

# PCCS

Police Complaints Commissioner  
for Scotland

## A guide to the role of the Police Complaints Commissioner for Scotland





Police Complaints Commissioner  
for Scotland

## Welcome to the PCCS

I have been appointed by the Scottish Ministers as the first Police Complaints Commissioner for Scotland, taking up my powers from 1 April 2007. The role of the Police Complaints Commissioner for Scotland was established by the Scottish Parliament in 2006 to consider and review the way police authorities, police forces and policing agencies handle complaints from the public. This service is free and independent. The Commissioner's role is to review the handling of complaints fairly, looking at both sides of what has happened and looking at the facts.

This leaflet will tell you what I do and how to use the services of my office. I hope that it will give you all the information that you are looking for, but please contact me if you need more details.

**Jim Martin**

*April 2007*

Freephone 0808 178 5577

Email [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org)

Website [www.pcc-scotland.org](http://www.pcc-scotland.org)



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## 1 Who is the Police Complaints Commissioner for Scotland?

The current Commissioner is Mr Jim Martin. He became the first Commissioner following the creation of the post by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and was appointed by the Scottish Ministers in January 2007 for a period of three years. Mr Martin has no previous connections with the police. He is responsible for appointing a Director and other staff he needs to support him in his work.

If you are unhappy with the way a police force, police authority or policing agency has dealt with your complaint the Commissioner and his office may be able to review the way they handled it.

This service is free and independent. The Commissioner is the person who decides what action should be taken to consider your complaint.

## 2 How do you handle complaints?

We are an independent organisation, not connected to the police. We strive to offer the best possible service to all our contacts and to operate in an open and accountable way. It is our job to review complaints fairly, and as quickly as possible.

We'll decide as soon as possible whether your complaint is within our powers to review, then we'll let you know. If we can accept your complaint, and you agree that we should do so, we'll ask the police force, police authority or policing agency you are complaining about for information about what's happened so far.



How long it takes us to complete our review depends on how complicated the complaint is, and how quickly we get the facts. Your local Citizens Advice Bureau may be able to help you with putting together your complaint.

We will let you know we have received your letter within 2 working days. After that we will update you with our progress in reviewing your complaint at least once every 28 days. We will be happy to visit you to talk about your complaint, and to make sure that we fully understand your concerns.

When we have completed our review we will write to you with our initial findings and our reasons for making them, giving you the opportunity to make sure we have included everything you consider important.

When we have finished this process the Commissioner will let you know his final conclusions and reasons.

### **3 What kind of complaints can you look at?**

We can review how complaints about the behaviour of an individual police officer or staff member have been handled, as well as the quality of service given by a police force, police authority or policing agency.

This includes the eight Scottish police forces (Central Scotland Police, Dumfries & Galloway Constabulary, Fife Constabulary, Grampian Police, Lothian & Borders Police, Northern Constabulary, Strathclyde Police and Tayside Police); the Scottish Police Services Authority; the Scottish Crime and Drug Enforcement Agency; and the eight police authorities, one for each police force, which are responsible for resourcing police forces and investigating complaints against senior police officers.



#### 4 Who can ask for a complaint handling review?

You can ask for a complaint handling review if you:

- *have had your complaint considered by a police force, police authority or policing agency; or*
- *were badly affected by something that led to a formal complaint against a police force, police authority or policing agency; or*
- *witnessed something that led to a formal complaint against a police force, police authority or policing agency.*

You can ask someone else to complain on your behalf if you prefer.

A police force, police authority or policing agency can also ask us to review how they have handled a complaint.

#### 5 Is there anything you can't deal with?

What we can and can't do is set out in the Police, Public Order and Criminal Justice (Scotland) Act 2006. This leaflet sums up the main points. We'll decide if your complaint fits in with our powers.

Our role is to review how a police force, police authority or policing agency has handled a complaint - we will not investigate the substance of a complaint.

You must have been to the police force, police authority or policing agency first, and given them the opportunity to deal with your complaint. We will not look at complaints that are already being dealt with by courts or other complaints procedures.

We cannot review complaints where you suggest that the police force, police authority or policing agency has acted



illegally – we will refer criminal allegations to the Crown Office Procurator Fiscal Service to consider.

We cannot review complaints about employment and staff issues relating to individuals who work with, or who have worked with, the police.

## 6 How do I make a complaint to the Commissioner?

Before you complain to us, you must first have complained to the relevant police force, police authority or policing agency. Both you and they must follow their complaints procedure which they will explain to you. This is to give them the opportunity to sort the problem out.

If you are still not happy with the way things have been handled you can contact us. You can phone us free on 0808 178 5577. You can also e-mail us at [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org). We will do everything we can to make our services available to everyone. Please let us know about any special needs and we will do our best to help.

When you contact us we'll ask you what's happened and we'll decide if we have the power to review your complaint. To help us do this we'll take the details of your complaint and send you a completed form for you to check, sign and return to us, together with copies of the documents that you have to support your complaint. By signing the complaint form you agree that the police force, police authority or policing agency you are complaining about can share with us any information it has which will help us consider your complaint.

You can also get a copy of our standard form from our website [www.pccs-scotland.org](http://www.pccs-scotland.org) or by contacting our office.



## 7 What can the Commissioner do?

The Commissioner can tell a police force, police authority or policing agency to reconsider a complaint. He can also tell them who he wants to carry out the reconsideration. In some circumstances the Commissioner may decide to supervise the reconsideration.

So that the same problem is less likely to happen again the Commissioner may also recommend that the police force, police authority or policing agency makes changes to its policies or procedures. He will want them to learn from complaints to improve practice, policy and processes, and demonstrate an awareness of the changing complaints environment.

## 8 Do I have to accept your conclusions?

If you are not happy with the Commissioner's conclusions you can consult your local Citizens Advice Bureau or your own solicitor about what further action you can take, which could include a judicial review.

## 9 Is the Commissioner independent?

Yes. The Commissioner is independent from Scottish Ministers. It is also a condition of his appointment that the Commissioner has no previous connections with the police. It is important for us to be independent of all police forces, police authorities and policing agencies so that people can trust us to be fair.

## 10 How are you funded?

Our funding is determined by Scottish Ministers and paid through the Justice Department of the Scottish Executive. We will publish audited annual accounts for each financial year.



## 11 How do I contact you?

Write to us at:

Police Complaints Commissioner for Scotland

PO Box 26890

Glasgow

G2 9BT

Freephone 0808 178 5577

Email [enquiries@pcc-scotland.org](mailto:enquiries@pcc-scotland.org)

Website [www.pcc-scotland.org](http://www.pcc-scotland.org)

## 12 Accessibility

Please contact us if you have any particular needs to access our services, for example if you need letters from the Commissioner to be in large print or Braille.

We welcome enquiries and complaints in languages other than English. If you would like to speak to us in a language other than English we can arrange interpreting support. Some of our publicity material is available in other languages and formats: please contact us for further details.

If you would like a copy of this leaflet in a different language or format, such as audio tape or Braille, please contact us.



## 13 Who else might be able to help me?

### Citizens Advice

Your local Citizens Advice Bureau may be able to help you with your complaint. Details of how to contact your local Citizens Advice Bureau are in the phone book, or can be found on their website, [www.cas.org.uk](http://www.cas.org.uk).

### Scottish Information Commissioner

The Scottish Information Commissioner is responsible for enforcing and promoting the right to access public information created by the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.

You can contact the Scottish Information Commissioner at:

Kinburn Castle

Doubledykes Road

St Andrews

Fife

KY16 9DS

Telephone 01334 464610

Fax 01334 464611

email [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info)

## 14 Other useful contacts

Police forces	Police authorities
Central Scotland Police, Randolphfield, Stirling, FK8 2HD Tel 01786 456000	Central Scotland Joint Police Board, Falkirk Council, Municipal Buildings, Falkirk, FK1 5RS Tel 01324 506078
Dumfries & Galloway Constabulary, Cornwall Mount, Dumfries, DG1 1PZ Tel 01387 252112	Dumfries & Galloway Police Authority, Dumfries & Galloway Council, English Street, Dumfries, DG1 2DD Tel 01387 260001
Fife Constabulary, Detroit Road, Glenrothes, KY6 2RG Tel 01592 418888	Fife Police Authority, Fife House, North Street, Glenrothes, Fife, KY7 5LT Tel 01592 416303
Grampian Police Queen Street, Aberdeen, AB10 1ZA Tel 0845 600 5700	Grampian Joint Police Board Aberdeen City Council, Town House, Aberdeen, AB10 1AQ Tel 01224 523031
Lothian & Borders Police Fettes Avenue, Edinburgh, EH4 1RB Tel 0131 311 3131	Lothian & Borders Joint Police Board, City of Edinburgh Council, Waverley Court, 4 East Market Street, Edinburgh, EH1 1DE Tel 0131 469 3002
Northern Constabulary, Old Perth Road, Inverness, IV2 3SY Tel 01463 715555	Northern Joint Police Board Highland Council, Glenurquhart Road, Inverness, IV3 5NX Tel 01463 702012
Strathclyde Police, 173 Pitt Street, Glasgow, G2 4JS Tel 0141 532 2000	Strathclyde Joint Police Board Glasgow City Council, City Chambers, Glasgow, G2 1DU Tel 0141 287 4167
Tayside Police, PO Box 59, 4 West Bell Street, Dundee, DD1 9JU Tel 01382 223200	Tayside Joint Police Board Angus Council, St James House, St James Road, Forfar, DD8 2ZE Tel 01307 473457
Other contacts - Scottish bodies	Other contacts - UK bodies
Crown Office Procurator Fiscal Service, 25 Chambers Street, Edinburgh, EH1 1LA Tel 0131 226 2626	British Transport Police, 90 Cowcaddens Road, Glasgow, G4 0LU Tel 0800 405040
Scottish Crime & Drug Enforcement Agency, Osprey House, Inchinnan Road, Renfrew, PA3 2RE Tel 0141 302 1000	Civil Nuclear Constabulary, Culham Science Centre, Abingdon, Oxfordshire, OX14 3DB Tel 01235 466755
The Scottish Executive, St Andrews House, Regent Road, Edinburgh, EH1 3DG Tel 08457 741741	Ministry of Defence Police, Wethersfield, Braintree, Essex, CM7 4AZ Tel 01371 854000
Scottish Police Services Authority, Tel 0141 582 1103	Serious Organised Crime Agency, PO Box 8000, London, SE11 5EN Tel 0870 734 6138

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