

Meeting	SPA Complaints and Conduct Committee
Date	03 March 2021
Location	Video Conference
Title of Paper	Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing – Police Scotland Update
Presented By	ACC Alan Speirs, Professional and Assurance
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The purpose of this report is to provide the SPA Complaints and Conduct Committee with an overview of the proposed governance arrangements and reporting framework introduced following publication of the Report on the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.

Members are invited to discuss the contents of this report.

1. BACKGROUND

- 1.1 In June 2018 Michael Matheson MSP, the then Cabinet Secretary for Justice, and the Lord Advocate, James Wolffe QC, invited Rt. Hon. Dame Elish Angiolini DBE QC to conduct an independent review on complaints against the police in Scotland to examine the effectiveness of the systems and processes for dealing with complaints and to make recommendations that will help to strengthen public confidence in policing in Scotland.
- 1.2 Following the publication of the Preliminary Report in June 2019 a collective governance structure was implemented, and includes representation from the Scottish Government, SPA, PIRC, COPFS and Police Scotland.
- 1.3 The Final Report and other work being undertaken provides an excellent opportunity for Police Scotland to work in collaboration with PIRC, SPA, COPFS and Scottish Government to continue to improve and deliver a transparent, accountable and proportionate complaint handling process.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 The Final Report identified a total of 81 Recommendations. There are 35 recommendations which are the direct responsibility of Police Scotland, or alternatively where a police footprint is key to progress and deliver the recommendations.
- 2.2 There are 24 Recommendations which are wide-ranging, with significant implications including financial costs and the need for legislative change, all of which require careful consideration by the policing family, the Scottish Government, Scottish Parliament and wider society.
- 2.3 Following publication of the final report in November 2020, the Cabinet Secretary for Justice arranged a meeting of the key partners on 21 December 2020. The purpose of the meeting was a roundtable discussion with main stakeholders present to identify and focus on the following main areas:
 - Governance structures to provide oversight and assurance. This will include the introduction of a Ministerial Group to oversee progress.

- Establishment of a collective reporting framework to be published externally to satisfy public interest and follow / track stakeholder's individual and collective progress.
- Prioritisation and resourcing of recommendations to capture agreed themes and assess each stakeholder's position in order to list recommendations into categories as outlined below.

2.4 A further meeting was held on 19 January where alongside Scottish Government officials, Police Scotland, PIRC, COPFS, SPA and HMICS participated in a further discussion to consider governance arrangements. Scottish Government discussed a proposal to implement a Governance Framework comprising of 3 levels as outlined below;

- Ministerial Group chaired by the Cabinet Secretary for Justice to provide overall accountability and governance, set policy directions and overarching objectives, seek assurance on progress and risks and approve decisions and publications. Initial expectation is that the Chief Constable / DCC Professionalism would form part of that group.
- Strategic Oversight Group to provide strategic direction for commission of work streams, monitoring, reporting on risks and recommendations to the Ministerial Group. (This would be a continuation of the Quad Party group currently chaired by COPFS and attended by COPFS, PIRC, SPA and Police Scotland.
- Practitioner Working Group to take forward work stream development and delivery, manage interdependencies and risks and prepare reports for approval and publication. (This group currently exists and is supported by the Head of PSD and a number of PSD Superintendents).

2.5 A Police Scotland Complaint Handling Review Working Group (CHRWG) has also been established and continues to drive and deliver key recommendations which are opportune and can be successfully discharged by this forum. This group feeds directly into the National Complaint Handling Working Group where consultation and collaboration with our partners are key to the delivery of recommendations.

2.6 Police Scotland has initially categorised the 81 recommendations into six priority themes to provide an effective means of understanding the range, scale and implications of

recommendations made. This information was shared in recent weeks with Scottish Government and has since been acknowledged and incorporated into themes which include Conduct & Standards, Equality, Diversity & Inclusion, Rights & Ethics and Transparency & Accessibility.

- 2.7 Police Scotland continues to consider each recommendation closely, and will act to implement those which can be delivered 'in house' without the need for wider systemic or legislative change. The significance of those recommendations which do require systemic change, wider strategic planning, collaboration and / or legislative change, is not underestimated. As such, Police Scotland continues to assess them carefully, and will engage fully with Scottish Government and relevant partners and stakeholders in the policing family and wider justice system to consider their implications.

3. FINANCIAL IMPLICATIONS

- 3.1 Costs associated with Police Scotland's response to the report are within current budget provision and additional funding is not requested at this stage.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are multiple reputational implications associated with this paper in terms of complaint handling and equality and diversity. Such implications are not underestimated and Police Scotland is committed to working with key partners to deliver improvements to our complaint handling process and to maximise our organisational learning in respect of same as outlined in the main body of this report.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There is no community impact associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are multiple equality, diversity and inclusion implications associated with this paper in terms of the recent Dame Elish findings and recommendations. Police Scotland welcomes the review and the associated opportunity to address and respond to the findings, ensuring that the culture of Police Scotland is welcoming and inclusive to all and that our people are supported to thrive and flourish so that we fully reflect and represent our communities.

9.2. As outlined by the Chief Constable, Police Scotland intends to commission additional, independent and expert support to assist Police Scotland in better understanding the experiences of minority groups in the service and to ensure appropriate support is available where it is required.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.