



# Terms of Reference

## Complaints and Conduct Committee

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### Purpose and Scope

1. The purpose of the Complaints and Conduct Committee is to monitor, oversee and scrutinise: the handling by the Authority and Police Scotland of “relevant” complaints as defined in legislation; and Police Scotland’s arrangements for handling misconduct allegations against constables; and to perform certain functions and make decisions on behalf of the Authority under the Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 (“the 2013 Regulations”) and other applicable regulations.
2. Meetings will be used to:
  - 2.1 Consider and approve arrangements, including policies and procedures and guidance, relating to the handling of relevant complaints by the Authority, seeking the views of other stakeholders as necessary.
  - 2.2 Consider and determine relevant complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the SPA Complaints Handling Procedures, provisions of the Police Public Order and Criminal Justice (Scotland) Act 2006 and the statutory guidance produced by the Police Investigations and Review Commissioner (PIRC).
  - 2.3 Monitor the handling of relevant complaints by the Authority and Police Scotland, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by the Authority and Police Scotland for the handling of relevant complaints are suitable.
  - 2.4 Consider reports from Police Scotland on its handling of misconduct allegations under the Police Service of Scotland (Conduct) Regulations 2014, with a view to ensuring that arrangements for handling these allegations are efficient and effective.
  - 2.5 Conduct preliminary assessments of misconduct allegations against senior officers of Police Scotland under regulation 8 of the 2013 Regulations and, where appropriate, refer these to the PIRC for further assessment and potential investigation.



- 2.6 Where the Police (Conduct) (Senior Officers) (Scotland) Regulations 1999 apply to the conduct of a senior officer, implement the preliminary investigation procedure set out in these Regulations.
- 2.7 Refer allegations to the appropriate prosecutor where it can reasonably be inferred that a senior officer of Police Scotland may have committed a criminal offence (under regulation 7 of the 2013 Regulations or the equivalent provisions in regulation 9 of the 1999 Regulations).
- 2.8 Determine, following receipt of an investigator's report, whether misconduct allegations against a senior officer of Police Scotland are to be referred to a misconduct hearing.
- 2.9 Determine whether senior officers who are the subject of misconduct or criminal allegations are to be suspended from the office of constable (or subject to such other measures as considered appropriate) and to review suspension decisions within the period specified in the relevant Regulations.
- 2.10 Critically examine reports from HMICS, PIRC, and any other information provided by Police Scotland in relation to complaints about the police, and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales.
- 2.11 Contribute to and consider the findings of official reviews of complaints and conduct matters and ensure that recommendations from such reviews are implemented as appropriate.
- 2.12 Consider such other matters as required by the Board.

### **Membership**

3. The Committee will comprise no fewer than three Authority members including a chair ("the Committee Chair").
4. The quorum of the Committee will be two Authority Members including the Committee Chair.

### **Meetings**

5. The Committee will hold at least four scheduled meetings per year, although the precise number of meetings will be dependent upon the nature and extent of the Committee's business. Additional meetings will be held where necessary to ensure efficient and effective complaints handling and to comply with timescales stipulated in legislation.