

Minute of Scottish Police Authority Complaints and Conduct Committee

Meeting	Scottish Police Authority Complaints & Conduct Committee Meeting.	Date/Venue	4 th August 2015, Pacific Quay, Glasgow.
Meeting Called By	Ian Ross, Chair	Start Time	10:00
Reference Meeting No	SPACCCM-04082015	End Time	11:25

Members Present		In Attendance	
Name	Title	Name	Title
Ian Ross (IR)	Chair, Authority Member	David Collie (DC)	Complaints & Conduct Manager (SPA)
Brian Barbour (BB)	Authority Member	Graham Ravenscroft (GR)	Complaints Officer (SPA)
Moi Ali (MA)	Authority Member	Stuart Milne (SM)	Complaints Officer (SPA)
Douglas Yates (DY)	Authority Member	Lindsey McNeill (LMcN)	Director of Governance and Assurance (SPA)
Lisa Tennant (LT)	Authority Member	Karen Vallance (KV)	Committee Co-ordinator (SPA)
Morag McLaughlin (MMcL)	Authority Member	Ellie Mitchell (CSEM)	Chief Superintendent – Head of Professional Standards (PSoS)
George Graham (GG) – observing	Authority Member	Neil Richardson (DCCNR)	Deputy Chief Constable (PSoS)

PUBLIC SESSION	Lead
1. Chair's Opening Remarks 1.1 Apologies 1.2 Declarations of Interest	Ian Ross Chair
2. Public Minute of Meeting held on 11th May 2015 (submitted for approval as a correct record)	Ian Ross Chair
3. Review of Rolling Action Register – Public (SI)	Ian Ross Chair
4. SPA Complaints Department Progress Report (SI)	David Collie Complaints Manager, SPA
5. Professional Standards Department Performance Update: 5.1 Statistical Return and Appendices/Complaint Outcomes (SI) 5.2 Misconduct Hearings (SI) 5.3 PIRC – Complaint Handling Reviews - Lessons Learned (2 Appendices)	Chief Superintendent Ellie Mitchell, Police Scotland
6. Guidance on Senior Officer Performance Regulations	Lindsey McNeill Director of Governance and Assurance, SPA
7. Dip Sampling of Police Scotland Closed Complaints	David Collie Complaints Manager, SPA
8. AOCB	Ian Ross Chair
PRIVATE SESSION – Police Scotland	
9. Chair's Opening Remarks 9.1 Apologies 9.2 Declarations of Interest	Ian Ross Chair
10. Private Minute of Meeting held on 11th May 2015 (submitted for approval as a correct record)	Ian Ross Chair

11. Review of Rolling Action Register – Private (SI)	Ian Ross Chair	
12. PSOS Officers on Restricted Duties (SI)	Chief Superintendent Ellie Mitchell, Police Scotland	
13. Suspended Officers (SI)	Chief Superintendent Ellie Mitchell, Police Scotland	
14. Integrity Matters	Chief Superintendent Ellie Mitchell, Police Scotland	
15. AOCB	Ian Ross Chair	
PRIVATE SESSION - SPA		
16. Chair’s Opening Remarks 16.1 Apologies 16.2 Declarations of Interest	Ian Ross Chair	
17. Private SPA Minute of Meeting held on 11th May 2015 (submitted for approval as a correct record)	Ian Ross Chair	
18. Review of Rolling Action Register – SPA Private	Ian Ross Chair	
19. Guidance on Senior Officer Conduct Regulations	David Collie Complaints Manager, SPA	
20. SPA Ongoing Complaints Update Report (SI)	David Collie Complaints Manager, SPA	
21. Consideration of Specific Complaints	David Collie Complaints Manager, SPA	
22. AOCB	Ian Ross Chair	
23. Date of Next Meeting: 26th November 2015	Ian Ross Chair	

STANDING ITEMS

OPENING REMARKS

1. Welcome and Introduction: (Ian Ross)

1.1 Apologies

There were no apologies.

1.2 DECLARATIONS OF INTEREST

IR declared an interest in Item 21.1 of the SPA Private session of the meeting.

2. Approval of Public Minute of Meeting held on 11th May 2015 (Ian Ross)

Reference ITEM NO 2 for the papers contained within pack.

Approval was sought for the Minutes of the Complaints & Conduct Committee Meeting held 11th May 2015.

CSEM advised that an amendment was necessary on page 1, where 'Detective Chief Constable' should be amended to 'Deputy Chief Constable'.

DECISION

Members **APPROVED** the Minute of the Scottish Police Authority meeting held 11th May 2015 as a correct record with the following amendments:

- i. Page 1, where 'Detective Chief Constable' should be amended to 'Deputy Chief Constable'.

3. REVIEW of ROLLING ACTION LOG (Ian Ross)

Reference ITEM NO 3 for the Rolling Action Log contained within pack.

Refer to the updated action commentary reflected in the Rolling Action Register.

DECISION

Members **NOTED** the updates and status of actions as recorded in the Rolling Action Register

4. SPA Complaints Department Progress Report (David Collie)

Reference ITEM NO 4 for the papers contained within pack.

DC referred Members to the paper, highlighting that the SPA Complaints Leaflet was in progress and was currently with SPA design team. MA asked it could be progressed quicker which DC replied that the content had been agreed and it was design work with graphics department that was now in progress. LMcN added that the content agreed by Members was on the internet and the current work was producing the PDF document. IR requested that once the document is completed, it be circulated to Members.

ACTION – 040815-CCC-001 – Once complete, SPA Complaints leaflet to be circulated to Members.

LT sought clarity on if there had been consultation done on accessibility. DC confirmed that the SPA complaints department were working with the SPA communications department on that.

DC highlighted that comparing the 1st three months of 2015 against the last three months of last year – the average number of contacts per month has reduced from approximately 24 to 17 and the average number of allegations from the same period has also dropped from approximately 77 per month to 27.

DC advised that work on going to reduce the number of misdirected complaints to the SPA had recently focussed on reducing the telephony complaints. An automated menu on the SPA admin phone number had been installed so that callers will be redirected to the appropriate place with a separate filter for complaints which redirects to either SPA or Police Scotland. MA asked if the complaints website forms had drop downs which would direct to the correct place, DC confirmed that it did.

MMcL sought clarity on the current position of on-going complaints, specifically the high number and the longevity of some. DC advised that as of end of June 2015 – there were 20 in which 7 are almost complete and would be closed for the next Committee meeting. MMcL asked if the 7 were old complaints which DC answered they were and advised that there was a rise in April as there were 4 new, in which 2 were from the same complainer and were connected to previous complaints. IR added that a more in-depth discussion can take place within the closed SPA only session.

LT referred to 2.7 – engagement with public- and noted she was encouraged by the information but questioned if there was the ability to be more pro-active with the public to make them aware of the SPA complaints process, specifically vulnerable groups such as young people. IR replied that looking at being more pro-active engagement would be part of looking at good practice and suggested that it be a topic for the next SPA Complaints Workshop.

ACTION – 040815-CCC-002 – Good practice, including pro-active engagement with the public by both SPA and Police Scotland, including online work, be a topic at a future SPA Complaints workshop.

MA added that interaction with vulnerable people was more likely to be with lower ranked officers as oppose to Senior Officers so pro-active public engagement was a topic better suited to Police Scotland. CSEM replied that Police Scotland already have engagement with the Commissioner on this and work was ongoing with regard to young people assessing information on how to complain. IR also added that PIRC are reviewing the work previously done by PCCS on promoting ease of access for people to raise complaints or concerns. MA stated that it could be useful to use online portals such as youtube to convey messages. IR agreed, noting it could be discussed at the workshop. GG highlighted that it would be useful to broaden out the engagement to capture good feedback and good practice.

DECISION

Members **NOTED** the SPA Complaints Department Progress Report and the actions **AGREED** consequently.

5. Professional Standards Department Performance Update: (CS Ellie Mitchell)

5.1 Statistical Return and Appendices/Complaint Outcomes (CS Ellie Mitchell)

Reference ITEM NO 5.1 for the papers contained within pack.

IR highlighted that there was the anticipation for an increase in the number of complaints which was a reflection of the introduction by the Professional Standards Department of a new streamlined handling, investigation and response to all complaints from 1 September 2014.

CSEM referred Members to appendix B and highlighted that the number of complaint cases dealt with by Front Line Resolution (FLR) was 763 - 46% of the total received which was encouraging progress. CSEM also highlighted that each unique complaint case currently contains on average 1.41 allegations which was a decrease.

CSEM provided an overview of Appendix B, advising that there was typo on table 9 – contact, command and control, in which 'traffic irregularity/offences' and 'excessive force' should be 0; and 'other – criminal' should be 2 and 'discrimination' should be 1.

CSEM requested that chart 7 layout and format of chart 7 be amended for future committees in order for the detail to be meaningful.

ACTION – 040815-CCC-003 – Chart 7 layout and format of chart 7 be amended for future committees in order for the detail to be more meaningful.

MMcL noted she would welcome a revisit of table 7. MMcL also noted the expectation that the data will plateau and sought clarity on when a like for like comparison would be available. CSEM confirmed that a like for like comparison would be available from September 2015. CSEM confirmed that all complaints were always dealt with but were not reported through Professional Standards Department until now.

MMcL questioned if CSEM would anticipate the new performance regulations to have an impact on complaints and questioned if the proportion of complaints upheld was more or less than previous recording systems. CSEM replied that with regard to performance regulations, FLR would help as welfare/training issues were looked at under FLR. With regard to upheld complaints, CSEM advised she was keen to look at that in more detail and historically PCCS ran a statistical return about upheld allegations so a discussion could be held with PIRC on whether or not there was context for a like for like comparison. IR added that a comparison on disposal data would be useful and encouraged CSEM to have a discussion with LMcN and DC to see how that could be developed

ACTION – 040815-CCC-004 – CSEM to discuss with LMcN and DC and explore how comparisons on disposal data can be achieved and put into report.

MA referred to FLR and noted that the statistics were very good, especially the statistics on the number who want to escalate. MA questioned if there was any follow-up to the people who did not want to escalate. CSEM confirmed that there was not but it could be looked at under dip-sampling and was therefore more appropriate for SPA to look at.

DY sought clarity on whether trends will continually be looked for within service delivery complaints in Tayside. CSEM confirmed that PSD were working with the Divisional Commander in Tayside to continually look for any trends. IR added that further consideration should be given to divisional focus on dip-sampling.

DECISION

Members **NOTED** the report on Complaints About Police Statistical Return and the actions **AGREED** consequently.

5.2 Misconduct Hearings (CS Ellie Mitchell)

Reference ITEM NO 5.2 for the papers contained within pack.

CSEM thanked those Members who attended the training for Chairs of misconduct hearings.

CSEM referred Members to the paper and invited any comment or questions.

There were no comments or questions.

DECISION

Members **NOTED** the report on Misconduct Hearings.

5.3 PIRC – Complaint Handling Reviews – Lessons Learned (CS Ellie Mitchell)

Reference ITEM NO 5.3 for the papers contained within pack.

IR advised that one appendix was for discussion within the public session and one was for discussion within the Police Scotland private session.

CSEM confirmed that the complainer had been updated with the outcomes and invited any comment or question.

LT referenced wider cultural issues and questioned how Police Scotland engages with communities and diversity organisations with regard to Police Scotland's policies and procedures. CSEM replied that cultural issues were taken into account and DCCNR added that there was ongoing awareness for cultural requirements and that there was an arrangement for Police Scotland to speak to diversity groups when developing policies and processes.

MA referred to body worn cameras and sought clarity on whether the technology failed or if the cameras were turned off. CSEM advised that the technology failed which had been confirmed during the investigation.

MMcL questioned, as a general point, if there was feedback to individual officers on recommendations to assist with learning and training. CSEM confirmed that all staff involved in a PIRC report are interviewed and then briefed on the outcome.

BB questioned if any recommendations of the PIRC report were not taken forward which CSEM confirmed all recommendations were accepted and taken forward.

DECISION

Members **NOTED** the report on PIRC – Complaint Handling Reviews – Lessons Learned.

6. Guidance on Senior Officer Performance Regulations (Lindsey McNeill)

Reference ITEM NO 6 for the papers contained within pack.

IR highlighted that the final performance regulations were still to be approved and would be brought back to the Committee for approval.

LMcN referred Members to the paper and invited any comments or questions.

MA referred to the introduction page and questioned whether it can be re-written and re-formatted so it was a more user-friendly executive summary. LMcN confirmed that this had been discussed in the working group and it was agreed that as it reflects the wording in the rank and file documents it should mirror these documents for consistency. MA further questioned if all other documents can then be re-formatted for a user-friendly executive summary which IR replied that a message could be relayed to the working group that there was support for that type of approach within the introduction of documents.

ACTION – 040815-CCC-005 – LMcN to relay to the working group the strong support for regulation documents to be re-formatted to have a user-friendly executive summary instead of an introduction.

MMcL sought clarity on whether other members of the working group are content with the regulations and questioned if there were any particular matters that LMcN wished to raise. MMcL also questioned if there was a confirmed date set for the regulations being used. LMcN confirmed that all comments from the working group were taken on board, however, there was still some debate on wording although it was linked to wording used in the regulations so until the regulations are finalised the wording won't be agreed. LMcN advised there were no particular matters to be highlighted or raised. LMcN also confirmed that there was no date set for completion as that would be based on the legislative programme from Scottish Government which had not been laid out yet.

DY highlighted that he had no problem with the content but wished to acknowledge that it was a significant piece of work.

MA sought clarity on the definition of working days, specifically the position of local holidays. LMcN replied that this can be taken back to the working group but noted that the document would have to be appropriate and consistent for every officer but acknowledged the point and would revert to the working group.

ACTION – 040815-CCC-006 – LMcN to raise with working group the definition of working days, specifically local holidays.

LT questioned if the regulations had been tested retrospectively for learning purposes. LMcN confirmed that it had not been done and was unlikely to be done due to timescales, however, the working group had worked through hypothetical situations.

IR advised that he felt it was inappropriate to approve the paper in principle as there were questions raised and amendments still be progressed. IR suggested that Members note the paper, the good progress made and that the final performance regulations will be brought back to the Committee for approval. Members agreed.

DECISION

Members **NOTED** the report on guidance on senior officer performance regulations and the actions **AGREED** consequently.

7. Dip Sampling of Police Scotland Closed Complaints (David Collie)

Reference ITEM NO 7 for the papers contained within pack.

DC referred Members to the paper and provided a brief overview, confirming that SPA officers who carried out the dip sampling were vetted to the appropriate level.

MA referred to her earlier point on following up with those who did not wish to escalate complaints that were dealt with through FLR. LT added that it may be useful to gain feedback on the FLR process from those who had had complaints dealt with through FLR. IR requested that DC explore both MA and LT's comments.

ACTION – 040815-CCC-007 – DC to explore potential for follow-ups with complainers who did not wish to escalate complaints dealt with through FLR and also to follow up with complainers for general feedback.

BB referred to page 5 and noted how there would be a three month delay in looking at closed complaints as there was a three month window given to complainers for raising their complaint with PIRC but since there is a relatively low number of complaints raised to PIRC, BB questioned if there was a way of looking at all complaints accepting there was a risk that some may be looked at by PIRC. DC replied that it was an interesting point and could be explored at the next dip-sampling exercise to see if there were any issues in doing this.

GG referred to LT's previous comment and suggested it would be appropriate to check and co-

ordinate with PIRC the potential of doing follow-ups with closed complaint complainers.

MMcL requested if Members will receive a programme of dip-sampling and questioned if there would be any analysis of the quality of investigations as opposed to process. MMcL also asked when it would be appropriate for Members to get involved with dip sampling. IR added that he personally felt Members should work with SPA staff on dip-sampling as SPA staff have the expertise and that this would be considered when a programme is brought forward. BB sought clarity on whether SPA are qualified to do an assessment of quality to which IR added this would be looked at on review of the programme.

ACTION – 040815-CCC-008 – A programme of dip sampling to be circulated to Members including consideration given to Members working with SPA staff and information on assessing whether or not the quality of investigations can be looked at.

MA agreed that Members should work alongside SPA staff and sought clarity on the feedback given to the Committee and any potential learning points. MA questioned how the samples are selected. DC advised that all complaints are put through the Centurion system and there can be a breakdown by categories for complaints and disposals. CSEM added that complaints can be broke down by division or by category and the system will generate numbers. MA replied that this should be made clear within the guidance.

ACTION – 040815-CCC-009 – Clarification to be provided in guidance on how random samples are selected.

GG added the combination of Members and SPA staff involved in dip-sampling would be effective.

IR highlighted to Members that it was an ongoing exercise and it would be revised and developed.

DECISION

Members **APPROVED** the report subject to ongoing review and development.

Members **AGREED** the actions raised consequently.

8. AOCB (Ian Ross)

There was no other business.

End.