



## Complaints & Conduct Committee

1 June 2023

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Minutes of the Complaints & Conduct Committee held on 1 March 2023  
via MS Teams

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Board Members present:	Katharina Kasper (Committee Chair) Grant Macrae (Committee Member) Fiona McQueen (Committee Member) Paul Edie (Committee Member) Catriona Stewart (Committee Member)
Board Member apologies:	
In attendance:	<u>SPA</u> Chris Brown Darren Paterson David Collie Stuart Milne Graham Ravenscroft Colette Craig  <u>Police Scotland</u> Assistant Chief Constable Speirs Superintendent Coleen Wylie Superintendent Helen Harrison  <u>PIRC</u> Ilya Zharov Phil Chapman  <u>HMICS</u> Maggie Pettigrew

## 1. Introduction and Welcome:

### 1.1 Chair's Opening Remarks

The Chair welcomed attendees to the meeting and advised that the verbal update at Item 12 would be provided in the public session following Item 5.

### 1.2 Apologies

Chief Superintendent Catriona Henderson

### Declarations of Interest and Connections

None.

### 1.3 Any Other Business

None.

### 1.4 Decisions on taking business in private (Item 11 – 15)

Members **AGREED** to take Items 11 – 15 in private.

## 2. Minute and Actions from previous meeting:

### 2.1 Minute from meeting held on 15 November 2022 for approval

Members **AGREED** the Minute of the meeting held on 15 November 2022 as an accurate record of the meeting.

### 2.2 Public Minute of Private Meeting held on 15 November 2022 for approval

Members **AGREED** the Public Minute of the private meeting held on 15 November 2022 as an accurate record of the meeting.

### 2.3 Rolling Action Log and Matters Arising

**20221511 - CCC- 003** - Members sought a timeframe around when they would receive an update/interim review. ACC Speirs could not provide an estimate but agreed to provide an interim report to the next committee. Action remains ongoing.

**20221511 - CCC- 004** - The Chair asked for a proposed change in report by the next committee. ACC Speirs advised that PS are a couple of system updates away from achieving this information. Although ACC Speirs is confident that there will be a first interim update to Centurion before the

next committee, he is less confident that the second update will be complete and advised that there was no specific timescale in place for this update. FMcQueen asked if there was a need for a period of 3-6 months of reporting on the new system before members see anything or will there be an expectation of looking into the past and doing a further analysis. ACC Speirs is hopeful that analysts will be able to draw greater data. However, it will take some time for the product to mature. Once the second update is complete the benefits should come through. Action remains ongoing.

The Committee **APPROVED** the action log and noted the updates provided.

### **3. Police Scotland Professional Standards Quarterly Report (Q3 – 22/23)**

Members were provided with a report detailing statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for the period (1 April 2022 – 31 December 2022). During discussions the following matters were raised:

Catriona Stewart (CStewart) referred to the increase in relation to sexual misconduct and sought assurance that the increase was around confidence in complaining and asked if analysis had been undertaken regarding at what point the increase would stop. Assistant Chief Constable Alan Speirs (ACCASpeirs) advised that it was difficult to estimate when the figure would level out. However, he assured members that across the organisation there was a sharp focus on all matters relating to this area and it is anticipated that over the course of the year, if those numbers continue to increase then that would be perceived as a positive thing. CStewart sought further clarity around organisational learning and how that is taken forward. ACCASpeirs advised that learning from key issues is taken forward and delivered on a much more organisational basis to ensure officers are advised and directed accordingly. ACCASpeirs advised that he would be keen to see something more substantive in terms of reporting to the committee in relation to Organisational Learning.

Fiona McQueen (FMcQueen) referred to the increase in the deployment of armed police and sought clarity on whether that would be an ongoing trend. FMcQueen also referred to the increase of complaints in relation to service delivery and sought clarity on how that is addressed. FMcQueen also sought further information around complaints upheld against not upheld. ACCASpeirs advised that the approach taken by Police Scotland around the deployment of firearms is a UK standard and that criteria is carefully considered. He advised that it is impossible to tell if those numbers will increase, but that this will be monitored closely. ACCASpeirs

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referred to quality of service complaints and explained to members how those complaints are dealt with on a monthly basis with divisional commanders. Superintendent Coleen Wylie (SCWylie) advised that she would report back on information around complaints upheld against not upheld in terms of category in order to provide members with more detail.

Grant Macrae (GMacrae) referred to irregularity in procedures and sought clarity around how the work in order to reduce the number of Standard Operating Procedures (SOPs) was progressing. ACCASpeirs advised on the work being carried out by the policy team and advised that he would bring back more details around what elements of procedure are generating the large number of allegations in relation to irregularity and what Police Scotland are doing within that space. GMacrae also referred to Business interests and Notifiable Associations within Gateway Referrals Received and sought clarity on why those numbers were so high. ACCASpeirs advised that it would not be his desire to reduce those numbers as they are self declarations from officers and provided explanations on why those numbers are high. ACCASpeirs advised that these referrals are around safeguarding and wellbeing, areas that they would want officers to highlight. These referrals also allow the Anti Corruption Unit to do more analysis in that space. ACCASpeirs added that he would be keen to compare year end figures with the previous 4-5 years, but the process is working well.

Members **NOTED** the report and **AGREED** the following actions:

**20230301 - CCC- 001: Assistant Chief Constable Alan Speirs to bring forward a substantive report in relation to Police Scotland Organisational Learning.**

**20230301 - CCC- 002: Superintendent Coleen Wylie to report back on information around complaints upheld against not upheld in terms of category in order to provide members with more detail.**

**20230301 - CCC- 003: Assistant Chief Constable Alan Speirs to report back more details around what elements of procedure are generating the large number of allegations in relation to irregularity in procedures and what Police Scotland are doing within that space.**

#### **4. SPA Quarterly Report (Q3 – 22/23)**

Darren Paterson (DPaterson) provided an overview of the report which informed members on complaints matters including key statistics

reflecting the position at the end of Q3, 2022/23. During discussions the following matters were raised:

DPaterson advised of engagement with other policing oversight bodies in the UK which highlighted that the SPA is not unique in the challenges faced by receiving complaints outwith its remit. DPaterson explained that the SPA had undertaken similar activity to those other bodies in terms of ensuring clear signposting for complainers. The Chair sought clarity around what measures were being taken to reduce cases that are outwith the SPA remit. DPaterson advised that they undertook a review of the complaints page on the SPA public facing website to ensure that absolute clarity was provided around what complaints the SPA address and that appropriate signposting is in place for complaints that are not for the SPA. In addition an interactive complaints form provides assistance in ensuring complaints are appropriately directed. A standard complaints leaflet, available to members of the public, has been amended to provide further clarity. Furthermore, as part of an upcoming review of the SPA website there will be planned user testing on the complaints page to ensure that the information is clear.

Members **NOTED** the report.

## **5. PIRC Quarterly report on Police Scotland Handling of Complaints and Investigation Referrals**

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews. Phil Chapman (PChapman) provided an overview on the Investigation Referrals. The report included key statistics reflecting the position at the end of Q3, 2022/23. During discussions the following matters were raised:

CStewart noted 74% of complaints were reasonably handled but that still meant 26% were not and sought clarity around the quality of training that enquiry officers are receiving. IZharov advised that there is always room for improvement but the percentage reasonably handled is a significant improvement compared to previous years. IZharov noted that one of the issues is the turnover of staff within Police Scotland PSD. However, work is ongoing with PSD to identify training opportunities and to discuss delivery of such training. ACCASpeirs assured members that the turnover of staff within PSD does not have an impact on how complaints are handled as new staff are selected based on the skillset they already have. ACCASpeirs added that Police Scotland aspire to be as efficient and effective as they can be in relation to complaint handling.

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The Chair advised that she did not find the quarterly presentation of data helpful for trends, due to fluctuations between quarters, but was assured that there had been a reduction of 20% over the past 5 years in cases being referred to PIRC and hoped that was a result of moving to the National Complaint Handling Model.

FMcQueen referred to the types of complaints that go to PIRC and sought clarity on whether or not PIRC were only receiving the worst of the cases that complainers are not satisfied with. IZharov advised that there is a mixture of complaint cases referred to PIRC for review. Some are serious cases and some are from complainers who don't accept the outcome of their complaints. However, there is an understanding within PIRC that they are dealing with only a small percentage of the total number of complaints that could come to them, and it is therefore important to continue with the audit/dip-sampling programme.

FMcQueen asked about where the outcomes of statutory referrals are reported. PChapman provided an overview on how statutory referrals are addressed by the PIRC and how findings/recommendations resulting from PIRC investigations are reported to Police Scotland and tracked regularly. PChapman noted that PSD's report to Committee includes details of recommendations made by the PIRC.

The Chair sought clarity on the reporting of Impact Factors and what wider conclusions could be drawn. PChapman advised it allows an understanding of wider issues/trends around circumstances which lead to statutory referrals being made to the PIRC. This also assists the PIRC in making comment on potential policy changes.

The Chair asked for an update on the ongoing Joint Audit. IZharov advised that the report was in the final quality assurance stage and it is anticipated soon. The Chair asked that the completed report is shared with members ahead of the next committee meeting. The Chair appreciated operational challenges, but noted concerns around the length of time it had taken and the need to consider the best way to conduct and streamline these audits in future.

Members **NOTED** the report and **AGREED** the following actions:

**20230301 - CCC- 004: Ilya Zharov to provide the completed audit report to members ahead of the next committee meeting. In addition, give consideration to the best way to conduct and streamline audits in future.**

*Item 7 was taken before Item 6*

## 7. Dip Sampling of Police Scotland Complaints

DPaterson provided an overview of a report which advised members of proposed areas for dip-sampling following the reintroduction of the process. During discussions the following matters were raised:

FMcQueen sought clarity on what professional advise the SPA Complaints Team would receive. DPaterson advised that a record of sample complaints will be pulled from Police Scotland Centurion system and this will be in line with recognised auditing techniques. Considerations will be against Police Scotland Complaints SOP and the PIRC's statutory guidance. DPaterson advised that if there are elements that give rise to any questions then the intention would be to engage further with Police Scotland via the ACC or Head of PSD.

The Chair advised that it would be beneficial to members to have sight of some of the historic work in relation to Dip Sampling in order to understand what is being achieved. DPaterson advised that he would share previous reports with members and provide reassurance around the process. The Chair referred to ACU and PSD and noted that many of them were not public facing and advised that she would be keen to understand the ratio of complaints (about ACU/PSD staff) to be sampled. The Chair referred to timelines and asked if this was potentially a duplication of data already available and suggested that internal management information was looked at in the first instance. The Chair welcomed this piece of work but asked that thinking was developed a little further.

ACCASpeirs advised that the number of complaints received against ACU and PSD staff is incredibly small and there is a policy in place that the SPA are highlighted on any instances. ACCASpeirs noted concerns around dip sampling such a small number of ACU/PSD complaints. ACCASpeirs advised that he had concerns around the sampling of complaint timescales and advised that trying to audit the points of contact around complainers is a little undefined. ACCASpeirs welcomes the approach to dip sampling but has concerns around targeted dip sampling, particularly in relation to timescales.

Members advised that it would be worthwhile to consider this further offline in order to make this piece of work meaningful and to avoid duplication of effort. The Chair agreed the need for this to be a value added activity and asked that specifics were addressed.

Members **NOTED** the report and **AGREED** the following actions:

**20230301 - CCC- 005: Darren Paterson to provide members with some of the historic work in relation to Dip Sampling in order to understand what is being achieved.**

**20230301 - CCC- 006: Darren Paterson to give further consideration to this piece of work offline in order to make this piece of work more meaningful and to avoid duplication of effort.**

*The Chair asked Grant Macrae to Chair the remainder of the public session before her return at 1pm following an urgent appointment.*

## **6. Continuous Integrity Screening**

ACCASpeirs provided opening comments to a report that was presented to the SPA Authority Meeting on 23<sup>rd</sup> February 2023 and advised that the progress of this work would be reported to the next committee meeting (public or private session to be determined nearer the time). During discussions the following matters were raised:

CStewart sought clarity on how the outcome of the work would be monitored and assessed. ACCASpeirs advised that the initial screening exercise was scheduled to conclude week commencing the 27<sup>th</sup> March 2023. There will be a need to await the outcome of the screening exercise and then determine what activity would need to be taken forward.

Members **NOTED** the report and **AGREED** the following action:

**20230301 - CCC- 007: Assistant Chief Constable Alan Speirs to provide a progress report on Continuous Integrity Screening to the next committee meeting**

## **8. Revised SPA Complaint Handling Procedures**

Members were provided with a report inviting them to approve the revised SPA Complaints Handling Procedures. Members had no questions in relation to the procedures.

Members **APPROVED** the Revised SPA Complaint Handling Procedures

## **9. Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing:**

### **9.1 Police Scotland Update**



ACCASpeirs provided a report which provided an update in respect of Dame Elish Angiolini's Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. During discussions the following matters were raised:

Members discussed that recommendation 11 – Sergeant Workload and Supervisory Ratios may overlap with the People Committee.

Members **NOTED** the report and **AGREED** that future reports should be by exception ensuring that members are updated on how outstanding recommendations are implemented.

## **9.2 SPA Update**

DPaterson provided a verbal update and advised members that there had been no significant updates following the previous committee. There are three recommendations specific to the SPA which remain outstanding and all of which are dependent on wider partners in terms of their reporting.

The Chair asked that, similar to Police Scotland, future reporting should be around how outstanding recommendations are being implemented.

Members **NOTED** the report and **AGREED** that future reports are reported by exception ensuring that members are updated on how outstanding recommendations are implemented.

## **10. Complaints and Conduct Committee Work Plan**

Members **NOTED** the report.

*Subject to approval at item 1.5 the following items will be considered in private.*