



Meeting	SPA Complaints & Conduct Committee
Date	15 November 2022
Location	MS Teams
Title of Paper	Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing - SPA Update
Presented By	Darren Paterson, Head of Workforce Governance
Recommendation to Members	For Discussion
Appendix Attached	No

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. A more detailed action plan was then considered by the Committee in May 2021, which described action being taken to progress recommendations where Dame Elish identified a specific implementation role for the SPA, as well as others where SPA officials had otherwise identified such a role. The action plan is used to inform Highlight Report submissions to Scottish Government as part of national governance and reporting arrangements.

2 SPA ACTION PLAN

- 2.1 Of the 31 recommendations identified within the action plan, actions linked with 26 of these are marked as complete or proposed for completion. Of those recommendations where SPA hold lead or joint responsibility, SPA actions in respect of 3 remain outstanding, all of which are dependent on wider partners.
- 2.2 Given the above, this (and future) reports will provide update in respect of those actions which remain outstanding, rather than append the action plan in full.

SPA Recommendations

2.3 The following recommendations, whilst directed at the SPA, are dependent upon the development of Police Scotland reports to the Committee to enable them to be discharged.

2.3.1 R29. The SPA Complaints and Conduct Committee should hold PS to account for delays in investigations into complaints and misconduct. Where there is evidence of excessive delays in PIRC investigations having an effect on policing in Scotland the Committee should raise the matter with the Commissioner.

2.3.2 R79. The SPA Complaints and Conduct Committee should scrutinise PS performance in dealing with complaints and hold the service to account where the targets are not being achieved.

2.4 Early engagement took place between Committee Members, PIRC and SPA officials in 2021, with an action identified for SPA officials to liaise with Police Scotland colleagues to agree the proposed content and timing of data required, with a view to presenting a report to Committee in August 2021 seeking their agreement (albeit recognising scope for ongoing development thereafter). Further discussion subsequently took place during Committee meetings in 2021/2022 to supplement the above.

2.5 Recognising the impact of COP26, and the benefit of a consistent approach to in-year reporting, timescales were amended in anticipation of enhanced assurance content being incorporated in respect of reporting in 2022/2023. However, whilst significant changes and improvements have been made, further developments are still required in order to enable these recommendations to be discharged

2.6 The remaining SPA recommendation is as follows:

2.6.1 R32. 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 discussion of ethical issues in policing in Scotland.

- 2.7 It is recognised that this recommendation has a wider focus than the Complaints & Conduct Committee, with an action identified to develop a Framework setting out the Authority's approach to oversight of ethical issues. At present, a published Memorandum of Understanding is in place between the SPA and Police Scotland which lays out a framework of considerations which underpin the development of ethics and human rights focussed decision making for new strategies, policies and practices in Scottish Policing.
- 2.8 SPA officials subsequently recognised that the approach could be further enhanced through the work of the Scottish Government Independent Advisory Group on Emerging Technology (where the Police Scotland Data Ethics Framework and a proposed approach to wider ethics-based business case assessment are key linked elements of work), with the intention to consider its report and recommendations to inform the Authority's own wider approach to oversight. The original planned date for discharge was amended to reflect this dependency, now due Quarter 3 2022/23, although it is noted that there has been some slippage in respect of the IAG report, which will impact resulting development of a corresponding SPA Framework.

Other Recommendations

- 2.9 The following recommendations relate to audit of Police Scotland complaints handling, with the SPA having a role in respect of the development of a joint annual audit process alongside the PIRC; through its own approach to dip-sampling; and through its membership, more generally, of the National Complaint Handling Development Group (NCHDG).
- 2.9.1 R42. The PIRC should conduct an annual audit of triage within PSD of public complaints against the police to ensure that matters that can be resolved by FLR, or misconduct, or potential criminality are being properly identified and routed accordingly, and to provide assurance that Article 3 and Article 5 cases are being correctly identified and reported forthwith to COPFS.*

2.9.2 R61. Both PS and the PIRC should consider drawing on the expertise of Audit Scotland and the Scottish Public Services Ombudsman in re-designing the audit arrangements in respect of police complaints.

2.9.3 PR27. All the audit arrangements, including regular dip sampling, designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public.

2.10 R61 was approved for closure by the Ministerial Group in September 2022, with R42 proposed for closure via the current cycle of meetings. In respect of PR27, the NCHDG has established a subgroup which will ensure a 'business as usual' approach to prioritisation and coordination of audit arrangements. The sub-group will confirm timescales for relevant actions in due course, after which it is anticipated that an indication can be given of when this action could be submitted for sign off.

2.11 The SPA has a role in respect of the following recommendation through its membership of the NCHDG:

2.11.1 R68. The SOG or NCHDG should take an early opportunity to engage with the SPSO to agree where their contribution and advice would be most useful.

2.12 As previously noted, the group has not met recently, following agreement of partners of the need to review its purpose and remit. However, it is intended that the SPSO will be invited to attend a future meeting with a view to better understanding support/resources available and how these might be utilised going forward.

2.13 Lastly SPA has a role in ensuring the applicability of action being taken by Police Scotland to discharge the following recommendation, as it relates to staff working within the SPA itself:

2.13.1 *R17. Appropriate support for anyone in PS who is the subject of internal or external discrimination should be enhanced.*

2.14 This recommendation is proposed for closure via the current cycle of meetings, with SPA officials satisfied that supports in place cover the wider workforce.

3 NATIONAL GOVERNANCE UPDATE

3.1 As set out in the March 2021 Committee report, national governance structures have been established, through a Ministerial Group (attended by the SPA Chair, Committee Chair and Chief Executive) and Strategic Oversight and Practitioner Working Groups (both of which are attended by SPA officials), which now meet on a quarterly basis.

3.2 Within the current cycle of meetings, in respect of the period 1 April 2022 to 30 September 2022, the Practitioner Working Group (PWG) met on 25 August 2022 where it considered partner highlight report submissions, and agreed a draft Assurance Report for submission to the Strategic Oversight Group (SOG) and Ministerial Group (MG), which considered business by correspondence in September.

3.3 The PWG met again on 27 October 2022, where it considered partner highlight report submissions, and agreed a draft Assurance, including a draft Thematic Progress Report, for onward submission to the SOG which is scheduled to meet again on 16 November 2022. The MG is due to meet again on 7 December to consider the draft Assurance Report and approve any recommendations for sign off, and to approve for publication the next Thematic Progress Report currently anticipated in December 2022, prior to the Scottish Parliamentary recess.

- 3.4 Scottish Government launched a full public consultation between 24 May and 16 August 2022, seeking views to inform policy positions on 34 recommendations from the Review that require, or are likely to require, legislative change or new legislation.
- 3.5 On 6 September 2022, the First Minister confirmed in the 2022-23 Programme for Government that the Scottish Government will introduce a *Bill on Police Complaints and Misconduct Handling* to provide greater transparency, improve safety and empower citizens.
- 3.6 Development of the Bill continues to progress with the independent analysis of responses to the consultation due to be published in November 2022.

4 FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications in this report.

5 PERSONNEL IMPLICATIONS

- 5.1 Whilst a number of recommendations arising from the Review have personnel implications, there are no such implications directly associated with this paper.

6 LEGAL IMPLICATIONS

- 6.1 Whilst a number of recommendations arising from the Review have legal implications, there are no such implications directly associated with this paper.

7 REPUTATIONAL IMPLICATIONS

- 7.1 There are reputational implications associated with this paper. It is critical that the Authority visibly demonstrates a timely and effective response to the Review, both in discharging recommendations for which it is directly responsible, and in its oversight of those recommendations directed at Police Scotland, in order to maintain and enhance public confidence in the handling of complaints and conduct matters within policing in Scotland.

8 SOCIAL IMPLICATIONS

8.1 There are no social implications in this report.

9 COMMUNITY IMPACT

9.1 There are no community implications in this report.

10 EQUALITIES IMPLICATIONS

10.1 Whilst a number of recommendations arising from the Review have equalities implications, there are no such implications directly associated with this paper.

11 ENVIRONMENT IMPLICATIONS

11.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.