

Meeting	SPA Complaints & Conduct Committee
Date	31 May 2022
Location	MS Teams
Title of Paper	Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing – Police Scotland Update
Presented By	John Paterson, Chief Superintendent Professional Standards
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A – Summary of Progress Tracker

PURPOSE

The purpose of this paper is to provide an update on the status of all Dame Elish recommendations in respect of her Review of Complaint Handling, Investigations and Misconduct Issues in Relation to Policing.

Members are invited to discuss the contents of this paper.

1. BACKGROUND

1.1 On 11 November 2020, Dame Elish’s Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relation to Policing was published. The review contained a total of 81 recommendations, 35 of which Police Scotland are directly responsible for or will require significant input from the organisation in order to be successfully discharged.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 SUMMARY OF PROGRESS

The third Thematic Progress Report has been drafted and will be presented to the next meeting of the Ministerial Group. Within this report, Police Scotland proposed 6 recommendations for closure, all supported by HMICS and the Practitioner Working Group.

There are now 11 recommendations currently open and progress continues. A copy of the summary tracker and timeline is provided at **Appendix A**. One recommendation (R11 Supervisory workloads and ratios) has been transferred from P&D to Local Policing to lead.

Category	Total	Discharged	Proposed Closed	For consultation with SOG on closure	Open
PSD	18	7	0	3	8
P&D	5	2	0	1	2
Local Policing	1	0	0	0	0
PPCW	1	0	0	1	1
OSD	1	0	0	1	0
Total	26	9	0	6	11

Category	Total	Discharged	Proposed Closed	Open
Other Organisations to lead + Police Scotland	10	5	1	4
Requiring Legislation (all)	35	-	-	35

2.2 POLICE SCOTLAND RECOMMENDATIONS - HIGHLIGHTS

Six recommendations have been assessed by HMICS and submitted to the Practitioner Working Group for their consideration. All were approved; therefore, the following recommendations will be presented to the Strategic Oversight Group on 25 May 2022 for approval of closure:

- R04 – Performance Reporting Trends**
- R48 – Publicise Right to Complain**
- R49 – “Know Your Rights” – Website Developments**
- R50 – Third Party Reporting**
- R67 – Mental Ill-Health Training**
- PR11 – Body Worn Video**

There are a further 5 recommendations that are scheduled to complete in advance of the Police Scotland anticipated June 2022 deadline, which include:

- R16 – Diversity of Disciplinary Meetings**
- R61 – Audit Arrangements**
- R66 – Equality & Diversity Legislation and Unconscious Bias Training**
- R78 – Publish Performance in dealing with Complaints**
- PR3 – Skilled Complaints Handling Staff (Civilianisation)**

The governance around the proposed discharge of recommendations continues through Police Scotland’s Dame Elish Strategic Oversight Board and thereafter submitted for review by HMICS. This process provides independent scrutiny and assurance, prior to being submitted to the Dame Elish Ministerial Group.

2.3 RECOMMENDATIONS REQUIRING LEGISLATION – UPDATE

As set out in this year’s Programme for Government, the Scottish Government are consulting on legislative proposals next year with a view of updating legislation to improve transparency and strengthen public confidence in the police.

A list of recommendations which the Scottish Government believes require, or are likely to require, legislation, are covered in next year’s full public consultation.

The consultation is currently in draft and scheduled for publication in Spring 2022. Police Scotland have already been approached for their views, experience and requirements in terms of misconduct processes and this was submitted on 28 January 2021.

A draft Communication & Engagement Plan has been circulated and a Police Scotland position on its content has been submitted to the Scottish Government.

3. FINANCIAL IMPLICATIONS

- 3.1 Whilst there are no current financial implications, it is anticipated as inter-agency collaboration continues to consider data, analysis and review that investment in compatible systems will require to be considered.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no specific personnel implications associated with this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal implications associated with this report.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are no specific reputational implications associated with this report.

7. SOCIAL IMPLICATIONS

7.1 There are no specific social implications associated with this report.

8. COMMUNITY IMPACT

8.1 There are no specific community impact implications associated with this report.

9. EQUALITIES IMPLICATIONS

9.1 There are no specific equalities implications associated with this report.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no specific environment implications associated with this report.

RECOMMENDATIONS

Members are requested to discuss the content of this report.

Item 6.2 Appendix A: Summary of Progress Tracker

Summary of Progress Table

	Total	Discharged	Proposed	Out for consultation	Open
Police Scotland PSD	18	7	3		8
Police Scotland P&D	5	2	1		2
Police Scotland Other Div/Dept	3		2		1
Police Scotland Only Total	26	9	6		11
Other Organisations + Police Scotland	10	5			5
Total with partners	36				21

DAME ELISH COMPLAINTS HANDLING RECOMMENDATIONS - POLICE ONLY

Due up to and including end of June 2022							
Rec No.	Summary Title	Owner	Target Date	Status	Comment	Confidence of Achievement	
1	16	Diversity of Disciplinary Hearings	PSD	01/03/2022 June 2022	On track	Action is complete. Delay with compiling evidence impact form. Discussed in principle with HMICS and supported for closure.	100%
2	61	Audit Arrangements - using Audit Scotland	PSD	Jun-22	On track	DELAYED - Timescales moved from March to June. Ready for closure in May/June	100%
3	66	Equality & Diversity Legislation and Unconscious Bias Training	P&D	Jun-22	On track		100%
4	78	Publish - Performance in dealing with complaints	PSD	Jun-22	On track	DELAYED - Timescales moved - evidence delay due to end of year reporting. Meeting with APU to confirm inclusion within Annual Report	100%
5	PR 3	Skilled Complaints Handling Staff (Civilianisation)	PSD	Jun-22	Consider for amalgamation	Will review as part of our Strategic Workforce Planning and will be an ongoing consideration. Concern re ability to show completion by June 2022.	70%
Due up to and including end of September 2022							
Rec No.	Summary Title	Owner	Target Date	Status	Comment	Confidence of Achievement	
6	17	Support for Internal Discrimination	PSD	Sep-22	On track		100%
7	18	Independent review of equality matters within Police Scotland	P&D	Sep-22	On Hold	Evidence collated and now on hold as no further action possible until the IRG findings are published.	100%
Due up to and including end of December 2022							
Rec No.	Summary Title	Owner	Target Date	Status	Comment	Confidence of Achievement	
8	5	Diversity Data Public Reporting – Expansion and Reporting	PSD	Dec-22	On track		50%
9	11	Sergeant Workload and Supervisory Ratios	LP	Dec-22	On track	We originally thought this work could be brought forward, however, following assessment it is clear there is not as much progress to justify closure. Revert to original December timeline and keep under continual review.	50%
10	19	Diversity Data Collection and Analysis (staffing)	PSD	Dec-22	On track		50%
11	60	Complaints - Demographic Analysis	PSD	Dec-22	On track		50%
COMPLETE							
Rec No.	Summary Title	Owner	Target Date	Status	Comment	Confidence of Achievement	
1	3	Post-Incident Conferal	PSD	Complete	Discharged		
2	4	Performance Reporting Trends	PSD	Mar-22	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported	
3	6	PSD Induction Training	PSD	Complete	Discharged		
4	9	FLR by PSD Staff	PSD	Complete	Discharged		
5	14	Promotion Competencies	P&D	Complete	Discharged	Approved for discharge. Will be included as discharged in the Thematic Report June 2022	
6	15	Staff Survey – Under-represented Group Experience	P&D	Complete	Discharged	Approved for discharge. Will be included as discharged in the Thematic Report June 2022	
7	21	Whistleblowing	PSD	Complete	Discharged		
8	33	Local Scrutiny Committees	PSD	Complete	Discharged		
9	48	Publicise Right to Complain	PSD	Mar-22	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported	
10	49	"Know Your Rights" - Website Development	PSD	Mar-22	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported	
11	50	Third Party Reporting	PPCW	Mar-22	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported. To be discussed with PWG for a view	
12	62	PSD Training Officer	PSD	Complete	Discharged		
13	67	Officer Mental Ill-Health Training	P&D	Complete	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported	
14	77	Officer and Support Staff Welfare	PSD	Complete	Discharged	Approved for discharge. Will be included as discharged in the Thematic Report June 2022	
15	PR 11	Body Worn Video	CJS	Complete	Proposed for Closure	Included in Highlight Report for closure. HMICS Supported. To be discussed with PWG for a view	

DAME ELISH COMPLAINT HANDLING RECOMMENDATIONS
NOT FOR POLICE SCOTLAND TO LEAD

Count	Rec No.	Summary Title	Owner	Theme	Status	Comment
1	2	CAAP-D	Non PS Lead	Audit & Review	Discharged	
2	13	PIRC access to Centurion database	Non PS Lead	Jurisdiction & Powers	Open	
3	32	SPA Role in complaints	Non PS Lead	Rights & Ethics	Open	
4	46	Direct Reporting to CAAP-D - Accountability and Publicity	Non PS Lead	Training & HR	Discharged	Confirmed complete and signed off end of Q1 SOG and MG Review. Update here to confirm that Police Scotland action to provide link from Website is complete
5	47	Police Assaults Referral to PIRC (Articles 3 &5)	Non PS Lead	Rights & Ethics	Discharged	
6	53	Recommendations based on Evidence from Other Jurisdictions	Non PS Lead	Conduct & Standards	Open	
7	65	Training and Development Opportunities PIRC	Non PS Lead	Training & HR	Discharged	
8	70	Independent Custody Visitor Third Party Checks	Non PS Lead	Rights & Ethics	Discharged	
9	80	Non statutory time limit for the submission of complaints by the public	Non PS Lead	Efficiency & Effectiveness	Discharged	
10	PRZ7	Audit	Non PS Lead	Audit & Review	Open	