



Complaints & Conduct Committee

6 June 2023

Minutes of the Complaints & Conduct Committee held on 27 February 2024 via MS Teams

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| Board Members present: | Katharina Kasper (Committee Chair) Paul Edie (Committee Member) Catriona Stewart (Committee Member) Fiona McQueen (Committee Member) |
| Board Member apologies: | |
| In attendance: | <u>SPA</u> Chris Brown, Deputy Chief Executive Darren Paterson, Head of Workforce Governance Colette Craig, Governance Support Officer <u>Police Scotland</u> Chief Superintendent Helen Harrison Superintendent Emma Grimason Superintendent Kate Stephen Detective Superintendent Alan O'Brien <u>PIRC</u> Ilya Zharov, Head of Reviews and Policy Raymond Brown, Head of Investigations <u>HMICS</u> Maggie Pettigrew, Lead Inspector |

1. Introduction and Welcome:

1.1 Chair's Opening Remarks

The Chair welcomed attendees to the meeting.

1.2 Apologies

DCC Alan Speirs and ACC Stuart Houston.

Declarations of Interest and Connections

None.

1.3 Any Other Business

None.

1.4 Decisions on taking business in private (Item 11 – 13)

Members **AGREED** to take Items 11 – 13 in private.

2. Minute and Actions from previous meeting:

2.1 Minute from meeting held on 14 November 2023 for approval

Members **AGREED** the Minute of the meeting held on 14 November 2023 as an accurate record of the meeting.

2.2 Public Minute of Private Meeting held on 14 November 2023 for approval

Members **AGREED** the Public Minute of the private meeting held on 14 November 2023 as an accurate record of the meeting.

2.3 Public Minute of Private Meeting held on 28 November 2023 for approval

Members **AGREED** the Public Minute of the private meeting held on 28 November 2023 as an accurate record of the meeting.

2.4 Rolling Action Log and Matters Arising

20231411-CCC-007: Members did not feel it appropriate to close this action. Superintendent Helen Harrison committed to bringing a report to the next committee outlining timescales and focusing in on work being

done in terms of domestic case review, this will be an opportunity to focus in on some of the work that is happening.

The Committee **APPROVED** the action log and noted the updates provided.

2.5 Decisions since last meeting

None.

3. Police Scotland Professional Standards Quarterly Report (Q3 – 23/24)

Chief Superintendent Helen Harrison (CSHHarrison) provided members, for the purposes of noting, statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2023 – 31 December 2023). During discussions the following matters were raised;

Members welcomed the continuous improvement of the report in terms of transparency and responsiveness to information that members are requesting. Member referred to the 2% referral for CHR's and sought clarity on what PS do to test and check that the public are satisfied with their complaint handling. Superintendent Kate Stephen (SuptKStephen) agreed that there is an assumption that the public are satisfied with the outcomes and without having a mechanism to check and test that against then there will be unknowns. Superintendent Emma Grimason (SuptEGrimason) assured members that if there was a complaint that had not come through the correct route then the user satisfaction survey would pick up on this dissatisfaction. Members sought clarity on whether there was learning from other police services in relation to learning in this area. SuptEGrimason assured members that for the more serious matters, there is third sector organisation to support those effected by more serious matters such as domestic or sexual nature.

Members sought clarity around the analysis of comparing rates of complaint per employee, ranging from 32 to 53 complaints per 100 employees. CSHHarrison committed to bringing more clarity around these figures to future reports.

Members welcomed the reference to Officer Safety Training being included within the report, noting this as an area of cross reporting between committees which is a positive.

Members sought clarity around the discretion around the use of body worn videos, noting that it should always be on when available.

SuptEGrimason advised that this finding had come as the result of a PIRC investigation and advised that there had been a look at the policy and guidance to ensure that it was clear that when available body worn cameras should be used.

Members referred to discriminatory behaviour and emerging trends and noted that although inhouse comparators were being done, sought clarity on whether any external benchmarking had been done. CSHHarrison advised that PS link in more widely with England and Wales with different forums to understand patterns and trends and continue to maximise opportunities. PS expanded by advising that the centurion update will look at what is captured in England and Wales and take what it can, whilst considering what Scottish legislation allows, and bring into centurion. Members were advised that when upgrades are put in place it will take a period of time to allow sufficient comparisons to be carried out. Members were advised that the current planned upgrade was scheduled for the end of March 2024, with a further upgrade due in later in the year. CSHHarrison advised that a lot of testing needs to take place to ensure PS are confident with the data but hope to bring forward a trend analysis for the next committee in June 2024.

The Chair welcomed the timelines relating to the investigation of complaints however, asked for more narrative around the timelines of criminal complaints. CSHHarrison was unable to provide exact timescales, however, provided reassurance around criminal complaints, noting that at the first point of assessment, criminal ones are extracted and sent to the criminal investigations team to progress.

The Chair sought clarity on whether there was any sense as to why there was such a large timeline taking PS past the 12 month period. SuptKStephen advised that she had responsibility for non-criminal complaints and noted that there had been a 10% increase on the number of complaints made. The challenge PS have is around the number of complaints versus the resources available. SuptKStephen reassured members that there was a very robust risk and triage process, however, when they have been through this process they await allocation resulting in a backlog. Members highlighted their concerns in relation the timelines for non-criminal complaints to be progressed. Members noted that the committee had been previously been advised that a significant amount of additional resource, brought in for the new complaint handling model, would significantly improve complaints handling and asked why this additional resource was not assisting. Members asked for a more detailed

report on when this timeline would be pulled back, what a reasonable timescale was and when PS think they will meet that for a majority of complaints. CSHHarrison committed to bringing a more detail report to the next committee in relation to the breakdown, extracting some cases to show some of the complexities faced. SuptKStephen provided members with an update in relation to resource in the hope to reduce numbers, however, in relation to the original additional resource that was being brought into PSD, they have moved on, like other areas of PS, in terms of demand on the department and noted that it is very much a challenge. Members look forward to the additional report coming forward and ask that it includes a demonstration of what is being done in terms of benchmarking with other forces and what improvement action is being taken to look at methodology to improve timescales. The Chair asked that the report was holistic and looked at demand versus workforce. In addition members would like to see some of thinking being done behind the scenes in terms of what PS believe to be proportionate and what are the aspirations.

The Chair referred to the timeliness aspect of non-criminal complaints and how that links into the discharging of recommendations within the Independent Review of Complaint Handling, Misconduct and Investigations in Relation to Policing in Scotland. The Chair requested that future public reports include a high-level explanation for the closed complaints cases that took longer than 56 days. In addition, for the private session, requested information on any ongoing complaints that are taking longer than 12 months to complete with a degree of explanation around the delays. Noting the need to consider the balance of what can be discussed in public versus private, the Chair requested a clearer understanding on the analysis of suspension and restricted cases, perhaps with more comprehensive outcomes in relation to appeals. Having this information will provide evidence and allow the submission of recommendations to be discharged.

Members advised that they did not see a coloration, based on the data presented, of reduced resource of services being the result of an increase in complaints. CSHHarrison advised that PS were aware of this and assured members that it is an area of ongoing monitoring.

Members **NOTED** the report and **AGREED** the following actions:

202427002-CCC-001: Chief Superintendent Helen Harrison and SPA officials to progress a joint deep dive between Complaints & Conduct and People Committee in respect of analysis of any

disproportionality by protected characteristic within recruitment and selection checks (including vetting). PS to consider the approach to understanding complainant satisfaction (aside from proportion who seek a review), including exploration of practice elsewhere, with a view to discussing as part of the future deep dive.

202427002-CCC-002: Chief Superintendent Helen Harrison ensure future public reports outline what is considered a reasonable timescale for complaint closure and planned improvement actions (and associated timescales) to reach that position for majority of cases (with scope for this to additionally be discussed at future deep dive). Within the same report, provide a breakdown of cases which are taking longer to deal with, illustrating some of the complexities involved via a dip sample of individual cases. Finally, outline action to benchmark complaint handling resources and timescales, including examination of resources against demand.

202427002-CCC-003: To support discharge of Angiolini review recommendations, Chief Superintendent Helen Harrison to ensure that future public reports provide high-level explanation for closed complaints which took longer than 56 days; and introduce reporting in private on any ongoing individual cases which are taking longer than 12 months to complete, with explanation of reason for the delay.

4. SPA Quarterly Report (Q3 – 23/24)

Members were provided with a report providing an update on complaints and conduct matters including key statistics reflecting the position at the end of Q3, 2023/24. Members were also provided with an update on findings from dip-sampling of Police Scotland complaints from Q1, 2023/24.

Members **NOTED** the report.

5. PIRC Quarterly report on Police Scotland Handling of Complaints and Investigation Referrals (Q3 – 23/24)

Members were provided with a report detailing key statistics reflecting the position for Q3, 2023/24. Ilya Zharov (IZharov) provided a detailed summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews (CHR's). During discussions the following matters were raised in relation to CHR's:

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Members sought clarity on what a low-level complaint was and whether members would agree that it was low level. In addition, members sought clarity on why they had not received a response to recommendations and whether members should be concerned. IZharov advised low level complaints are those that PIRC deem suitable for Frontline Resolution and do not involve potential allegations of discrimination, oppressive conduct, and potential breaches of human rights.

The Chair noted that the commissioner had recently attended an SPA Authority meeting to present her annual report and noted that 2022/23 had the highest percentage of CHR's assessed as being reasonably handled, with the current picture now showing a substantial drop. The Chair asked PIRC and PS to summarise what could be some of the drivers for that drop. IZharov assured members that he and his team work closely with PS delivering a number of workshops and training inputs following a period of time where there was a gap (18months – 2 years). IZharov assured members that there is a very dedicated team at PSD who are doing their best to reverse this trend. CSHHarrison assured members that lots of work was being done to understand this trend and that PSD would be looking to see improvements by the end of the year.

Raymond Brown (RBrown) provided an overview on the Investigation Referrals. During discussions the following matters were raised in relation to Investigation Referrals:

RBrown referred to members comments around not receiving a response to recommendations and noted that there was a 3-month turnaround time for those responses. Some of the recommendations are complex and the timescales are challenging, and although there has been no formal response they are in hand by PSD. CSHHarrison added that PS are committed to discharging those recommendations.

The Chair advised that she would be keen to have a little more understanding about what happens behind the scenes, particularly when resource is an issue, around the cases that do not progress to investigation to understand what areas PIRC look for. The Chair noted the importance for members to understand that additional layer of scrutiny that is being provided. RBrown advised that at the previous committee he advised that terminology used is not always helpful in terms of speaking about assessment and investigations, noting that assessment is phase one of the investigations. RBrown assured members that PIRC are investigating and reviewing. Members welcomed this reassurance.

Members **NOTED** the report.

6. Police Scotland Professionalism and Preventions

CSuptHHarrison provided an overview of referrals within Police Scotland that have a sexual circumstance whether they are complaints made by members of the public or internal complaints by officers or staff. The report provided a summary to the SPA Complaints and Conduct Committee regarding reports received during 2023/24 up to the end of quarter 3. During discussions the following matters were raised;

Members were encouraged by the report and welcomed this level of detail and transparency. Members sought clarity on whether there was a possibility of having sight of a breakdown of ranges or would that cause issues around identification. CSuptHHarrison advised that would be a concern and challenging to do quarterly. CSuptHHarrison advised that she would reflect on the possibility of an annual report, however, noted the need not to lose confidence in encouraging people to come forward.

Members sought clarity on whether PS were confident that any internal work being done had any coloration against the data being received. CSuptHHarrison advised that they were confident with those where the source is identified the data indicates that over 60% of the matters were reported by officers or staff, however, there is a need to continue with the work.

The Chair noted that the report is consistent with comments made at the SPA Authority Meeting by the Chief Constable, in the context of Data Wash, when asked how much assurance she could provide around the vetting process and not bringing people into the force who's values do not align. The Chief advised that the best mechanism is the self-policing of colleagues, noting that it is people within the organisation who need to say when things are not acceptable, this being the front line of defence.

The Chair advised that as more detail comes forward, the committee can consider proportionality around what can be discussed in public and private.

Members **NOTED** the report and **AGREED** the following action:

202427002-CCC-004: Chief Superintendent Helen Harrison to introduce annual reporting in this regard, considering potential inclusion of breakdown in respect of the range of cases (recognising balance of public/private reporting).

7. Police Scotland Vetting Overview

Members were provided with an overview of the ongoing work to

understand disproportionality within the vetting process and to provide a progress update.

Members welcomed the report and look forward to regular reports in this area. Members advised that they would welcome a deep dive, perhaps with the People Committee, in relation to this work due to the complexity and importance of this. The Chair agreed to the need for a joined up approach and asked SPA staff to progress with arranging a deep dive on vetting for both committees.

The Chair noted that it is early stages, but noted the importance of starting somewhere and adding to the trend to see that over time. The Chair also welcomed comments around being more closely aligned to England and Wales and asked for an update on that in the future when that work becomes clearer.

Members **NOTED** the report.

8. Police Scotland Historic Data Wash Report

Detective Superintendent Alan O'Brien (DSuptAOBrien) provided a summary of a report containing an overview of the findings of the Police Scotland Historic Data Wash. During discussions the following matters were raised;

The Chair welcomed the clear and reassuring report and explanation in relation to the 25,505 lines of data checked, that a significant proportion of these checks were 'false positives', an approach taken by forces down south.

Members **NOTED** the report.

9. HMICS Assurance Review of Vetting – Action Plan

Members were provided with a report detailing Police Scotland's Action Plan to address the recommendations contained within the recent HMICS Assurance review of vetting policy and procedures within Police Scotland report, published on 03 October 2023. During the discussion the following matters were raised;

The Chair advised that, from an assurance perspective, it would have been helpful to have a report which contained more of a plan with timelines.

Maggie Pettigrew (MPettigrew) advised that HMICS welcomed the work that had been carried out by the team and look forward to having sight of the plan when it is shared with the Force Executive.

CSuptHHarrison assured members that the plan would be as soon as it had been signed off.

Members **NOTED** the report and **AGREED** the following action;

202427002-CCC-005: Chief Superintendent Helen Harrison to present action plan (including timescales) to Committee following HMICS sign-off.

10. Complaints and Conduct Committee Work Plan

The Chair asked Police Scotland, SPA and PIRC colleagues to consider the work plan and submit updates ahead of the next committee from an assurance perspective.

Members **NOTED** the report and **AGREED** the following action:

202427002-CCC-006: Police Scotland, SPA and PIRC to ensure that the work plan is reviewed and populated for 2024/25 from an assurance perspective.