

**COMPLAINTS AND CONDUCT COMMITTEE
2 March 2021**

**Minute of the Scottish Police Authority Complaints and Conduct
Committee held by videoconference on Wednesday 2 March 2022.**

Committee Members

Alasdair Hay (Chair)
Paul Edie
Grant MacRae

Scottish Police Authority

Darren Paterson, Head of Workforce Governance
David Collie, Complaints and Conduct Manager
Graham Ravenscroft, Complaints and Conduct Co-ordinator
Colette Craig, Governance Support Officer

Police Scotland

Chief Superintendent John Paterson

PIRC

Ilya Zharov

HMICS

Elaine Galbraith

1.1 Welcome and Apologies

The Committee Chair welcomed attendees and Chief Superintendent John Paterson from Police Scotland, PSD to his first meeting. The Chair also welcomed Elaine Galbraith from HMICS and noted that Elaine would be attending committee meetings going forward to provide input to the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.

The chair also welcomed the secondment of both Chief Inspector Melanie Wade and Sergeant Paul Harkins from Police Scotland Professional Standards Department into the SPA Complaints Team.

Apologies were noted from the following;

SPA Member Fiona McQueen

Deputy Chief Exec Chris Brown
ACC Alan Speirs
Stuart Milne

1.2 Declarations of interest

There were no declarations of interest.

1.3 Minute from meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the meeting held on 25 November 2021 as an accurate record of the meeting.

1.4 Public Minute from private meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the private meeting held on 19 August 2021 as an accurate record of the meeting.

1.5 Minute from private meeting held on 25 November 2021 for approval

Members **AGREED** the Minute of the private meeting held on 25 November 2021 as an accurate record of the meeting.

1.6 Action Log and Matters Arising

Members noted the updates provided and agreed with the recommendations for closure.

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

1.7 Decision on taking business in private (Items 9 - 12)

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 9 to 12 on the agenda in private.

2. SPA Quarterly Report (Q3 – 21/22) – Darren Paterson

Members considered the report which provided information and updates on complaints matters, including key statistics reflecting the position at the end of Q3, 2021/22, matters considered at recent multi-agency meetings and updates on other key updates from the team. Darren

Paterson (DPaterson) highlighted a number of key points as detailed in the paper. DPaterson paid particular attention to complaints in respect of Forensic Services and noted that these complaints have typically come to the SPA directly or via Police Scotland. As a result the SPA Complaints Team engaged with Forensic Services in November 2021 to ensure they had been sighted on any relevant complaints which had been received directly by Forensic Services. Forensic Services have undertaken a review with one case being identified in the last two years where a notification was missed. The SPA are satisfied that the complaint was dealt with and closed to a satisfactory standard. Forensic Services have provided assurance to the SPA that they have made the appropriate changes to their procedures to prevent a future reoccurrence.

In discussion the following matters were raised:

- Members sought clarity around Cases Received by the SPA that were marked to be determined. DPaterson advised those were cases that still required further determinations as to whether those cases are relevant complaints and whether they are within the remit of the SPA.
- Members welcomed developments in relation to benchmarking and training and sought clarity that the right skills and capacity were within the team in order to take these areas forward. DPaterson advised that he was content. Business as usual activity has progressed well recently which provides space to focus more on continuous improvement and broader engagement, benchmarking etc. DPaterson added that secondment of officers from Police Scotland PSD would further supplement resource.
- Members sought clarity on whether there was anything emerging through dialogue with complainers around the changes to the website and ability to complain to the correct organisation. DPaterson advised that it was too early to determine, however, the interactive form and guidance is intended to specifically guide people to the appropriate authority and early indications show that is happening. This area will continue to be monitored. DPaterson added that a contract had been awarded to take forward a wider digital SPA Review and the intention would be for this organisation to undertake their own assessment of the website along with further user testing.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report

3. Police Scotland Professional Standards Quarterly Performance Report (Q3 – 21/22) – CS John Paterson

Members were provided with a report which noted the statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for Q3. Chief Superintendent John Paterson (CSJPaterson) highlighted key points from the report.

In discussion the following matters were raised:

- Members referred to East Command and sought clarity on the increase on complaints in that area along with the the Contact, Command and Control (C3) increase. CSJPaterson advised that this area was subject to ongoing analytical work and that he would bring the results of that work back to the committee.
- Members referred to the spike in Quality of Service in relation to Policy/Procedure and Service Delivery. Noting ongoing analytical work being undertaken, they asked if there were any initial insights, and about any interaction from PSD in respect of training interventions to prevent recurrence. CSJPaterson advised that the most common theme being identified was officers providing updates to those who have contacted the police. CSJPaterson provided assurance as a previous divisional commander, this is something that officers are reminded of on a continuous basis as part of monthly discussions between PSD and divisions. CSJPaterson added that in terms of training there is an intention to introduce within the second quarter of the next financial year, a Preventions and Professionalism Programme which will address all learning and how that is taken through each stage of training within the organisation.
- Members noted concerns around the unauthorised disclosure of sensitive information being a concern for PSD and sought assurance that this is something that can be addressed through communication/guidance. CSJPaterson noted that the answer fell into 2 parts, the deliberate release of information where the anti-corruption unit conduct assessment and investigation; and unconscious releases of information that is addressed by information security. CSJPaterson provided assurance that there are regular reminders over the organisation. CSJPaterson advised that additional checks and balances were carried out via workforce monitoring.
- The Chair referred to PIRC Statutory Referrals and lessons learned and sought clarity on what those lessons were. CSJPaterson noted that lessons learned for Q3 were presented within page 24 of the report, however, would bring more information forward if required. The Chair

advised that he would be keen to discuss themes being identified at the forthcoming workshop to assist with transparency and complete the picture for the committee. The Chair noted that being a learning organisation was, although the correct thing to do, a difficult thing to achieve. The Chair sought clarity on whether or not PSD had any thoughts around how they would embed lessons learned into the department. CSJPaterson referred to part of ACC Speirs' portfolio of Governance, Audit and Assurance and noted that there was an Organisational Learning and Development Programme that sits within that. The intention is that all recommendations come to a central point with key themes identified and embedded by the most appropriate area. CSJPaterson added that HMICS provide additional scrutiny which is hoped will provide further assurance to members.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q3) and AGREE the following actions;

20220302- CCC- 001: Chief Superintendent John Paterson to return the results of analytical work being carried out within East Command to understand and address increases, against previous year to date and 5-year average, in complaints in Fife and Contact, Command and Control (C3)

20220302- CCC- 002: Ensure that themes emerging from PIRC Complaint Handling Reviews and Statutory Referral investigations are discussed in greater detail at a forthcoming Complaints and Conduct Workshop.

4. PIRC Quarterly Report on Police Scotland Handling of Complaints –Ilya Zharov

Ilya Zharov (IZharov) provided a summary of the report which provided Quarter 3 statistical information relating to PIRC CHRs.

In discussion the following matters were raised:

- Members sought clarity on reference to greater complexity of CHR cases IZharov advised that the PIRC have received a number of cases that arise from complex investigations which often have a significant number of allegations. IZharov noted the need for officers allocated to cases being sufficiently experienced and have relevant knowledge and expertise to tackle complex issues raised. That can then impact on resource within the PIRC.

- Members referred to the recommendations issued to Police Scotland relating to insufficient enquiry having been carried out into complaints and sought clarity on whether there were any trends being identified in respect of what is missing. IZharov advised that these tend to be on a case-by-case basis, focussed around further enquiry which PIRC consider would have been proportionate. In relation to recommendations relating to quality of final response letters, Members asked what issues were being identified around the letters. IZharov advised that use of plain English can be an issue (e.g. use of abbreviations that members of the public would not be aware of), as can
- Identification of officers (there is an agreement that officers are identified unless there are specific concerns that justify not doing so).
- The Committee resolved to:
 - **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints.

5. Joint Audit SPA/PIRC Update –Ilya Zharov

(Members were provided with the Terms of Reference (ToR) for the Audit prior to the discussion of this item)

IZharov provided a verbal update in relation to the planned Joint Audit between SPA/PIRC of Police Scotland complaint handling. IZharov noted that this was the first audit for some time in relation to complaint handling and would be primarily in relation to recommendation 42 within the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing report (i.e. initial triage and assessment of relevant complaints). The recommendation referred specifically to the National Gateway Unit, however, that has been excluded from the scope of the audit as it does not receive any complaints from members of the public. The audit will therefore focus on the National Complaints Assessment and Resolution Unit. Recommendation 42 also refers to article 3 and 5. There is now a new system in place to deal with these types of allegations. There is currently a procedural review of this model, therefore these this will also be excluded from the audit. It is hoped that the audit will commence on the 7th March 2022 and it is anticipated it take place over a 3 week period, however, there will be flexibility if required. It is hoped to have the final report with the committee for quarter 2 for the next financial year.

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 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 Dame Elish Angiolini. DPaterson highlighted key points as noted within the report and attached action plan.

In discussion the following matters were raised:

- Members sought clarity that there was a confidence that sufficient progress was being made to deliver on the dates noted within the action plan. DPaterson advised that he was entirely confident that timescales in relation to recommendations that are within the gift of the SPA will be met, but noted that there are dependencies on certain actions on the work of other organisations.
- The Committee resolved to:
 - **NOTE** the Update.

6.2 Police Scotland update – CS John Paterson

Members considered the report which provided an update of Police Scotland's progress on the recommendations from the final report of the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. CSJPaterson drew members' attention to page 3 of the report and highlighted the recommendations that were out for consultation with a view to closure and others that Police Scotland intend to advance by the end of March 2022. CSJPaterson thanked HMICS and staff associations for their valuable input to this work.

In discussion the following matters were raised:

- Members sought clarity around the status of recommendation 18. CSJPaterson advised that it was currently under review following discussions with HMICS. Whilst the recommendation was put forward for closure that was withdrawn following the need for additional clarity around that. Elaine Galbraith (EGalbraith) advised that

recommendation 18 is taken in 2 parts with the first part being the broader fundamental review of equality matters, whilst taking into account HMICS's pending inspection of training and development at that time. EGalbraith advised that HMICS had since published its report on recruitment, retention, development and promotion of staff underrepresented groups, and attended the Independent Review Group to present its findings. However, the IRG itself is still yet to report, which EGalbraith advised was understood to be scheduled for later in the year

The Committee resolved to:

- **NOTE** the update.

6.2 HMICS update – Elaine Galbraith

EGalbraith advised that HMICS were now aligned to the timelines set out within the reporting structures with reporting processes with Police Scotland Audit and Assurance in place and will aim to meet with them and PSD before the end of March. EGalbraith added that the input from Audit and Assurance highlighted the high quality in terms of standard of evidence submission that comes across all recommendations and noted previous benefits of that process.

In discussion the following matters were raised:

- Members referred to recommendations 61 and 78 and sought clarity why both had been delayed June 2022 and what would it take to unlock communication to move them forward. CSJPaterson advised that his understanding was that they were delayed only until June 2022 rather than passed that date.
- The Chair welcomed the input from HMICS at the meeting and meetings going forward.

The Committee resolved to:

- **NOTE** the update.

7. COP26 Complaint Outcomes – CS John Paterson

Members considered a report that provided an up-to-date position on the status of complaints and conduct matters received during and in respect of the Conference of the Parties (COP26).

In discussion the following matters were raised:

- Members referred to the debrief workshop facilitated by Scottish Multi-Agency Training and Exercise Unit (SMARTEU) and sought clarity on whether the committee would have opportunity to have sight of learning opportunities that came from that. CSJPaterson advised that PSD await the final report from SMARTEU, however, once available that would be shared with members.

The Committee resolved to:

- **NOTE** the update and **AGREE** the following action;

20220302- CCC- 003: Ensure that the final report by Scottish Multi-Agency Training and Exercise Unit (SMARTEU) is shared to allow members to have sight of any learning opportunities.

8. Committee Workplan

The Chair asked that attendees provide future areas of business to SPA Board Services to allow the workplan to be populated for the year 2022/23.

The Committee resolved to:

- **NOTE** the work plan.

The Chair concluded the public session of the Committee.