

Child Friendly Complaints Handling

Guidance for Policing Bodies in Scotland

July 2026

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1. Introduction

On 16 July 2024, the United Nations Convention on the Rights of the Child (UNCRC) was incorporated into Scottish domestic law via the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 (the 2024 Act).

The 2024 Act makes it unlawful for Scottish public authorities, including policing bodies, to act, or fail to act, in a way which is incompatible with the UNCRC requirements. This means that, when handling complaints involving children, policing bodies must ensure that the complaints process is suitably accessible, that the child's views are taken into consideration, and that the child's best interests are a primary consideration.

The 2024 Act does not apply to the actions of policing bodies operating in Scotland where the powers exercised derive from an Act of the UK parliament. However, the UNCRC has been ratified by the UK as a whole. As such, policing bodies in Scotland can act compatibly with the UNCRC requirements when exercising powers conferred by an Act of the UK parliament, unless there are specific provisions of such Acts which prevent them from doing so. We encourage all policing bodies operating in Scotland to adopt the principles set out in this guidance as best practice.

The UNCRC requirements are comprised of Articles 1 to 42 of the UNCRC, as well as the rights set out in the First and Second Optional Protocols¹. All UNCRC requirements apply to all children and young people up to the age of 18 years. The UNCRC uses the term 'child / children' to encompass everyone under the age of 18.

The UNCRC places a strong emphasis on the evolving capacities and understanding of children as they grow up². The focus is on ensuring that children's views and opinions in relation to things that affect them are taken into account at all stages.

This guidance draws on work carried out by the Scottish Public Services Ombudsman (SPSO). The SPSO's Child Friendly Complaints Handling (CFCH) Principles and Process Guidance were developed following extensive engagement with children and adults who work with them. The SPSO provides guidance for a wide range of sectors and therefore acknowledges that its principles and guidance will need to be tailored to meet both the needs of the individual child and the operational processes and requirements of different organisations.

In dealing with complaints from or affecting children, the CFCH Principles should always be considered. These Principles are designed to ensure that the complaints process:

- applies to everyone under 18;

¹ Optional Protocol 1 relates to the involvement of children in armed conflict, while Optional Protocol 2 relates to the sale of children, child prostitution and child pornography: [Human Rights Instruments | OHCHR](#)

² See Appendix C – Glossary for more detailed information in relation to concepts cited in this guidance such as 'evolving capacity', the 'best interests assessment', 'informed consent' and 'ownership' of the complaint.

- is focused on the best interests of the child;
- trusts children to make the decisions they are able to, taking account of their evolving understanding and capacity;
- places children's voices and views at the core of the complaints process;
- treats children with kindness and understanding when making a complaint and supports them through the complaints process;
- maintains the child's confidentiality, only sharing information when absolutely necessary and clearly explaining to the child the reasons for this; and
- is accessible to children and their parents/carers, providing them with information about the child's rights.³

This guidance will be reviewed on an ongoing basis, incorporating learning and feedback from all parties to the complaints process, including children, adults supporting them, and policing bodies operating in Scotland.

2. Complaints involving children

For the purposes of this guidance, a 'child' is defined as anyone under the age of 18. While these guidelines must always be followed when anyone under 18 is involved, some provisions highlighted below may be beneficial for others, for example those who have turned 18 during the complaints process, or for care experienced young people.

The steps outlined in this guidance are additional to the established complaint handling procedures followed by policing bodies operating in Scotland and must be incorporated into these existing procedures. Policing bodies must also ensure that their complaint handling procedures are easily accessible and understood by children, their parents or any other responsible adult.

This guidance does not preclude the use of early resolution of a complaint involving children (i.e. Front Line Resolution (FLR) within Police Scotland). However, where any decision is made to attempt to resolve a complaint involving a child in this way, great care should be taken to ensure that the Enquiry Officer (EO) has spoken with the child and fully understands the nature of the complaint being made. The EO must also ensure that detailed records of any conversation with the child, as well as their rationale for attempting to resolve the complaint, have been fully documented (i.e. captured on the Complaint Handling Form (CHF) within Police Scotland). The EO must provide the child with a written record of their conversation, as well as any explanations and/or assurances provided as part of the resolution of the complaint.

³ Further information on each of the principles can be found in the SPSO's Child Friendly Complaints Procedures and Process Guidance, which can be found on the SPSO website: [Child Friendly Complaints | SPSO](#)

There are three main types of complaints involving children:

1. complaints raised by a child directly;
2. complaints raised by an adult at the request of a child; and
3. complaints raised by an adult about an issue which affects a child.

A complaint that falls under categories 1 & 2, above, is often referred to as a **Child-led** complaint and ownership rests with the child.

A complaint that falls under category 3, above, is **Adult-led** and ownership would ordinarily rest with the adult. The EO should clarify if the adult is acting on behalf of the child, or on their own behalf. Where they are acting on behalf of the child, the **Child-led** process should be followed. Where they are acting on their own behalf, the **Adult-led** process should be followed.

The term 'Responsible Adult' is used throughout this guidance to refer to any adults with primary caring rights and/or responsibilities. This includes parents, adults who are legally appointed guardians or carers, or those who have a significant connection with the child, such as teachers or social workers.

It is vital that the EO retains a written record of all discussions, decisions and the associated rationale that demonstrates a thorough consideration of the child's best interests and their views, where provided. EOs should remember that, while a child must be given the opportunity to provide their views, they cannot be compelled to do so.

These guidelines are intentionally flexible to allow EOs to adopt a tailored approach on a case-by-case basis, which meets the needs of the child.

3. Child-led complaint – raised directly by a child

On receipt of a complaint from a child, the EO is required to offer the child an opportunity to meet and discuss their complaint with them. If the child agrees to meet, the EO must be guided by the child's communication preferences as to how and where this meeting takes place, where reasonable. This discussion will enable the EO to assess their understanding of the complaint being made by the child, as well as make the child aware of the possible outcomes of their complaint. The meeting also provides an opportunity to explain clearly to the child what practical steps to expect at each stage. The child's communication preferences should be adhered to at all stages of the complaint enquiry, where reasonable. This could include, for example, email or phone contact, as well as through campus officers, where available. EOs should also ensure that the child is made aware of any sources of additional support that may assist them to navigate the complaints process.

A written record of this discussion must be made and a copy must be provided to the child, allowing them an opportunity to comment and amend, if they feel the record is not accurate.

The child should be asked whether they would like:

- to nominate someone to support them during the complaints process and/or act as their representative, or would like to be signposted to advocacy support; and/or
- a Responsible Adult to be notified of their complaint or would like a Responsible Adult to take it forward on their behalf.

Where the child does not provide their consent for a Responsible Adult to be notified, the EO must assess whether it is nonetheless in the child's best interests for a Responsible Adult to be advised of their complaint. In making this best interest assessment, the EO must have regard to factors such as:

- the age of the child;
- the nature of the complaint;
- the child's evolving capacity and ability to understand the issues being raised by the complaint, the complaints process, and the possible outcomes; and
- legal or human rights issues raised by the complaint.

The EO must ensure that the child is fully informed of any potential benefits or drawbacks of having a Responsible Adult involved, making it clear that the level of this involvement can be determined by the child. Where there is any ambiguity about the child's capacity to provide informed consent, the EO may consider consulting specialist colleagues, or adults involved in the child's life, to assist them in making this decision.

If it is decided that a Responsible Adult should be informed of the complaint despite this being against the child's wishes, this should first be discussed with the child and the final decision clearly explained to them. Where there is more than one possible Responsible Adult, the child should be asked if they have a preference as to which adult should be informed.

Further guidance on when or whether to inform the Responsible Adult can be found at **Appendix B**, below.

Throughout the complaint enquiry, the EO must ensure that the child's views are taken into consideration and that their best interests are at the heart of all decisions made. The rationale for all decisions made, and why they are considered to be in the child's best interests, must be clearly and comprehensively recorded.

At the conclusion of the complaint enquiry, the child must be given an opportunity to have an outcome discussion to ensure that the findings and conclusions are fully explained to them. The EO must make a written record of the outcome discussion

and share this with the child. The role of PIRC must also be explained to the child during the course of the outcome discussion.

4. Child-led complaint – raised by an adult at the request of a child

It is important to remember that complaints submitted by an adult at the request, or on behalf, of a child are **child-led complaints**. The EO must offer to meet with the child and the adult to discuss the complaint and confirm the ownership of the complaint. The key is to establish whether the complaint is made by an adult at the request / on behalf of the child, or by an adult in relation to an issue that affects a child.

If the adult is not a Responsible Adult, consideration will need to be given to whether a Responsible Adult should be informed of the complaint.

The EO must seek the child's informed consent for the complaint to be progressed by the adult on their behalf. If the child does not want or does not consent to the complaint being progressed, the complaint can only be progressed as an **adult-led** complaint, i.e. raised by an adult about an issue that affects a child. This is only possible in circumstances where the complaint being made meets the criteria of a relevant complaint that can be made by the adult in their own right⁴. Where the complaint made does not meet the criteria of a relevant complaint that can be made by the adult in their own right, the EO must clearly explain to the adult making the complaint why they are unable to progress the complaint in the absence of the child's consent, regardless of the adult's view on the matter. Further guidance on informed consent can be found at **Appendix A**, below.

If it is confirmed that a complaint is **child-led**, the above guidelines must be followed.

The adult making the complaint on behalf of the child (or the adult nominated by the child to support them through the complaints process) must be involved in the initial and outcome discussions.

5. Adult-led complaints

Complaints raised by an adult about an issue affecting a child are referred to as **adult-led** complaints.

Initially, it is important to ascertain the relationship between the child and the adult making the complaint, and whether the child is aware of the complaint and their right to provide their views.

⁴ The CFCH Principles have not been designed to override any primary legislation which defines the meaning of a relevant complaint about the police, or who can make such a complaint. As such, the EO must be confident that any adult-led complaint meets the statutory definition of a relevant complaint about the police.

It is also important to ensure that **adult-led** complaints fall within the statutory definition of a relevant complaint. Adults with primary caring responsibilities, such as parents, legal guardians, adults with parental rights and responsibilities, or those who have a significant and regular involvement with the child are very likely to be adversely affected by any significant issues affecting a child.

If satisfied that an **adult-led** complaint is a relevant complaint, consideration should also be given to whether there is a requirement to contact a Responsible Adult.

Having consideration for the child's age, any current vulnerabilities and the nature of the complaint, the EO should have a discussion with the child to ascertain their views on the complaint and whether they would like an adult to help them through the process (this can be the adult making the complaint). A written record of this discussion must be created and shared with the child.

On conclusion of the complaint enquiry, the adult raising the complaint must receive a final written response letter, as per usual complaint handling procedures. If the child wishes, there should be an outcome discussion and a written record of this discussion must be shared with the child.

6. Case studies

A 13-year-old girl under the care of social services discloses to her teacher that she has been physically assaulted by a care home worker and that she was dismissed by police officers when she tried to report this as a crime. Her teacher advises her to make a complaint about the police and assists her in doing so. On allocation, the EO should offer to meet with the complainer and her teacher to discuss her complaint. At this point, the EO should seek the child's consent for a Responsible Adult to be told about her complaint, carrying out the best interests assessment where consent is refused. The child's teacher can act as her representative and take the complaint forward on her behalf, if the child so wishes.

If agreed, the EO should correspond with the complainer's teacher during the complaint enquiry, who will pass any requests for further information or updates to the complainer. Following the complaint enquiry, the EO should invite both the complainer and her teacher to discuss the outcome of the complaint. Thereafter, a formal response should be provided to them both.

Where the child does not wish her teacher to act as a representative and wishes to progress the complaint by herself, the EO should ensure that all correspondence is with the child directly. This correspondence must be tailored to the needs and communication preferences of the complainer. In the absence of any factors which would override the child's decision in relation to their teacher, it will be their decision how much information to share with any third party. Following the complaint enquiry, the EO should invite the complainer to discuss the outcome of the complaint. Thereafter, a formal response should be provided to her.

A 15 year-old girl is accused of assaulting another pupil in her class outside school grounds while walking home on a Wednesday afternoon. CCTV of the alleged incident is shown to three teachers at her school on the Friday, all of whom identify her as the assailant. Officers attend at her home on the Saturday and caution and charge her with the alleged offence in the presence of her mother. On returning to school on Monday, the girl speaks with the school campus officer, telling them that she was not involved in the incident but that the attending officers would not listen to her when she tried to explain this to them. The campus officer provides her with information about how to make a complaint about the police.

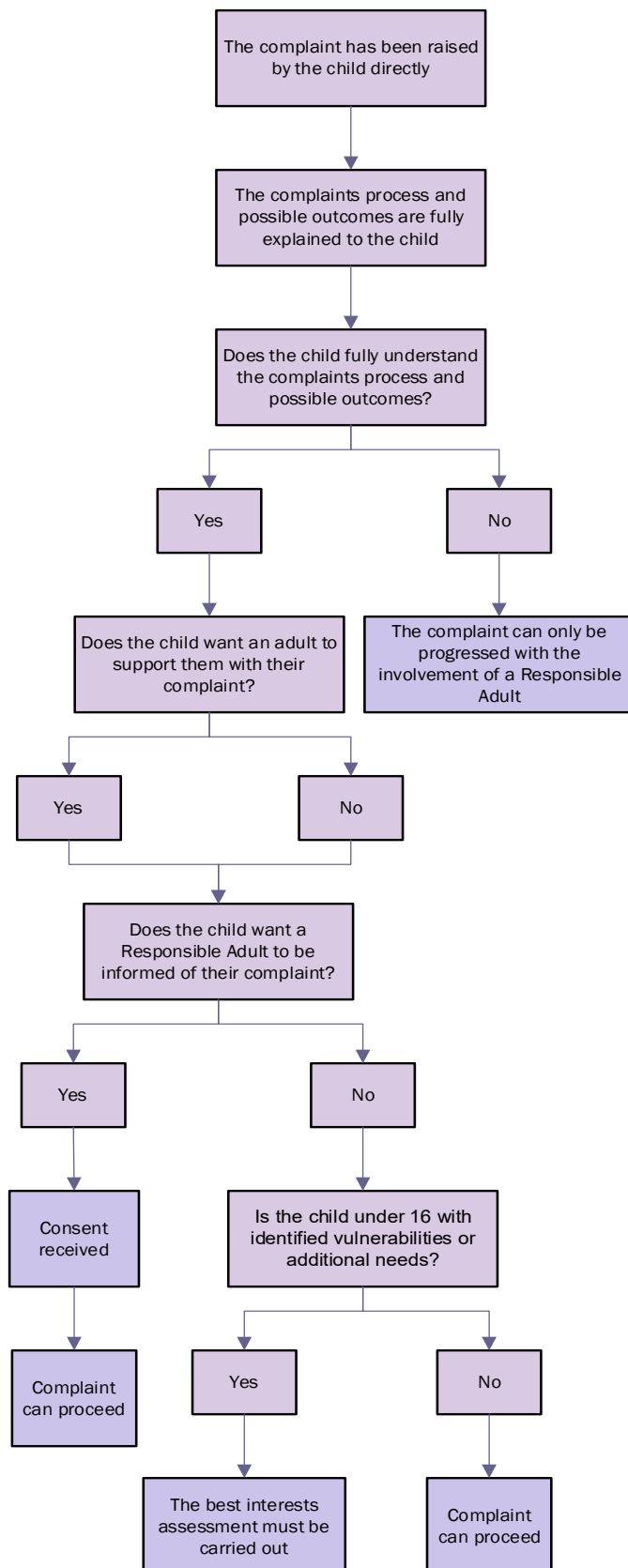
When the complaint is allocated, the EO offers to speak with the child to properly understand her complaint. During this conversation, the child decides to take her complaint forward herself and consents to her mother being informed of her complaint as her Responsible Adult. The child also asks for the school campus officer to act as her point of contact in relation to her complaint. The EO then corresponds with the campus officer, who provides any updates and/or requests for information to the child during the complaint enquiry. At the conclusion of the complaint enquiry, the EO and campus officer meet with the child and her mother to explain the outcome of her complaint. After this meeting, the EO sends a written response to the child.

A father returns home to find that his 14-year-old daughter had been left home alone for an unknown period of time after officers removed a young adult family member from the family home. He makes a complaint about this. The EO must ensure that the complainer's daughter is informed of the complaint and ascertain whether the complaint is being made on her behalf, or in the complainer's own right.

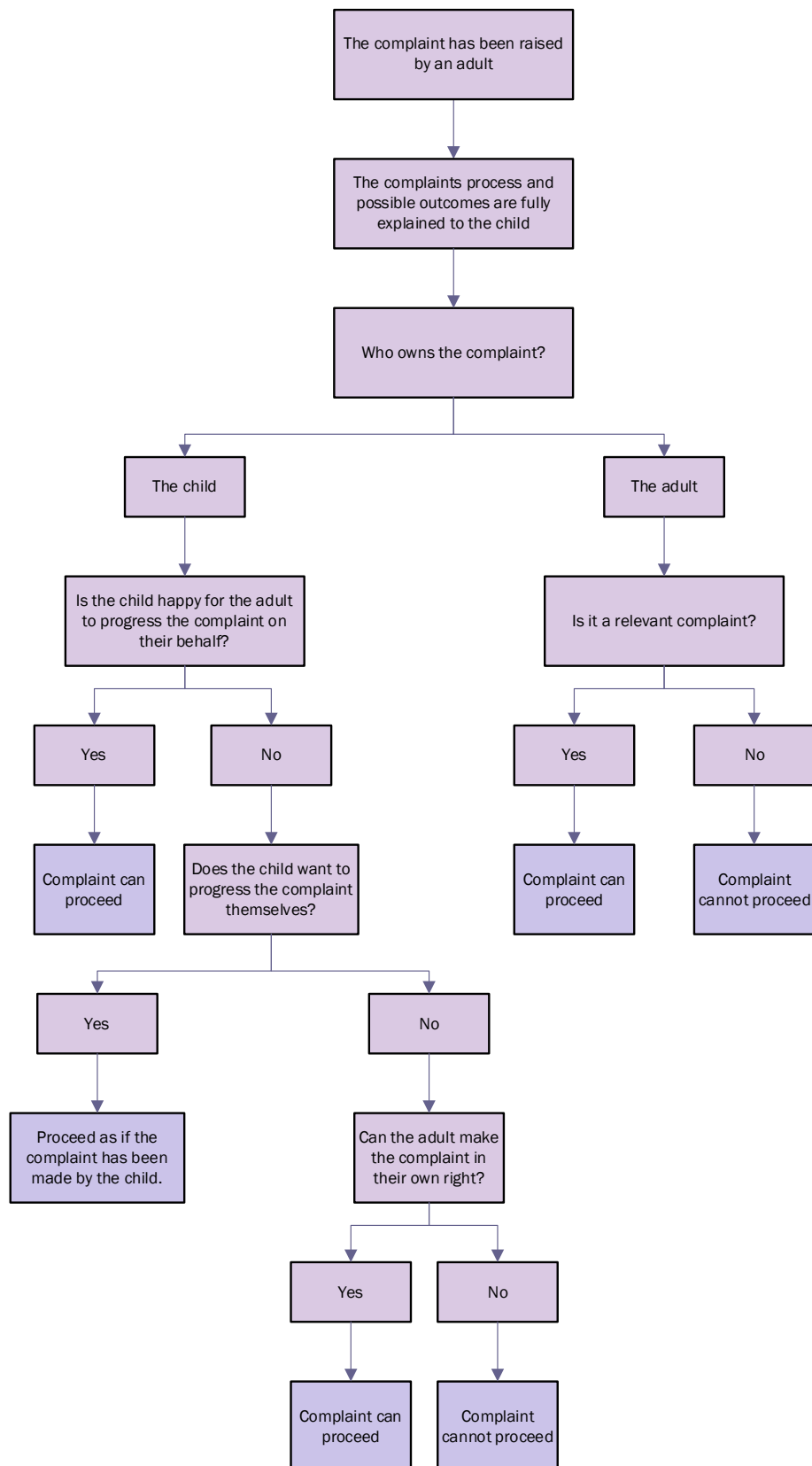
If the complaint is being made by the complainer on behalf of his daughter, her consent will be required before the complaint can proceed as a child-led complaint. If this consent is refused, the complaint can only be recorded and progressed as an adult-led complaint. This would be possible in these circumstances as the complainer can be said to have been adversely affected by officers leaving his daughter home alone. This would also apply if the complaint was being made by the complainer in his own right.

In either circumstance, the complainer's daughter must be spoken to and given an opportunity to provide her views on the complaint and the circumstances from which it arose.

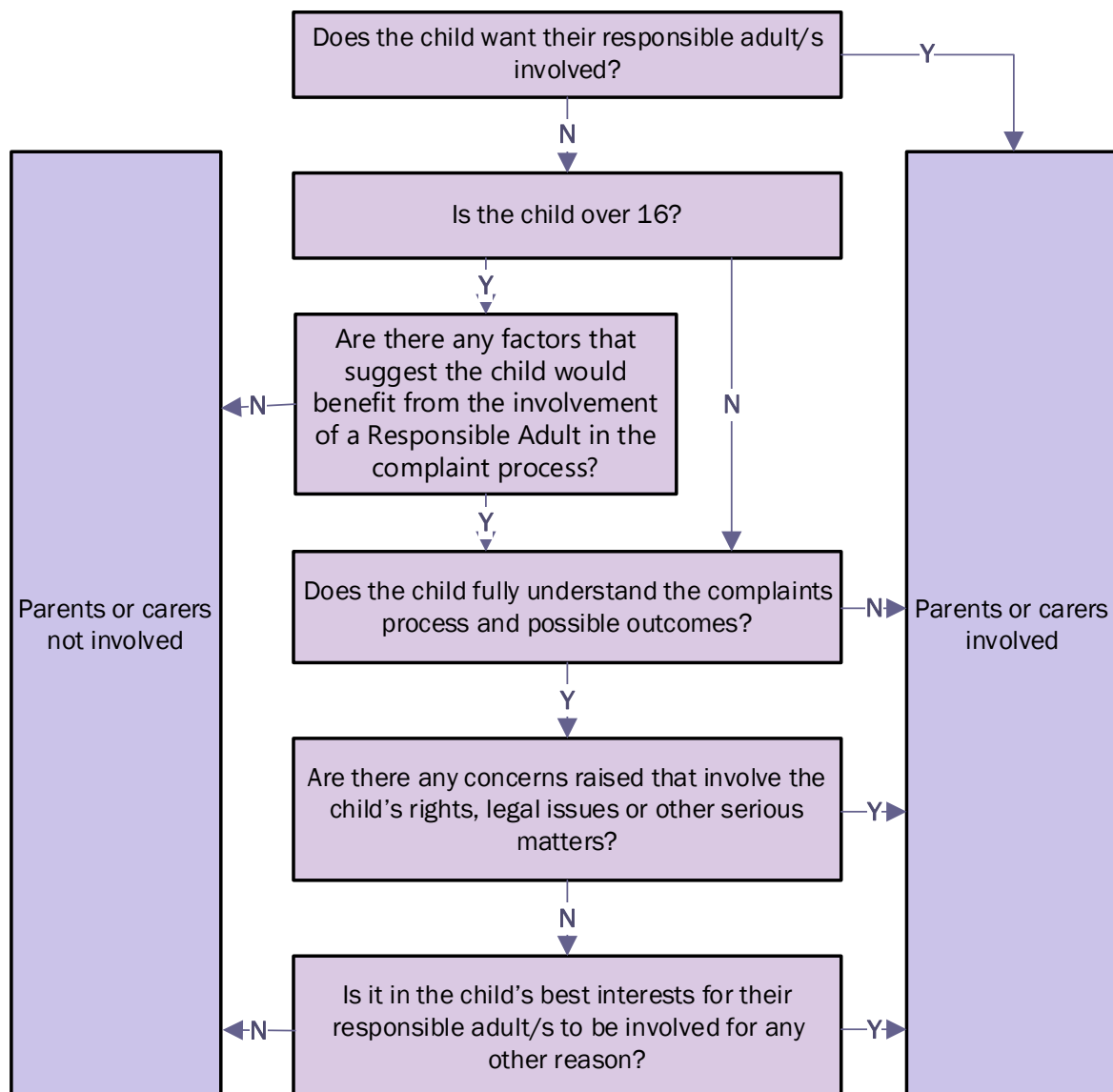
Appendix A – Consent process – Complaints made by a child



Consent process – Complaints made by an adult



Appendix B – Best interests assessment



Appendix C – Glossary

The definitions of specific terms for the purposes of this guidance are provided below.

Adult-led complaints – any complaint raised by an adult about an issue that affects a child.

Best interests assessment (UNCRC Article 3) – an assessment carried out by a complaint EO when making any decision about a child, including whether: i) it is appropriate to override the lack of consent to inform a Responsible Adult / have a Responsible Adult act on a child's behalf; or ii) hold an outcome discussion with the child in relation to adult-led complaints. In making this assessment, the EO must have due regard to all UNCRC requirements. The EO must comprehensively record all issues considered and provide a detailed rationale for the determination reached.

Child (UNCRC Article 1) – anyone under the age of 18; it is presumed, however, that 16 & 17-year-olds have the capacity to progress a complaint without the assistance of a Responsible Adult, unless there is information to indicate otherwise; equally, there may be circumstances in which an 18-year-old would benefit from the assistance of a Responsible Adult, or in which a younger child will have capacity to progress their complaints without this assistance.

Child-led complaints – any complaint made directly by a child, or by an adult at the request of, or on behalf of, a child.

Evolving capacity (UNCRC Articles 12 & 5) – the gradual development of the child's ability to make reasoned decision and exercise their rights as their level of understanding and maturity increases as they grow, learn, and gain experience. In assessing a child's evolving capacity, their personal knowledge, experience and development must be considered, rather than solely their age.

Initial discussion – a conversation between the complaint EO and the child / Responsible Adult to establish: i) the issues to be considered; ii) the role of the Responsible Adult; and iii) any vulnerabilities and/or additional adjustments required to meet the child's needs.

Informed consent – consent by a person who is properly informed and has the capacity / understanding to consent. Policing bodies must be able to clearly demonstrate that the child understands what they are consenting to and why. While comprehensive records will need to be maintained in this regard, the policing body must also demonstrate flexibility in the manner of obtaining this consent.

Outcome discussion – a conversation between the complaint EO and the child / Responsible Adult / adult complainer to: i) explain the enquiries carried out and their conclusion; and ii) provide the child / Responsible Adult / adult complainer with details of the next steps available to them.

Ownership – rest with the individual directly affected by the act or omission complained of, whether they are acting on their own behalf, or being represented by a third party.

Responsible Adult – any adult with parental or primary caring rights and/or responsibilities for the child; legally appointed guardians or carers; individuals with a significant relationship with the child, i.e. social worker, teacher, etc.