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|--------------------------------------|---------------------------------------------------------------|
| <b>Meeting</b>                       | <b>Public SPA Board Meeting</b>                               |
| <b>Date</b>                          | <b>25 May 2017</b>                                            |
| <b>Location</b>                      | <b>Golden Jubilee Conference Hotel,<br/>Clydebank</b>         |
| <b>Title of Paper</b>                | <b>Committee Annual Report –<br/>Complaints &amp; Conduct</b> |
| <b>Item Number</b>                   | <b>16.2</b>                                                   |
| <b>Presented By</b>                  | <b>George Graham</b>                                          |
| <b>Recommendation to<br/>Members</b> | <b>For Noting</b>                                             |
| <b>Appendix Attached:</b>            | <b>No</b>                                                     |

**PURPOSE**

The attached report provides the Board with an annual review of business conducted through the Complaints & Conduct Committee from 1<sup>st</sup> April 2016 – 31<sup>st</sup> December 2016.

## 1. Background

In line with sound governance principles, an Annual Assurance Report is submitted from the Complaints & Conduct Committee to the Board.

## 2. Overview

This report covers the period from 1 April 2016 to 31 March 2017 during which time the Complaints & Conduct Committee met formally five times and held a complaints workshop.

The Complaints & Conduct Committee was chaired by Board member Ian Ross until his departure from the SPA on 15 October 2016 and thereafter the Committee was chaired by George Graham. In addition to the Chair, two other Board Members were required to ensure a quorum for meetings.

The SPA Corporate Governance Framework, approved by the Board in December 2016, impacted upon the roles and responsibilities of the SPA in terms of work previously discharged by the Complaints & Conduct Committee.

The significant difference is that there is no longer a Complaints & Conduct Committee and the SPA Chief Executive now has delegated authority to make most decisions on behalf of the SPA in terms of the Police Service of Scotland (Senior Officers)(Conduct) Regulations 2013.

The final Complaints & Conduct Committee meeting was held in November 2016.

The specific role of the Complaints & Conduct Committee was:

- To consider and approve arrangements, including policies, protocols and agreements with other bodies including memorandum of understanding relating to the handling of complaints and conduct for the Authority. These arrangements and policies must comply with police regulations and other legislation where appropriate.
- To consider and make a determination on complaints related to the Authority in line with SPA complaints process as defined under the Police and Fire Reform (Scotland) Act 2012, the Police (Conduct)(Senior Officers)(Scotland) Regulations 1999, the Police Service of Scotland (Senior Officers)(Conduct) Regulations

2013 and the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016.

- To monitor and scrutinise the manner in which complaints are dealt with by PS with a view to satisfying itself that the arrangements and processes in place are appropriate and effective.
- To consider and approve, where appropriate, the referral of cases relating to senior officers conduct to the PIRC, COPFS, the Authority, or in line and as stipulated within the SPA Complaints process and the Regulations, i.e. to any other independent investigator.
- To consider the findings of any report where any allegation has been referred back to the Authority by PIRC, to consider the reasons and any recommendations, given by PIRC and to take such further steps as are appropriate [in terms of paras 11 et seq of the 2013 Senior Officer Conduct Regulations].
- To ensure appropriate and relevant scrutiny and oversight is maintained of internal and external policies, procedures and strategies to ensure compliance with statute, regulation, and decisions made by the committee.

### **3. Complaints & Conduct Committee Membership and Dates of Meetings**

Membership of the Complaints & Conduct Committee for 2016/17 was made up of the following SPA Board members:

- Ian Ross Chair until October 2016
- George Graham Chair until December 2016
- Douglas Yates
- Moi Ali
- Lisa Tennant

In addition, the following SPA Board members were co-opted on to the Committee to attend meetings which required a quorum for decision making.

- Iain Whyte
- Nicola Marchant
- Graham Houston

| <b>Name of Board Member</b> | <b>Possible Number of Meetings</b> | <b>Number of Meetings Attended</b> |
|-----------------------------|------------------------------------|------------------------------------|
| Ian Ross                    | 4                                  | 4                                  |
| George Graham               | 5                                  | 5                                  |
| Douglas Yates               | 4                                  | 4                                  |
| Moi Ali                     | 5                                  | 4                                  |
| Lisa Tennant                | 0                                  | 0                                  |
| Iain Whyte                  | 1                                  | 1 (13 <sup>th</sup> April 2016)    |
| Graham Houston              | 1                                  | 1 (22 <sup>nd</sup> November 2016) |

Other key attendees who attended Committee meetings during the year were:

- DCC Designate, Iain Livingstone, Police Scotland
- Ch Supt Carole Auld, Head of Professional Standards, Police Scotland, until August 2016
- Ch Supt Alan Speirs, Head of Professional Standards, Police Scotland, from August 2016
- Ms Lindsey McNeill, SPA Director of Governance & Assurance
- Mr Robin Johnston, SPA Head of Legal & Compliance
- Mr David Collie, SPA Complaints & Conduct Manager
- Mr Stuart Milne, SPA Complaints & Conduct Co-ordinator
- Mr Graham Ravenscroft, SPA Complaints & Conduct Co-ordinator
- Mr Eric Leggat, SPA Solicitor
- Ms Colette Craig, SPA Committee Co-ordinator

Meetings of the Committee were held on:

- 13/04/2016 Special Meeting
- 18/05/2016 Regular Meeting
- 12/07/2016 Special Meeting
- 17/08/2016 Regular Meeting
- 22/11/2016 Regular Meeting

A Complaints Workshop was held on 13 April 2016 with attendance by Committee Members and representation from the Crown Office & Procurator Fiscal Service (COPFS), Police Investigations & Review Commissioner (PIRC), SPA Complaints & Conduct Team, SPA HR

Governance Team and the SPA Communications & Engagement Team.

#### **4. Main Committee Business during 2016/17**

During 2016/17 the key work undertaken by the Committee, in line with the Committee Terms of Reference, was as follows:

- Monitored and scrutinised the manner in which complaints were dealt with by Police Scotland with a view to satisfying itself that the arrangements and processes in place were appropriate and effective
- Considered and closed a number of complaints relating to senior police officers
- Concluded all legacy complaints relating to senior officers, i.e. those inherited by the SPA on 1 April 2013
- Approved guidance in relation to the Police Service of Scotland (Senior Officers) (Performance) Regulations 2016
- Approved procedures for dealing with requests by constables for assistance with legal expenses
- Approved an SPA Complaints leaflet which has been uploaded onto the Complaints page of the SPA website
- Oversaw dip-sampling of Police Scotland's closed complaints

#### **5. Annual Statement of Assurance**

The Police and Fire Reform (Scotland) Act 2012 outlines the statutory obligations relating to relevant complaints. The SPA Complaints and Conduct Committee enabled the Authority to fulfil its statutory obligations in terms of complaint handling.