

<b>Meeting</b>	<b>SPA Complaints &amp; Conduct Committee</b>
<b>Date</b>	<b>19 May 2021</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing - SPA Update</b>
<b>Presented By</b>	<b>Head of Workforce Governance</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes – Appendix A – SPA Implementation Recommendations Action Plan</b>

## **PURPOSE**

The purpose of this report is to update the Committee on work being progressed to address recommendations arising from the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, led by Dame Elish Angiolini.

*The paper is presented in line with:*

- *Scottish Police Authority Committee Terms of Reference*

*The paper is submitted:*

- *For Discussion*

## **1 BACKGROUND**

- 1.1 A report was presented to the Committee in March 2021, following publication of the Final Report on the 'Review of Complaints Handling and Misconduct Issues in Relation to Policing' on 11 November 2021. It provided a status update in respect of SPA implementation actions arising from recommendations contained in the Preliminary Report, as well as a high-level plan in respect of applicable recommendations arising from the Final Report.

## **2 FURTHER DETAIL ON THE REPORT TOPIC**

### **SPA Action Plan**

- 2.1 Following the March Committee meeting, a working group of SPA officials have developed a more detailed action plan, which is set out at Appendix A. The plan describes action being taken to progress recommendations where Dame Elish identifies a specific implementation role for the SPA, as well as others where SPA officials have otherwise identified such a role. It also sets out planned actions in respect of matters where Dame Elish makes commentary in her report, but which do not amount to 'formal' recommendations.
- 2.2 For ease of reference, the plan identifies the corresponding recommendation from the Preliminary or Final Report (where applicable), to which the action pertains, and also to the 'themes' identified via national governance and reporting arrangements. It also identifies the relevant Committee which will oversee implementation, acknowledging that the Complaints & Conduct Committee will play the primary role in overseeing implementation of all recommendations applicable or relevant to the SPA.
- 2.3 The action plan will be updated and reported to the Committee at each meeting. It will also be used to inform the Highlight Reports submitted to Scottish Government as part of national governance and reporting arrangements (see below).
- 2.4 The action plan does not seek to capture recommendations directed at Police Scotland, where the Authority has an oversight role, acknowledging separate reporting to the Committee by Police Scotland in this regard. However, SPA officials will liaise with Police Scotland counterparts to understand how action being taken in respect of recommendations which fall within the terms of reference of other Committees (predominantly People and Policing Performance) will be reported.

- 2.5 Members will note that a number of actions are already marked for completion, with a number of others planned for completion prior to or shortly after the Committee meeting in August. Where timescales are longer, explanation is provided in the action update. Where timescales are yet to be determined, there are primarily in instances where progress is dependent upon wider partner discussions.

### **National Governance Update**

- 2.6 As set out in the March Committee report, national governance structures have been established, through a Ministerial Group (attended by the SPA Chair and Chief Executive) and Strategic Oversight and Practitioner Working Groups (both of which are attended by SPA officials).
- 2.7 The Practitioner Working Group, which meets monthly, has now met twice, discussing terms of reference, calendar of meetings and draft meeting work programme, as well as a draft highlight report for use by individual organisations and a national recommendations sign-off process. At its most recent meeting, the group explored specific recommendations which partners had identified for further discussion, both in general terms and particularly those categorised under the theme of 'Rights & Ethics'.
- 2.8 The Strategic Oversight Group met for the second time on 23 April, approving the draft highlight report and sign-off process referred to above. It also discussed the timeline for development of the first triannual thematic progress report. Partners have been asked to submit a completed highlight report to Scottish Government by 7 May. A draft combined progress report will be tabled for discussion at PWG on 26 May, before being considered by the SOG and Ministerial Group. Subject to final signoff by the Cabinet Secretary and Lord Advocate, it is intended that the report will be published in June.

## **3 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications arising directly from this report, although implementation of some of the recommendations in the final report are likely to have financial implications.

## **4 PERSONNEL IMPLICATIONS**

- 4.1 There are personnel implications arising from this paper in that implementation of many of the recommendations will impact on the way in which complaints about police officers and staff are dealt with.

## **5 LEGAL IMPLICATIONS**

5.1 There are legal implications associated with this paper in that implementation of many of the recommendations will require legislative change.

## **6 REPUTATIONAL IMPLICATIONS**

6.1 There are no reputational implications arising from this report.

## **7 SOCIAL IMPLICATIONS**

7.1 There are no social implications associated with this report.

## **8 COMMUNITY IMPACT**

8.1 There are no community implications associated with this report.

## **9 EQUALITIES IMPLICATIONS**

9.1 There are no equalities implications arising directly from this report, although many of the recommendations in final report do have such implications.

## **10 ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications associated with this report.

## **RECOMMENDATIONS**




Members are requested to note the contents of this report and to discuss the attached detailed action plan.

**Angiolini Working Group - Action Plan**

ID	Recommendation	Theme linked to Action	Action	Action Update	Action Owner	Milestone	RAG
AWG ACTION_001	42. The PIRC should conduct an <b>annual audit of triage within PSD</b> of public complaints against the police to ensure that matters that can be resolved by FLR, or misconduct, or potential criminality are being <b>properly identified and routed accordingly</b> , and to provide assurance that Article 3 and Article 5 cases are being correctly identified and reported forthwith to COPFS.	Audit & review	Develop joint PIRC/SPA annual audit process (first audit to address this recommendation)	Pending discussions at NCDHG and PS Exec, meeting to take place between PIRC/SPA to establish audit methodology	Complaints (via NCHDG)	tbc (dependent on NCHDG)	
AWG ACTION_002	61. Both PS and the PIRC should consider drawing on the <b>expertise of Audit Scotland</b> and the <b>Scottish Public Services Ombudsman</b> in <b>re-designing the audit arrangements</b> in respect of police complaints.	Audit & review	See Action 001	See Action 001	See Action 001	See Action 001	
AWG ACTION_003	PR5. <b>Frontline resolution</b> of complaints should be <b>subject to close and regular monitoring</b> through regular, meaningful internal and external audits, and <b>monitoring of decision making</b> .	Audit & review	See Action 001	See Action 001	See Action 001	See Action 001	
AWG ACTION_004	PR27. All the <b>audit arrangements</b> , including regular dip sampling, designed to identify poor practice, good practice and emerging trends should be <b>prioritised and co-ordinated to support the common objective of improving standards and service to the public</b> .	Audit & review	See Action 001	See Action 001	See Action 001	See Action 001	
AWG ACTION_005	26. PIRC should work collaboratively with the SPA to <b>agree and embed a proportionate and effective approach to preliminary assessment</b> (for Regulation 8 of the <b>senior officer conduct regulations</b> ) until such time as new regulations come into effect.	Conduct & standards	1. Revise SPA Guidance on Conduct Regulations in respect of preliminary assessment in accordance with this earlier narrative in Preliminary Report.  2. Liaise with PIRC to consider further developments in line with this recommendation, and update SPA Guidance accordingly.	1. Revised Guidance developed and subjected to PIRC/SCOPSA consultation prior to Final Report.  2. Meeting with PIRC scheduled for 5 May. Any further changes to Guidance to be incorporated with a view to presenting final version to August Committee.	Complaints	19/08/2021	
AWG ACTION_006	PR16. <b>Complaints against senior officers</b> should be <b>prioritised and dealt with</b> , by both the PIRC and the SPA, as <b>speedily as is reasonable</b> , because of the destabilising impact a prolonged investigation can have.	Conduct & standards	Amend SPA Complaint Handling Procedures to reflect priority to be given to complaints about senior officers	Revised Complaints Handling Procedures developed and subjected to PIRC/SCOPSA consultation prior to Final Report. To be presented to August Committee.	Complaints	19/08/2021	
AWG ACTION_007	PR18. The <b>range of options</b> available to the SPA when a <b>senior police officer is under investigation</b> under the conduct regulations should be <b>clarified and expanded</b> , to provide alternatives to suspension.	Conduct & standards	Amend SPA Guidance on Conduct Regulations to make clear the range of alternatives to suspension.	See Action 005	See Action 005	See Action 005	
AWG ACTION_008	PR19. Any process for <b>preliminary assessment of senior officer misconduct</b> should require the relevant authority both to <b>take into account</b> whether the <b>allegation</b> is made <b>anonymously</b> , is <b>specific</b> in time and location, or whether it appears, on the face of the allegation, to be either <b>vexatious or malicious</b> . SG should consider amending the conduct regulations to reflect this process.	Conduct & standards	Update SPA Guidance on Conduct Regulations to reflect points made in the review.	See Action 005	See Action 005	See Action 005	
AWG ACTION_009	68. The SOG or NCHDG should take an early opportunity to <b>engage with the SPSO</b> to agree where their <b>contribution and advice</b> would be most useful.	Efficiency & Effectiveness	Engage with SPSO via SOG / NCHDG		Complaints (via NCHDG/SOG)	tbc (dependent on NCHDG/SOG)	
AWG ACTION_010	PR13. SG should consider the case for amending the legislation to include a provision to deal with <b>vexatious complainers</b>	Efficiency & Effectiveness	Participate in joint review of partner 'Unacceptable, Persistent or Unreasonable Actions by Complainers Policy' via NCHDG to ensure consistency.	Meeting of NCHDG on 13 May will seek to finalise this work, with a view to presentation of revised SPA Policy to August Committee	Complaints (via NCHDG)	19/08/2021	
AWG ACTION_011	5. PS and SPA should consider <b>expanding the collection of diversity data</b> and the <b>publication of information</b> in order to <b>enhance their understanding</b> , and public understanding, of <b>attitudes and concerns in different communities</b> .	Equality, diversity & inclusion	Review complaints forms to enable understanding of diversity of complainants	Discussions taking place via NCHDG re consistent approach to E & D forms. SPA review of online forms being progressed as part of wider review of SPA digital offer.	Complaints / Strategic Business Management / SOG	30/09/2021 (although NB dependency on NCHDG)	
AWG ACTION_012	16. PS should implement, where it is in their gift, the SEMPER Scotland proposal that the <b>composition of panel members for disciplinary hearings should be more diverse</b> .	Equality, diversity & inclusion	Ensure, as far as possible, diversity of Police Appeals Tribunals (albeit Lord President appoints pool of members from which SPA selects).		Legal	Ongoing, as applicable	Complete
AWG ACTION_013	17. Appropriate <b>support for anyone</b> in PS who is the <b>subject of internal or external discrimination</b> should be <b>enhanced</b> .	Equality, diversity & inclusion	Engage with PS to ensure applicability of support for those working in SPA Corporate/Forensics		Workforce Governance	tbc (dependent on PS)	
AWG ACTION_014	29. The SPA <b>Complaints and Conduct Committee</b> should <b>hold PS to account for delays in investigations into complaints and misconduct</b> . Where there is evidence of <b>excessive delays in PIRC investigations</b> having an effect on policing in Scotland the Committee should <b>raise the matter with the Commissioner</b> .	Governance & accountability	Liaise with PS to agree proposed content and timing of data required, with report to be submitted to Committee seeking their agreement (albeit recognising scope for ongoing development thereafter).	Engagement taken place with Members, SPA officials and PIRC, and ongoing engagement with PS on proposed content of future reports, with a view to incorporation from Q1 report onwards.	Complaints	19/08/2021	

AWG ACTION_015	59. In order to ensure public confidence in the police, the SPA should <b>confirm each year in its annual report</b> whether or not in its view, based on an informed assessment by the <b>Complaints and Conduct Committee</b> and evidence from the relevant audits, the <b>Chief Constable has suitable complaint handling arrangements in place.</b>	Governance & accountability	Include confirmation in 2021/22 Annual Report, based on assessment by Committee during the preceding 12 months, and based on consultation with the PIRC	Any confirmation of the suitability of PS arrangements will require to be based on an assessment by the Complaints and Conduct Committee, as well as consultation with the PIRC. Given dependency on other actions set out in this plan, it is proposed that this be identified for completion via 2021/22 ARA	Complaints	Q1 22/23 Committee meeting date	
AWG ACTION_016	79. The SPA Complaints and Conduct Committee should scrutinise PS performance in dealing with complaints and hold the service to account where the <b>targets are not being achieved.</b>	Governance & accountability	See Action 014	See Action 014	See Action 014	See Action 014	
AWG ACTION_017	PR26. There should be the immediate establishment of a senior cross-agency joint Working Group involving the SPA, Police Scotland and the PIRC to develop appropriate and up to date guidance.	Governance & accountability		Complete - cross-agency Strategic Oversight Group and National Complaints Handling Development Group established. Regular updates provided to Committee		n/a	Complete
AWG ACTION_018	32. SPA and PS should consider together what role the SPA Complaints and Conduct Committee, or the Policing Performance Committee, might have in relation to the <b>discussion of ethical issues</b> in policing in Scotland.	Rights & ethics	Develop Framework setting out SPA approach to oversight of ethical issues.	Discussion to take place between SPA functional heads to discuss respective responsibilities and consider what an 'ethics framework' for the SPA could look like, before engaging with PS to explore potential for development of a joint framework.  Produce plan to progress development of a draft Framework, prior to presentation to the two Committee Chairs for consideration and wider discussion with PS .	Change & Operational Scrutiny	28/05/2021 (to establish plan)	
AWG ACTION_019	70. Independent Custody Visitors should, as a matter of course, check with custody officers and with detainees that a <b>third party has been notified of their detention.</b>	Rights & ethics		Complete - Visitors are already trained to ask if a 3rd party has been notified and to confirm this with custody officers and staff. This is also set out in the 'aide memoire' checklist provided for use during visits.		n/a	Complete
AWG ACTION_020	1. PS Code of Ethics should be given a <b>basis in statute.</b> SPA and the Chief Constable should have a <b>duty jointly to prepare, consult widely on, and publish</b> the Code of Ethics, and have a <b>power to revise</b> the Code when necessary.	Rights & ethics	Explore potential for joint work on the Code in advance of legislative change (including potential to widen scope to have a Code which applies to the wider SPA/PS workforce). (See also Action 18)		Workforce Governance	tbc (dependent on partners)	
AWG ACTION_021	20. PIRC should be <b>added to the list of prescribed persons</b> in The Public Interest Disclosure (Prescribed Persons) Order 2014 in order that people working in PS and SPA are <b>able to raise their concerns with an independent third-party police oversight organisation.</b>	Rights & ethics	Explore (through discussion between SPA, PS and PIRC) scope to identify PIRC as an external organisation to whom individuals can raise concerns, in advance of legislative change formally adding them to the list of prescribed persons		Workforce Governance	tbc (dependent on partners)	
AWG ACTION_022	21. Whistleblowing can be an indicator of what is happening within an organisation and therefore PS should <b>review and audit its whistleblowing arrangements and data on a regular basis.</b>	Rights & ethics	Introduce regular process for review and audit of SPA whistleblowing arrangements and data on a regular basis.	SPA Whistleblowing Guidance was updated in March 2020, with governance and reporting arrangements, in line with this recommendation, included. A first annual report (which includes a self-assessment against best practice), will be presented to July ARAC (following which this action will be marked as complete, moving into BaU	Workforce Governance	15/07/2021	
AWG ACTION_023	62. PS should appoint a PSD training officer to maintain the momentum in training and development arising from its internal Risk, Assurance and Inspection (RAI) team audit, and to <b>liaise</b> with the SPSO, the PIRC and the SPA on <b>joint training, best practice and other relevant development opportunities.</b>	Training & HR	Engage in joint development opportunities via NCHDG		Complaints (via NCHDG)	tbc (dependent on NCHDG)	
AWG ACTION_024	65. PIRC and PS should work together to <b>develop training and development opportunities</b> that take the theoretical learning from thematic analysis of <b>complaints and embed it in practical learning for individual officers.</b>	Training & HR	Input to development of practical learning opportunities via NCDHG.		Complaints (via NCHDG)	tbc (dependent on NCHDG)	
AWG ACTION_025	PR4. PS should <b>scrutinise complaints</b> thoroughly on receipt so as to ensure that <b>grievance matters</b> that would in any other walk of life be treated in an HR context are <b>not artificially elevated and dealt with as conduct matters.</b>	Training & HR	Amend SPA Complaints Handling procedures to state that, in general, HR-related complaints are dealt with, in the first instance, as <b>grievances.</b>	See Action 006	See Action 006	See Action 006	
AWG ACTION_026	PR10. PS should consider the importance of providing all officers involved in frontline resolution with <b>training in mediation and customer handling.</b>	Training & HR	Consider mediation training for SPA Complaints Team, seeking access to PS provision where applicable	Pre-COVID, PS were designing a CPD programme of events for delivery during 2020, for which invitations would be extended to SPA Complaints team. This was then paused, with proposals being developed to deliver training remotely.	Complaints (via PS)	tbc (dependent on PS)	
AWG ACTION_027	PR17. Further <b>training for complaints and conduct officers in SPA</b> should be consolidated and broadened in order to ensure the <b>right skillset and up to date knowledge</b> of complaint handling <b>best practice</b> in other sectors.	Training & HR	Develop programme of training and personal development for the SPA Complaints Team, seeking access to PIRC/PS provision where applicable (see Action 23 & 26)	PDPs in place for SPA Complaints team for 2020/21, although acknowledging impact of COVID and current team manager absence. PDPs to be reviewed and updated as part of 2021/22 PDR process. See Action 23 & 26 in terms of partner training)	Complaints	31/03/2022 (noting dependencies)	

AWG ACTION_028	30. To increase public confidence in the system the SPA <b>Complaints and Conduct Committee</b> should consider using its <b>minutes</b> as a means of <b>sharing with the public</b> more of their substantive discussions and <b>how PS is being held to account</b> in this area; and <b>consider whether</b> some content of the <b>minutes of the private sessions</b> , where some strategic and policy matters are discussed, could be <b>included</b> in the published minutes.	Transparency & accessibility	Develop proposed approach to publication of private Committee discussions where applicable, whilst ensuring appropriate safeguards in place.	Proposed approach being tabled at May Committee meeting seeking agreement to adopt going forwards.	Complaints / Strategic Business Management	19/05/2021	
AWG ACTION_029	31. The SPA <b>Complaints and Conduct Committee's</b> scrutiny function should be <b>reported on in the SPA annual report</b> , drawing out particular <b>trends</b> , highlighting <b>improvements or concerns</b> and using complaints data as an <b>indicator of communities' satisfaction or dissatisfaction</b> with policing services	Transparency & accessibility	Develop a Committee-specific 2020/21 annual report, and summary extract for inclusion in SPA Annual Report (albeit recognising scope for ongoing development thereafter, particularly in light of progression of other actions outlined in this plan).	Proposal to be developed following May meeting (to incorporate consideration of SPA/PS Q4 and Committee effectiveness reports), and presented to August Committee (text for ARA to be agreed by correspondence in advance depending on timescales)	Complaints	19/08/2021	
AWG ACTION_030	46. The <b>ability to report directly to the CAAPD</b> of COPFS a complaint of a <b>crime</b> by a police officer should be much <b>better publicised</b> and made <b>more accessible</b> to the public by COPFS, by PS and by the PIRC.	Transparency & accessibility	Publicise role of CAAPD via SPA website.	Engage with partners via July NCHDG sub-group with a view to agreeing consistent approach in advance of updating website. Aim to complete prior to Aug Committee	Complaints / Strategic Business Management	19/08/2021	
AWG ACTION_031	P88. PS should <b>simplify and streamline systems</b> to make it as straightforward as possible for members of the public to navigate this rather opaque landscape and as easy as possible for them to <b>access and understand information on how to make a complaint</b> . In particular the <b>online complaints form</b> on the PS website should be made <b>more prominent</b> .	Transparency & accessibility	1. Assess prominence given to complaints on SPA website and ensure clarity provided on kinds of complaint which SPA can deal with 2. Review online complaints form to ensure provides simplest possible means of making a complaint.	1. Complete - SPA Complaints web page updated and simplified, now showing what we do and do not do, with links and contact details on one page. 2. See Action 11	Complaints/Strategic Business Management	30/09/2021	
<b>The following were commented upon in the report, but did not amount to formal recommendations:</b>							
	I believe that the two functions below are the significant responsibilities that the <b>Complaints &amp; Conduct Committee</b> should <b>focus</b> on in future: “(iii) <b>Monitor the handling of relevant complaints</b> by SPA and PS, <b>seeking information on themes or trends</b> as appropriate, with a view to the Committee <b>satisfying itself</b> that the <b>arrangements</b> maintained by SPA and PS for the <b>handling of relevant complaints are suitable</b> .” “(ix) <b>Critically examine reports</b> from HMICS, PIRC, and any other information provided by <b>PS</b> in relation to complaints about the police, and <b>ensure that appropriate improvement plans are implemented or remedial action</b> is taken within <b>agreed timescales</b> .”	n/a	Incorporate within Review of Committee Effectiveness process from 21/22 onwards		Complaints	tbc (per 21/22 Review process)	
	I also believe that the oversight role of the Committee could be enhanced if members were able to see at first hand areas of policing activity relevant to their remit. Where time and resources allow, the members should seek further opportunities to engage with policing in Scotland or engage with other authorities across the UK carrying out similar oversight functions.		1. Engage with PS to explore opportunities to observe relevant areas of policing activity. 2. Identify other authorities across UK carrying out similar oversight functions, and explore means of engaging.		Complaints	19/08/2021	
	It is clearly vital therefore that those carrying out that responsibility for SPA (holding PS to account for the efficacy and effectiveness of its complaints handling practices) are <b>knowledgeable in appropriate complaint handling standards and responses</b> . Both <b>staff and members of the Complaints and Conduct Committee</b> should receive <b>appropriate training</b> to allow them to carry out their functions. The <b>SPA complaints staff should be familiar with model complaint handling procedures published by SPSO</b> and keep up to speed with developments so that they can <b>brief SPA members on best practice and developments</b> in this field.	n/a	1. Develop and deliver Committee-specific Member development activity (upon induction and thereafter as required) 2. See Action 27 in respect of SPA staff	1. Member induction plan currently being implemented. Undertake analysis thereafter to identify further development needs and ensure ongoing consideration on at least an annual basis 2. See Action 27	Complaints / Workforce Governance	1. tbc following induction 2. See Action 27	
	<b>Arrangements for handling anonymous complaints should be set out in policy</b> and, as with any other complaint, the starting point should be that the allegation should be treated with an open mind.... The <b>response needs to be proportionate</b> based on an assessment of the reliability and credibility of the information provided and the individual complaining, as far as that is possible, as well as the seriousness of the allegations. Because of the very nature of anonymity these complaints <b>require to be treated with caution</b> because of the potential false, vexatious and defamatory nature of the allegation.	n/a	Amend SPA Complaints Handling procedures to include guidance for handling anonymous complaints, incorporating the factors suggested by the review.	See Action 006	See Action 006	See Action 006	
	SPA may want to target volunteers who could do night visits. SPA could provide safe transport to and from the police station if required. <b>ICVs</b> should also be <b>making visits at times when detainees are at their most vulnerable</b> and should be encouraged to get the <b>full picture of how custody suites operate throughout the night and day</b> .	n/a	Explore options to enable nighttime visits, in line with the recommendation	Currently exploring potential to further digitise the custody visiting scheme, which would enable remote nighttime visits.	ICVS	tbc (dependent on ICT & wider engagement)	

Green =		On-schedule / expected to deliver according to Plan
Amber =		Slippage / issues but corrective action expected to maintain progress close to Plan
Red =		Serious problems - delivery date unachievable / schedule to be revised

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