

COMPLAINTS AND CONDUCT COMMITTEE
9 March 2020

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held on Monday 9 March 2020 in Pacific Quay,
Glasgow.**

Committee Members Present: Matt Smith (Chair)
Michelle Miller
Grant Macrae

In attendance: Scottish Police Authority (SPA)
Robin Johnston, Head of Legal
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Julie Presslie, Detective Inspector (*seconded to SPA*)
Kerry Morgan, Senior Policy Officer
Colette Craig, Committee Co-ordinator

In attendance: Police Scotland (PS)
ACC Alan Speirs
Chief Inspector Briony Daye
Detective Superintendent Stephen Healy

PIRC
Ilya Zharov, Head of Review and Policy

Apologies: Graham Ravenscroft, Complaints and Conduct Co-ordinator (SPA)
Chief Superintendent Andy McDowall (PS)

1. Welcome and Apologies

The Chair welcomed attendees and welcomed Detective Inspector Julie Presslie, Chief Inspector Briony Daye and Detective Superintendent Stephen Healy from Police Scotland to their first meeting of the Complaints and Conduct Committee. The Chair also welcomed Ilya Zharov (IZharov), Head of Review and Policy at The PIRC as an observer to the meeting.

The Chair informed the committee that the SPA Board would be having a Focus Group Session with Dame Elish Angiolini on the 12th March 2020 to discuss where the SPA were in terms of their report. The Chair invited (IZharov), to provide comment on recent work within the PIRC. IZharov advised that the new Commissioner, Michelle MacLeod had been in post since August 2019 noting significant changes she had brought to the organisation in terms of collaborative engagement with stakeholders along with placing a great emphasis on learning and improvement in terms of the complaints handling process. The PIRC are committed to working with the SPA in relation to improving the complaint handling process and different areas of working are being done to take that forward. IZharov spoke of work being done within the newly developed National Complaint Handling Development Group noting the hope to carry out a joint audit later in the year between PS, SPA and PIRC to hopefully bring forward some tangible results.

The Chair welcomed the comments and noted that the SPA were very keen to take forward the collaborative approach.

2. Declarations of Interest

There were no declarations of interest made.

3. Minute relating to Meeting held on 21 November 2019

The Committee **APPROVED** the minute from the Complaints and Conduct Committee held on 21 November 2019 subject to the following changes:

Third bullet point on page 3 should read as follows:

Most cases, not within the SPA remit, require to be brought to the attention of Police Scotland Professional Standards Department (PSD).

First bullet point on page 4 should read as follows:

The number PIRC Complaint Handling Reviews remains consistently low. The level of complaints being handled to a good standard has increased by approximately 10%.

4. Action Log and Matters Arising

The committee discussed action 20191121-CCC-003 in relation to Dip Sampling and sought clarity on the level of testing and approach that would be taken. David Collie (DCollie) advised that Dip Sampling would be taken forward as part of the National Complaint Handling Development Group to understand how the previous process could be expanded upon. Police Scotland sought clarity on who would sign off on the process going forward and asked that previous dip sampling processes remained in place until they are superseded by a new agreed process. The committee agreed that Dip Sampling should be placed back onto the committee workplan with the first report coming forward to the August Committee Meeting.

The committee **AGREED** the action log from the Complaints and Conduct Committee held on 21 November 2019.

There were no matters arising.

5. Decision on taking business in private (Items 12 -17)

In accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 12 - 17 on the agenda in private for the reasons set out in the agenda.

6. SPA Quarterly Performance Report (Q3)

DCollie provided an overview of the report which contained information and updates on complaints and conduct matters whilst reflecting key statistics of note for Q3. The following key points were highlighted:

- The total number of complaint cases recorded and reported by the SPA included all the correspondence handled by the complaints team, including enquiries. Work is underway to agree a standardised approach to reporting statistics, for example, PS record enquiries as miscellaneous files. ACC Alan Speirs advised that recording enquiries within complaint

statistics could cause issues in the Freedom of Information space. DCollie advised that standardising the terminology should address that issue.

- There is an additional need to standardise how complaints and allegations are reported by the SPA, PS and within PIRC Complaint Handling Reviews (CHRs).
- The number of new cases received are on a downward trend with no specific rationale.
- 2 cases received were within the SPA remit and 19 cases out with the SPA remit, signalling that changes made to the SPA website have brought no benefit as yet around where complaints should be directed. The committee went onto discuss the public perception of the SPA's remit along with whether or not the website was causing the issue and agreed that it was an area that required ongoing monitoring.
- **Relevant Complaints** – One remains ongoing and although missed the closure of 40 working days, there has been continuous engagement with the complainant.
- **Workload Management** – 1 active case and 3 pending cases of which further information is required from complainer to understand if they are within the SPA remit.
- **Case Handling Reviews** – 3 remain ongoing with a further update within the private session.

Members sought clarity on how the department keep an oversight on response times. The process around keeping complainants updated was provided to members.

Members were advised that the SPA still only had read only access to Centurion and asked for a report back detailing costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form for the SPA.

There being no matters of business raised by Members, the Committee resolved to:

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

Report back costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form.

7. Police Scotland Professional Standards Quarterly Performance Report (Q3)

Assistant Chief Constable Alan Speirs (ACCASpeirs) provided an Executive Summary of the report noting the following:

- Complaints have increased by 4.1%, however, allegations have dropped by 7.2%.
- Complaint Resolution Unit have resolved 41% of complaints.
- PIRC Referrals have increased by 16.8%, one factor causing the increase is around the use of firearms and tasers.
- National Gateway Assessment Unit - 1750 referrals with a proportion being individuals with a business interest or notifiable association that they wish to bring to PS attention.
- Conduct Related Matters – 232 conduct related matters have been assessed with only 44 being assessed at the enquiry stage as being gross misconduct. YTD there have been 7 hearings in relation to misconduct.

During discussions members sought clarity around the increase of referrals within the Anti-Corruption Unit. ACCASpeirs advised that there will be more referrals within the west due to having a higher amount of officers there, therefore it was a proportionate flow in terms of where the greatest population of officers and staff are located. Members were assured that being able to categorise where referrals are coming from, and if a particular trend is identified then it is addressed.

Members sought clarity on whether the PIRC referrals would continue to increase as more tasers are rolled out further. ACCASpeirs advised that it is hoped to maintain the current level of 500 officers that use tasers therefore it is hoped that the statistic would improve.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the update provided.

8. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update

DCollie provided a high level summary of the report which provided an update on the actions related to recommendations in the preliminary report published by Dame Eilish Angiolini.

- 25 SPA Implementation Actions with 14 closed. Of the 11 ongoing, 7 will be closed following the approval of the updated SPA Complaint Handling Procedures and Guidance.
- 13 SPA Oversight Actions which PS will provide an update on.
- The remaining Actions are for information only

Since the report was produced the following updates were provided:

- **SPA Website** – The website has been simplified and it is hoped that in time it will address issues.
- **Online Complaints Form** - Members were advised of the need for a security certificate to progress the use of an online complaints form for the SPA.
- **Training** – The Professional Standards CPD event was held in February 2020 and was attended by both the SPA Complaints team and PIRC representatives.
- **Governance** – Despite already established groups to address recommendations, others may come together as and when required, such as short life working groups, to address specific pieces of work.

Robin Johnston (RJohnston) provided the committee with an update following his attendance at the previous Strategic Oversight Group and discussions around possible legislative changes in respect of one aspect of the PIRC's Founding Legislation. In addition there were discussions around a draft MoU between the PIRC, PS and the SPA which had been developed based on experience over the last number of years. The committee advised that the final draft of the MoU should return to the committee for consideration.

Members sought assurance that the work of the Strategic Oversight Group was being fed back to Dame Elish Angiolini and advised that engagement had taken place with the Scottish Government Secretariat, Ian Kernohan, around the work of the group and other pieces of governance taking place. Members were further assured by the PIRC that Dame Elish Angiolini was content around the progress in which interim recommendations were being taken forward and that a further call for evidence was due before the end of April 2020.

There being no matters of business raised by Members, the Committee resolved to:

- **NOTE** the report.
- **AGREE** the following actions.

Report back costs, timescales and approval process in relation to obtaining a Security Certificate to progress the use of an online complaints form.

Final draft Memorandum of Understanding (MoU) being developed within the Strategic Oversight Group to be returned to the committee for consideration.

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

Chief Inspector Briony Daye (CIBDaye) provided an overview of the report and highlighted work being taken forward within PS to take forward recommendations.

CIBDaye addressed the interim recommendations and noted that a police group had been established to address the 12 police recommendations. CIBDaye noted that the recommendation in relation to Body Worn Cameras was out with the powers of the group before advising on progress of the remaining recommendations. CIBDaye advised that the work was embedded and would continue to be so after the work of Dame Elish Angiolini.

The Chair referred to recommendations in relation to audit and sought clarity on how PS believed that would be taken forward. CIBDaye noted that following an internal audit by PS, there was a recommendation that there is more benefit to having yearly audits.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the report.

10. Complaints and Conduct Committee Work Plan

Members asked that some consideration is given to how thematic and specific reports would be presented within the workplan for the year ahead.

There being no matters of business raised by Members, the Committee resolved to **NOTE** the report.

The Chair concluded the public session of the committee