

SCOTTISH POLICE  
AUTHORITY

Meeting	Public SPA Board Meeting
Date	15 December 2016
Location	Assembly Room, Tulliallan, Alloa
Title of Paper	HMICS Review of Police Scotland CCU Implementation of Recommendations
Item Number	13.1
Presented By	DCC Gwynne
Recommendation to Members	For Noting
Appendix Attached:	YES

**PURPOSE**

The purpose of this paper is to update the Scottish Police Authority on the progress made towards the implementation of the recommendations contained within the HMICS Assurance Review of Police Scotland's Counter Corruption Unit

**1. BACKGROUND**

- 1.1 On Monday 27 June 2016 HM Inspector of Constabulary in Scotland published its Assurance Review into the state, effectiveness and efficiency of the Police Scotland’s Counter Corruption Unit (CCU).
- 1.2 The intention behind the review was to independently determine the facts and to identify practical lessons that will assist in improving police counter corruption practices in Scotland.
- 1.3 As a result of this review 39 recommendations covering various aspects of CCU activity and governance were presented.
- 1.4 Implementation of the review recommendations is being overseen by the Police Scotland Assurance Review Steering Group Chaired by the DCC Crime and Operational Support.

**2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 Work remains ongoing in response to all 39 of the recommendations contained within the review.
- 2.2 It should be noted that Recommendations 2 and 3 do not fall within the remit of the Steering Group and work in relation to these recommendations is being overseen directly by the DCC Local Policing.
- 2.3 The progress status of the recommendations are as follows:

<b>BLUE</b>	Discharged by HMICS or proposed for closure by Police Scotland	<b>18</b>
<b>RED</b>	Not started. Not on track or within agreed timescales	<b>0</b>
<b>AMBER</b>	Progressing. On track but minor slippage	<b>0</b>
<b>GREEN</b>	Progressing. On track	<b>21</b>

- 2.4 Recommendations 1, 6, 14, 15 and 24 have been proposed for closure and an update regarding these proposals was provided at the SPA Board on 27 October 2016.
- 2.5 A further 13 recommendations have been proposed for closure and the remaining 21 recommendations are currently in progress and developing on track.

- 2.6 This represents an approximate completion rate of 46% of the overall recommendations made by HMICS.
- 2.7 The following recommendations have been proposed for closure:

**Recommendation 4**

Chief Officer Oversight - The restructure of the Anti-Corruption Unit (ACU) has commenced, incorporating Chief Officer oversight with ACU Senior Management reporting directly to DCC, Crime and Operations. Weekly briefings are provided to DCC, Crime and Operations ensuring the appropriate level of oversight and scrutiny is applied to ACU operations. If required, the ACC, Crime will also act on behalf of the DCC, Crime and Operations providing tactical oversight.

**Recommendation 10**

Formal Peer Review for Investigations – Enhanced tactical support is provided to the ACU via DCS Intelligence Support, DCS Organised Crime and Counter Terrorism and the Chief Superintendent Safer Communities enhancing operational activity in support of ongoing investigations.

Secure communication between ACU staff and Specialist Crime Division (SCD) has been implemented providing access to daily management meetings, where provisions and deployments of specialist assets are discussed and allocated accordingly. Attendance at this meeting also facilitates access to a broad spectrum of senior management from various disciplines throughout SCD, providing enhanced opportunities for peer review support.

**Recommendation 11**

Engage with stakeholders regarding independent scrutiny and oversight of investigations into allegations of serious corruption by police officers and members of police staff – A formalised initial notification process has been implemented between the ACU and Crown Office and Procurator Fiscal Service for allegations of serious corruption in line with those already in place between OCCTU and COPFS for investigations of Serious Organised Crime.

The initial reporting process will allow for enhanced oversight and scrutiny of the investigative strategy and objectives as well as early direction and decision in respect of third party / stakeholder engagement such as PIRC or Scottish Government.

In relation to data protection breaches, ACU will carry out an initial risk assessment and only cases where there is an inference of serious corruption will the case be retained by ACU and discussed

further with COPFS. Cases that do not infer serious corruption will be passed to Police Scotland's Professional Standards Department (PSD) or to local divisions or departments for investigation / progression.

### **Recommendation 12**

Develop joint working arrangements between CCU and specialist assets - Secure communication between ACU staff and Specialist Crime Division (SCD) has been implemented providing access to daily management meetings, where provisions and deployments of specialist assets are discussed and allocated accordingly.

In addition, the Police Scotland Guidance for the Management of Corruption Investigations – Requiring the Deployment of Specialist Resources has been created to assist with the provision of specialist assets in support of corruption investigations.

### **Recommendation 13**

Maintain functional separation between CCU and PSD – Functional separation has been established between PSD and ACU and enhanced Chief Officer oversight is ensuring this separation remains.

### **Recommendation 16**

Development of a Balanced Management Framework – A wide range of management information is governed and assessed by the ACU Senior Management Team via daily morning meetings, weekly briefings to DCC, Crime and Operations, monthly SMT meetings and quarterly Tactical, Tasking and Coordinating Group meetings.

New processes have been implemented to ensure greater visibility of referrals received are documented against the National Policing Counter Corruption Advisory Group (NPCCAG) categorisations. This provides the ability to analyse and identify any trends, which are thereafter included in the annual Strategic Assessment.

Management information is also provided to NPCCAG to influence the national picture and an annual report provided to the National Crime Agency providing statistics in relation to these categories.

Any identified issues are provided to the SPA Complaints and Conduct Committee.

### **Recommendation 17**

Develop a Tactical Assessment – The ACU Tactical Assessment has been revised and endorsed providing greater focus on intelligence, operational and preventative activity. The ACU Tactical, Tasking

and Coordinating Group process will be reviewed once the overall Police Scotland processes has been finalised.

**Recommendation 26**

Engage with SPA to finalise the SOP for Advice and Guidance Briefings - Consultation has been carried out with SPA in respect of Members of Police Staff not under the management of the Chief Constable. The Advice and Guidance Briefing Document has been updated and formal sign off has been provided by Mr John Foley, Chief Executive, SPA.

**Recommendation 31**

Review CCU Risk Assessment Processes - An enhanced process for evaluation, validation and risk assessment has been implemented which mirrors the process already in place throughout the rest of Police Scotland.

**Recommendation 32**

Maintain iBase as CCU's case management system and commission a review in to the system - Police Scotland is maintaining iBase as its primary ACU case management system. Audits will be conducted as part of the quarterly review of the department to ensure appropriate use of the system by ACU staff.

**Recommendation 33**

CCU to prioritise workload to focus on the threat posed by serious organised crime groups - The Strategic Assessment will ensure ACU operational activity continues to be prioritised in line with the focus on significant threat, risk and harm posed by serious organised crime groups.

This along with the formalised process for access to specialist assets in support of ACU investigations will allow workloads to be prioritised around the threat posed and will become core intelligence led operational activity for the ACU.

**Recommendation 36**

Monitor the vetting section to reduce and if possible eliminate the backlog - At the time of the HMICS Assurance Review the 'backlog' was 1155. Following the review there has been a reduction, which as of 1 December 2016 is 518. This has been achieved by ensuring only individuals requiring vetting in accordance with the standard operating procedure are considered by the Vetting Unit. This process will continue to assist with the reduction of the backlog.

The term 'backlog' suggests work has not been started, however the current terminology should be 'pending' files, given a significant

amount of work will have already been undertaken in relation to a number of files, even when recorded as 'pending'. It is not possible to completely eliminate the 'backlog' as the Vetting Section relies on information from other business areas and external agencies.

Updates regarding vetting and the 'backlog' are provided to the SPA Audit and Risk Committee. This process will continue to ensure the appropriate governance is provided and management information shared.

Through the review it has been identified that Vetting is a supplier to many different business areas and as such would better serve the needs of the Service by realigning line management. On 17 October 2016, the Vetting Section transferred to People and Development.

### **Recommendation 38**

Independent oversight of Complaints made Against CCU - Oversight arrangements in respect of complaints made against ACU officers and staff have been reviewed and a new process has been created. All new complaints made regarding ACU and Professional Standards Department (PSD) officers and staff are subject to mandatory notification to the SPA and will be notified via the Head of PSD.

Engagement has been carried out with COPFS and PIRC regarding independent scrutiny of complaints.

- 2.8 The estimated timeline in response to the HMICS Assurance Review of Police Scotland's Counter Corruption Unit is attached for reference.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications in this report.

## **4. PERSONNEL IMPLICATIONS**

- 4.1 There are no personnel implications associated with this paper.

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications in this paper.

## **6. REPUTATIONAL IMPLICATIONS**

- 6.1 There no reputational implications associated with this paper.

**7. SOCIAL IMPLICATIONS**

7.1 There are no social implications associated with this paper.

**8. COMMUNITY IMPACT**

8.1 There are no community implications associated with this paper.

**9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications associated with this paper.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no equality implications associated with this paper.

**RECOMMENDATIONS**

Members are requested to: Note the content of this paper

**Timeline in Response to HMICS Assurance Review of Police Scotland's Counter Corruption Unit**

Recommendation Number	Recommendation	Estimated Completion Date
1	Police Scotland should ensure that the ACU intelligence processes are reviewed and the information including the source of that information is subject of a process of evaluation, risk assessment and validation to produce a product that provides added value and supports the decision making process.	Proposed For Closure
2	Does not fall within the remit of the Steering Group and work in support of these recommendations is being overseen directly by the DCC Local Policing.	Date Under Review
3	Does not fall within the remit of the Steering Group and work in support of these recommendations is being overseen directly by the DCC Local Policing.	Date Under Review
4	Police Scotland should introduce robust and effective scrutiny arrangements for ACU operations, including greater oversight from Chief Officers.	Proposed For Closure
5	Police Scotland should introduce a more structured approach to communicating changes in legislation, practice and process to police officers and members of police staff involved in applications under the Regulation of Investigatory Powers (RIPA) 2000 and by extension the Regulation of Investigatory Powers (Scotland) Act (RIPSA) 2000.	31 March 2017
6	Police Scotland should take the opportunity to articulate a clear vision for tackling corruption and develop an overall strategy that involves engagement with key stakeholders.	Proposed For Closure
7	Police Scotland should urgently review its approach to tackling corruption, and develop both the capability and capacity to undertake effective anti-corruption investigations that are underpinned by a robust intelligence function. This should include a review of its existing structures and give consideration to transferring the burden away from the ACU of high volume administrative background checks, notifiable associations and those data protection offences which do not infer corruption.	31 January 2017
	Police Scotland should develop a refreshed communications plan to increase the awareness of the	31

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8	Code of Ethics and promote a positive culture where police officers and members of police staff at all levels are familiar with each of the behaviours and are conscious of applying them.	December 2016
9	Police Scotland should improve its co-ordination of internal self-assessment reviews to ensure they receive greater executive visibility and where accepted, any recommendations or improvement actions are supported by a delivery plan detailing SMART objectives and outcome measures.	31 December 2016
10	Police Scotland should introduce a formal peer review of Anti-Corruption Unit investigations.	Proposed For Closure
11	Police Scotland should engage with the Crown Office and Procurator Fiscal Service, Police Investigations and Review Commissioner, the Scottish Government and other stakeholders to review and strengthen the overall approach to the independent scrutiny and oversight of investigations into allegations of serious corruption by police officers and members of police staff.	Proposed For Closure

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12	Police Scotland should develop formal joint working arrangements between the ACU and those areas of the service that provide specialist assets in support of counter corruption investigations. This should be supported by agreed governance structures that allow informed decisions to be made against competing operational priorities.	Proposed For Closure
13	Police Scotland should maintain functional separation between the Anti-Corruption Unit and Professional Standards Department and where possible, Anti-Corruption Unit police officers should not be used to investigate cases that would ordinarily be conducted by Professional Standards Department police officers.	Proposed For Closure
14	Police Scotland should consider adopting the Authorised Professional Practice on counter corruption, subject to any modification or extension to cover Scotland. This should be applied to the review and development of key policies and procedures.	Proposed For Closure
15	Police Scotland should finalise its Strategic Assessment on Corruption and thereafter produce a control strategy that will deliver the intelligence, service integrity, enforcement and the communication and engagement priorities for the next 12 months.	Proposed For Closure
16	Police Scotland should develop a balanced management framework to reflect ACU activity and provide regular management information to those charged with the internal and external governance and oversight.	Proposed For Closure
17	Police Scotland should develop the Anti-Corruption Unit Tactical Assessment to focus more on intelligence, operational and preventative activity.	Proposed For Closure
18	Police Scotland should expedite the review and development of those standard operating procedures that are used to promote integrity and consider relevant Authorised Professional Practice.	31 March 2017
19	Police Scotland should introduce a system that enables the analysis and cross-referencing of notifiable associations across relevant ethical registers. This should identify potential conflicts of interest and provide an informed assessment of trends, threats and vulnerabilities to inform preventative activity.	31 March 2017
20	Police Scotland, through engagement with staff associations, should progress development of its "whistleblowing" policy, which informs relevant standard operating procedures that support those who report wrongdoing.	Date Under Review
21	Police Scotland should review the Integrity Matters Confidential Reporting System with a view to implementing	31 March 2017

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	further technical safeguards for audit.	
22	Police Scotland should engage with the Police Investigations and Review Commissioner to consider establishing a confidential reporting function.	31 March 2017
23	Police Scotland should engage with Crown Office and Procurator Fiscal Service to examine alternative and more expeditious approaches to the reporting of minor offences against the data protection act in cases where the individual police officer or member of police staff has admitted the offence and there is no evidence of corruption.	31 December 2016
24	Police Scotland should urgently review the circumstances of all police officers and members of police staff who are on restricted duties to ensure that those restrictions remain proportionate and necessary to the current risk.	Proposed For Closure

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25	Police Scotland should engage with the Crown Office and Procurator Fiscal Service to expedite decisions around outstanding data protection cases. In addition to this, Police Scotland should review those cases which have been returned from the Crown Office and Procurator Fiscal Service with no criminal proceedings being taken, with a view to expediting decisions around ongoing internal misconduct.	Date Under Review
26	Police Scotland should engage with the Scottish Police Authority to finalise its standard operating procedure for Advice and Guidance Briefings by the ACU. This should also include a process to ensure that the offer/option to audio record the briefing is documented for audit purposes.	Proposed For Closure
27	Police Scotland should progress development of a business case for workforce monitoring software.	31 March 2017
28	Police Scotland should review its ACU production handling procedures to ensure they maintain the operational security of corruption investigations and are consistent across all areas.	31 March 2017
29	Police Scotland should develop a workforce planning model that supports the current and future demands on the ACU and provides an evidence based assessment of required staffing levels, including supervisory ratios.	31 July 2017
30	Police Scotland should commission a Training Capacity and Capability Review to map current and future skills and identify gaps within the ACU which can be filled through recruitment, training and professional development.	31 July 2017
31	Police Scotland should review its ACU Risk Assessment Processes to ensure a consistency of approach.	Proposed For Closure
32	Police Scotland should maintain iBase as its primary ACU case management system and commission a comprehensive review of the design, structure and management of the system. This should also include the development of operating procedures, guidance and training for staff.	Proposed For Closure
33	Police Scotland should ensure that the ACU prioritises its workload around the threat posed by serious organised crime groups.	Proposed For Closure
34	Police Scotland should introduce a process that enables ACU police officers and members of police staff to debrief intelligence and operational activity in a structured manner to support organisational and operational learning.	31 December 2016
35	Police Scotland should consult with its public sector partners and refresh the remit of the ACU Public Sector Section.	28 February 2017
	Police Scotland should monitor the progress of the vetting	

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36	section to reduce and, if possible, eliminate the backlog of vetting applications and provide regular updates to the Scottish Police Authority.	Proposed For Closure
37	Police Scotland should expedite its review of police officers and members of police staff who are considered to be "super users" with administrative access to Force ICT systems. It should ensure these staff are appropriately vetted, with safeguards put in place to ensure access to information is for a legitimate policing purpose.	Date Under Review
38	Police Scotland and the Scottish Police Authority should engage with the Crown Office and Procurator Fiscal Service, Police Investigations and Review Commissioner and other stakeholders to review and strengthen the overall approach to independent scrutiny and oversight of complaints made against the ACU police officers and members of police staff.	Proposed For Closure
39	Police Scotland should ensure that in the interests of transparency and service confidence, any review into outstanding complaints against the ACU should include independent scrutiny.	Initial Assessment Due For Completion 31 March 2017