

What powers does the Commissioner have to deal with unjustified complaints?

When appropriate, the Commissioner will make reference in his reports to the perceived motives of the complainer in bringing a complaint or the excessive resources that have been diverted to dealing with a particular complaint.

The Commissioner may also use his discretion not to review a complaint.

Where can I find out more about the PCCS?

There is an Frequently Asked Questions section on the PCCS website www.pcc-scotland.org. As well as copies of his Complaint Handling Reviews, the website contains news and information about the work of the Commissioner and his team.

Accessibility

You can request materials in other formats such as Braille or large print or choose to receive information in languages other than English.

“It is vital that the public continues to have confidence in our police service. Modernising Scotland’s police complaints system through the PCCS is an important element in that work.”

Cabinet Secretary for Justice

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A guide for police officers and civilian staff on the role of the Police Complaints Commissioner for Scotland



Increasing Scotland’s confidence in police complaints handling through impartial oversight and reform.

Who is the Police Complaints Commissioner for Scotland?

The post of the Commissioner was established in 2007 under the **Police, Public Order and Criminal Justice (Scotland) Act 2006**. The current Commissioner is John McNeill.

What is his role?

The Police Complaints Commissioner for Scotland (PCCS) provides independent scrutiny of the way that police forces, police authorities and policing agencies in Scotland respond to complaints from the public. As well as scrutinising the way that complaints have been handled, the Commissioner's role is to drive up standards in police complaints handling.

If you have made a complaint about the police to the police body concerned and you are unhappy with the way that they dealt with your complaint, the Commissioner may be able to review the way it was handled.

His service is free and impartial.

“I want to drive up standards in the way the police handle complaints and, when something goes wrong, I want to help the police learn lessons and improve the way they work.”

John McNeill, Police Complaints Commissioner for Scotland

What kind of complaints does the Commissioner review?

The Commissioner looks at the way in which the police handle complaints about themselves. This includes complaints about police officers, whether on or off duty, as well as complaints about civilian members of staff. The Commissioner can also look at complaints about the quality of the service given by the police.

What can the Commissioner do?

The Commissioner reviews the evidence and forms a view on whether the conclusions reached by the police body were reasonable.

Thereafter the Commissioner can recommend that the police body concerned:

- carries out further investigation and provides a full response to the person who made the complaint
- reconsiders the entire complaint. This may be done under his supervision, where he considered this appropriate
- this may be done under his supervision where he considers this appropriate
- makes changes to its practices and procedures so prevent the same problem arising again.

Who can make a complaint about me?

Any member of the public who is:

- directly affected by;
- indirectly and adversely affected by; and
- having witnessed

an act or omission of a police body or someone serving with the police.

What constitutes a complaint?

A complaint is any written statement expressing dissatisfaction about an act or omission by a police authority, joint police board, police force, authority, agency or person serving with the police.

Are there any complaints that the Commissioner can't look at?

The Commissioner cannot deal with allegations of criminal behaviour by police officers or civilian staff. These complaints are dealt with by the Crown Office Procurator Fiscal Service.

The Commissioner also cannot deal with complaints by persons serving with the police about the terms and conditions of their service.

How will I know if a complaint about me is being reviewed by the Commissioner?

Your Professional Standards Department should notify you if the Commissioner agrees to review the complaint. Prior to the Commissioner publishing his findings he writes again to the Professional Standards Department with a copy of his report and asks them to advise all parties within the police who are involved of the outcome.

What kind of penalties or sanctions can the Commissioner impose?

The PCCS has no punitive functions.

The Commissioner can make recommendations to police organisations with regard to training and advice for officers involved in a complaint, irrespective of the findings of his review.

The Commissioner will refer allegations of criminal behaviour to the COPFS for their consideration.