



Complaints and Conduct Committee

15 November 2022

Minutes of the Complaints and Conduct Committee held on Thursday 18 August 2022 via MS Teams

Board Members present:	Alasdair Hay (Committee Chair) Paul Edie (Committee Member) Grant MacRae (Committee Member) Fiona McQueen (Committee Member) Catriona Stewart (Committee Member)
Board Member apologies:	None
In attendance:	<u>Scottish Police Authority</u> Darren Paterson, Head of Workforce Governance David Collie, Complaints and Conduct Manager Melanie Wade, T/Chief Inspector Colette Craig, Governance Support Officer <u>Police Scotland</u> Chief Superintendent John Paterson Chief Superintendent Catriona Henderson <u>PIRC</u> Ilya Zharov John McSporran <u>HMICS</u> Craig Naylor

1. WELCOME AND APOLOGIES

The Committee Chair welcomed attendees and congratulated Chief Superintendent John Paterson (CSJPaterson) for successfully passing through the Police National Assessment Centre (PNAC) and who will now be joining the Strategic Command Course. The Chair welcomed Chief Superintendent Catriona Henderson (CCHenderson) who will be stepping into the role of CSJPaterson for the committee.

The Chair welcomed John McSporrán (JMcSporrán), Head of Investigations from PIRC who will be providing support to Item 4 on the agenda.

Apologies were noted from; Chris Brown, Deputy Chief Executive Resources (SPA) and Assistant Chief Constable Alan Speirs (Police Scotland)

1.2 DECLARATIONS OF INTEREST AND CONNECTIONS

There were no declarations of interest.

1.3 MINUTE FROM MEETING HELD ON 31 MAY 2022 FOR APPROVAL

Members **AGREED** the Minute of the meeting held on 31 May 2022 as an accurate record of the meeting.

1.4 PUBLIC MINUTE FROM PRIVATE MEETING HELD ON 31 MAY 2022 FOR APPROVAL

Members **AGREED** the Minute of the private meeting held on 31 May 2022 as an accurate record of the meeting.

1.5 ACTION LOG AND MATTERS ARISING

20223105- CCC- 001 - Members sought clarity to what extent there would be a measurement put in place around the effectiveness of the QR Code. Darren Paterson (DPaterson) advised that any changes to this process are being tracked and even within the last short period, improvements have been identified. This will be monitored over a longer term period. In addition the intention is to undertake some benchmarking activity to identify whether similar organisations are experiencing similar challenges and what action they have taken. DPaterson added that there is a wider SPA project taking place to look at the website and the developer have advised that the complaints page, in their view, is doing what it should with no further additions suggested by them at the moment. Wider public testing will take place following this which will allow consideration of potential improvements.

Members had a discussion around the scheduling and timing of work coming to the committee and noted the need to consider realistic dates for work to be completed. The Chair agreed the need to be effective and efficient however not be detrimental to wider work within Police Scotland. They advised that analysis of actions and the discharge dates with the SPA Complaints Team ahead of the next committee workshop should allow for this matter to be discussed more broadly along with routine reporting.

The Committee **APPROVED** the action log, noted the updates provided and **AGREED** the following action;

20221808 - CCC- 001 – Darren Paterson to consider whether action due dates are realistic and further consider which items which may be incorporated into work plan as routine reporting and feedback to Colette Craig.

1.6 DECISIONS ON TAKING BUSINESS IN

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 8 to 14 on the agenda in private.

2. POLICE SCOTLAND PROFESSIONAL STANDARDS QUARTERLY PERFORMANCE REPORT (Q1 – 22/23) – CS JOHN PATERSON

Prior to taking the report, CS John Paterson assured members that two actions outstanding for Police Scotland were well advance. In terms of Irregularity in procedures there are 18 sub categories being worked through to ensure the report is meaningful for members. In order to provide members with assurance, CSJPaterson advised that there was no single policy causing concern. The driver seemed to be the lack of information provided to members of the public who make complaints. In terms of Discriminatory Behaviour the challenge is highlighted within the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing Report and around the capture of data. It is being worked through with the analytical team.

Members considered the report which provided statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2022 – 30 June 2022). CS John Paterson highlighted key points noted within the executive summary. During discussions the following matters were raised:

- Members referred to the analytical action on page 25 of the report and sought clarity on when that analysis would be complete. In

addition asked for further information in relation to social and equalities implications of the report. CS John Paterson advised that the analytical work would be done by November 2022, with an update being provided by ACC Speirs at the October Committee Workshop. CS John Paterson advised on the challenges faced around discriminatory behaviour, the sub categories and the 5 year averaging and being able to report that information. The information that is captured is being broken down all falls mainly around arrests for criminality and road traffic matters. Police Scotland are constantly looking for the learning from these areas and address the greater detail in order to push down to local commanders and if required amend any training. In relation to sexual misconduct, the rise is recognised and welcomed as Police Scotland believe this to be an increase of awareness and confidence in coming forward. A six month update will come forward to the committee on this as previously agreed.

- Members referred to the increase on allegations of assault on assault primarily driven by Tayside and sought clarity on what had driven the increase. CS John Paterson advised that there had not been a specific incident, team or police office that had driven this increase.
- Members referred to the live complaints referred to on page 10 and sought clarity on whether that was an improved picture as the narrative would suggest otherwise. CS John Paterson advised it was improved and that there were 113 legacy cases still live due to their complexity.
- Members referred to the National Gateway Assessment Unit with an increase in Business Interest and Notifiable Association and noted concerns around the disproportionate time being spent on these categories by PSD. CS John Paterson advised that Police Scotland welcomed the increase as it was an indication that the process was effective and that in past officers and staff would have business interests that were undeclared making that an unknown risk to the organisation. CS John Paterson advised that this also allowed PSD to provide guidance staff in relation to these areas.
- Members sought clarity on the process that surrounds the referral of Incidents in Police Custody to PIRC. In addition members referred to actions taken to address Excessive Force and Assault in Fife and sought clarity on how that is rolled out throughout the force. Members also asked if there was any evidence around the use of excessive force by an officer and whether it was related to a previous assault that they had personally suffered. CS John Paterson advised that he had regular meetings with the Head of Criminal Justice Services Dept. Every second month there is meetings with the ACC who is in charge of that portfolio to look at any learning. This time is built in to allow PIRC opportunity to

undertake any review and feedback any immediate learning. CS John Paterson advised that when they are notified of a serious injury it is immediately recorded at PSD and then referred to PIRC. PSD work with PIRC to ensure they have access to all the relevant information, PIRC then feedback learning to PSD who then capture that learning appropriately. That learning is then fed into meetings with divisional commanders and onto Officer Safety Trainers to allow them to factor into their 2 day training courses. This learning is also carried out in Fife when addressing excessive force and assault, at times it is just about upskilling officers. CS John Paterson referred to Trauma-informed Care and advised this was being looked at for officers and staff as part of wider wellbeing, however, advised that he would check to see if there was any evidence to show that the use of excessive force by an officer had related to a previous assault that they had personally suffered during their worktime.

- The Chair referred to Quality of Service Complaints and noted how that can relate back to response time and in turn police numbers within local communities and sought clarity on how this is being joined up within the organisation. CS John Paterson advised that he would not say it was a direct coloration to police numbers, however, advised that it is a wider organisational discussion, with focus being provided by HMICS around tri-service work. CS John Paterson expanded on some collaboration work with the fire services, ambulance service and wider health partners. CS John Paterson advised that the police service tend to be the publics first and last resort, however, they are not always the right service to be providing a response, which brings on a wider discussion around public sector responses.
- The Committee resolved to:
 - **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q1 - 22/23) and **AGREED** the following action.

20221808 - CCC- 002 – CS John Paterson to identify if there was any evidence to show that the use of excessive force by an officer had related to a previous assault that they had personally suffered during their worktime.

3. SPA QUARTERLY REPORT (Q1 – 22/23) – DARREN PATERSON

Members considered a report which detailed key statistics reflecting the position at the end of Q1, 2022/23. DPaterson highlighted key points from the report.

- Members welcomed the reduction in time taking to resolve complaints and noted it to be a positive and clearly presented report.
- The Committee resolved to:
 - **NOTE** the SPA Quarterly Report (Q1 - 22/23)

4. PIRC QUARTERLY REPORT ON POLICE SCOTLAND HANDLING OF COMPLAINTS AND INVESTIGATION REFERRALS – ILYA ZHAROV AND JOHN McSPORRAN

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews and Investigations. The report includes key statistics reflecting the position at the end of Q1, 2022/23. During discussions the following matters were raised:

- Members referred to issues around the online form and noted that accessing the online complaints form was fundamental therefore asked when the matter would be resolved and was there a confidence that complainers were still managing to provide complaints to PIRC. IZharov advised that they have been unable to resolve the matter with specialist IT input therefore work is ongoing by PIRC to develop a new website and new form. In the meantime they are doing all they can to assist the public, providing the ability to download the forms and posting forms to the public when requested to ensure they are not disadvantaged.
- Members referred to page 8 and sought clarity that PIRC follow up on those complaints that are reassessed. IZharov advised that the PIRC ask Police Scotland to implement every learning point, recommendation and reconsideration direction within 56 days. There is a recommendations tracker and each case worker and reviewer is responsible for their own caseload and recommendation. PIRC are constantly in dialogue with PSD around the implementation of recommendations, if recommendations are not implemented within 56 days PIRC contact PSD for an update on progress. At this same point a refresh letter is issued to the applicant.
- Members sought clarity that if there was a consistent area requiring the PIRC to revisit would training be considered. IZharov advised that PIRC provide training inputs and workshops to areas that they feel need addressed.
- Members sought clarity around the figures presented on page 13 referring to Article 3 & 5 (assault allegations, unlawful arrest) and whether those figures related to less activity as a result of COVID/lockdown. John McSporran (JMcSporran) advised that as a result of the Lady Elish Angiolini Review and a recommendation that

had come from that, allegations of assault or unlawful arrest should transfer from the Police to PIRC. That process started on the 4th October 2022 to allow a 6 month bedding in period. As a result a comparison for last year is not showing as the figures had transferred from PSD accounting for the significant increase.

- JMcSporran provided an overview of the statutory referrals and provided an explanation around how at times statistics presented can be out of alignment from Police Scotland figures as a result of Crown Office instructions. In addition members were advised on the process around PIRC investigations and provided statistics in relation to findings, recommendations and impact factors.
- Members referred to the impact the use of Tasers had on officers and sought clarity on what support they receive. CS John Paterson advised that there are a number of different support mechanisms in place, particularly Trauma Risk Management (TRiM). There are self-referral processes for any type of trauma for staff where they will get access to specialist counselling or the employee wellbeing programme. In extreme instances, PSD can initiate post incident procedures where the PIRC are involved. Managers are being upskilled to identify issues such as mental health and identify patterns of behaviours. The Chair advised that he would have a discussion with members about where they could be briefed on areas like this.
- Members sought clarity from PIRC that they monitor implementation of recommendations and what assurance does the committee receive on that. JMcSporran advised that PIRC monitor the implementation of recommendations and allow 3 months for Police Scotland to respond on what action has been taken, this insure proper learning and improvement. DPaterson added that with this being a newer section to the report that now provides the vehicle for oversight. Craig Naylor (CNaylor) added that there had been some discussions around how recommendations are dealt with from both HMICS and PIRC and advised that the operational independence of the Chief Constable was the paramount issue. If there was a requirement under law for the Chief Constable to implement a recommendation that would remove his independence, however, if a body makes a recommendation and a route for that recommendation to be made public then there is a good governance framework for that, without impeding the chief constables independence. CS John Paterson added that when the recommendation are received from PIRC they are recorded and tracked along with their being regular interaction. In addition there is further oversight via the SPA Audit Risk and Assurance Committee.

- The Committee resolved to:
 - **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints and Investigation Referrals Report.

John McSporran left the meeting at this point.

5. JOINT AUDIT SPA/PIRC UPDATE REPORT – ILYA ZHAROV

IZharov provided a verbal update to members and advised that the audit was progressing and a report being drafted before moving into the quality assurance stage. It is hoped that it will be complete by the end of September 2022 and if there is any delay in that regard then the committee will be advised. It is hoped that the report will come to the next committee in November 2022.

The Committee resolved to:

- **NOTE** Joint Audit SPA/PIRC verbal update.

6. INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

6.1 PS UPDATE – CS JOHN PATERSON

CS John Paterson provided a verbal update to members and advised that of the 24 recommendations, 14 have now been discharged. The 4 substantive and 1 recommendation from the preliminary report, as reported to the committee in May, have now been submitted for closure and currently going through the Practitioner Working Group for final comment. This will leave Police Scotland with 6 outstanding recommendations which are scheduled for completion by the end of December 2022. A fuller update will come to the next committee in November 2022.

- The Committee resolved to:
 - **NOTE** the verbal update.

6.2 SPA UPDATE – DARREN PATERSON

Members considered the report which provided an update on work being progressed to address recommendations arising from the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, led by Lady Elish Angiolini. DPaterson provided an overview of the report and action plan. During discussions the following matters were raised:

- Members referred to recommendation 11 and the publication of the information and sought clarity on what stage that was at. In addition, for recommendation 27, members sought clarity on how the further training would be monitored. DPaterson advised that recommendation 11 was complete from an SPA perspective and the remaining part is due to be discharged within the 6 outstanding recommendations sitting with Police Scotland by the end of December 2022. DPaterson advised that at the May 2022 committee an update was provided on a range of training and broader development activity, this training and activity has since been agreed and submitted to Scottish Government for consideration. DPaterson added that in the spirit of continuous improvement, training should continue and should not stop to discharge a recommendation, and the team will continue to look for opportunities to further advance that area for SPA officials.
- The Committee resolved to:
 - **NOTE** the update.

7. COMMITTEE WORK PLAN

The Chair advised that the work plan should be considered at the forthcoming workshop to allow further discussion on the items within it and future items that should be included.

The Committee resolved to:

- **NOTE** the work plan and agree the following action;
20221808 - CCC- 003 – Ensure that the committee work plan is placed on the agenda for the forthcoming workshop for consideration.