

Meeting	SPA Complaints & Conduct Meeting
Date	28 August 2018
Location	Pacific Quay, Glasgow
Title of Paper	SPA Director's Report
Item Number	4
Presented by	Lindsey McNeill
Recommendation to Members	For Noting
Appendix Attached	A: Update to PIRC Audit Actions

PURPOSE

This is a Director's briefing to the Complaints and Conduct Committee to offer assurance, updates and wider context in the areas of complaints and conduct matters across policing in general.

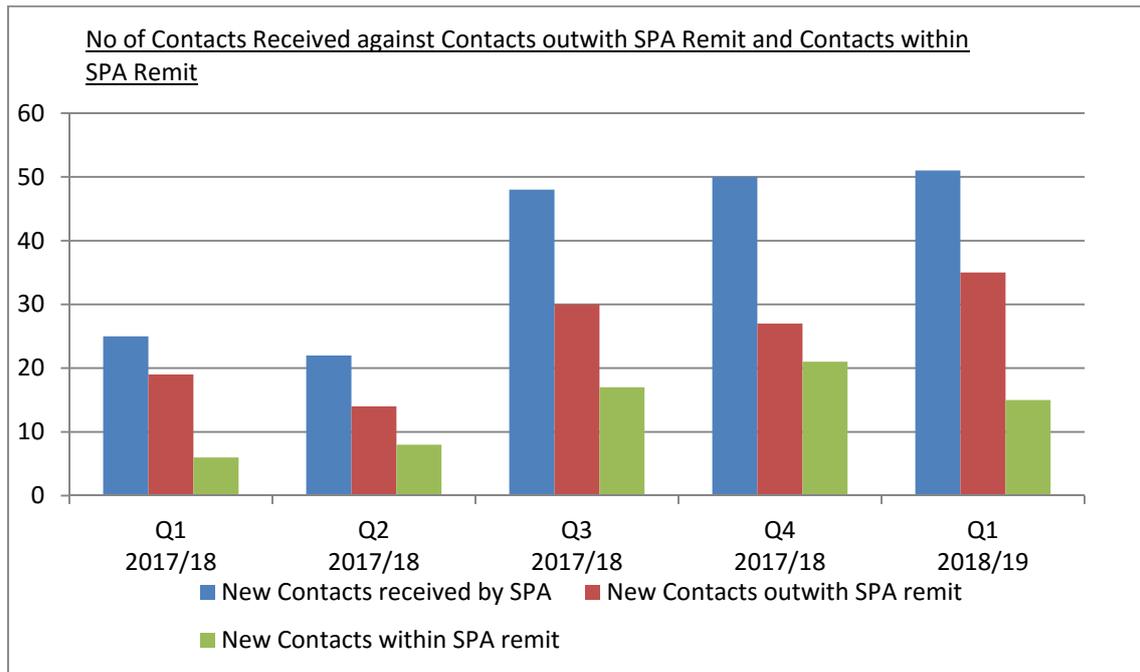
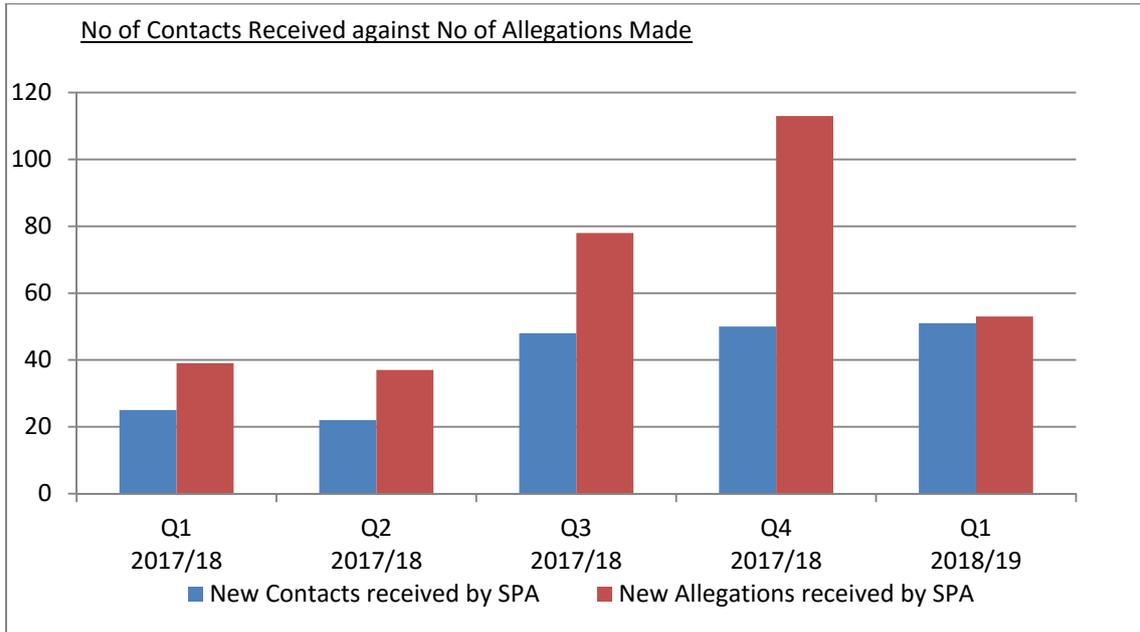
1. Background

- 1.1 This is a regular agenda item, to offer updates on the ongoing work of complaints handling within SPA, and to ensure that Committee Members are briefed on emerging areas of strategic interest.

2. SPA Key Performance Statistics

- 2.1 **Performance:** Key statistics of note for the Committee this month reflect the position at the end of June 2018.

Quarter	New Contacts received	New Allegations received	New Contacts outwith SPA remit	New Contacts within SPA remit	Contacts within SPA remit Closed
Q1 2011/19	51	53	35	15	13



It is the intention that using the proposed new complaint handling procedures, that the 30 active cases are reviewed over the course of the next two Committee meetings so that more proactive work in relation to complaints oversight and general process improvements can then be addressed.

2.2 **Annual Statistical Return:** To give wider context in relation to complaints handling by the SPA, the SPA Complaints Team have compiled overall annual statistics about complaints received about the SPA and Police Scotland Senior Officers (of the rank of Assistant Chief Constable and above).

Given the small number of individuals this data relates to, all data is anonymised and presented collectively to avoid breaching data protection principles.

		On Duty Allegations		Off Duty Allegations		Quality of Service	
		Received	Upheld	Received	Upheld	Received	Upheld
2013/14	Senior Officers	98	0	0	0	0	0
	SPA	29	0	0	0	32	8
2014/15	Senior Officers	24	0	5	0	0	0
	SPA	0	0	0	0	9	0
2015/16	Senior Officers	84	0	0	0	0	0
	SPA	6	1	0	0	12	1
2016/17	Senior Officers	39	0	0	0	0	0
	SPA	15	1	0	0	9	3
2017/18	Senior Officers	116	0	4	0	0	0
	SPA	14	1	0	0	6	0
OUTSTANDING- Current Date							
Senior Officers		59					
SPA		2					

Note for the record:

1. Due to the compilation of all these states in August 2018, the statistics have been collated based on the original date of
2. The date of closure has NOT been taken into account due to the dynamic nature of the complaints - i.e. some may have been closed in different years, but the amount of effort to retrospectively collate this information was decided to be excessive.
3. The current outstanding complaints are as at the date listed on the spreadsheet.

The statistics for the last five years since the inception of SPA are as follows:

It is the intention that these complaint statistics will be published as soon as possible after each financial year end.

Work is currently underway as part of the five-year review of complaints, to identify any specific learning points or trends. This is planned to be reported to the Committee in October 2018.

3. SPA Complaints Process Improvements

- 3.1 Complaint Case Management:** Discussions are planned with the providers of the Centurion Complaints Case Management system to extend its use to SPA. This meeting is planned for September 2018 and would allow for consistent reporting and recording across both SPA and Police Scotland. This would simplify the process dramatically and make the overall processing of complaints more effective. Updates will be provided to the Committee at the next meeting.
- 3.2 Complaints Handling Working Group:** New draft procedures are included on this agenda as a separate item, subject to SPA Complaints and Conduct Committee approval. If approved this will positively impact on the processing of all complaints, as well as discharging the outstanding PIRC audit recommendations.
- 3.3 PIRC Audit Update:** Following extensive work through the Complaint Handling Review Group (comprising of SPA Complaints, HR Governance, Legal, Police Scotland, external QC opinion and an external complaints expert), the Director met with Kate Frame, Commissioner (PIRC) and her team on 16 August 2018 to highlight the work which has been undertaken in relation to the audit originally undertaken in 2017. The PIRC is content for the Committee to be advised that SPA has discharged all the actions arising from that audit, and they will schedule a follow up audit in due course to confirm compliance. Please see Appendix A for final position update.

3. SPA Complaints Workload Management

- 3.1 **Performance Reporting:** The planned in-depth report on five year SPA trends and lessons learned, will be brought to the October Complaints and Conduct Committee. This was due to workload pressures within the team. Thereafter, trends and lessons learned will be reported to the Committee on a 6-monthly basis.
- 3.2 **Dip Sampling:** SPA has a duty to oversee the complaint handling within Police Scotland. This is separate and distinct from the role which PIRC has to play. The refreshed work on dip sampling is a separate item on the agenda and covers six quarters review work (April 2016 – September 2017).
- 3.3 **Additional Resource:** Discussions are underway to seek a seconded resource to the SPA to assist with the analysis of complaints and improvements to current processes. Further detail will be shared with the Committee once an individual has been identified and agreed.

4 Wider Context

- 4.1 **Independent Review on Police Complaints Handling**
The SPA Complaints & Conduct Committee members had a workshop on 09 August 2018 to discuss a range of topics relevant to the independent review on complaints handling which is being carried out by Dame Elish Angiolini, the former Lord Advocate. The Committee will help to shape the SPA's formal response to this review. Meetings are currently being set up between Dame Angiolini and the Chair of SPA, Susan Deacon and Director of Governance & Assurance, Lindsey McNeill to understand initial preparations for the review.
- 4.2 **Justice Committee Submissions on Post Legislative Scrutiny**

Committee members may recall that the Justice Committee had called for submissions with regard to legislative review. That consultation process has now closed, but Members may like to note that all submissions can be viewed online at:

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/108700.aspx>

4.3 Stakeholder Meetings

- Ongoing regular programme of meetings with Police Scotland undertaken (at least monthly).
- Programme of meetings with PIRC currently being established (at least monthly). PIRC also seeking dates to have a workshop with the Complaints and Conduct Committee Members as previously requested.
- Dates currently in diary for the new quad-party meetings between SPA, PIRC, Police Scotland and Crown (quarterly).

5 RECOMMENDATION

The Committee is invited to:

- (a) Note the contents of this report and request additional information if required.

Appendix A: PIRC Audit Recommendations Action Plan

The following scale is used to assess progress against each deliverable set out in the Action Plan:

COMPLETED

Successfully delivered

ONGOING

Started but at risk of not being delivered within timescales

ONGOING

On track to deliver within timescales

NOT STARTED

Not yet started and no longer expected to be delivered within timescales

No	Recommendation	Status	Closure Date	Update/ Comments
1	The SPA amend its guidance document (known as the Complaint Handling Procedures) to clarify the different processes which require to be followed when dealing with (i) 'relevant complaints'; (ii) misconduct allegations about senior officers; (iii) complaints about SPA staff and (iv) complaints about the SPA Board and thereafter adhere to these processes.	COMPLETED	28 August 18	<p>15 August 2018 - Procedures Since the audit was conducted in July 2017, the SPA has been working to update the SPA Complaints Handling Procedures (the Procedures). A multi-agency Complaints Working Group was established to oversee and validate the work being done towards the revision of the complaints procedures. The working group consisted of SPA Complaints, SPA Legal, SPA HR Governance, Police Scotland PSD, External Complaints Expert (Ex-Supt Iain McGrory), and external legal opinion.</p> <p>Informal discussions have taken place with SPA Complaints Committee Members, ACC Alan Speirs and Andrew Barker (SCPOSA). It is planned to take these to SPA Complaints and Conduct Committee on 28 August on basis of approval to pilot these procedures for 6-12 months, with review period every 6 months, and allowing time for formal feedback from PIRC, HMICS, SG, TU's and Staff Associations.</p>
2	The SPA provides clear guidance to the Complaints Department to enable its staff to assess and determine whether a complaint is a (i) 'relevant complaint'; (ii) misconduct allegation about senior officers; (iii) complaint about SPA staff or (iv) complaint about the SPA Board and thereafter adhere to these processes.	COMPLETED	28 August 18	<p>15 August 2018 - Procedures See update for Action No 1 (Third column on flowchart)</p> <p>5 August 2018 - Quality Assurance Since the audit was conducted in July 2017, the SPA has been working to strengthen its quality assurance processes in relation to complaints and conduct matters.</p> <p>Specifically, based on feedback from the PIRC, a quality assurance process has been introduced whereby final correspondence letters relating to complaints within the remit of the SPA are communicated electronically to establish an audit-trail between the Complaints Co-ordinators and the Complaints Manager.</p> <p>Furthermore, all complaints will now be initially triaged by the Director of Governance & Assurance upon receipt, AND the SPA Complaints & Conduct Committee will see each complaint at least twice as the decision-making body.</p> <p>Additionally, a robust and documented quality assurance process should be introduced to underpin the assessment process.</p>

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No	Recommendation	Status	Closure Date	Update/ Comments
3	The SPA amend its guidance document (known as the Complaint Handling Procedures) to introduce timescales for the handling of (i) 'relevant complaints'; (ii) misconduct allegations about senior officers; (iii) complaints about SPA staff and (iv) complaints about the SPA Board and thereafter adhere to these timescales.	COMPLETED	28 August 18	<p>15 August 2018 - Procedures See update for Action No 1 (Page 4)</p> <p>* Misconduct Allegations The SPA will aim to complete a Regulation (8) assessment, in accordance with the Regulations, within 20 working days.</p>
4	The SPA's Complaints Department adhere to its guidance document (known as the Complaint Handling Procedures) which requires agreement of Heads of Complaint with complainers.	COMPLETED	18 January 18	<p>18 May 2018 - Quality Assurance Since the audit was conducted in July 2017, the SPA has been working to strengthen its quality assurance processes in relation to complaints and conduct matters. Specifically, the SPA Complaints Team has been reminded of the need to adhere to the SPA's Complaints Handling Procedures, including the requirement for agreement of Heads of Complaint with complainers.</p>
5	The SPA Complaints Department adhere to the procedural provisions of The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013 in respect of all aspects of allegations of misconduct about senior officers and amend its guidance document (known as the Complaints Handling Procedures) to reflect this.	COMPLETED	28 August 18	<p>15 August 2018 - Procedures See update for Action No 1 (Appendix 1 – Flowchart, Stage 12)</p>
6	The SPA establish a three member panel to undertake Regulation 8 preliminary assessment of misconduct allegations. The panel should hold experience and knowledge of the relevant statutory provisions, Conduct Regulations, Performance Regulations and Police Scotland's Grievance Procedures. In accordance with the current governance structure the decision and the reasoning of the panel should be presented to the Complaint and Conduct Committee/CEO for approval.	COMPLETED	03 January18	<p>18 May 2018 - Quality Assurance Since the audit was conducted in July 2017 the SPA has re-established a dedicated Complaints and Conduct Committee (the Committee) to strengthen and improve the SPA's governance and decision making processes in relation to complaints and conduct matters. Since January 2018, the Committee has met at least monthly to deal with a number of complaints.</p> <p>The Terms of Reference for the Committee is included at the webpage: http://www.spa.police.uk/assets/128635/293617/376046/committeetor2017</p> <p>The establishment of the Committee supersedes the requirement of the SPA to establish a three member panel to undertake Regulation 8 preliminary assessment of misconduct allegations.</p>

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No	Recommendation	Status	Closure Date	Update/ Comments
7	The SPA amends its guidance document (known as the Complaints Handling Procedures) to remove the burden of proof before the matter is progressed.	COMPLETED	28 August 18	15 August 2018 - Procedures See update for Action No 1 (Appendix 1 – Flowchart, Stages 1-5) In updating the Procedures, the SPA will now examine complaints without the ‘burden of proof’ previously applied. Balance of probabilities will be the key test applied going forwards, supported by facts gleaned through initial enquiries.
8	The SPA amend its guidance document (known as the Complaints Handling Procedures) to ensure that the SPA’s Complaints Department conduct a thorough enquiry.	COMPLETED	28 August 18	15 August 2018 - Procedures See update for Action No 1
9	The SPA implement a robust and properly documented quality assurance process in relation to all complaint handling matters.	COMPLETED	28 August 18	15 August 2018 - Quality Assurance See update for Action No 2.
10	The SPA amend its guidance document in order to ensure that it includes robust procedures for dealing with contacts assessed as ‘whistleblowing’.	COMPLETED	28 August 18	15 August 2018 - Procedures See update for Action No 1 (Page 5 – New SPA Whistleblowing Policy in place – Complaints Team responsible for recording complaints)
11	The SPA Complaints Department should assume responsibility for compiling the final response to complainers about SPA staff, to ensure consistency.	COMPLETED	Ongoing	15 August 2018 - Procedures Partially discharged in relation to update for Action No 1, however discussions with Forensics to ensure that all their complaints are also covered by SPA process.
12	The SPA introduce an effective and clearly defined complaints process for the handling of complaints made about the SPA Board, Chief Officer and Chair.	COMPLETED	28 August 18	15 August 2018 - Procedures See update for Action No 1 (All complaints will be considered in same process and 2-step process with the SPA Complaints and Conduct Committee.)