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| Meeting | Complaints & Conduct Committee |
| Date | 02 March 2022 |
| Location | MS Teams |
| Title of Paper | Dame Elish Progress Report |
| Presented By | CS John Paterson |
| Recommendation to Members | For Noting |
| 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

Following approval of the second Thematic Progress Report by the Ministerial Group at its meeting on 2 December, the report was published by Scottish Government on 16 December 2021.

Police Scotland has been working towards the gathering evidence for the closure of a number of recommendations earlier than planned. A review of final outcomes on some of the recommendations has provided a clearer picture on the action required to bring them to a conclusion. A current summary of progress is attached to this report (**Appendix A**).

| Category | Total | Discharged | Proposed Closed | For consultation with SOG on closure | Open |
|--------------|-----------|------------|-----------------|--------------------------------------|-----------|
| PSD | 18 | 6 | | 1 | 11 |
| P&D | 6 | | | 3 | 3 |
| PPCW | 1 | | | | 1 |
| CJSD | 1 | | | | 1 |
| Total | 26 | 6 | | 4 | 16 |

| Category | Total | Discharged | Proposed Closed | Open |
|---|-------|------------|-----------------|------|
| Other Organisations to lead + Police Scotland | 10 | 5 | - | 5 |
| Requiring Legislation | 6 | - | - | 3 |

2.2 POLICE SCOTLAND RECOMMENDATIONS – HIGHLIGHTS

Four recommendations are out for consultation in relation to closure. Evidence packs have been made available to concerned parties to consider the proposed discharge of the following recommendations:-

R14 - Promotion Competences

R15 - Staff Surveys - Under-represented Group Experience

R18 - Independent review of equality matters within Police Scotland

R77 - Officer and Support Staff Wellbeing

Additionally, progress has been made in relation to the PSD Data Owner Group with the initial meeting taking place 17 January 2022. It was determined from this meeting that a Data Working Group should be established with the first meeting to take place in February 2022.

There are a further 6 recommendations that Police Scotland aims to complete in advance of the internal March 2022 target date which include:

R4 – Performance Trends

R11 – Sergeant Ratios

R16 – Diversity of Disciplinary Meetings

R48 - Publicise Right to Complain

R49 - "Know Your Rights" - Website Development

R50 - Third Party Reporting

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.

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.

Summary of Progress Table

| | Total | Discharged | Proposed | Out for consultation | Open |
|---------------------------------------|-----------|------------|----------|----------------------|-----------|
| Police Scotland PSD | 18 | 6 | | 1 | 11 |
| Police Scotland P&D | 6 | | | 3 | 3 |
| Police Scotland Other Div/Dept | 2 | | | | 2 |
| Police Scotland Only Total | 26 | | | | 16 |
| Other Organisations + Police Scotland | 10 | 5 | | | 5 |
| Total with partners | 36 | | | | 21 |
| Requires Legislation | 7 | | | | 7 |

DAME ELISH COMPLAINTS HANDLING RECOMMENDATIONS - POLICE ONLY

| Due up to and including December 2021 | | | | | | | |
|--|---------|--|-------|-------------|----------------------|--|----------|
| Count | Rec No. | Summary Title | Owner | Target Date | Status | Comment | Progress |
| 1 | 77 | Officer and Support Staff Welfare | PSD | Dec-21 | Proposed for Closure | Complete - to be uploaded to Egress once approved by PSD | 100% |
| Due up to and including end of March 2022 | | | | | | | |
| Count | Rec No. | Summary Title | Owner | Target Date | Status | Comment | Progress |
| 2 | 4 | Performance Reporting Trends | PSD | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 80% |
| 3 | 14 | Promotion Competencies | P&D | Mar-22 | Proposed for Closure | Evidence collated and uploaded to Egress 30 November 2021 | 100% |
| 4 | 16 | Diversity of Disciplinary Hearings | PSD | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 40% |
| 5 | 48 | Publicise Right to Complain | PSD | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 75% |
| 6 | 49 | "Know Your Rights" - Website Development | PSD | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 75% |
| 7 | 50 | Third Party Reporting | PPCW | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 75% |
| 8 | 61 | Audit Arrangements - using Audit Scotland | PSD | Jun-22 | Delayed | DELAYED - Timescales moved. Dependent on partnership work with PIRC | 25% |
| 9 | 78 | Publish - Performance in dealing with complaints | PSD | Jun-22 | Delayed | DELAYED - Timescales moved - evidence delay due to end of year reporting. Meeting with APU to confirm inclusion within Annual Report | 40% |
| 10 | 67 | Officer Mental Ill-Health Training | P&D | Mar-22 | On track | Proposal developed - awaiting implementation | 90% |
| 11 | PR 11 | Body Worn Video | CJS | Mar-22 | On track | On track - Evidence Pack to be collated for March meeting. | 75% |
| Due up to and including end of June 2022 | | | | | | | |
| Count | Rec No. | Summary Title | Owner | Target Date | Status | Comment | Progress |
| 12 | 15 | Staff Survey – Under-represented Group Experience | P&D | Jun-22 | Proposed for Closure | Evidence collated and awaiting approval to upload to Egress for consultation. | 100% |
| 13 | 66 | Equality & Diversity Legislation and Unconscious Bias Training | P&D | Jun-22 | On track | | 65% |
| 14 | PR 3 | Skilled Complaints Handling Staff (Civilianisation) | PSD | Jun-22 | On track | | 20% |
| Due up to and including end of December 2022 | | | | | | | |
| Count | Rec No. | Summary Title | Owner | Target Date | Status | Comment | Progress |
| 15 | 17 | Support for Internal Discrimination | PSD | Sep-22 | On track | | 20% |
| 16 | 5 | Diversity Data Public Reporting – Expansion and Reporting | PSD | Dec-22 | On track | | 20% |
| 17 | 11 | Sergeant Workload and Supervisory Ratios | P&D | Jun-22 | On track | Bring forward to March | 75% |
| 18 | 18 | Independent review of equality matters within Police Scotland | P&D | Dec-22 | Proposed for Closure | Evidence collated and uploaded to Egress for consultation. | 100% |
| 19 | 19 | Diversity Data Collection and Analysis (staffing) | PSD | Dec-22 | On track | | 20% |
| 20 | 60 | Complaints - Demographic Analysis | PSD | Dec-22 | On track | | 20% |
| COMPLETE | | | | | | | |
| 21 | 3 | Post-Incident Conferral | PSD | Complete | Discharged | | 100% |
| 22 | 6 | PSD Induction Training | PSD | Complete | Discharged | | 100% |
| 23 | 9 | FLR by PSD Staff | PSD | Complete | Discharged | | 100% |
| 24 | 21 | Whistleblowing | PSD | Complete | Discharged | | 100% |
| 25 | 33 | Local Scrutiny Committees | PSD | Complete | Discharged | | 100% |
| 26 | 62 | PSD Training Officer | PSD | Complete | Discharged | | 100% |

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 | Open | |
| 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 | PR27 | Audit | Non PS Lead | Audit & Review | Open | |