

COMPLAINTS AND CONDUCT COMMITTEE
18 November 2020

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Wednesday 18 November
2020.**

Authority Members

Matt Smith (Committee Chair)
Michelle Miller (Committee Member)
Grant Macrae (Committee Member)
David Crichton (Items 3 -6)

Scottish Police Authority

Robin Johnston, Head of Legal
Darren Paterson, Head of Workforce Governance
David Collie, Complaints and Conduct Manager
Stuart Milne, Complaints and Conduct Co-ordinator
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Susan Montgomery, Lead Solicitor
Eric Leggat, Solicitor (Items 3 -6)
Karen Vallance, Governance Support Officer (Minutes)

Police Scotland

ACC Alan Speirs
Chief Superintendent Andy McDowall

PIRC

Ilya Zharov

1. Welcome and Apologies

The Committee Chair welcomed attendees to the meeting and confirmed the video conference contingency arrangements.

The Committee Chair referred to the recently published Review of Complaints Handling, Investigations and Misconduct in Relation to Policing, noting there would be opportunity at the Committee to discuss further. The Committee Chair noted the importance of the progress made

by SPA and Police Scotland following the Preliminary Report and thanked those who had contributed.

The Committee Chair noted the important progress made by SPA, Police Scotland, the PIRC and the Crown Office following on from publication of the Preliminary Report and offered thanks to all who had contributed to taking this work forward.

- **NOTE** no Board Member apologies;
- **NOTE** no declarations of interest;
- **ADOPT** the minute of the 27 August 2020 meeting.
- **NOTE** the action log and that there were no matters arising. David Collie (DCollie) advised Members that progress of Actions 20200827-CCC-001 and 20200903-CCC-001 were reliant on the ongoing review of the SPA's digital platform. DCollie agreed to confirm timelines within the next action updates.
- **AGREE** that, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee would consider items 7-11 in private for the reasons set out on the agenda.
- **NOTE** an additional meeting of the Committee had taken place on 2nd November. The Minute would be presented for approval at Item 7.

2. SPA Quarterly Performance Report (Q2) – David Collie

The Committee considered the SPA Complaints Quarterly Performance Report. Members noted performance statistics which reflected the position at the end of Quarter 2, 2020/21. DCollie highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were advised that search engines bring up SPA when 'Police Scotland complaints' is searched for, which may explain the significant number of complaints received that do not fall within SPA remit.
- Members were assured that the National Complaint Handling Development Group and the Strategic Oversight Group continue to meet regularly and future dates had been arranged.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report.

3. Police Scotland Professional Standards Quarterly Performance Report (Q2) – ACC Alan Speirs/ Chief Superintendent Andy McDowall

Members considered the report which provided the statistical information relating to the investigation of complaints about members of Police Scotland for the period 1 April 2020 – 30 September 2020. Chief Superintendent Andy McDowall (ChSuptMcDowall) provided an overview of the report and highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- Members were informed that of complaints reviewed by PIRC , 69.6% were reported to be to a reasonable standard.
- Members were informed that one specific geographical area in Scotland has increased the statistics for complaints of excessive force during Quarter 2. This figure correlates with the increase of violent incidents in that particular area and the number of officer assaults and reports of resisting arrest. During October, these figures returned to what is regarded as 'normal' figures.
- It was highlighted to Members that misconduct 'no action' does not mean that nothing has been done. Under conduct regulations there is no action required in relation to an officer, but there may be management guidance and advice required.
- CSMcDowall thanked Ilya Zharov (IZharov) for chairing the National Complaint Handling Group, noting that the group were working collaboratively to improve a fundamental area of policing. Police Scotland will chair future meetings.
- Members highlighted that the Performance Report presented to the Policing Performance Committee then the Authority Meeting present different figures to the reports received by the Complaints and Conduct Committee, due to different analysis approaches. It was requested that analysis to both reports are coordinated to provide a consistent approach.
- Members were assured that the Professional Standards department were sufficiently resourced to carry out their full remit. Resources and functions throughout Scotland provide the ability to be flexible in managing demand.

- Members were assured that Professional Standards maintain a local focus in order to respond to regional variances.
- ACCSpeirs confirmed that excessive force specifically relates to a physical element.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q2).
- **AGREE** the following action:

Performance reporting to the Complaints and Conduct Committee and the Policing Performance Committee to be coordinated to provide a consistent approach.

20201118-CCC-001

4a. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update - David Collie

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from an SPA perspective. DCollie highlighted a number of key points as detailed in the paper and confirmed that expected timeframes for ongoing actions would be discussed within the National Complaint Handling Development Group. DCollie thanked IZharov for chairing the Group and noted that work will progress under the Chair of Police Scotland.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – SPA Update.

4b. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland update – Supt. Conway

Members considered the report which provided an update on the actions related to Recommendations in the Preliminary Report published by Dame Elish Angiolini, from a Police Scotland perspective.

The Committee resolved to:

- **NOTE** the Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Police Scotland Update.

4c. Review of Complaints Handling, Investigations and Misconduct in Relation to Policing – Final Report

The Committee Chair noted while SPA acknowledged the report, it was not the time to give detailed analysis nor to provide a response. Of the 81 recommendations, 8 are specifically related to the SPA but throughout the review there are references to the SPA in its role and many of the recommendations go beyond the area of complaints. The SPA Board will be closely examining recommendations and will have an opportunity to meet directly with Dame Elish to discuss further. The Complaints and Conduct Committee has a major interest in the review as do other SPA Committees therefore time was required for detailed discussion. The Complaints and Conduct Committee worked with Police Scotland, PIRC and Crown Office partners to take forward recommendations from the Preliminary Report as they impacted on the complaints process, and much can be done in the absence of legislative change to improve the current arrangements. A structure is in place to allow that work to proceed, the Strategic Oversight Group and the National Complaints Handling Development Group will continue to meet regularly and provide updates. Much of the review lies out with the remit of Complaints and Conduct Committee.

The Interim Chair noted the report extends into looking at culture and behaviours within the police service and the links between those and where the origins and handling of complaints might lie. Dame Elish took evidence from associations which represent women, minority, ethnic and religious communities within the force and it was clear she concluded their remained problems with discrimination and unacceptable behaviour. The Authority has spoken to the same associations and heard them talk about the same concerns. The Interim Chair noted he had no doubt on the commitment of the Chief Constable and Senior Officers to diversity and equality and that positive action is being taken to address these issues. The Interim Chair noted it takes time and constant vigilance to eliminate these behaviours and the Chief Constable also acknowledged this. If there is additional advice, support or challenge that can be given then collectively the organisation should embrace that. The Interim Chair confirmed he is in discussion with the Chief Constable and both would provide further comment at the Authority Meeting on 25 November.

5. PIRC Mid-Year Review – Ilya Zharov

The Chair welcomed Ilya Zharov to the meeting and commented on the improved working relationships which now existed between the SPA and the PIRC.

Members considered the report which provided a review of PIRC Complaint Handling Reviews from April to October 2020. IZharov highlighted a number of key points as detailed in the paper. In addition to the content of the paper and during discussion the following matters were noted and discussed;

- IZharov thanked PS and SPA colleagues for the work undertaken within the National Complaints Handling Development Group. He agreed significant progress had been made.
- Members were informed that PIRC have been working on developing statutory guidance as the current guidance was last updated in 2013. PIRC were in the final stages of completing the consultation processes. IZharov confirmed that the guidance will contain information on addressing anonymous complaints.
- IZharov advised Members that PIRC are working remotely therefore the new Covid-19 restrictions will have no impact on progress.
- Members questioned whether there was a way of distinguishing between what was reasonable, good or excellent within the reports. IZharov confirmed that PIRC have considered suggestions but it was difficult to implement different determinations when it comes to complaint handling. PIRC, however, have been proactive in highlighting good complaint handling and will comment on very good handling.
- Members noted that the culture and context around complaints handling is about learning rather than apportioning blame. IZharov agreed that focus is on learning and the National Complaints Handling Development Group show a similar vision of what complaint handling should be like.

6. Complaints and Conduct Committee Work Plan

The Committee resolved to **NOTE** the work plan.

The Chair concluded the public session of the committee