



## Complaints & Conduct Committee

22 August 2023

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

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 Graham Ravenscroft Colette Craig  <u>Police Scotland</u> Assistant Chief Constable Speirs Chief Superintendent Catriona Henderson 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.

### 1.2 Apologies

None.

### Declarations of Interest and Connections

None.

### 1.3 Any Other Business

None.

### 1.4 Decisions on taking business in private (Item 11 – 13)

Members **AGREED** to take Items 11 – 13 in private.

## 2. Minute and Actions from previous meeting:

### 2.1 Minute from meeting held on 1 March 2023 for approval

Members **AGREED** the Minute of the meeting held on 1 March 2023 as an accurate record of the meeting.

### 2.2 Public Minute of Private Meeting held on 1 March 2023 for approval

Members **AGREED** the Public Minute of the private meeting held on 1 March 2023 as an accurate record of the meeting.

### 2.3 Rolling Action Log and Matters Arising

**20230301 - CCC- 003** - Members asked that the category titled "other" could be sub-divided into appropriate categories in order to provide assurance to members. ACC Alan Speirs (ACCASpeirs) advised that PS are awaiting two upgrades to the Centurion System that will allow for more information to be brought forward. The first system upgrade is due in August 2023. The next update which will provide better information around the quality of data is scheduled for October 2023. ACCASpeirs assured members that the complaints within category "other" are within the broad theme of irregularity in procedure. ACCASpeirs added that sub categories can be achieved, however, a significant amount of work will be

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required. ACCASpeirs is keen to explore this action further, to understand how PS can present data around Irregularity in Procedure and Quality of Service complaints on a more regular basis. Members advised that an informal session around this area would be beneficial with a discussion document which could be linked into dip sampling and the PIRC Audit in order to bring everything together as a package. Members agreed to close the original action and generate a new action under the performance section.

**20230301 - CCC- 006** – Members agreed that this action could be closed.

**20221511 - CCC- 003** – The Chair asked that the data presented at this action becomes part of regular reports going forward and asked that this is reconsidered at the first committee in 2024. *(Number of instances of application of Early Intervention & how effectiveness of programme is measured in terms of reduced complaints)*

**20221511 - CCC- 009** – Following on from the closure of this action that Chair asked that the SPA ascertain that the National Governance Structures have an element of impact assessment over a period of time. If there are any issues from a result of that then the matter can be discussed at a future committee. *(Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: Following a period of time since closure, provide an analysis around the desired impact of closed recommendations.)*

The Committee **APPROVED** the action log and noted the updates provided and **AGREED** the following new actions:

**20230106-CCC-001: Assistant Chief Constable Alan Speirs to give consideration to how Police Scotland can present data around Irregularity in Procedure and Quality of Services complaints on a more regular basis.**

**20230106-CCC-002: Assistant Chief Constable Alan Speirs to give consideration to an informal session on around Irregularity in Procedure and Quality of Services. Consider including a discussion document which could be linked into dip sampling and the PIRC Audit in order to bring all together as a package.**

**20230106-CCC-003: Darren Paterson to ascertain that the National Governance Structures have an element of impact assessment against the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to**

**Policing Recommendations. If there are any issues from a result of that then report back to a future committee.**

### **3. Police Scotland Professional Standards Quarterly Report (Q4 – 22/23)**

Members were provided with a report which noted statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2022 – 31 March 2023). During discussions the following matters were raised:

ACC Alan Speirs (ACCASpeirs) advised that he would provide members with an update in relation to the Continuous Integrity Screening in the private session. ACCASpeirs advised that a public report would return to the committee in due course.

Following recent comments by the Chief Constable around institutionalised discrimination, members sought clarity on whether any previous complaints require a further review and if there would be a different approach from the team going forward. In addition members referred to assaults on officers around custody and sought clarity on whether any work had been done in corollating injury to people in custody to injury of officers. Members sought clarity on whether there is a process available to allow compliments to be paid to the force, noting that this would enrich the view of public perception, along with providing helpful feedback to officers and staff about their interaction with the public. ACCASpeirs advised that one of the challenges with the current database was in drawing out diversity information on both complainers and the subject of complaints. This is an area that PS want to look at and an area that they have already discussed with PIRC. ACCASpeirs advised that whilst they wait for system updates, he would take an action to review this area and return to the next committee with an update. ACCASpeirs assured members that assaults on officers around custody is an area being scrutinised through a number of forums within PS. PS draw compliment data via the User Satisfaction and Confidence Surveys where they are engaging with 1000-1200 people per month. Chief Superintendent Catriona Henderson (CSCHenderson) added that there is work being done with IT to refresh the PS website in order to make this an area available to the public. There is also benchmarking being done around this with other forces in an effort to inform and develop the picture in relation to public satisfaction.

Grant Macrae (GMacrae) sought clarity on how this new report would flow into the annual report and ACCASpeirs advised that he would engage with the team to ensure that this information is fed into the Annual Report.

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The Chair noted the importance of ensuring that as a result of the progress being made with this report, there is a need to remember previously discharged recommendations from the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing to ensure no recommendations have been reversed in terms of the data being presented. The Chair asked that SPA colleagues review this to ensure that no areas have been overlooked.

The Chair further requested that within the report where it highlights complaints received by command area, it would be beneficial from a reference point perspective to have the number of officers within each area marked on the report.

The Chair referred to PIRC referrals and number not investigated by PIRC and advised she would be keen to understand the timings associated with referrals to understand how long people need to wait to find out if their referral will be investigated or not and the impact on PS. ACCASpeirs advised that the decision on when PIRC will investigate is taken fairly quickly. PS then take time to gather information in relation to the referral within 14 days. The biggest impact on PS is when there are instances of Article 3 and Article 5 due to the associated timescales being slower and this is where consideration needs to be given to those officers that are subject to those types of allegations. Phil Chapman (PChapman) provided members with an overview on the PIRC handling of referrals along with informing them of potential changes to process within the PIRC that are currently being reviewed which will hopefully streamline the processes associated with referrals.

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

**20230106-CCC-004: Assistant Chief Constable Alan Speirs to ensure that a public report in relation to Continuous Integrity Screening returns to the committee in due course.**

**20230106-CCC-005: Assistant Chief Constable Alan Speirs to give consideration to how diversity information can be drawn on for both officers and complainers in the absence of a system update.**

**20230106-CCC-006: Assistant Chief Constable Alan Speirs to engage with SPA colleagues to ensure the data within this report filters thorough to the committee annual report.**

**20230106-CCC-007: Darren Paterson to review and ensure that no recommendations noted within the Independent Review of Complaints Handling, Investigations and Misconduct Issues in**

**Relation to Policing have been reversed as a result of the new data being presented by Police Scotland.**

**20230106-CCC-008: Assistant Chief Constable Alan Speirs to ensure that the number of officers for each command area is highlighted when referring to complaints received within each command area**

*Due to technical issues the following item was taken next.*

## **7. Police Scotland Vetting Overview**

ACCASpeirs provided a report which detailed an overview of the recent developments and improvements to processes within Police Scotland's vetting department. During discussions the following matters were raised:

The Chair noted the importance for members to be clear around what vetting is, what it isn't, what it can and cannot do, and what it can and cannot control. In addition, there is a need to know what other controls are in place where vetting cannot control the risks, noting that it was critical for both Police Scotland and public confidence.

Catriona Stewart (CStewart) sought clarity on how PS intend to merge the vetting process with the recruitment process to ensure that new officers are clear around what is expected of them. ACCASpeirs advised that the report at Item 8 of the agenda would highlight the Preventions and Professionalism Programme where vetting is only one element of activity that is undertaken. ACCASpeirs agreed that vetting was not a single solution, however, it is one element of the process.

Fiona McQueen (FMcQueen) sought clarity on the number of people with protected characteristics that have failed vetting, and additionally asked how PS intend to review the vetting process following comments from the Chief Constable in relation to institutionalised discrimination. ACCASpeirs did not have a breakdown of figures, but advised that PS vetting process is to a UK standard with a continuous review around whether the correct information being gathered is correct. FMcQueen advised that in slower order she would be keen to see information brought forward to the committee to allow members to be assured that specific community group applications were not being excluded, and to include details of feedback provided to applicants who fail vetting. The Chair advised that she would be keen to understand whether there were equality impact assessments done on some of the broader policies, as this would be a control against unconscious bias. Meggie Pettigrew (MPettigrew) from HMICS advised that the IRG will be looking at vetting through a lense of protected characteristics. In addition, HMICS will publish a report on vetting, likely to be published in August 2023, prior to the Organisational Culture

report. The Chair welcomed the independent assurance being provided by both HMICS and IRG in this space.

Paul Edie (PEdie) sought clarity on what formal consultation had taken place in relation to Continuous Integrity Screening. ACCASpeirs advised that based on the approaches they wish to take, they are in the consulting space with Staff Associations and Trade Unions. PEdie asked why the consultation did not take place prior to the start of the process. ACCASpeirs advised at times there is a need to gain the Chief Constable's approval before a consultation can be started and this process came to the UK at a pace. PEdie noted the importance of maintaining good relations with staff associations and unions and advised that he would value an enhanced engagement. ACCASpeirs advised that was the level of engagement currently taking place.

The Chair welcomed the various vetting arrangements set out within the report, however, noted that there are limitations. The challenge then remains that when an individual is within an organisation, how is that information kept up to date, especially when vetting is intrusive and labour intensive.

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

**20230106-CCC-009: Assistant Chief Constable Alan Speirs to bring forward the number of people with protected characteristics that have failed vetting. This will allow members to be assured that specific community group applications were not being excluded. In addition include the feedback provided to applicants who failed their vetting.**

#### **4. SPA Quarterly Report (Q4 – 22/23)**

Darren Paterson (DPaterson) provided an overview of a report which included key statistics reflecting the position at the end of Q4, 2022/23. The report also included key statistics over the past 4 years, 2019/20 to 2022/23. During discussions the following matters were raised:

FMcQueen sought clarity around the presentation of data in relation to complaints upheld and not upheld. DPaterson explained the narrative and agreed to reflect on the presentation of data for this report going forward.

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

**20230106-CCC-010: Darren Paterson to reflect on the presentation of data in relation to complaints upheld and not upheld within this report going forward.**

## 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 for period April - March, 2022/23. During discussions the following matters were raised:

The Chair sought clarity on what were the biggest areas of improvement that PS could make within their complaints handling process. IZharov believes that one of the areas would be to increase the level of training and inputs that could be provided to complaint handlers. More training inputs from PIRC would be beneficial and there are dates in place for this to happen. IZharov added that timescales around communications back to complainers would be a further other area for improvement. The Chair advised that all complaints are incredibly important and that she would be keen to understand the internal triaging of complaints in order to understand and gain assurance that the more serious complaints are prioritised. ACCASpeirs advised, like PIRC, there is a want for more resources to do things quicker. The demands on PSD have never been greater and the staff are working hard to address the demand which always outweighs the resource. ACCASpeirs does not believe the timescales can be improved in the short to medium term, however, PS are looking to make the efficiency of the complaint handling process as effective as possible. CSHenderson provided a detailed overview of what training is in place for complaint handlers. The Chair asked that some thinking was given to a risk based approach when it comes to complaints to be included within the data presented. The Chair sought clarity on whether there had been anything noted within last year's data that would highlight something out of the ordinary or any trends that they are concerned about. PChapman advised that apart from trying to get a better understanding around the firearms presentation and ensuring a constant and refreshed eye on that area.

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

**20230106-CCC-011: Assistant Chief Constable Alan Speirs to consider and present data to provide assurance to the committee that complaints are handled in a risk-based manner, and resources are prioritised accordingly.**

## 6. PIRC/SPA Joint Audit Report

IZharov provided an overview of the Audit Report of Police Scotland on the triage of Complaints about the Police carried out jointly by the PIRC



and SPA, and highlighted the key findings and relevant recommendations made. During discussions the following matters were raised:

ACCASpeirs welcomed the work carried out by PIRC and accepted the detail contained within it, however, noted that the audit was two years old and did not reflect any changes made by Police Scotland in the summer of 2021. ACCASpeirs advised that PS will take on any relevant learning, however.

Members welcomed the comments by ACCASpeirs and sought clarity on when the audit would be repeated. Members also sought clarity on what standard of evidence was required to determine whether a complaint is upheld or not up held. IZharov advised that he was unable to advise when the audit will be repeated, noting the need to first engage with PS on the recommendations within this report. IZharov advised that complaints about the police are determined on balance of probability and noted that there is guidance to assist with each case.

Members sought clarity on the delays in carrying out of the audit and its publication. IZharov advised that the delay was a result of staff resource available to PIRC.

Members noted that although the report is two years old, there is still a need to understand how those recommendations have been addressed.

Members **NOTED** the report.

## **8. Professional Boundaries – Bi-annual Progress Update**

CSCHenderson provided an overview of a report which updated members regarding ongoing activity in the area of Professional Boundaries. During discussions the following matters were raised:

Members sought clarity on how PS intend to identify and evaluate this activity from an assurance point of view. CSCHenderson advised that work was ongoing with colleagues from Strategy and Innovation to provide support and assistance in devising a framework to measure success or otherwise. Engagement with staff associations on a monthly basis will also feed into this.

Members sought clarity on whether a different perspective was now being taken to this work following the Chief Constable's comments around institutionalised discrimination. CSCHenderson assured members PS are continuously and actively looking at ways to enhance this piece of work. The approach has been changed, however, the approach is broad and inclusive with learning being gained at all times.

Members **NOTED** the report

## 9. Police Scotland Organisational Learning

Following a request from members and in order to discharge a previous committee action, Superintendent Coleen Wylie (SCWylie) provided a report on Organisational Learning which detailed what work was being done and needed to be done going forward. During discussions the following matters were raised:

Members referred to the learning from past mistakes and encouraged PS to progress the continuous improvement element as much as possible and assess the effectiveness and impact. The Chair sought clarity on how members would see the output of this work from an assurance perspective. SCWylie advised that she would discuss the matter with ACCASpeirs but would propose building on the monitoring and impact section of the report in order to assure members that there is oversight. Members welcomed this, however, advised that following upgrades to the system later in the year there would be an expectation to have sight of more analysis and learning from complaints and whether or not there are recurring themes.

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

**20230106-CCC-012: Superintendent Coleen Wylie to consider and discuss with colleagues around how to best to assure members around the output of this work from an assurance perspective.**

## 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*