

COMPLAINTS AND CONDUCT COMMITTEE
2 March 2021

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Wednesday 2 March 2022.**

Committee Members

Alasdair Hay (Chair)
Paul Edie
Grant MacRae

Scottish Police Authority

Darren Paterson, Head of Workforce Governance
David Collie, Complaints and Conduct Manager
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Colette Craig, Governance Support Officer

Police Scotland

Chief Superintendent John Paterson

PIRC

Ilya Zharov

HMICS

Elaine Galbraith

1.1 Welcome and Apologies

The Committee Chair welcomed attendees and Chief Superintendent John Paterson from Police Scotland, PSD to his first meeting. The Chair also welcomed Elaine Galbraith from HMICS and noted that Elaine would be attending committee meetings going forward to provide input to the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.

The chair also welcomed the secondment of both Chief Inspector Melanie Wade and Sergeant Paul Harkins from Police Scotland Professional Standards Department into the SPA Complaints Team.

Apologies were noted from the following;

SPA Member Fiona McQueen

Deputy Chief Exec Chris Brown
ACC Alan Speirs
Stuart Milne

1.2 Declarations of interest

There were no declarations of interest.

1.3 Minute from meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the meeting held on 25 November 2021 as an accurate record of the meeting.

1.4 Public Minute from private meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the private meeting held on 19 August 2021 as an accurate record of the meeting.

1.5 Minute from private meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the private meeting held on 25 November 2021 as an accurate record of the meeting.

1.6 Action Log and Matters Arising

Members noted the updates provided and agreed with the recommendations for closure.

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

1.7 Decision on taking business in private (Items 9 - 12)

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 9 to 12 on the agenda in private.

2. SPA Quarterly Report (Q3 – 21/22) – Darren Paterson

Members considered the report which provided information and updates on complaints matters, including key statistics reflecting the position at the end of Q3, 2021/22, matters considered at recent multi-agency meetings and updates on other key updates from the team. Darren

Paterson (DPaterson) highlighted a number of key points as detailed in the paper. DPaterson paid particular attention to complaints in respect of Forensic Services and noted that these complaints have typically come to the SPA directly or via Police Scotland. As a result the SPA Complaints Team engaged with Forensic Services in November 2021 to ensure they had been sighted on any relevant complaints which had been received directly by Forensic Services. Forensic Services have undertaken a review with one case being identified in the last two years where a notification was missed. The SPA are satisfied that the complaint was dealt with and closed to a satisfactory standard. Forensic Services have provided assurance to the SPA that they have made the appropriate changes to their procedures to prevent a future reoccurrence.

In discussion the following matters were raised:

- Members sought clarity around Cases Received by the SPA that were marked to be determined. DPaterson advised those were cases that still required further determinations as to whether those cases are relevant complaints and whether they are within the remit of the SPA.
- Members welcomed developments in relation to benchmarking and training and sought clarity that the right skills and capacity were within the team in order to take these areas forward. DPaterson advised that he was content. Business as usual activity has progressed well recently which provides space to focus more on continuous improvement and broader engagement, benchmarking etc. DPaterson added that secondment of officers from Police Scotland PSD would further supplement resource.
- Members sought clarity on whether there was anything emerging through dialogue with complainers around the changes to the website and ability to complain to the correct organisation. DPaterson advised that it was too early to determine, however, the interactive form and guidance is intended to specifically guide people to the appropriate authority and early indications show that is happening. This area will continue to be monitored. DPaterson added that a contract had been awarded to take forward a wider digital SPA Review and the intention would be for this organisation to undertake their own assessment of the website along with further user testing.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report

3. Police Scotland Professional Standards Quarterly Performance Report (Q3 – 21/22) – CS John Paterson

Members were provided with a report which noted the statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for Q3. Chief Superintendent John Paterson (CSJPaterson) highlighted key points from the report.

In discussion the following matters were raised:

- Members referred to East Command and sought clarity on the increase on complaints in that area along with the the Contact, Command and Control (C3) increase. CSJPaterson advised that this area was subject to ongoing analytical work and that he would bring the results of that work back to the committee.
- Members referred to the spike in Quality of Service in relation to Policy/Procedure and Service Delivery. Noting ongoing analytical work being undertaken, they asked if there were any initial insights, and about any interaction from PSD in respect of training interventions to prevent recurrence. CSJPaterson advised that the most common theme being identified was officers providing updates to those who have contacted the police. CSJPaterson provided assurance as a previous divisional commander, this is something that officers are reminded of on a continuous basis as part of monthly discussions between PSD and divisions. CSJPaterson added that in terms of training there is an intention to introduce within the second quarter of the next financial year, a Preventions and Professionalism Programme which will address all learning and how that is taken through each stage of training within the organisation.
- Members noted concerns around the unauthorised disclosure of sensitive information being a concern for PSD and sought assurance that this is something that can be addressed through communication/guidance. CSJPaterson noted that the answer fell into 2 parts, the deliberate release of information where the anti-corruption unit conduct assessment and investigation; and unconscious releases of information that is addressed by information security. CSJPaterson provided assurance that there are regular reminders over the organisation. CSJPaterson advised that additional checks and balances were carried out via workforce monitoring.
- The Chair referred to PIRC Statutory Referrals and lessons learned and sought clarity on what those lessons were. CSJPaterson noted that lessons learned for Q3 were presented within page 24 of the report, however, would bring more information forward if required. The Chair

advised that he would be keen to discuss themes being identified at the forthcoming workshop to assist with transparency and complete the picture for the committee. The Chair noted that being a learning organisation was, although the correct thing to do, a difficult thing to achieve. The Chair sought clarity on whether or not PSD had any thoughts around how they would embed lessons learned into the department. CSJPaterson referred to part of ACC Speirs' portfolio of Governance, Audit and Assurance and noted that there was an Organisational Learning and Development Programme that sits within that. The intention is that all recommendations come to a central point with key themes identified and embedded by the most appropriate area. CSJPaterson added that HMICS provide additional scrutiny which is hoped will provide further assurance to members.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q3) and AGREE the following actions;

20220302- CCC- 001: Chief Superintendent John Paterson to return the results of analytical work being carried out within East Command to understand and address increases, against previous year to date and 5-year average, in complaints in Fife and Contact, Command and Control (C3)

20220302- CCC- 002: Ensure that themes emerging from PIRC Complaint Handling Reviews and Statutory Referral investigations are discussed in greater detail at a forthcoming Complaints and Conduct Workshop.

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

Ilya Zharov (IZharov) provided a summary of the report which provided Quarter 3 statistical information relating to PIRC CHRs.

In discussion the following matters were raised:

- Members sought clarity on reference to greater complexity of CHR cases IZharov advised that the PIRC have received a number of cases that arise from complex investigations which often have a significant number of allegations. IZharov noted the need for officers allocated to cases being sufficiently experienced and have relevant knowledge and expertise to tackle complex issues raised. That can then impact on resource within the PIRC.

- Members referred to the recommendations issued to Police Scotland relating to insufficient enquiry having been carried out into complaints and sought clarity on whether there were any trends being identified in respect of what is missing. IZharov advised that these tend to be on a case-by-case basis, focussed around further enquiry which PIRC consider would have been proportionate. In relation to recommendations relating to quality of final response letters, Members asked what issues were being identified around the letters. IZharov advised that use of plain English can be an issue (e.g. use of abbreviations that members of the public would not be aware of), as can
- Identification of officers (there is an agreement that officers are identified unless there are specific concerns that justify not doing so).
- The Committee resolved to:
 - **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints.

5. Joint Audit SPA/PIRC Update –Ilya Zharov

(Members were provided with the Terms of Reference (ToR) for the Audit prior to the discussion of this item)

IZharov provided a verbal update in relation to the planned Joint Audit between SPA/PIRC of Police Scotland complaint handling. IZharov noted that this was the first audit for some time in relation to complaint handling and would be primarily in relation to recommendation 42 within the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing report (i.e. initial triage and assessment of relevant complaints). The recommendation referred specifically to the National Gateway Unit, however, that has been excluded from the scope of the audit as it does not receive any complaints from members of the public. The audit will therefore focus on the National Complaints Assessment and Resolution Unit. Recommendation 42 also refers to article 3 and 5. There is now a new system in place to deal with these types of allegations. There is currently a procedural review of this model, therefore these this will also be excluded from the audit. It is hoped that the audit will commence on the 7th March 2022 and it is anticipated it take place over a 3 week period, however, there will be flexibility if required. It is hoped to have the final report with the committee for quarter 2 for the next financial year.

The Committee resolved to:

- **NOTE** Joint Audit SPA/PIRC verbal update.

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. DPaterson highlighted key points as noted within the report and attached action plan.

In discussion the following matters were raised:

- Members sought clarity that there was a confidence that sufficient progress was being made to deliver on the dates noted within the action plan. DPaterson advised that he was entirely confident that timescales in relation to recommendations that are within the gift of the SPA will be met, but noted that there are dependencies on certain actions on the work of other organisations.
- The Committee resolved to:
 - **NOTE** the Update.

6.2 Police Scotland update – CS John Paterson

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. CSJPaterson drew members' attention to page 3 of the report and highlighted the recommendations that were out for consultation with a view to closure and others that Police Scotland intend to advance by the end of March 2022. CSJPaterson thanked HMICS and staff associations for their valuable input to this work.

In discussion the following matters were raised:

- Members sought clarity around the status of recommendation 18. CSJPaterson advised that it was currently under review following discussions with HMICS. Whilst the recommendation was put forward for closure that was withdrawn following the need for additional clarity around that. Elaine Galbraith (EGalbraith) advised that

recommendation 18 is taken in 2 parts with the first part being the broader fundamental review of equality matters, whilst taking into account HMICS's pending inspection of training and development at that time. EGalbraith advised that HMICS had since published its report on recruitment, retention, development and promotion of staff underrepresented groups, and attended the Independent Review Group to present its findings. However, the IRG itself is still yet to report, which EGalbraith advised was understood to be scheduled for later in the year

The Committee resolved to:

- **NOTE** the update.

6.2 HMICS update – Elaine Galbraith

EGalbraith advised that HMICS were now aligned to the timelines set out within the reporting structures with reporting processes with Police Scotland Audit and Assurance in place and will aim to meet with them and PSD before the end of March. EGalbraith added that the input from Audit and Assurance highlighted the high quality in terms of standard of evidence submission that comes across all recommendations and noted previous benefits of that process.

In discussion the following matters were raised:

- Members referred to recommendations 61 and 78 and sought clarity why both had been delayed June 2022 and what would it take to unlock communication to move them forward. CSJPaterson advised that his understanding was that they were delayed only until June 2022 rather than passed that date.
- The Chair welcomed the input from HMICS at the meeting and meetings going forward.

The Committee resolved to:

- **NOTE** the update.

7. COP26 Complaint Outcomes – CS John Paterson

Members considered a report that provided an up-to-date position on the status of complaints and conduct matters received during and in respect of the Conference of the Parties (COP26).

In discussion the following matters were raised:

- Members referred to the debrief workshop facilitated by Scottish Multi-Agency Training and Exercise Unit (SMARTEU) and sought clarity on whether the committee would have opportunity to have sight of learning opportunities that came from that. CSJPaterson advised that PSD await the final report from SMARTEU, however, once available that would be shared with members.

The Committee resolved to:

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

20220302- CCC- 003: Ensure that the final report by Scottish Multi-Agency Training and Exercise Unit (SMARTEU) is shared to allow members to have sight of any learning opportunities.

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.

The Chair concluded the public session of the Committee.

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.

COMPLAINTS AND CONDUCT COMMITTEE
18 August 2022

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Monday 18 August 2022.**

Committee Members

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

Scottish Police Authority

Darren Paterson, Head of Workforce Governance
David Collie, Complaints and Conduct Manager
Melanie Wade, T/Chief Inspector
Colette Craig, Governance Support Officer

Police Scotland

Chief Superintendent John Paterson
Chief Superintendent Catriona Henderson

PIRC

Ilya Zharov
John McSporran

HMICS

Craig Naylor

1.1 Welcome and Apologies

The Committee Chair welcomed attendees and congratulated Chief Superintendent John Paterson (CSJPaterson) for successfully passing through the Police National Assessment Centre (PNAC) and who will now be joining the Strategic Command Course. The Chair welcomed Chief Superintendent Catriona Henderson (CSCHenderson) who will be stepping into the role of CSJPaterson for the committee.

The Chair welcomed John McSporran (JMcSporran), Head of Investigations from PIRC who will be providing support to Item 4 on the agenda.

Apologies were noted from; Chris Brown, Deputy Chief Executive Resources (SPA) and Assistant Chief Constable Alan Speirs (Police Scotland)

1.2 Declarations of Interest and Connections

There were no declarations of interest.

1.3 Minute from meeting held on 31 May 2022 for approval

Members **AGREED** the Minute of the meeting held on 31 May 2022 as an accurate record of the meeting.

1.4 Public Minute from private meeting held on 31 May 2022 for approval

Members **AGREED** the Minute of the private meeting held on 31 May 2022 as an accurate record of the meeting.

1.5 Action Log and Matters Arising

- 20223105- CCC- 001 - Members sought clarity to what extent there would be a measurement put in place around the effectiveness of the QR Code. Darren Paterson (DPaterson) advised that any changes to this process are being tracked and even within the last short period, improvements have been identified. This will be monitored over a longer term period. In addition the intention is to undertake some benchmarking activity to identify whether similar organisations are experiencing similar challenges and what action they have taken. DPaterson added that there is a wider SPA project taking place to look at the website and the developer have advised that the complaints page, in their view, is doing what it should with no further additions suggested by them at the moment. Wider public testing will take place following this which will allow consideration of potential improvements.
- Members had a discussion around the scheduling and timing of work coming to the committee and noted the need to consider realistic dates for work to be completed. The Chair agreed the need to be effective and efficient however not be detrimental to wider work within Police Scotland. They advised that analysis of actions and the discharge dates with the SPA Complaints Team ahead of the next committee workshop should allow for this matter to be discussed more broadly along with routine reporting.

The Committee **APPROVED** the action log, noted the updates provided and **AGREED** the following action;

20221808 - CCC- 001 – Darren Paterson to consider whether action due dates are realistic and further consider which items which may be incorporated into work plan as routine reporting and feedback to Colette Craig.

1.6 Decision on taking business in private (Items 8 - 14)

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 8 to 14 on the agenda in private.

2. Police Scotland Professional Standards Quarterly Performance Report (Q1 - 22/23) – CS John Paterson

Prior to taking the report, CS John Paterson assured members that two actions outstanding for Police Scotland were well advance. In terms of Irregularity in procedures there are 18 sub categories being worked through to ensure the report is meaningful for members. In order to provide members with assurance, CSJPaterson advised that there was no single policy causing concern. The driver seemed to be the lack of information provided to members of the public who make complaints. In terms of Discriminatory Behaviour the challenge is highlighted within the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing Report and around the capture of data. It is being worked through with the analytical team.

Members considered the report which provided statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2022 – 30 June 2022). CS John Paterson highlighted key points noted within the executive summary. During discussions the following matters were raised:

- Members referred to the analytical action on page 25 of the report and sought clarity on when that analysis would be complete. In addition asked for further information in relation to social and equalities implications of the report. CS John Paterson advised that the analytical work would be done by November 2022, with an update being provided by ACC Speirs at the October Committee Workshop. CS John Paterson advised on the challenges faced around discriminatory behaviour, the sub categories and the 5 year averaging and being able to report that information. The information that is captured is being broken down all falls mainly around arrests

for criminality and road traffic matters. Police Scotland are constantly looking for the learning from these areas and address the greater detail in order to push down to local commanders and if required amend any training. In relation to sexual misconduct, the rise is recognised and welcomed as Police Scotland believe this to be an increase of awareness and confidence in coming forward. A six month update will come forward to the committee on this as previously agreed.

- Members referred to the increase on allegations of assault on assault primarily driven by Tayside and sought clarity on what had driven the increase. CS John Paterson advised that there had not been a specific incident, team or police office that had driven this increase.
- Members referred to the live complaints referred to on page 10 and sought clarity on whether that was an improved picture as the narrative would suggest otherwise. CS John Paterson advised it was improved and that there were 113 legacy cases still live due to their complexity.
- Members referred to the National Gateway Assessment Unit with an increase in Business Interest and Notifiable Association and noted concerns around the disproportionate time being spent on these categories by PSD. CS John Paterson advised that Police Scotland welcomed the increase as it was an indication that the process was effective and that in past officers and staff would have business interests that were undeclared making that an unknown risk to the organisation. CS John Paterson advised that this also allowed PSD to provide guidance staff in relation to these areas.
- Members sought clarity on the process that surrounds the referral of Incidents in Police Custody to PIRC. In addition members referred to actions taken to address Excessive Force and Assault in Fife and sought clarity on how that is rolled out throughout the force. Members also asked if there was any evidence around the use of excessive force by an officer and whether it was related to a previous assault that they had personally suffered. CS John Paterson advised that he had regular meetings with the Head of Criminal Justice Services Dept. Every second month there is meetings with the ACC who is in charge of that portfolio to look at any learning. This time is built in to allow PIRC opportunity to undertake any review and feedback any immediate learning. CS John Paterson advised that when they are notified of a serious injury it is immediately recorded at PSD and then referred to PIRC. PSD work with PIRC to ensure they have access to all the relevant information, PIRC then feedback learning to PSD who then capture that learning appropriately. That learning is then fed into meetings with divisional

commanders and onto Officer Safety Trainers to allow them to factor into their 2 day training courses. This learning is also carried out in Fife when addressing excessive force and assault, at times it is just about upskilling officers. CS John Paterson referred to Trauma-informed Care and advised this was being looked at for officers and staff as part of wider wellbeing, however, advised that he would check to see if there was any evidence to show that the use of excessive force by an officer had related to a previous assault that they had personally suffered during their worktime.

- The Chair referred to Quality of Service Complaints and noted how that can relate back to response time and in turn police numbers within local communities and sought clarity on how this is being joined up within the organisation. CS John Paterson advised that he would not say it was a direct coloration to police numbers, however, advised that it is a wider organisational discussion, with focus being provided by HMICS around tri-service work. CS John Paterson expanded on some collaboration work with the fire services, ambulance service and wider health partners. CS John Paterson advised that the police service tend to be the publics first and last resort, however, they are not always the right service to be providing a response, which brings on a wider discussion around public sector responses.
- The Committee resolved to:
 - **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q1 - 22/23) and **AGREED** the following action.

20221808 - CCC- 002 – CS John Paterson to identify if there was any evidence to show that the use of excessive force by an officer had related to a previous assault that they had personally suffered during their worktime.

3. SPA Quarterly Report (Q1 - 22/23) – Darren Paterson

Members considered a report which detailed key statistics reflecting the position at the end of Q1, 2022/23. DPaterson highlighted key points from the report.

- Members welcomed the reduction in time taking to resolve complaints and noted it to be a positive and clearly presented report.
- The Committee resolved to:
 - **NOTE** the SPA Quarterly Report (Q1 - 22/23)

4. PIRC Quarterly Report on Police Scotland Handling of Complaints and Investigation Referrals – Ilya Zharov and John McSporran

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews and Investigations. The report includes key statistics reflecting the position at the end of Q1, 2022/23. During discussions the following matters were raised:

- Members referred to issues around the online form and noted that accessing the online complaints form was fundamental therefore asked when the matter would be resolved and was there a confidence that complainers were still managing to provide complaints to PIRC. IZharov advised that they have been unable to resolve the matter with specialist IT input therefore work is ongoing by PIRC to develop a new website and new form. In the meantime they are doing all they can to assist the public, providing the ability to download the forms and posting forms to the public when requested to ensure they are not disadvantaged.
- Members referred to page 8 and sought clarity that PIRC follow up on those complaints that are reassessed. IZharov advised that the PIRC ask Police Scotland to implement every learning point, recommendation and reconsideration direction within 56 days. There is a recommendations tracker and each case worker and reviewer is responsible for their own caseload and recommendation. PIRC are constantly in dialogue with PSD around the implementation of recommendations, if recommendations are not implemented within 56 days PIRC contact PSD for an update on progress. At this same point a refresh letter is issued to the applicant.
- Members sought clarity that if there was a consistent area requiring the PIRC to revisit would training be considered. IZharov advised that PIRC provide training inputs and workshops to areas that they feel need addressed.
- Members sought clarity around the figures presented on page 13 referring to Article 3 & 5 (assault allegations, unlawful arrest) and whether those figures related to less activity as a result of COVID/lockdown. John McSporran (JMcSporran) advised that as a result of the Lady Elish Angiolini Review and a recommendation that had come from that, allegations of assault or unlawful arrest should transfer from the Police to PIRC. That process started on the 4th October 2022 to allow a 6 month bedding in period. As a result a

comparison for last year is not showing as the figures had transferred from PSD accounting for the significant increase.

- JMcSporran provided an overview of the statutory referrals and provided an explanation around how at times statistics presented can be out of alignment from Police Scotland figures as a result of Crown Office instructions. In addition members were advised on the process around PIRC investigations and provided statistics in relation to findings, recommendations and impact factors.
- Members referred to the impact the use of Tasers had on officers and sought clarity on what support they receive. CS John Paterson advised that there are a number of different support mechanisms in place, particularly Trauma Risk Management (TRiM). There are self-referral processes for any type of trauma for staff where they will get access to specialist counselling or the employee wellbeing programme. In extreme instances, PSD can initiate post incident procedures where the PIRC are involved. Managers are being upskilled to identify issues such as mental health and identify patterns of behaviours. The Chair advised that he would have a discussion with members about where they could be briefed on areas like this.
- Members sought clarity from PIRC that they monitor implementation of recommendations and what assurance does the committee receive on that. JMcSporran advised that PIRC monitor the implementation of recommendations and allow 3 months for Police Scotland to respond on what action has been taken, this insures proper learning and improvement. DPaterson added that with this being a newer section to the report that now provides the vehicle for oversight. Craig Naylor (CNaylor) added that there had been some discussions around how recommendations are dealt with from both HMICS and PIRC and advised that the operational independence of the Chief Constable was the paramount issue. If there was a requirement under law for the Chief Constable to implement a recommendation that would remove his independence, however, if a body makes a recommendation and a route for that recommendation to be made public then there is a good governance framework for that, without impeding the chief constables independence. CS John Paterson added that when the recommendations are received from PIRC they are recorded and tracked along with their being regular interaction. In addition there is further oversight via the SPA Audit Risk and Assurance Committee.
- The Committee resolved to:
 - **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints and Investigation Referrals Report.

John McSporran left the meeting at this point.

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

IZharov provided a verbal update to members and advised that the audit was progressing and a report being drafted before moving into the quality assurance stage. It is hoped that it will be complete by the end of September 2022 and if there is any delay in that regard then the committee will be advised. It is hoped that the report will come to the next committee in November 2022.

The Committee resolved to:

- **NOTE** Joint Audit SPA/PIRC verbal update.

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

6.1 PS Update – CS John Paterson (Verbal)

CS John Paterson provided a verbal update to members and advised that of the 24 recommendations, 14 have now been discharged. The 4 substantive and 1 recommendation from the preliminary report, as reported to the committee in May, have now been submitted for closure and currently going through the Practitioner Working Group for final comment. This will leave Police Scotland with 6 outstanding recommendations which are scheduled for completion by the end of December 2022. A fuller update will come to the next committee in November 2022.

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

6.2 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 Lady Elish Angiolini. DPaterson provided an overview of the report and action plan. During discussions the following matters were raised:

- Members referred to recommendation 11 and the publication of the information and sought clarity on what stage that was at. In addition, for recommendation 27, members sought clarity on how the further training would be monitored. DPaterson advised that recommendation 11 was complete from an SPA perspective and the remaining part is due to be discharged within the 6 outstanding recommendations sitting with Police Scotland by the end of December 2022. DPaterson advised that at the May 2022 committee an update was provided on a range of training and broader development activity, this training and activity has since been agreed and submitted to Scottish Government for consideration. DPaterson added that in the spirit of continuous improvement, training should continue and should not stop to discharge a recommendation, and the team will continue to look for opportunities to further advance that area for SPA officials.
- The Committee resolved to:
 - **NOTE** the update.

7. Committee Workplan

The Chair advised that the work plan should be considered at the forthcoming workshop to allow further discussion on the items within it and future items that should be included.

The Committee resolved to:

- **NOTE** the work plan and agree the following action;
20221808 - CCC- 003 – Ensure that the committee work plan is placed on the agenda for the forthcoming workshop for consideration.



Complaints and Conduct Committee

1 March 2023

Minutes of the Complaints & Conduct Committee held on Tuesday 15 November 2022 via MS Teams

Board Members present:	Katharina Kasper (Committee Chair) Paul Edie (Committee Member) Fiona McQueen (Committee Member) Grant Macrae (Committee Member) Catriona Stewart (Committee Member)
Apologies:	ACC Alan Speirs.
In attendance:	<p><u>Police Scotland</u> Chief Superintendent Catriona Henderson Superintendent Debbie Reilly</p> <p><u>SPA</u> Chris Brown, Deputy Chief Executive Resources Darren Paterson, Head of Workforce Governance David Collie, Complaints and Conduct Manager Colette Craig, Governance Support Officer</p> <p><u>PIRC</u> Phil Chapman Ilya Zharov</p> <p><u>HMICS</u> Maggie Pettigrew Alan Wright</p>

1. INTRODUCTION AND WELCOME:

1.1 Chair's Opening Remarks

Katharina Kasper advised that this was her first meeting as Chair of the Complaints and Conduct Committee. The Chair welcomed Alan Wight and Maggie Pettigrew from HMICS.

1.2 Declarations of Interest and Connections

None.

1.3 Any Other business

None.

1.5 Decision on taking business in private (Item 11 – 14)

Members AGREED to take Items 11 – 14 in private.

2. MINUTE AND ACTIONS FROM PREVIOUS MEETING:

2.1 Minute from meeting held on 18 August 2022 for approval

Members **AGREED** the Minute of the meeting held on 18 August 2022 as an accurate record of the meeting.

2.2 Public Minute of Private Meeting held on 18 August 2022 for Approval

Members **AGREED** the Public Minute of the private meeting held on 18 August 2022 as an accurate record of the meeting.

2.3 Rolling Action Log and Matters Arising

The Chair advised that the actions proposed for closure would be reviewed following items being covered within the agenda.

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

2.4 Decisions since last meeting

None.

3. Police Scotland Professional Standards Quarterly Performance Report (Q2 – 22/23)

Members were provided with a report containing the statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2022 – 30 September 2022). Chief Superintendent Catriona Henderson (CStewart) highlighted key points as noted within the report and Superintended Debbie Reilly provided an overview in relation to conduct matters. During discussions the following matters were raised;

Catriona Stewart (CStewart) referred to the National Gateway Assessment Unit and sought clarity on whether Police Scotland have a means of tracking the effectiveness of any training which in turn fed into this process to ensure that it was being confidently measured. In addition, CStewart sought clarity on what the timescales were in addressing Complaint Handling Reviews (CHR's). CStewart advised that the source of referrals that come into the Gateway are looked at and advised that a couple of referrals had recently been received as a result of an input provided to 300 probationers, therefore they were able to quantify and identify that those referrals had been received as a result of that input. CStewart advised that all CHR's have a response timeline to report back to PIRC in terms of the recommendations.

Fiona McQueen (FMcQueen) sought clarity on how assurance can be gained that pro-active action being taken to reduce complaints is being effective. CStewart advised that a values campaign had recently been launched across the organisation which PSD have a key role/remit in. Within this there is a prevention campaign around the standards of professional behaviour. The ethos behind this campaign is to imbed and change the culture therefore it is hoped that the volume of complaints will reduce and that will be monitored accordingly. It is difficult to quantify how many complaints are as a result of prevention, however, measures are in place for different parts of the programme along where feedback is being sought which should hopefully show improvements going forward. FMcQueen sought clarity on whether complaints from the public can be related to workforce numbers. CStewart advised that was not an area that was currently highlighted, however, it is still early days in terms of resource alignment. If off trend increases are identified then PSD would look to carry out some analysis around that.

Paul Edie (PEdie) asked if there had been a marked increase in firearms response and if so why. CStewart requested to undertake a more detailed review on this matter to report back to the committee. PEdie sought clarity around the timescales (4-5months) reported to close non-

criminal and FLR complaints. CSCHenderson advised that she would discuss these timescales with the local team in order to understand some of the procedural aspects and report back to the committee.

Grant Macrae (GMacrae) sought clarity on whether there was a record of the same types of complaints coming forward against the same officers which may lead to one to one counselling or advice. CSCHenderson advised that there is an early and effective intervention process where PSD invoke if an office is subject to four complaints in a 12 month period they would be subject to intervention in terms of corrective advice. CSCHenderson advised that she would undertake to supply the detail of number of instances of application of Early Intervention & how effectiveness of programme is measured in terms of reduced complaints.

The Chair noted that the report contained vast amount of text and asked that consideration was given to transfer narrative data into graphics to allow a more visual overview. In addition the Chair asked that further consideration was given to other lenses of analysis – i.e. determining factors beyond geography when referring to complaints to provide members with a deeper insight. The Chair sought clarity on whether, within the complaints space, there was diversity data available around officers being complained about. CSCHenderson advised that there were some limitation on the database used by PSD and it is one of the matters highlighted as part of Lady Elish's Review. PSD are actively looking to upgrade the PSD database in order to enhance the recording of diversity detail. CSCHenderson advised that she would provide information on work to understand/address impact of totality of complaints on workforce.

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

20221511 - CCC- 001 – Chief Superintendent Catriona Henderson to undertake a more detailed review in order to provide further assurance in relation to the volume of statutory referrals to PIRC in relation to armed policing.

20221511 - CCC- 002 – Chief Superintendent Catriona Henderson to review the timescales reported to close non-criminal and FLR complaints and report back to the committee.

20221511 - CCC- 003 – Chief Superintendent Catriona Henderson provide a summary of number of instances of application of Early Intervention & how effectiveness of programme is measured in terms of reduced complaints.

20221511 - CCC- 004 – Chief Superintendent Catriona Henderson - Presentation of data – Look to transfer narrative data into graphics to allow a more visual overview.

20221511 - CCC- 005 – Chief Superintendent Catriona Henderson to consider other lenses of analysis – i.e. determining factors beyond geography when referring to complaints to provide members with a deeper insight. For example, by:

- **Types of duties**
- **Head of population/size of force**

Demographic profile of subject officers (e.g. Rank, LoS, diversity data).

20221511 - CCC- 006 – Chief Superintendent Catriona Henderson to provide information on work to understand/address impact of totality of complaints on workforce.

4. SPA Quarterly Report (Q2 – 22/23)

Darren Paterson (DPaterson) provided an overview of the report which provided updates on complaints and conduct matters including includes key statistics reflecting the position at the end of Q2, 2022/23. During discussions the following matters were raised;

GMacrae referred to complaints against senior officers, due to them being the figureheads of what is happening within policing, and sought clarity on whether any trends had been identified around lack of resolution. DPaterson advised that no themes around lack of resolution had been identified and added that if a member of the public felt a complaint had not been handled correctly then the route would be to go through the PIRC as a Complaint Handling Review (CHR).

Members **NOTED** the report

5. PIRC Quarterly Report on Police Scotland Handling of Complaints and Investigations Referrals

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews and Investigations. Phil Chapman (PChapman) provided an overview on the Investigation Referrals. The report included key statistics reflecting the position at the end of Q2, 2022/23. During discussions the following matters were raised:

FMcQueen referred to the need for complaints having to be reassessed due to insufficient inquiry and sought clarity on what that was. FMcQueen also

welcomed the improvements in terms of administrative behaviours however noted a variation from quarter to quarter in PIRC findings and sought clarity on whether that was just a natural variation or was there worrying trends being identified. IZharov advised that in terms of insufficient inquiry, those recommendations primarily relate to when additional and obvious lines of inquiry that could potentially effect the determination of the complaint have not been addressed when they could have been. In terms of administrative behaviours, there are variations from quarter to quarter for a variety of reasons, one is the need to take into consideration the arrival and departure of staff into PSD and training needs to be carried out which can affect the quality of complaint handling. There has been recent discussions around the need for further training input to be provided to PSD by PIRC following the arrival of new staff.

CStewart referred to complaints reasonably handled and asked if why the trend in north differed. IZharov was unable to provide a specific rationale for the variation, however, assured members that there was ongoing discussions with regions on the data and any arising issues. IZharov agreed and advised the culture of learning and improvement is promoted these areas will be addressed.

The Chair reflected on some of the learning points that had come from cases that had not been dealt with to a sufficient standard and noted that many of them fell into a procedural weakness and advised that as the new Complaint Handling Model is bedding in there would be an expectation these matters will be resolved through training.

The Chair referred back to performance within the North and sought clarity that what the PIRC were seeing was not a statistical representative sample from each of the region. IZharov agreed and advised that the data provided is based on individual cases brought to the PIRC as a CHR, therefore it is not a definitive representation of complaint handling in the North and the annual figure would perhaps be a better reflection.

PEdie referred to statutory referrals on fire arms and sought clarity on how the committee could monitor that within both PIRC and Police Scotland performance reporting. PChapman referred to page 11 of PIRC report set out the PIRC investigations and processes. PChapman took members through the assessment process in relation to fire arms referrals and how they feedback the outcome of that process back to Police Scotland. PEdie noted discrepancies between the PIRC and PS reports in relation to referrals on fire arms. PChapman advised that he would review anomalies in the PIRC report compared to the PS report and clarify the position back to the committee.

GMacrae sought clarity on how PIRC are resourced to complete investigations within a reasonable time scale. PChapman advised that work has changed dramatically within PIRC following the work now taken on surrounding the investigations of Article 3 (criminal allegations of assault against the police). PChapman advised that this is a substantial body of work and impacts on the other core work and impacts on KPI's that have been set for a number of years. Although there has been an uplift in staff following the Lady Elish recommendations, the workload is substantial and PIRC are not resourced to a suitable level.

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

20221511 - CCC- 007 – Phil Chapman and Chief Superintendent Catriona Henderson to review anomalies in PIRC report compared to PS report and clarify the position back to the committee.

Phil Chapman left the meeting at 11:25am.

6. Organisational Learning

DPaterson provided an overview of a report which provided an update to the Committee on a review conducted by the SPA Complaints Team into trends and learning opportunities identified in relation to the handling of relevant complaints by the SPA over the period 2017/18 - 2021/22. During discussions the following matters were raised:

CStewart sought clarity around the handling of the removal of complaints on SPA staff due to them being moved to HR as part of a grievance process. DPaterson advised that this was around correct categorisation and ensuring the appropriate and correct route is taken in the first instance and the SPA being satisfied that what they have is a relevant complaint. DPaterson added that previous criticism from Lady Elish was that the organisation in the past had gone straight to a complaint route when in fact matters did not meet that definition and should have gone down a different route. In terms of grievance matters for senior officers, a point made by Lady Elish, was around the need for grievance matters to be treated like grievance matters and considered through the appropriate grievance procedure. Members noted the difference and overlap with the People Committee in terms of grievance matters.

Members **NOTED** the report.

7. Key themes of Complaints

CSCHenderson provided an overview of a report which were brought forward to discharge the following actions:

- 20223105-CCC-0004 - Produce a bespoke report for the next committee around Discriminatory Behaviour and Quality of Service, looking at the data from 2121/22, allowing for a deeper dive into a full five years' data.
- 20223105-CCC-005 - Provide the committee with further detail around which policies are the drivers for Irregularity in Procedures based on a 5 year average.

During discussions the following matters were raised:

CStewart sought clarity on how Police Scotland are able to evaluate the output of awareness campaigns. In addition, allegations with a race sub-type and a majority of males making complaints, CStewart sought clarity on whether there was any way of Police Scotland evaluating why that was the case. CSCHenderson advised that Police Scotland raise awareness and educate officers around all the sub categories noted within the report. There is also a number of diversity associations internally where feedback is actively sought on a monthly basis, where good honest feedback is provided in terms of Police Scotland's approach. The Professionalism and Preventions Campaign will allow further opportunity to enhance education, learning and prevention in terms of awareness training. CSCHenderson advised that some thought would be required around seeking feedback around the imbalance of male and female reporting.

FMcQueen referred to Quality of Service data and sought clarity on whether there was any learning from that and perhaps opportunity to aggregate learning particularly in relation to lack of update or lack of learning. CSCHenderson advised that lack of updates has been an ongoing concern for the public following public engagement surveys and within the new Complaint Handling Model there is real opportunity to improve this area.

GMacrae referred to additional online training and sought clarity on how long that would take to roll out. CSCHenderson advised that some creative thought has been given to this educational message and advised that the communications and engagement team will tour the country and engage face to face in order to focus on the service brackets.

PEdie noted that the service bracket of 2-5 years held a higher amount of complaints and asked if that was because those officers were more likely to be operational compared to a senior officer in a managerial role. CSCHenderson advised that was the case for those within that service bracket.

Members discussed the importance of ongoing discussions on the area presented for the purposes of learning and improvement. The Chair noted the importance for follow up and asked for management actions of the analysis provided within the report to be brought forward to the committee.

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

20221511 - CCC- 008 – Following the analysis provided within the report, Chief Superintendent Catriona Henderson to bring forward management actions.

9 Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relations to Policing:

9.1 SPA Update

DPaterson provided an overview of work being progressed by the SPA to address recommendations arising from the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, led by Dame Elish Angiolini. During discussions the following matters were raised:

FMcQueen advised that she would find it helpful to have a list of recommendations, actions taken and evidence of assurance. DPaterson advised that there has been a different reporting approach compared to previous, however, all SPA actions that have been proposed for closure have been brought back to the committee for its satisfaction before being presented to Scottish Government. DPaterson provided an update in relation to the 3 outstanding SPA recommendations and advised that these will be reported back to the committee for discharge.

The Chair noted that a period of time since some recommendations had been closed off closure and asked for an analysis around the desired impact of closed recommendations.

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

20221511 - CCC- 009 – Darren Paterson to provide an analysis around the desired impact of closed recommendations.

8 Professional Boundaries – Progression of Recommendation

CSCHenderson provided a progress update to members in respect of the PSD case review of complaints and conduct matters impacting on professional boundaries. During discussions the following matters were raised:

Members welcomed the report and advised that it represented a firm change in the organisation.

FMcQueen referred to the person raising concern and their experience and sought clarity on the plans around that in order to gain further organisational learning. CSCHenderson advised that there will be two strands, internal workforce and members of the public. Internally there is engagement with staff associations where there is active feedback on Police Scotland approach. In terms of next steps there is a gap in reaching out to members of the public and there is a hope to link in with third sector and advocacy organisations and encourage them to report in.

Maggie Pettigrew (MPettigrew) advised that HMICS are keen to have an assurance review of the current vetting and noted that discussions around that have already started to take place in order to allow the review to take place in the next 12 months.

It was agreed that a progress update on this will be placed onto the committee work plan for 6 months' time.

Members **NOTED** the report.

9 Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relations to Policing:

9.2 Police Scotland Update

CSCHenderson provided a Police Scotland progress report in relation to addressing the recommendations from the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.

Members **NOTED** the report.

10 Committee Work Plan

The Chair advised attendees that going forward, when action logs and work plans are circulated, there is a requirement for action owners to review the discharge date. If discharge dates are unrealistic then this should be referred to the Governance Support Officer to discuss with the Committee Chair.

Members **NOTED** the report.