

COMPLAINTS AND CONDUCT COMMITTEE
19 August 2021

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Thursday 19 August 2021.**

Committee Members

Alasdair Hay (Chair)
Paul Edie (*from 11am*)
Grant Macrae
Fiona McQueen

Scottish Police Authority

Lynn Brown, Chief Executive
Darren Paterson, Head of Workforce Governance
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Robin Johnston,
Eleanor Gaw,
Colette Craig, Governance Support Officer

Police Scotland

ACC Alan Speirs
Chief Superintendent Andy McDowall
Superintendent Nicola Burnett

PIRC

Ilya Zharov

HMICS

Dawn Lewington

1.1 Welcome and Apologies

The Committee Chair welcomed attendees to the meeting and noted that SPA Board Member Paul Edie and SPA Chair Martyn Evans would join the meeting following prior commitments. The Chair welcomed SPA Chief Executive Lynn Brown and confirmed the video conference contingency arrangements. Apologies were received from Chris Brown, Deputy Chief Executive Resources, SPA.

The committee resolved to:

- **NOTE** no declarations of interest;
- **ADOPT** the minute of the 19 May 2021 meeting.
- **NOTE** the action log and that there were no matters arising.
- **AGREE** that, in accordance with paragraphs 20 of the SPA Standing Orders, the Committee would consider items 8-15 in private for the reasons set out on the agenda.

2. SPA Quarterly Performance Report (Q1) – Darren Paterson

Members considered the report which provided information and updates on complaints and conduct matters, including key statistics reflecting the position at the end of Q1, 2021/22. The Chair informed the committee that the audit referred to at 2.9.3 between the SPA and PIRC would take place on the 24th August 2021 and not before the committee as mentioned. Darren Paterson (DPaterson) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members noted the update in relation to the complaints page within the SPA website and sought clarity on what testing would take place around the proposed changes before going live. DPaterson advised that work would be taken forward with the SPA corporate team to undertake appropriate testing, however, provided caution around the fact that although the SPA would do everything possible to ensure the website is clear in redirecting complaints to appropriate areas, there was potential that the SPA would continue to receive complaints out with the SPA's remit and noted challenges were around that piece of work. Members sought further clarity on what work had been done to understand why complaints were continuing to come to the SPA to understand if the issues were around public confidence in Police Scotland and the need for a higher authority to deal with complaints. Members were assured that there was no evidence to suggest it was anything other than administrative error with no underlying issues. DPaterson added that google searches provide the details of the SPA when complainers search this area. Members asked for evidence around this by approaching previous complainers to understand why their initial complaint came to the SPA. The Committee Chair further requested that the SPA engage Complaints team within local government around the national workplan. This will provide guidance to ensure that the work being carried out by the SPA runs alongside that piece of work in terms of the best practices that has been identified. In addition this will allow

the SPA to understand why the public have issues around complaining appropriately.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report and AGREE the following action:

20210819- CCC- 001: Ensure that a degree of testing takes place around the proposed changes to the SPA website before going live. In addition, provide members with evidence around why initial complaints have come to the SPA from previous complainers in order to provide assurance that there are no underlying issues around public confidence in policing.

20210819- CCC- 002: Engage with the Scottish Government 'Open Government Partnership' in respect of wider work on public sector complaints processes.

3. Complaints & Conduct Committee 2020/21 Annual Report – Darren Paterson

Members considered the report which sought Committee approval for the publication of a first annual Committee-specific Annual Report and to provide update on text included in the SPA Annual Report 2020/21, both of which sought to address recommendations arising from the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, led by Dame Elish Angiolini.

In discussion the following matters were raised:

- Members sought clarity on whether there would be any benefit in providing textual content around what action was being taken to address the information provided. DPaterson noted that the information provided within the report outlined what was discussed at the committee at the time, therefore follow on action was not included, however, partner organisations could be approached to obtain further information to supplement the information provided. ACC Alan Speirs (ACCASpeirs) advised that it would be no issue for Police Scotland to provide narrative and agreed with would be beneficial to the reader.
- Members referred to the section under custody and asked for an amendment to the word "custodies" to "monitoring of people in custody".

The Committee resolved to:

- **NOTE** the summary text included in the 2020/21 draft SPA Annual Report;
- **APPROVE** the content of the draft Committee-specific 2020/21 Annual Report; subject to the changes noted within the actions below.
- **DELEGATE** authority to the Committee Chair, supported by SPA officials, to agree final report design to enable publication subject to changes.
- **AGREE** the following actions:

20210819- CCC- 003: Update the report to include context around what action was being taken by partner agencies in order to aid understanding for the reader and promote public confidence.

20210819- CCC- 004: Update reference to the word "custodies" to "people in custody" within the custody section of the report.

4. Police Scotland Professional Standards Quarterly Performance Report (Q1) – ACC Alan Speirs

Members were presented with a report which contained statistical information relating to the investigation of complaints about members of Police Scotland for period (1 April 2021 – 30 June 2021). Chief Superintendent Andy McDowall (CSAMcDowall) highlighted key points from the report before introducing Superintendent Nicola Burnett to provide an overview of the new Complaint Handling Model and Police Scotland targets over the coming months.

In discussion the following matters were raised:

- Members sought clarity on various issues such as what complaints are being upheld or not upheld, trend analysis, geographical differences, gateway referrals, why reputational issues were not included within the report and what is being resolved via FLR. Members sought further clarity around additional resourcing to assist with the new Complaint Handling Model. ACCASpeirs referred to the reputational issues not being included and advised that had been a drafting issue which he would address. Members were advised that the Gateway Assessment Unit is a pivotal point in determining the correct course of action to deal with a complaint and that the unit looks at a range of matters to ensure that a referral is sent to the correct area. ACCASpeirs added that the high number of referrals was positive, highlighting that

people were aware of the unit and use it. Members were advised that fluctuations in complaints geographically was reflective of a variation of the number of officers within the West compared to the East and North. ACCASpeirs does not believe there to be a disproportionate number of complaints within a particular area, however, the West accounts for almost half of Police Scotland officers. CSAMcDowall added that public concerns were dealt with via the National Complaints, Assessment and Resolution Unit and internal concerns were dealt with via the National Gateway Assessment Unit. CSAMcDowall advised that there were no members of support staff brought into assist with the new Complaint Handling Model, the uplift was all officers and provided rationale for that decision. ACCASpeirs advised that within the next quarters report, member could be provided with information that would provide a better understand of recent trends rather than a 5 year analysis, however, that would be for the previous quarter as Police Scotland had 56 days to address complaints. In addition ACCASpeirs suggested that members visit the Professional Standards Department in order to add value in terms of understanding processes.

Paul Edie joined the meeting at 11:00am

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q1) and AGREE the following actions;

20210819- CCC- 005: Future reports to include additional information on complaint categories and outcomes, including geographical differences; provide ongoing trend analysis; and include update on audited impact of organisational learning.

20210819- CCC- 006: Members to visit the Professional Standards Department in order to add value and assist with members understanding to processes.

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

IZharov (IZharov) provided a summary of the report which provided statistical information relating to PIRC Complaints Handling Reviews and highlighted the differences from Q1 this year compared to Q1 of the previous year along with a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members considered the report and referred to outcomes and the terminology of 'Reasonable' and 'Not Reasonable' and sought clarity on whether that terminology could be reconsidered. IZharov advised that although the PIRC look to highlight good complaint handling practises within the reports and although the point was appreciated there was no immediate plans to change the approach, however, he would look to have a more comprehensive response for members when they meet with PIRC on 6th September 2021.
- Members referred to performance markers and noted that a comparison to the previous year (Covid) did not provide a natural comparator, however, the year prior to that would be a more useful comparison. IZharov agreed that he would amend the report to demonstrate from the year previous to Covid to provide a more meaningful comparison.

The Committee resolved to:

- **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints.
- **AGREE** the following action;

20210819- CCC- 007: Give some thought to the terminology of reasonable and not reasonable and feedback considerations to members on the 6th September 2021.

Include pre-pandemic performance information in future reports, to enable more meaningful comparison.

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 the significant progress 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. DPaterson provided a detailed summary of the paper.

In discussion the following matters were raised:

- Members noted that there were significant reputational implications that came with this piece of work and requested them to be included within the report. In addition members noted the need for a timeline to be set out for recommendation 23, 24 and 26 in order to monitor progress. DPaterson advised he would ensure that reputational implications section was captured within future reports. DPaterson added that for recommendation 23, 24 and 26 the SPA have not been identified as a lead role and timescales have yet to be confirmed. The Chair asked that the future reports have a stronger explanation on progress that has been made to the recommendations if timescales cannot be provided.

The Committee resolved to:

- **NOTE** the Update.
- **AGREE** the following action;

20210819- CCC- 008: Ensure stronger explanations on progress against actions dependent on other partners if timescales cannot be provided.

6.2 Police Scotland update – ACC Speirs

ACCSpeirs provided a verbal update and advised that Police Scotland are committed to all of the working groups and work in relation to the recommendations. In addition an oversight board has been established to focus on 34 recommendations that specifically relate to Police Scotland which do not require legislative change or input from other stakeholders. Police Scotland now believe they have done an efficient amount of work to discharge around one third of those recommendations. Further discussions are required around the broader recommendations and ACCSpeirs undertook to provide a written update to the next Committee which was welcomed by members in order to provide them with assurance. Members sought clarity on whether there would be changes to the recommendations following public consultation. Lynn Brown (LBrown) advised that many of the recommendations put forward were best practise with no expectation that they will be consulted on, however, there are issues around changes and legislation along with other aspects that will require public consultation in the New Year.

The Committee resolved to:

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

20210819- CCC- 009: Provide a written update to the next Committee to provide assurance to the committee on work being done by Police Scotland in relation to their recommendations.

7. Complaints and Conduct Committee Work Plan

20210819- CCC- 010: During discussions of all papers brought to the committee members requested that both SPA and Police Scotland ensure that implications noted at the end of all covering papers are updated where appropriate.

The Committee resolved to:

- **NOTE** the work plan.

The Chair concluded the public session of the committee.

APPROVED