

**COMPLAINTS AND CONDUCT COMMITTEE
5 May 2020**

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by teleconference on Tuesday 5 May 2020.**

Committee Members present on call:

Matt Smith (Chair)
Michelle Miller
Grant Macrae

Also present on the call:

Scottish Police Authority
Robin Johnston, Head of Legal
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Colette Craig, Committee Co-ordinator

Police Scotland

ACC Alan Speirs
Chief Superintendent Andy McDowall

Scottish Government

Sue Langlands

1. Welcome and Apologies

The Chair welcomed attendees to the meeting and welcomed Ch Supt Andy McDowall back to the Committee after his absence. The Chair also welcomed Sue Langlands from Scottish Government to the call.

2. Declarations of Interest

There were no declarations of interest made.

3. Minute relating to Meeting held on 09 March 2020

The Committee **APPROVED** the minute from the Complaints and Conduct Committee held on 09 March 2020.

4. Action Log and Matters Arising

The committee **NOTED** the updates provided and **AGREED** the action log.

There were no matters arising.

5. Decision on taking business in private (Items 13 -20)

In accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 13 - 20 on the agenda in private for the reasons set out in the agenda.

6. SPA Quarterly Performance Report (Q4) – David Collie

The Committee considered the SPA Complaints Quarterly Performance Report. Members noted performance statistics which reflected the position at the end of Quarter 4, 2019/20. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members expressed disappointment that the recently made changes to the information listed on the SPA website aimed at providing clarity on types of complaints within the SPA's remit had not lead to any reduction in the number of cases received which are not within the SPA's remit. Members requested that work be done to explore the reasons for the apparent misunderstanding by members of the public as to who they should direct their complaints.
- The Committee expressed thanks to Inspector Julie Presslie who, due to Op Talla priorities, had recently ended her secondment with the SPA Complaints Team. The Committee heard that she had provided valuable support in developing and refining the SPA's approach to issuing standard responses on various matters. The Committee heard that Julie also was also able to assist the SPA Team explore ways in which the flow of information between the SPA and Police Scotland Professional Standards colleagues could be improved.
- Noting that the secondment had, given the circumstances, understandably ended prematurely, Members agreed that a future discussion would be necessary to establish if this seconded post was required going forward.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.

- **AGREE** the following action:

ACTON 20200505-CCC-001: Work to be carried out to explore the possible reasons for a lack of clarity and understanding in terms of the type of complaint for which the SPA is responsible and those complaints which are not within the SPA's legislative remit. Thought to be given to any further refinements of the website which would provide clearer signposting of the processes for members of the public who wish to submit complaints.

7. Review of SPA Complaints – David Collie

The Committee considered a report which contained information and updates on key Complains and Conduct statistics of note over the past 5 years, 2015/16 to 2019/20. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- DCollie advised that the submitted paper had the wrong title and the report was not, as stated, the Performance Report but was a Review of SPA Complaints.
- Members' attention was drawn to the key findings section of the report and a summary of the findings was provided.
- Members agreed this report should consider to be reported twice a year to allow Committee consideration of any trends as they emerged.
- Members requested that future determination committee papers provide an assurance that all available and appropriate disposal routes had been considered in the consideration of complaints. It was agreed that future papers would provide details that would provide members with an understanding of what, if any alternative disposal routes had been or had not been considered and the rationale for decisions taken in this regard and the impact of any alternatives.

The Committee resolved to:

- **NOTE** the Review of SPA Complaints Report.
- **AGREE** the following action:

ACTION 20200505-CCC-002: Future Committee papers to provide an assurance that all available disposal routes have been considered in the consideration of complaints. Information to provide the Committee with an understanding of what, if any

alternative disposal routes had been/had not been considered and rationale for decisions taken in this regard.

8. Police Scotland Professional Standards Quarterly Performance Report (Q4) – ACC Alan Speirs/ Ch Superintendent Andy McDowall

Members considered the report which provide the statistical information relating to the investigation of complaints about members of Police Scotland for the period 1 April 2019 – 31 March 2020. Ch Supt McDowall provided an overview of the report and highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were assured that any officer conduct investigations that it had been necessary to pause due to Op Talla reprioritisation would be restarted as soon as was practical.
- Members heard that Operation Talla had impacted on the staff and officer resource available to Professional Standards. The committee heard that a temporary operating model had been implemented within the business area. It was noted that some core business had been paused however this was continually being revised and Business as Usual would resume as soon as possible.
- Members were informed that the Professional Standards function would focus on specific areas with prioritisation having been given to complaint handling and the anti-corruption functions of the department.
- Members were updated on the work that had been done collaboratively between Police Scotland and the PIRC to further improve the way that Complaint Handling Reviews were handled and heard that improved communication was driving an improvement in the overall complaint handling.
- The committee heard that it was difficult to benchmark with the rest of the UK when there were few comparable 'in force' complaints handling.
- The committee heard that going forward the aspiration of Ch Supt McDowall was to achieve greater consistence of front line resolutions and complaint handling across the country and to see a national approach with greater consistency of how matters were dealt with and recorded across all divisions.

- Members heard that learning and good practice was shared between divisions.

The Committee resolved to:

NOTE the Police Scotland Professional Standards Quarterly Performance Report (Q4).

9. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update - David Collie

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- The secretariat for the Independent Review had advised that recent events linked to the COVID 19 epidemic were not expected to have any material impact on the timeline for the publication and it was still anticipated the review would be published in Autumn 2020.
- Members noted the verbal update which summarised the progress to discharge the outstanding actions as detailed in the paper in paragraphs 2.5 – 2.8.
- Members were assured to be told that that a detailed tracker which monitored progress against all active actions from the preliminary report was being maintained and it was agreed this would be circulated to Members for awareness. Members were pleased to hear that the progress to date had been good.
- Members asked if there was an on-going review of the impacts seen from changes that had already been implemented with a view to driving continuous improvement. It was reported that this was not the case however a joint approach would be developed in the near future.
- The Chair requested a regular progress update on the activity to address actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini and it was agreed this would be provided on a monthly basis.
- Sue Langlands invited the Committee to be mindful that the interim report would be followed by the full report later this year however this would be an ongoing process with opportunity to both reflect and look forward on an iterative basis.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update.
- **AGREE** the following action:

ACTION 20200505-CCC-003: Monthly update briefing and tracker to be shared with Committee Members to allow oversight of what progress has been made to date and what actions remain open.

10. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Verbal Update

Ch Supt Andy McDowell provided a brief update on the progress of the actions that related to PS confirming that 5 of the actions were either completed or close to completion. Members heard that the National Complaints Handling Development Group had paused due to reprioritisation in light of Op Talla however it was hoped this would be re started in the coming weeks.

Ch Supt McDowell further commented that it would take time to embed the necessary cultural changes within Police Scotland and while some positive steps have been made already, this would be an ongoing issue. It was confirmed that discussion was planned to agree how this progress would be tracked and ways in which improvements could be evidenced across the organisation and it was acknowledged that this would not be easy to measure.

The Committee resolved to **NOTE** the verbal update.

11. Whistleblowing Policy – Committee Process – David Collie

The Committee considered the report on the SPA Whistleblowing Policy. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- It was noted that the Policy was approved at the SPA Board Meeting of 25 March 2020 and Michelle Miller had been nominated as the Whistleblowing Champion.
- The committee noted the roles and responsibilities for the various parties involved as stated in the main report.

The Committee resolved to:

- **NOTE** the Whistleblowing Policy – Committee Process.

12. Complaints and Conduct Committee Work Plan

The Committee resolved to **NOTE** the verbal update.

The Chair concluded the public session of the committee