



<b>Meeting</b>	<b>SPA Complaints and Conduct Committee</b>
<b>Date</b>	<b>27 February 2025</b>
<b>Location</b>	<b>Online</b>
<b>Title of Paper</b>	<b>Police (Ethics, Conduct &amp; Scrutiny) (Scotland) Bill Update</b>
<b>Presented By</b>	<b>Assistant Chief Constable Stuart Houston and Chief Superintendent Helen Harrison, Professional Standards Department</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

The purpose of this paper is to provide members of the SPA Complaints and Conduct Committee with an update and overview of activity ongoing to prepare for the implementation of the Police (Ethics, Conduct & Scrutiny) Scotland Bill and its implications for Police Scotland.

Members are *invited to note and discuss* the contents of the paper.

## **1. BACKGROUND**

- 1.1 The Police (Ethics, Conduct & Scrutiny) Scotland Bill (PECSS) was introduced as a Bill to the Scottish Parliament on 06 June 2023 to fulfil the Scottish Government's commitment to bring forward legislation to deliver Lady Elish Angiolini's recommendations which require legislation following her 'Independent Review of Police Complaints Handling, Investigations and Misconduct Issues'.
- 1.2 The Bill covers a range of topics related to ethics and conduct for policing, as well as the functions and governance of the Police Investigations and Review Commissioner (PIRC) and supports independent scrutiny by PIRC and Scottish Police Authority (SPA).
- 1.3 Provisions of the Bill relative to Police Scotland include:
  - Establishment of the Code of Ethics for Police Scotland into statute.
  - The introduction of a Duty of Candour as an additional Standard of Professional Behaviour.
  - The introduction of a Barred and Advisory list for Police Scotland.
  - Legislation to ensure that an officer cannot evade disciplinary proceedings by resigning or retiring during an investigation, securing an outcome and justice for the complainers.
- 1.4 These provisions, along with others in the Bill, aim to positively enhance culture and behaviours within policing and, consequently, seeks to enhance public confidence.
- 1.5 To ensure legislative compliance with the PECSS Bill it was necessary for a project to be established led by Police Scotland's Professional Standards Department.

## **2. MAIN REPORT**

### **Progress and update**

- 2.1 The PECSS Bill continues to progress through the legislative process having now completed Stage 3 within the Scottish Parliament it is now moving towards Royal Assent.

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- 2.2 The Full Business Case required for the project has now been completed and is currently out for consultation with internal enablers within Police Scotland prior to being approved through Police Scotland Governance for presentation and approval at the next SPA Resources Committee, Scheduled for March 2025.
- 2.3 The initial draft of the online training package required to ensure all officers and staff within the organisation understand the Code of Ethics as it is placed into statute has been completed by the project team. This package has undergone peer review and is currently submitted to Quality Assurance within Police Scotland's Leadership, Training and Development Department for further review and feedback as part of the process to develop the training.
- 2.4 EQHRIAs and DPIAs continue to be developed.
- 2.5 The implications of the vetting amendments brought forward at Stage 2 of the Bill continue to be considered by Professional Standards and the Police Scotland Vetting Unit with meetings planned with the Scottish Government's implementation team in relation to development of the Vetting Code of Practice for officers and Police Staff, and the regulations that will be required to support same.
- 2.6 Upgrade of the Centurion ICT application used by Professional Standards which will enhance Police Scotland's reporting capabilities and enable the Barred and Advisory Lists to be hosted continues to be progressed by Digital Division, the supplier FIS Harris and Professional Standards Administration Team with User Acceptance Testing due to commence. The tight project timescales for this digital upgrade continue to be on track but it is anticipated that the one-month contingency, built into that project timeline, will require to be utilised.
- 2.7 The Project Team have now commenced engagement with Policy Support and Governance Audit and Assurance within Police Scotland to scope the policies and procedures currently in place within Police Scotland, which will require to be reviewed and updated because of the new legislation.
- 2.8 The Project Team is also engaging with LTD in relation to the Oath of Office taken by all new Constables to enable the inclusion of the Duty of Candour as the additional Standard of Professional Behaviour to be included in the Oath once the legislation goes live and preparing for the consultation with stakeholders that is required in legislation for the Code of Ethics.

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- 2.9 With regards to the Duty of Candour following Stage 3 debate and review of the final Bill it is confirmed that the Bill places a statutory duty of candour on individual police constables and Police Scotland as an organisation. The Bill does not place any duty of candour on members of staff. However, as public servants, staff are already expected to be candid. The individual duty of candour will only apply to those who hold the office of constable.
- 2.10 The organisational duty of candour will apply, in an indirect manner and without any prospect of direct sanction, to all those under the control of the Chief Constable, that is constables, and police staff. The Bill places an organisational duty on the Chief Constable to ensure that the police service (which includes constables and staff) polices in a way which is candid and cooperative in proceedings. Engagement with Scottish Government implementation team in relation to this matter has provided that the implementation of this duty will be a matter for the Chief Constable but it could, for example, include additional training for staff which explains and encourages candour in various operational contexts and this will be included in the online training being developed for all officers and staff.

### **3. FINANCIAL IMPLICATIONS**

- 3.1 The projected financial implications of the PECSS Bill are contained within the Financial Memoranda submitted to the Scottish Government and the IBC submitted to the SPA Resources Committee.

### **4. PERSONNEL IMPLICATIONS**

- 4.1 There are no personnel implications in this report.

### **5. LEGAL IMPLICATIONS**

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

### **6. REPUTATIONAL IMPLICATIONS**

- 6.1 There are no reputational implications in this report.

### **7. SOCIAL IMPLICATIONS**

- 7.1 There are no social implications in this report.

**8. COMMUNITY IMPACT**

8.1 There are no community implications in this report.

**9. EQUALITIES IMPLICATIONS**

9.1 Equality implications are being considered and addressed during the project via the EqHRIA process.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to note and discuss the contents of the paper.