

COMPLAINTS AND CONDUCT COMMITTEE

9 March 2020

Minute of the Scottish Police Authority Complaints and Conduct Committee held on Monday 9 March 2020 in Pacific Quay, Glasgow.

Committee Members Present: Matt Smith (Chair)
Michelle Miller
Grant Macrae

In attendance: Scottish Police Authority (SPA)
Robin Johnston, Head of Legal
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Julie Presslie, Detective Inspector (*seconded to SPA*)
Kerry Morgan, Senior Policy Officer
Colette Craig, Committee Co-ordinator

In attendance: Police Scotland (PS)
ACC Alan Speirs
Chief Inspector Briony Daye
Detective Superintendent Stephen Healy

PIRC
Ilya Zharov, Head of Review and Policy

Apologies: Graham Ravenscroft, Complaints and Conduct Co-ordinator (SPA)
Chief Superintendent Andy McDowall (PS)

1. Welcome and Apologies

The Chair welcomed attendees and welcomed Detective Inspector Julie Presslie, Chief Inspector Briony Daye and Detective Superintendent Stephen Healy from Police Scotland to their first meeting of the Complaints and Conduct Committee. The Chair also welcomed Ilya Zharov (IZharov), Head of Review and Policy at The PIRC as an observer to the meeting.

The Chair informed the committee that the SPA Board would be having a Focus Group Session with Dame Elish Angiolini on the 12th March 2020 to discuss where the SPA were in terms of their report. The Chair invited (IZharov), to provide comment on recent work within the PIRC. IZharov advised that the new Commissioner, Michelle MacLeod had been in post since August 2019 noting significant changes she had brought to the organisation in terms of collaborative engagement with stakeholders along with placing a great emphasis on learning and improvement in terms of the complaints handling process. The PIRC are committed to working with the SPA in relation to improving the complaint handling process and different areas of working are being done to take that forward. IZharov spoke of work being done within the newly developed National Complaint Handling Development Group noting the hope to carry out a joint audit later in the year between PS, SPA and PIRC to hopefully bring forward some tangible results.

The Chair welcomed the comments and noted that the SPA were very keen to take forward the collaborative approach.

2. Declarations of Interest

There were no declarations of interest made.

3. Minute relating to Meeting held on 21 November 2019

The Committee **APPROVED** the minute from the Complaints and Conduct Committee held on 21 November 2019 subject to the following changes:

Third bullet point on page 3 should read as follows:

Most cases, not within the SPA remit, require to be brought to the attention of Police Scotland Professional Standards Department (PSD).

First bullet point on page 4 should read as follows:

The number PIRC Complaint Handling Reviews remains consistently low. The level of complaints being handled to a good standard has increased by approximately 10%.

4. Action Log and Matters Arising

The committee discussed action 20191121-CCC-003 in relation to Dip Sampling and sought clarity on the level of testing and approach that would be taken. David Collie (DCollie) advised that Dip Sampling would be taken forward as part of the National Complaint Handling Development Group to understand how the previous process could be expanded upon. Police Scotland sought clarity on who would sign off on the process going forward and asked that previous dip sampling processes remained in place until they are superseded by a new agreed process. The committee agreed that Dip Sampling should be placed back onto the committee workplan with the first report coming forward to the August Committee Meeting.

The committee **AGREED** the action log from the Complaints and Conduct Committee held on 21 November 2019.

There were no matters arising.

5. Decision on taking business in private (Items 12 -17)

In accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 12 - 17 on the agenda in private for the reasons set out in the agenda.

6. SPA Quarterly Performance Report (Q3)

DCollie provided an overview of the report which contained information and updates on complaints and conduct matters whilst reflecting key statistics of note for Q3. The following key points were highlighted:

- The total number of complaint cases recorded and reported by the SPA included all the correspondence handled by the complaints team, including enquiries. Work is underway to agree a standardised approach to reporting statistics, for example, PS record enquiries as miscellaneous files. ACC Alan Speirs advised that recording enquiries within complaint

statistics could cause issues in the Freedom of Information space. DCollie advised that standardising the terminology should address that issue.

- There is an additional need to standardise how complaints and allegations are reported by the SPA, PS and within PIRC Complaint Handling Reviews (CHRs).
- The number of new cases received are on a downward trend with no specific rationale.
- 2 cases received were within the SPA remit and 19 cases out with the SPA remit, signalling that changes made to the SPA website have brought no benefit as yet around where complaints should be directed. The committee went onto discuss the public perception of the SPA's remit along with whether or not the website was causing the issue and agreed that it was an area that required ongoing monitoring.
- **Relevant Complaints** – One remains ongoing and although missed the closure of 40 working days, there has been continuous engagement with the complainant.
- **Workload Management** – 1 active case and 3 pending cases of which further information is required from complainer to understand if they are within the SPA remit.
- **Case Handling Reviews** – 3 remain ongoing with a further update within the private session.

Members sought clarity on how the department keep an oversight on response times. The process around keeping complainants updated was provided to members.

Members were advised that the SPA still only had read only access to Centurion and asked for a report back detailing costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form for the SPA.

There being no matters of business raised by Members, the Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.
- **AGREE** the following action:

Report back costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form.

7. Police Scotland Professional Standards Quarterly Performance Report (Q3)

Assistant Chief Constable Alan Speirs (ACCASpeirs) provided an Executive Summary of the report noting the following:

- Complaints have increased by 4.1%, however, allegations have dropped by 7.2%.
- Complaint Resolution Unit have resolved 41% of complaints.
- PIRC Referrals have increased by 16.8%, one factor causing the increase is around the use of firearms and tasers.
- National Gateway Assessment Unit - 1750 referrals with a proportion being individuals with a business interest or notifiable association that they wish to bring to PS attention.
- Conduct Related Matters – 232 conduct related matters have been assessed with only 44 being assessed at the enquiry stage as being gross misconduct. YTD there have been 7 hearings in relation to misconduct.

During discussions members sought clarity around the increase of referrals within the Anti-Corruption Unit. ACCASpeirs advised that there will be more referrals within the west due to having a higher amount of officers there, therefore it was a proportionate flow in terms of where the greatest population of officers and staff are located. Members were assured that being able to categorise where referrals are coming from, and if a particular trend is identified then it is addressed.

Members sought clarity on whether the PIRC referrals would continue to increase as more tasers are rolled out further. ACCASpeirs advised that it is hoped to maintain the current level of 500 officers that use tasers therefore it is hoped that the statistic would improve.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the update provided.

8. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update

DCollie provided a high level summary of the report which provided an update on the actions related to recommendations in the preliminary report published by Dame Eilish Angiolini.

- 25 SPA Implementation Actions with 14 closed. Of the 11 ongoing, 7 will be closed following the approval of the updated SPA Complaint Handling Procedures and Guidance.
- 13 SPA Oversight Actions which PS will provide an update on.
- The remaining Actions are for information only

Since the report was produced the following updates were provided:

- **SPA Website** – The website has been simplified and it is hoped that in time it will address issues.
- **Online Complaints Form** – Members were advised of the need for a security certificate to progress the use of an online complaints form for the SPA.
- **Training** – The Professional Standards CPD event was held in February 2020 and was attended by both the SPA Complaints team and PIRC representatives.
- **Governance** – Despite already established groups to address recommendations, others may come together as and when required, such as short life working groups, to address specific pieces of work.

Robin Johnston (RJohnston) provided the committee with an update following his attendance at the previous Strategic Oversight Group and discussions around possible legislative changes in respect of one aspect of the PIRC's Founding Legislation. In addition there were discussions around a draft MoU between the PIRC, PS and the SPA which had been developed based on experience over the last number of years. The committee advised that the final draft of the MoU should return to the committee for consideration.

Members sought assurance that the work of the Strategic Oversight Group was being fed back to Dame Elish Angiolini and advised that engagement had taken place with the Scottish Government Secretariat, Ian Kernohan, around the work of the group and other pieces of governance taking place. Members were further assured by the PIRC that Dame Elish Angiolini was content around the progress in which interim recommendations were being taken forward and that a further call for evidence was due before the end of April 2020.

There being no matters of business raised by Members, the Committee resolved to:

- **NOTE** the report.
- **AGREE** the following actions.

Report back costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form.

Final draft Memorandum of Understanding (MoU) being developed within the Strategic Oversight Group to be returned to the committee for consideration.

9. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Update

Chief Inspector Briony Daye (CIBDaye) provided an overview of the report and highlighted work being taken forward within PS to take forward recommendations.

CIBDaye addressed the interim recommendations and noted that a police group had been established to address the 12 police recommendations. CIBDaye noted that the recommendation in relation to Body Worn Cameras was out with the powers of the group before advising on progress of the remaining recommendations. CIBDaye advised that the work was embedded and would continue to be so after the work of Dame Elish Angiolini.

The Chair referred to recommendations in relation to audit and sought clarity on how PS believed that would be taken forward. CIBDaye noted that following an internal audit by PS, there was a recommendation that there is more benefit to having yearly audits.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the report.

10. Complaints and Conduct Committee Work Plan

Members asked that some consideration is given to how thematic and specific reports would be presented within the workplan for the year ahead.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the report.

The Chair concluded the public session of the committee

COMPLAINTS AND CONDUCT COMMITTEE
5 May 2020

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by teleconference on Tuesday 5 May 2020.**

Committee Members present on call:

Matt Smith (Chair)
Michelle Miller
Grant Macrae

Also present on the call:

Scottish Police Authority

Robin Johnston, Head of Legal
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Colette Craig, Committee Co-ordinator

Police Scotland

ACC Alan Speirs
Chief Superintendent Andy McDowall

Scottish Government

Sue Langlands

1. Welcome and Apologies

The Chair welcomed attendees to the meeting and welcomed Ch Supt Andy McDowall back to the Committee after his absence. The Chair also welcomed Sue Langlands from Scottish Government to the call.

2. Declarations of Interest

There were no declarations of interest made.

3. Minute relating to Meeting held on 09 March 2020

The Committee **APPROVED** the minute from the Complaints and Conduct Committee held on 09 March 2020.

4. Action Log and Matters Arising

The committee **NOTED** the updates provided and **AGREED** the action log.

There were no matters arising.

5. Decision on taking business in private (Items 13 -20)

In accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 13 - 20 on the agenda in private for the reasons set out in the agenda.

6. SPA Quarterly Performance Report (Q4) – David Collie

The Committee considered the SPA Complaints Quarterly Performance Report. Members noted performance statistics which reflected the position at the end of Quarter 4, 2019/20. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members expressed disappointment that the recently made changes to the information listed on the SPA website aimed at providing clarity on types of complaints within the SPA's remit had not lead to any reduction in the number of cases received which are not within the SPA's remit. Members requested that work be done to explore the reasons for the apparent misunderstanding by members of the public as to who they should direct their complaints.
- The Committee expressed thanks to Inspector Julie Presslie who, due to Op Talla priorities, had recently ended her secondment with the SPA Complaints Team. The Committee heard that she had provided valuable support in developing and refining the SPA's approach to issuing standard responses on various matters. The Committee heard that Julie also was also able to assist the SPA Team explore ways in which the flow of information between the SPA and Police Scotland Professional Standards colleagues could be improved.
- Noting that the secondment had, given the circumstances, understandably ended prematurely, Members agreed that a future discussion would be necessary to establish if this seconded post was required going forward.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.

- **AGREE** the following action:

ACTON 20200505-CCC-001: Work to be carried out to explore the possible reasons for a lack of clarity and understanding in terms of the type of complaint for which the SPA is responsible and those complaints which are not within the SPA's legislative remit. Thought to be given to any further refinements of the website which would provide clearer signposting of the processes for members of the public who wish to submit complaints.

7. Review of SPA Complaints – David Collie

The Committee considered a report which contained information and updates on key Complaints and Conduct statistics of note over the past 5 years, 2015/16 to 2019/20. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- DCollie advised that the submitted paper had the wrong title and the report was not, as stated, the Performance Report but was a Review of SPA Complaints.
- Members' attention was drawn to the key findings section of the report and a summary of the findings was provided.
- Members agreed this report should consider to be reported twice a year to allow Committee consideration of any trends as they emerged.
- Members requested that future determination committee papers provide an assurance that all available and appropriate disposal routes had been considered in the consideration of complaints. It was agreed that future papers would provide details that would provide members with an understanding of what, if any alternative disposal routes had been or had not been considered and the rationale for decisions taken in this regard and the impact of any alternatives.

The Committee resolved to:

- **NOTE** the Review of SPA Complaints Report.
- **AGREE** the following action:

ACTION 20200505-CCC-002: Future Committee papers to provide an assurance that all available disposal routes have been considered in the consideration of complaints. Information to provide the Committee with an understanding of what, if any

alternative disposal routes had been/had not been considered and rationale for decisions taken in this regard.

8. Police Scotland Professional Standards Quarterly Performance Report (Q4) – ACC Alan Speirs/ Ch Superintendent Andy McDowall

Members considered the report which provide the statistical information relating to the investigation of complaints about members of Police Scotland for the period 1 April 2019 – 31 March 2020. Ch Supt McDowall provided an overview of the report and highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were assured that any officer conduct investigations that it had been necessary to pause due to Op Talla reprioritisation would be restarted as soon as was practical.
- Members heard that Operation Talla had impacted on the staff and officer resource available to Professional Standards. The committee heard that a temporary operating model had been implemented within the business area. It was noted that some core business had been paused however this was continually being revised and Business as Usual would resume as soon as possible.
- Members were informed that the Professional Standards function would focus on specific areas with prioritisation having been given to complaint handling and the anti-corruption functions of the department.
- Members were updated on the work that had been done collaboratively between Police Scotland and the PIRC to further improve the way that Complaint Handling Reviews were handled and heard that improved communication was driving an improvement in the overall complaint handling.
- The committee heard that it was difficult to benchmark with the rest of the UK when there were few comparable 'in force' complaints handling.
- The committee heard that going forward the aspiration of Ch Supt McDowall was to achieve greater consistence of front line resolutions and complaint handling across the country and to see a national approach with greater consistency of how matters were dealt with and recorded across all divisions.

- Members heard that learning and good practice was shared between divisions.

The Committee resolved to:

NOTE the Police Scotland Professional Standards Quarterly Performance Report (Q4).

9. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update - David Collie

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- The secretariat for the Independent Review had advised that recent events linked to the COVID 19 epidemic were not expected to have any material impact on the timeline for the publication and it was still anticipated the review would be published in Autumn 2020.
- Members noted the verbal update which summarised the progress to discharge the outstanding actions as detailed in the paper in paragraphs 2.5 – 2.8.
- Members were assured to be told that that a detailed tracker which monitored progress against all active actions from the preliminary report was being maintained and it was agreed this would be circulated to Members for awareness. Members were pleased to hear that the progress to date had been good.
- Members asked if there was an on-going review of the impacts seen from changes that had already been implemented with a view to driving continuous improvement. It was reported that this was not the case however a joint approach would be developed in the near future.
- The Chair requested a regular progress update on the activity to address actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini and it was agreed this would be provided on a monthly basis.
- Sue Langlands invited the Committee to be mindful that the interim report would be followed by the full report later this year however this would be an ongoing process with opportunity to both reflect and look forward on an iterative basis.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update.
- **AGREE** the following action:

ACTION 20200505-CCC-003: Monthly update briefing and tracker to be shared with Committee Members to allow oversight of what progress has been made to date and what actions remain open.

10. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Verbal Update

Ch Supt Andy McDowell provided a brief update on the progress of the actions that related to PS confirming that 5 of the actions were either completed or close to completion. Members heard that the National Complaints Handling Development Group had paused due to reprioritisation in light of Op Talla however it was hoped this would be re started in the coming weeks.

Ch Supt McDowell further commented that it would take time to embed the necessary cultural changes within Police Scotland and while some positive steps have been made already, this would be an ongoing issue. It was confirmed that discussion was planned to agree how this progress would be tracked and ways in which improvements could be evidenced across the organisation and it was acknowledged that this would not be easy to measure.

The Committee resolved to **NOTE** the verbal update.

11. Whistleblowing Policy – Committee Process – David Collie

The Committee considered the report on the SPA Whistleblowing Policy. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- It was noted that the Policy was approved at the SPA Board Meeting of 25 March 2020 and Michelle Miller had been nominated as the Whistleblowing Champion.
- The committee noted the roles and responsibilities for the various parties involved as stated in the main report.

The Committee resolved to:

- **NOTE** the Whistleblowing Policy – Committee Process.

12. Complaints and Conduct Committee Work Plan

The Committee resolved to **NOTE** the verbal update.

The Chair concluded the public session of the committee

COMPLAINTS AND CONDUCT COMMITTEE
27 August 2020

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Thursday 27 August 2020.**

Committee Members

Matt Smith (Chair)
Michelle Miller
Grant Macrae

Scottish Police Authority

Robin Johnston, Head of Legal
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Karen Vallance, Committee Co-ordinator (Minutes)

Police Scotland

ACC Alan Speirs
Superintendent Norrie Conway

1. Welcome and Apologies

The Chair welcomed attendees to the meeting and confirmed the video conference contingency arrangements.

2. Declarations of Interest

There were no declarations of interest.

3. Minute relating to Meeting held on 05 May 2020

The Committee **APPROVED** the minute from the Complaints and Conduct Committee held on 05 May 2020.

4. Action Log and Matters Arising

The committee **NOTED** the updates provided. There were no matters arising.

5. Decision on taking business in private (Items 12 -17)

In accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 12 - 17 on the agenda in private for the reasons set out in the agenda.

6. SPA Quarterly Performance Report (Q1) – David Collie

The Committee considered the SPA Complaints Quarterly Performance Report. Members noted performance statistics which reflected the position at the end of Quarter 1, 2020/21. David Collie (DCollie) highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Albeit a low number, Members queried the number and nature of SPA complaints. They were advised that the SPA number includes Forensic Services complaints which tend to involve more public contact.
- Members requested further work be undertaken to identify how the website can be clearer in directing people on how to make a complaint.
- ACC Alan Speirs (ACCSpeirs) observed that in Police Scotland's experience, many complaints are made by Officers.
- Members shared disappointment on the progress of planned improvements for SPA Complaints. DCollie informed Members unplanned absences had impacted on progress. Members questioned whether the proposal regarding informing Officers of complaints procedures could be done remotely – saving both time and money. DCollie agreed to consider the suggestion and progress through the Complaints Handling Group. The Committee Chair agreed to discuss resourcing issues with DCollie and raise with the Interim Chief Executive if necessary.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.
- **AGREE** the following actions:

ACTON 20200827-CCC-001: Further work to be undertaken to identify how website can be improved to make details clearer for regarding making complaints.

7. Dip Sampling Report on Covid-19 Complaints – Graham Ravenscroft

The Committee considered a report which contained information on the dip-sampling exercise of Police Scotland's closed Covid-19 related Complaints, plus non-criminal complaints closed in the period 23 March 2020 to 20 July 2020. Graham Ravenscroft (GRavenscroft) highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- ACCSpeirs informed Members that Police Scotland did not change their approach or process in relation to complaints during the lockdown period. Resourcing of the Professional Standards Department was altered in order to handle more complaints via front line resolution.
- GRavenscroft confirmed only closed Covid-19 specific complaints were looked at, to supplement the work undertaken by the Independent Advisory Group. Although not reported directly to the group, the information was available through the published report.

The Committee resolved to:

- **NOTE** the Review of SPA Complaints Report.

8. Police Scotland Professional Standards Quarterly Performance Report (Q1) – ACC Alan Speirs/ Superintendent Norrie Conway

Members considered the report which provided the statistical information relating to the investigation of complaints about members of Police Scotland for the period 1 April 2020 – 30 June 2020. ACCSpeirs provided an overview of the report and highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- ACCSpeirs reassured Members that during the lockdown period, the priority for the Professional Standards Department was complaints. Some resources had been move to front line policing therefore work within the department was re-prioritised.
- ACCSpeirs advised Members that, in terms of business interests, there was no aspirations to see reductions in gateway referrals and it was encouraging to see the numbers reported.
- Members were encouraged to see information on PIRC Complaint Handling Referrals (CHR), however, they noted that

outcomes are either reasonable or not reasonable and discussed the benefits of more objective language being used. ACCSpeirs agreed, highlighting that if it is noted that Police Scotland have responded over and above what was required, it is still noted as reasonable. Superintendent Norrie Conway (SuptConway) added there has been a lot of good collaboration and dialogue with PIRC regarding CHR's and PIRC continue to highlight any positive feedback.

- Members questioned whether there were any themes identified across the 25% of CHR's which were not reasonable. ACCSpeirs responded that the process was complicated however many highlighted are due to technical issues.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q1).

9. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update - David Collie

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from an SPA perspective. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Robin Johnstone (RJohnstone) assured Members that all work which can be done has been undertaken. He highlighted that a number of actions are dependent on ongoing consultation.
- Members noted that Police Scotland have regular dialogue with Dame Angiolini and asked if SPA have the same level of communication. DCollie informed Members that the complaints team do not have regular formal meetings. RJohnstone added that he reviews all SPA submissions and is in dialogue with the review team on occasion.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update.

10. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland update – Supt. Conway

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from a Police Scotland perspective. SuptConway provided examples of work undertaken by P&D in the recruitment process which assists in delivering the recommendations.

ACCSpeirs informed Members that the Strategic Oversight Group (consisting of Police Scotland, SPA, PIRC, Scottish Government and Crown Office), was temporarily paused during lockdown but has met recently to oversee the work undertaken by Police Scotland and SPA. He confirmed he was satisfied with the progress taken thus far.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Update.

11. Complaints and Conduct Committee Work Plan

The Committee resolved to **NOTE** the work plan.

The Chair concluded the public session of the committee

COMPLAINTS AND CONDUCT COMMITTEE
18 November 2020

Minute of the Scottish Police Authority Complaints and Conduct Committee held by videoconference on Wednesday 18 November 2020.

Authority Members

Matt Smith (Committee Chair)
Michelle Miller (Committee Member)
Grant Macrae (Committee Member)
David Crichton (Items 3 -6)

Scottish Police Authority

Robin Johnston, Head of Legal
Darren Paterson, Head of Workforce Governance
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Susan Montgomery, Lead Solicitor
Eric Leggat, Solicitor (Items 3 -6)
Karen Vallance, Governance Support Officer (Minutes)

Police Scotland

ACC Alan Speirs
Chief Superintendent Andy McDowall

PIRC

Ilya Zharov

1. Welcome and Apologies

The Committee Chair welcomed attendees to the meeting and confirmed the video conference contingency arrangements.

The Committee Chair referred to the recently published Review of Complaints Handling, Investigations and Misconduct in Relation to Policing, noting there would be opportunity at the Committee to discuss further. The Committee Chair noted the importance of the progress made

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by SPA and Police Scotland following the Preliminary Report and thanked those who had contributed.

The Committee Chair noted the important progress made by SPA, Police Scotland, the PIRC and the Crown Office following on from publication of the Preliminary Report and offered thanks to all who had contributed to taking this work forward.

- **NOTE** no Board Member apologies;
- **NOTE** no declarations of interest;
- **ADOPT** the minute of the 27 August 2020 meeting.
- **NOTE** the action log and that there were no matters arising. David Collie (DCollie) advised Members that progress of Actions 20200827-CCC-001 and 20200903-CCC-001 were reliant on the ongoing review of the SPA's digital platform. DCollie agreed to confirm timelines within the next action updates.
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee would consider items 7-11 in private for the reasons set out on the agenda.
- **NOTE** an additional meeting of the Committee had taken place on 2nd November. The Minute would be presented for approval at Item 7.

2. SPA Quarterly Performance Report (Q2) – David Collie

The Committee considered the SPA Complaints Quarterly Performance Report. Members noted performance statistics which reflected the position at the end of Quarter 2, 2020/21. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were advised that search engines bring up SPA when 'Police Scotland complaints' is searched for, which may explain the significant number of complaints received that do not fall within SPA remit.
- Members were assured that the National Complaint Handling Development Group and the Strategic Oversight Group continue to meet regularly and future dates had been arranged.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.

3. Police Scotland Professional Standards Quarterly Performance Report (Q2) – ACC Alan Speirs/ Chief Superintendent Andy McDowall

Members considered the report which provided the statistical information relating to the investigation of complaints about members of Police Scotland for the period 1 April 2020 – 30 September 2020. Chief Superintendent Andy McDowall (ChSuptMcDowall) provided an overview of the report and highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were informed that of complaints reviewed by PIRC , 69.6% were reported to be to a reasonable standard.
- Members were informed that one specific geographical area in Scotland has increased the statistics for complaints of excessive force during Quarter 2. This figure correlates with the increase of violent incidents in that particular area and the number of officer assaults and reports of resisting arrest. During October, these figures returned to what is regarded as 'normal' figures.
- It was highlighted to Members that misconduct 'no action' does not mean that nothing has been done. Under conduct regulations there is no action required in relation to an officer, but there may be management guidance and advice required.
- CSMcDowall thanked Ilya Zharov (IZharov) for chairing the National Complaint Handling Group, noting that the group were working collaboratively to improve a fundamental area of policing. Police Scotland will chair future meetings.
- Members highlighted that the Performance Report presented to the Policing Performance Committee then the Authority Meeting present different figures to the reports received by the Complaints and Conduct Committee, due to different analysis approaches. It was requested that analysis to both reports are coordinated to provide a consistent approach.
- Members were assured that the Professional Standards department were sufficiently resourced to carry out their full remit. Resources and functions throughout Scotland provide the ability to be flexible in managing demand.

- Members were assured that Professional Standards maintain a local focus in order to respond to regional variances.
- ACCSpeirs confirmed that excessive force specifically relates to a physical element.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q2).
- **AGREE** the following action:

Performance reporting to the Complaints and Conduct Committee and the Policing Performance Committee to be coordinated to provide a consistent approach.

20201118-CCC-001

4a. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update - David Collie

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from an SPA perspective. DCollie highlighted a number of key points as detailed in the paper and confirmed that expected timeframes for ongoing actions would be discussed within the National Complaint Handling Development Group. DCollie thanked IZharov for chairing the Group and noted that work will progress under the Chair of Police Scotland.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update.

4b. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland update – Supt. Conway

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from a Police Scotland perspective.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Update.

4c. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Final Report

The Committee Chair noted while SPA acknowledged the report, it was not the time to give detailed analysis nor to provide a response. Of the 81 recommendations, 8 are specifically related to the SPA but throughout the review there are references to the SPA in its role and many of the recommendations go beyond the area of complaints. The SPA Board will be closely examining recommendations and will have an opportunity to meet directly with Dame Elish to discuss further. The Complaints and Conduct Committee has a major interest in the review as do other SPA Committees therefore time was required for detailed discussion. The Complaints and Conduct Committee worked with Police Scotland, PIRC and Crown Office partners to take forward recommendations from the Preliminary Report as they impacted on the complaints process, and much can be done in the absence of legislative change to improve the current arrangements. A structure is in place to allow that work to proceed, the Strategic Oversight Group and the National Complaints Handling Development Group will continue to meet regularly and provide updates. Much of the review lies out with the remit of Complaints and Conduct Committee.

The Interim Chair noted the report extends into looking at culture and behaviours within the police service and the links between those and where the origins and handling of complaints might lie. Dame Elish took evidence from associations which represent women, minority, ethnic and religious communities within the force and it was clear she concluded their remained problems with discrimination and unacceptable behaviour. The Authority has spoken to the same associations and heard them talk about the same concerns. The Interim Chair noted he had no doubt on the commitment of the Chief Constable and Senior Officers to diversity and equality and that positive action is being taken to address these issues. The Interim Chair noted it takes time and constant vigilance to eliminate these behaviours and the Chief Constable also acknowledged this. If there is additional advice, support or challenge that can be given then collectively the organisation should embrace that. The Interim Chair confirmed he is in discussion with the Chief Constable and both would provide further comment at the Authority Meeting on 25 November.

5. PIRC Mid-Year Review – Ilya Zharov

The Chair welcomed Ilya Zharov to the meeting and commented on the improved working relationships which now existed between the SPA and the PIRC.

Members considered the report which provided a review of PIRC Complaint Handling Reviews from April to October 2020. IZharov highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- IZharov thanked PS and SPA colleagues for the work undertaken within the National Complaints Handling Development Group. He agreed significant progress had been made.
- Members were informed that PIRC have been working on developing statutory guidance as the current guidance was last updated in 2013. PIRC were in the final stages of completing the consultation processes. IZharov confirmed that the guidance will contain information on addressing anonymous complaints.
- IZharov advised Members that PIRC are working remotely therefore the new Covid-19 restrictions will have no impact on progress.
- Members questioned whether there was a way of distinguishing between what was reasonable, good or excellent within the reports. IZharov confirmed that PIRC have considered suggestions but it was difficult to implement different determinations when it comes to complaint handling. PIRC, however, have been proactive in highlighting good complaint handling and will comment on very good handling.
- Members noted that the culture and context around complaints handling is about learning rather than apportioning blame. IZharov agreed that focus is on learning and the National Complaints Handling Development Group show a similar vision of what complaint handling should be like.

6. Complaints and Conduct Committee Work Plan

The Committee resolved to **NOTE** the work plan.

The Chair concluded the public session of the committee