order to deal with the complaints more effectively, the complaint handling department decided to appoint a SPOC. When everything had been addressed, the SPOC decided not to take any action on subsequent letters, which appeared to be repeating the previous issues.

It transpired that the man had been arrested again for more communications offences. These related to a similar time period. While his later letters did repeat many of the issues that had been addressed already, they did contain new complaints about his second arrest. When the SPOC reviewed the later letters, he noticed the repeat issues, but not the new allegations.

Appointing a SPOC is often a very effective strategy to manage unreasonably persistent complainant behaviour. However, if a SPOC is in place for a long period of time, this can sometimes result in unintentional assumptions being made. It is good practice to arrange regular oversight of the SPOC arrangement and to carry out dip sampling to protect against any unhelpful assumptions. Complaint handling departments could also ensure that an independent person reviews decisions at set periods. They may also consider rotating SPOCs, not only to allow for a fresh perspective, but also to manage the welfare and impact of the arrangement on individual SPOCs.

CASE STUDY ELEVEN

Ensuring complainants receive a considered, impartial service

A frequent complainant alleged an investigating officer had not provided them with an update as agreed, and had been abrupt on the telephone. The complaint handler telephoned the complainant to provide an update and attempt a resolution. During the call, the complaint handler referred to their colleague as 'nice', and said they were surprised to hear about the alleged incident as it was out of character, and that they always kept up to date on their work. The complaint handler had not checked the records before contacting the complainant and, in fact, the complainant had not received their update. In addition, a previous phone call had been terminated because the complainant wanted to discuss matters that were not relevant to their police complaint.

The complainant felt their concerns had not been taken seriously because of the relationship between the complaint handler and investigating officer. They were upset that the complaint handler had not checked whether an update had been provided, and felt that assumptions had been made about their allegation because the complaint handler worked with the subject of the complaint.

This could have been avoided if the complaint handler had checked the complainant's records before speaking to them. They should also have been mindful that sharing a personal opinion about a colleague could be perceived as discouraging the complaint.

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 if you need a copy of this issue in another language or format.



030 0020 0096



enquiries@policeconduct.gov.uk



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