

COMPLAINTS AND CONDUCT COMMITTEE
31 May 2021

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Monday 31 May 2022.**

Committee Members

Alasdair Hay (Chair)
Paul Edie
Grant MacRae
Fiona McQueen
Catriona Stewart (observer)

Scottish Police Authority

Darren Paterson, Head of Workforce Governance
Chris Brown, Deputy Chief Executive Resources
Colette Craig, Governance Support Officer

Police Scotland

Assistant Chief Constable Alan Speirs
Detective Superintendent Catriona Henderson

PIRC

Phil Chapman
Ilya Zharov

HMICS

Elaine Galbraith

1.1 Welcome and Apologies

The Committee Chair welcomed attendees and apologies were noted from Chief Superintendent John Paterson who will be represented by Detective Superintendent Catriona Henderson.

The Chair welcomed the new Director of operations at PIRC, Phil Chapman to his first committee meeting.

1.2 Declarations of interest

There were no declarations of interest.

1.3 Minute from meeting held on 2 March 2022 for approval

Members **AGREED** the Minute of the meeting held on 2 March 2022 as an accurate record of the meeting.

1.4 Public Minute from private meeting held on 2 March 2022 for approval

Members **AGREED** the Minute of the private meeting held on 2 March 2022 as an accurate record of the meeting.

1.5 Action Log and Matters Arising

- 20220302-CCC-001: Although analytical work had been shared with divisions, the action was that it was shared with the committee and should remain open until members have sight of this work.
- 20220302-CCC-002: This was not at the workshop in March so should remain open until later in the year. Next Workshop scheduled for October.
- 20211125-CCC-001: Further consideration to be had around how this information is fed back to the committee. Members agreed for the action to remain ongoing to allow further discussions to take place.

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

1.6 Decision on taking business in private (Items 9 - 13)

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 9 to 13 on the agenda in private.

2. SPA Annual and Quarterly Report (Q4 – 21/22) – Darren Paterson

Members considered the report which provided information and updates on complaints matters. The report further included key statistics reflecting the position at the year-end of Q4, 2021/22. In addition members were provided with key statistics over the past 5 years, 2017/18 to 2021/22. Darren Paterson (DPaterson) highlighted key points noted within the report.

In discussion the following matters were raised:

- Members referred to the assurance around the proactive management of complaints and learning from them and advised that they could not identify that within the report. Members advised that it would be beneficial to have a categorisation of complaints and allegations being received and what the learning was from them. DPaterson noted that the number of cases within the SPA remit was fairly small, but that in all cases opportunities for learning are assessed (both in general terms, and specifically in respect of Complaint Handling Procedures). He noted that it was the intention to undertake a formal review of the Procedures in August 2022 where the team will look to capture learning that has been identified. He also committed to undertake a thematic review, covering a representative period of time, and once complete will return the outcomes to the committee.
Members referred to the number of complaints coming through not within the SPA remit and sought clarity on what benefits the new website was bringing as they would have expected more impact by this stage. DPaterson noted that the change to the website took place in November 2021, and therefore it was still too early to understand the impact, the intention being to monitor contacts over a more representative period. Having looked at the cases received over the most recent period there had been a number of instances where contact had been made from previous correspondents who already had contact details for the Authority . DPaterson added that there was work ongoing with the National Complaints Handling Development Group to look at broader partner communications to ensure that all partners are joined up in directing complaints appropriately. The SPA Complaints Team are continuing to make contact with complainers who have come to the SPA in the first instance incorrectly in order to understand why, advising that in most recent cases these complainers had genuinely thought that they were following the correct route. DPaterson added that there is a wider SPA website digital project underway which will hopefully provide further opportunity to review and test. The Chair recognised that this was a difficult issue and had been an area of focus for Scottish Government across the public sector, who had a programme in place. Assistant Chief Constable Alan Speirs (ACCASpeirs) advised that Dame Elish Angiolini had commented on accessibility around the Complaint Handling Process, therefore Police Scotland had done a lot of work on this and have built on some experiences of Covid. There is now the ability to gain access via a QR Code online and noted that this was an area that the SPA could draw on to make the SPA website clearer, potentially placing the Police Scotland QR Code

on the SPA website. Members requested future update around how quickly complainers are appropriately redirected.

- Members referred to paragraph 2.10.1 (Figure 14) and sought clarity on why it was not possible to provide a meaningful breakdown of determinations allegations listed as 'Other'. DPaterson advised that breakdown is provided at Figure 6 for the last 2 year period, confirming that in the development of a Committee-specific annual report, correlation between the two would be made clear.
- The Chair noted the need for the committee to understand what good looks like and for members to be assured that positive steps are being taken.

The Committee resolved to:

- **NOTE** the SPA Annual and Quarterly Report (Q4 – 21/22) and **AGREED** the following actions.

20223105- CCC- 001: Darren Paterson to link in with colleagues at Police Scotland around the accessibility of the SPA website following the work they have built on and their use of QR Codes.

20223105- CCC- 002: Darren Paterson to produce a like for like comparison within the next committee annual report to allow members to understand the journey the Authority have been on.

3. Police Scotland Professional Standards Annual and Quarterly Performance Report (Q4 – 21/22) – ACC Alan Speirs

Members considered a report which detailed statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2021 – 31 March 2022). ACCASpeirs highlighted key points from the report.

In discussion the following matters were raised:

- Members referred to C3 performance noted within page 7 of the report and sought clarity around the increase against the five year average and what analytical work had been done. ACCASpeirs advised that part of the analysis was to understand if there were variations in the way call handlers operated in different centres and largely it was around not how the call was handled but around the police response, therefore it was a complaint about quality of service. ACCASpeirs advised that this was reflective of complaint handling across the country showing a reduction of complaints specific to C3. Members therefore sought clarity around the increase around Quality

of Service noted within page 8 of the report. ACCASpeirs advised that part of the challenge was that this played into the broader discussion around the availability of resources and the demand being placed on local policing and their ability to respond, there is monthly engagement with PSD and local policing divisions to provide a more detailed breakdown of instances. Members sought clarity around the increase in relation to Discriminatory Behaviour. ACCASpeirs advised that due to lockdown in the previous year and with different procedures in place this would be a reason for the increase. Members advised that more analysis and data would be helpful to allow members to compare and contrast rather than being provided with narrative from quarter to quarter. Members noted the need to know that learning was being gained and to gain a sense of the magnitude and complexities of complaints being received. ACCASpeirs advised that he would produce a bespoke report for the next committee, around Discriminatory Behaviour and Quality of Service, looking at the data from 2021/22 allowing for a deeper dive into a full years data.

- Members referred to 46 Complaints Handling Reviews conducted by PIRC with 14 returns and although a low number it is still one third and sought clarity on what learning was being achieved to avoid further complaints. ACCASpeirs agreed with the comments, however, noted the need to measure those 14 returns against the thousands of complaints received. ACCASpeirs advised that quite often the feedback from PIRC on the Complaint Handling Process was around the explanations being articulated within the commentary of a letter back to a complainer therefore that requires more work. ACCASpeirs advised that in terms of learning, complaint handling is a topic of conversation at local scrutiny boards and in preparation for that there is direct engagement with divisions. From those discussions tailored reports are produced with a lot of detail relevant to those areas. ACCASpeirs advised that he would be happy to present an illustration of what is taken to the local policing divisions.
- Members referred to Chart 5, Page 11 of report and Irregularity in Procedure and sought clarity on whether there was any information on what procedures were causing the most problems. ACCASpeirs advised that a lot of work had been done within policy and procedures to reach a more manageable approach. There has been a dramatic reduction in guidance documents. The more significant policies that are used on a regular basis have been turned into toolkits. This makes them more accessible for officers and more practical for their use. ACCASpeirs was unable to comment on what Irregularity in Procedures were the drivers for complaints, however,

further detail on that could be returned in the context of a 5 year average.

- The Committee resolved to:
 - **NOTE** Police Scotland Professional Standards Annual and Quarterly Performance Report (Q4 – 21/22) and **AGREE** the following actions;

20223105- CCC- 003: ACC Alan Speirs to produce a bespoke report for the next committee, around Discriminatory Behaviour and Quality of Service, looking at the data from 2021/22 allowing for a deeper dive into a full years data.

20223105- CCC- 004: ACC Alan Speirs to provide the committee with further detail around which policies are the drivers for Irregularity in procedures based on a 5 year average.

4. PIRC Quarterly Report on Police Scotland Handling of Complaints –Ilya Zharov

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to updates on Complaint Handling Review Applications, Reports, Timescales and Outcomes. The report included key statistics reflecting the position at the end of Q4, 2021/22.

In discussion the following matters were raised:

- Members noted that timing around getting paperwork over to PIRC from Police Scotland had not improved following the introduction of the new complaints system and sought clarity on when members would see improvements in this area. IZharov advised that the provision of papers would be a matter for Police Scotland as it would be difficult for PIRC to understand the root cause, however advised that with the implementation of the new model, there would be an expectation that those timescales would improve.
- Members also referred to learning points and advised that they would welcome more granular detail and perhaps evidence which provided assurance that advised areas of improvement have been developed and the outcome of those improvements. IZharov advised that when PIRC make learning points for any recommendations they remain open until they are fully implemented by Police Scotland, in some cases implementation can take some time, depending on what is being asked. IZharov advised that he would provide more detailed analysis of those learning points.

- Members referred to statutory referrals and sought clarity on how they are reported in terms of drawing of firearms and use of tasers in order to get a sense of the monitoring and review of that. Phil Chapman (PChapman) advised that it is a statutory requirement of the Chief Constable to refer deaths, serious injuries, taser and presentation of firearms with approx. 300 referrals being received per annum. PChapman advised that each referral received goes through a rigorous process where full facts and circumstances are requested from Police Scotland and this information is looked at against training, standard operating procedures. Once reviewed, and if the PIRC believe something requires investigation, then a notification goes back to ACC Speirs that a full investigation would take place. The PIRC then produce a full report back to the Chief Constable and that report becomes a public document (redacted where appropriate). PChapman advised that statistics were available and the PIRC's current report would be adapted to include investigations, statutory referrals and other information around the recommendations with trackers which provide updates from Police Scotland. ACCASpeirs added that all recommendations flow through Police Scotland's Audit and Risk function and recorded in the same manner in which an HMICS inspection or how internal auditors do in order to provide members with assurance that the information does exist. ACCASpeirs advised that Police Scotland were committed to getting the information to PIRC in 14 days. ACCASpeirs advised that drawing the information down from local policing divisions can at times cause delay, however, work was ongoing to do this in a timeously fashion where possible. ACCASpeirs advised that he would take a piece of work forward to look at this area in order to achieve the 14 day deadline of submitting paperwork to PIRC.
- Members referred to the quality of the final response letters issued by Police Scotland to complainers and sought clarity on how these letters were being reviewed. IZharov advised that the quality of responses have remained steady for a number of years and it could be for a number of reasons. IZharov added that with the new complaint handling model it may take complaint handlers some time to adjust and learn how to write a good letter. In the past PIRC have provided training inputs to PSD and Local Divisions in order to provide good tips and advice and advised this is perhaps something that should be revisited.
- The Committee resolved to:
 - **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints and AGREE the following action;

20223105- CCC- 005: Phil Chapman to adapt the current PIRC report to include investigations, statutory referrals and other information around the recommendations with trackers which provide updates from Police Scotland.

20223105- CCC- 006: ACC Speirs to take forward a piece of work which will look at improving the 14 day deadline of submitting paperwork to the PIRC.

20223105- CCC- 007: Ilya Zharov to consider training inputs to PSD and Local Divisions to assist with the handling of complaints responses.

5. Joint Audit SPA/PIRC Update Report –Ilya Zharov

IZharov provided a report which contained information, updates and Terms of Reference on the PIRC & SPA Joint Audit: PSD NCARU Complaint Triage. Members were advised that stage two of the audit was almost complete with stage three now being approached.

In discussion the following matters were raised:

- Members sought clarity on when the committee would have sight of the report. IZharov advised that on completion of the report a discussion would be had with Police Scotland on the findings and the report will then be published. It is hoped to have the audit completed by Quarter 2. The Chair advised that the committee would welcome that report when available.

The Committee resolved to:

- **NOTE** Joint Audit SPA/PIRC Update Report and **AGREE** the following action.

20223105- CCC- 008: Ilya Zharov to provide the committee with the final report on completion of the Audit.

6. Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing

6.1 SPA Update –Darren Paterson

Members considered the report which provided an update 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. Members were further asked to

approve the submission of the preliminary report recommendation 17 (*further training for complaints and conduct officers in SPA should be consolidated and broadened in order to ensure the right skillset and up to date knowledge of complaint handling best practice in other sectors*) for discharge via national governance structures. DPaterson highlighted key points as noted within the report.

- The Committee resolved to:
 - **NOTE** the Update and **APPROVED** the submission of the preliminary report recommendation 17 for discharge via national governance structures.

6.2 Police Scotland update – ACC Alan Speirs

Members considered the report which provided an update of Police Scotland's progress on the recommendations from the final report of the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. ACCASpeirs highlighted key points as noted within the report and thanked HMICS for their assistance and scrutiny of recommendations.

In discussion the following matters were raised;

- Elaine Galbraith (EGalbraith) advised that the most recent recommendations were wide ranging and expanded on the recommendation in relation to third party reporting. EGalbraith advised that there is good linkage with different business areas and HMICS having oversight of a number of areas had been beneficial.
- The Chair welcomed the approach taken by both SPA and Police Scotland in delivering the recommendations, noting the critical interdependencies in order to deliver them. The Chair welcomed the fact the Scottish Government were moving towards consultation around what legislative change was necessary. The Chair noted that Elaine Galbraith would be leaving HMICS and thanked her for her valuable contribution to the committee and wider contribution to policing.

The Committee resolved to:

- **NOTE** the update.

7. Professional Boundaries – ACC Alan Speirs and Detective Superintendent Catriona Henderson

Members considered a report that provided an overview in respect of the Professional Standards Department case review of complaints and conduct matters impacting on professional boundaries between 01 January 2017 and 21 October 2021 and outlining proposed next steps.

ACCASpeirs advised that following a number of matters across the UK following the tragic death of Sarah Everard there has been a push for UK police forces to look at their internal approach to matters in relation to professional boundaries. Detective Superintendent Catriona Henderson (DSCHenderson) provided key points as detailed within the report.

In discussion the following matters were raised:

- ACCASpeirs noted the effort that Police Scotland had placed into this piece of work and acknowledged that all officers and staff within Police Scotland hold privileged positions. ACCASpeirs noted that it was imperative on those staff and officers to act with integrity and professionalism at all times. ACCASpeirs added that upholding public trust and confidence was vital, and advised that every inference of breaking professional boundaries would be thoroughly investigated by Police Scotland. Police Scotland has no tolerance for any dip in standards or professional behaviours.
- Members welcomed the report and sought clarity around the next steps and how Police Scotland would measure the effectiveness and impact of those steps. ACCASpeirs advised that Police Scotland were open and transparent in their desire to try and be an organisation that has no tolerance for misogynistic types of behaviours and advised that within the last 6 months there was a greater confidence within the organisation with officers and staff coming forward to report concerns. It is important for Police Scotland to look at how they deliver on the recommendations and not measure success by statistics only. ACCASpeirs advised that it would perhaps be beneficial to report back to the committee twice over the next 12 months on the progression of those recommendations.
- Members sought clarity on how the review was conducted and what the breakdown of reports was in relation to public/staff/officers. In addition clarity was sought on work was being done and learning achieved in order to produce a progressive culture, particularly following the Rhona Malone case. DSCHenderson advised that it was an internal PSD case review that was carried out and largely paper

based. There was a level of independence generated in terms of the approach to reviewers by switching over geographical boundaries. Superintendents in each work stream were tasked to take ownership of the views in their own area and to take oversight of the quality. A bespoke template was generated which was relevant to each business area to ensure consistency around the nature and content of the review being taken. DSHenderson advised that 353 officers, 7 members of staff and 28 unidentified persons had all generated concerns and all reported via numerous channels.

- Members referred to the number of officers who had resigned or retired during proceedings and sought clarity on how many officers had been dismissed. ACCASpeirs advised that due to the confidentiality and handling of those cases that information is always brought to the committee in private session.
- The Chair advised that the committee strongly supported the improvements being made by Police Scotland in the area of Professional Boundaries and the fuller reports around the progress of the recommendations in due course.

The Committee resolved to:

- **NOTE** the update and **AGREE** the following action;

20223105- CCC- 009: ACC Alan Speirs and DS Catriona Henderson report back to the committee twice over the next 12 months on the progression of recommendations in relation to Professional Boundaries.

8. Committee Workplan

The Chair asked that attendees provide future areas of business to SPA Board Services to allow the workplan to be populated for the year 2022/23.

The Committee resolved to:

- **NOTE** the work plan.