



Agenda Item 6

Meeting	SPA Complaints and Conduct Committee
Date	6 June 2024
Location	Virtual – MS Teams
Title of Paper	Police Scotland - Professional Boundaries - Update
Presented By	CS Helen Harrison
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

To provide the SPA Complaints & Conduct Committee with an update regarding ongoing activity.

Members are invited to discuss the content of this report.

1. Background

- 1.1 Police Scotland commissioned a review of all complaints and conduct matters which contained "*sexual circumstances*" between 1st January 2017 and 21st October 2021. This involved external reports to Police Scotland and also internal reports concerning officers and staff. The review was to ensure the organisation had discharged its responsibilities relating to the management of risk and had thoroughly investigated all matters in line with relevant legislation, powers and regulations.

The review focused on complaints and conduct allegations reported across the following business areas:

- **Complaints about the Police**
- **Referrals through Professional Standards Department (PSD) Gateway Assessment Unit**
- **Anti-Corruption Unit related referrals, intelligence reports and investigations**
- **PSD Misconduct**
- **Vetting**

An overview of grievance related matters was also included to highlight the scale, range and outcomes involved.

A refreshed review of all complaints and conduct matters which contained "*sexual circumstances*" between 22nd October 2021 and 21st January 2023 is ongoing.

- 1.2 Following sentencing of a serving officer of another police force, with support from Domestic Abuse Task Force colleagues, Police Scotland have completed a PSD case review of Police Perpetrated Domestic Abuse cases between 1st January 2020 and 31st January 2023. 188 cases reported during this period were reviewed, from which organisational learning and 14 recommendations were established. This report has now been endorsed by ACC Houston under the Professionalism and Assurance Group. The recommendations will now be progressed through PSD governance.

The review focussed on complaints and conduct allegations reported across the same business areas as those identified for the review of sexual misconduct.

The 14 recommendations contained in the Police Perpetrated Domestic Abuse Review are as follows:

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- Recommendation 1 – Enhance Victim Engagement and Support, to ensure consistency and a balance across the Force area.
- Recommendation 2 – A bespoke document to be created to explain the process of a criminal enquiry and/or Conduct enquiry.
- Recommendation 3 – Approach external services to establish a single point of contact (SPOC) for victims of PPDA to ensure that reporting in this area is maximised and the appropriate information is fed into the organisation.
- Recommendation 4 - Engage with Staff Associations to ensure they also have appropriate procedures in place regarding victims of PPDA who are employed as Members of Police Staff.
- Recommendation 5 – Reports of PPDA to be reviewed by a specialist trained investigator with the relevant Domestic Abuse Investigation experience and background.
- Recommendation 6 – Domestic Abuse Investigation Standard Operating Procedure and other such document and/or policy to be updated to include investigating incidents of PPDA.
- Recommendation 7 - Enhanced training in respect of investigating crimes of PPDA.
- Recommendation 8 – Bespoke documents and Enquiry logs to be utilised throughout criminal reports of PPDA.
- Recommendation 9 - SLWG to be implemented to discuss recording mechanisms to ensure that clear and accurate data can be collated for any future review of PPDA.
- Recommendation 10 – In repeat reports of PPDA, the perpetrator should be appointed a Red, Amber or Green (RAG) status to highlight concerns.
- Recommendation 11 – Review of current vetting process and performance review of Special Police Constables.
- Recommendation 12 - Enhanced joint PSD and Public Protection communications internally and externally.
- Recommendation 13 – All matters involving PPDA criminality to be considered by PSD National Conduct.
- Recommendation 14 – Ensure the current process to identify the suitably trained area and/or department, taking cognisance of independence and transparency, remains fit for purpose.

1.2 Progress / Preventions - Update

- Of the 19 recommendations from the PSD Case Review of Sexual Misconduct, 16 are complete, 2 are currently in progress as longer term projects, and 1 is being considered under another PSD work stream.

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- Of the 2 recommendations currently in progress as longer term projects, the first is "**implementation of an annual integrity check by line managers**". This is also a recommendation contained within the HMICS review of vetting policy and procedure carried out in 2023. Recommendation 10 in that report states "**Police Scotland should introduce an annual integrity review including change of personal circumstances for all vetting clearances**". As such this recommendation will now be progressed under the HMICS review of Vetting policy and Procedure Improvement Plan.
- The second of these recommendations currently in progress as a longer-term project is "**Continue engagement with Scottish Government and partners in the pursuit of additional legislation aligned to Misconduct in Public Office (MiPO) which is already in place in England in Wales, to support investigations of abuse of position and sexual misconduct**". DSU O'Brien, (Police Scotland, Anti-Corruption Unit) is ongoing dialogue with the Ministry of Justice (UK Government), Scottish Government and COPFS.
- The recommendation being considered under another PSD workstream is "**Develop a PSD Proactive Support and Interventions Programme (PSIP) which will provide a more detailed and holistic view of all police officers with PSD involvement by considering complaint and conduct issues**". Work is currently ongoing to explore a technical solution to extract the required data to identify officers requiring support and intervention.

Success measures in relation to the 16 recommendations implemented as part of the initial review of Sexual Misconduct cases can be displayed in the following areas:

"Confidence in Reporting"

In the period immediately following publication of Police Scotland's first review of Sexual Misconduct, several measures were taken to publicise professional boundaries and the standards of professional behaviour. This year also saw a marked increase in the number of referrals for cases of Sexual Misconduct, indicating an increased confidence in the workforce to either report these cases personally or on behalf of a colleague.

"Welfare Support"

To ensure a victim focussed approach, enhanced welfare strategies have now been incorporated into Sexual Misconduct investigations,

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including but not limited to, review of Investigation Wellbeing Guidance, development of good practice and welfare checklists, guidance and support for welfare officers.

“Investigative Process”

Investigation process and policy has now been developed between Head of PSD and Specialist Crime Division, Public Protection to ensure that when allegations of Sexual Misconduct are made, that the appropriate investigative response is made, ensuring independence and transparency and that in the case of on duty criminality, COPFS CAAPD are incorporated at an early stage.

Work continues to promote our Standards of Professional Behaviour and Code of Conduct through the PSD Preventions and Professionalism Programme as reported within the main quarterly report.

New editions to the public report include a copy of our internal publications, ‘The Standard’ and ‘Misconduct Outcomes’, to enhance transparency and provide assurance around our approach to preventions and continuous improvement.

Police Scotland continues to have visible representation across relevant groups led by the National Police Chiefs Council (NPCC) to ensure it remains abreast of trends as well as remaining current in respect of broader organisational good practice and learning.

PSD are fully engaged in the agenda, priorities and governance structures in respect of the organisational Sex Equality Tackling Misogyny work stream.

Police Scotland continues to actively encourage and support the reporting and challenging of inappropriate behaviour through facilitation of internal, external and anonymous reporting mechanisms. To this end, Police Scotland were part of the UK wide roll-out of the National Anti-Corruption and Abuse reporting service commissioned by NPCC and provided by Crimestoppers. The service provides the public with a wholly anonymous reporting mechanism to provide information relating to corruption and wrongdoing by police officers and staff.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 There are no further details on this report.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

4.1 The nature of the matters reported inevitably leads to implications for both individual and wider personnel matters. These are considered on a case by case basis to ensure welfare, conduct and both individual and organisational learning opportunities are identified and addressed.

5. LEGAL IMPLICATIONS

5.1 There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

6.1 As per Item 4.1, each case is assessed for individual and organisational reputational risks and implications and appropriate action taken

7. SOCIAL IMPLICATIONS

7.1 The nature of the data reported in this paper is related to complaints about the police and conduct matters. By its very nature, the subject matter implies a level of negative social, community and equalities impact. By addressing the individual matters and thereafter considering holistically that which has been reported, Police Scotland seeks to mitigate the negative impact of those cases reported.

8. COMMUNITY IMPACT

8.1 As per 7.1 above.

9. EQUALITIES IMPLICATIONS

9.1 As per 7.1 above.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of this report.