



## Complaints & Conduct Committee

27 February 2023

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Minutes of the Complaints & Conduct Committee held on 14 November 2023 via MS Teams

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| Board Members present:  | Katharina Kasper (Committee Chair)<br>Paul Edie (Committee Member)<br>Catriona Stewart (Committee Member)<br>Fiona McQueen (Committee Member)  |
| Board Member apologies: |  |
| In attendance:          | <p><u>SPA</u><br/>Chris Brown, Deputy Chief Executive<br/>Darren Paterson, Head of Workforce Governance<br/>Stuart Milne, Complaints and Conduct Co-ordinator<br/>Colette Craig, Governance Support Officer</p> <p><u>Police Scotland</u><br/>Deputy Chief Constable Alan Speirs<br/>Chief Superintendent Catriona Henderson<br/>Chief Inspector Emma Grimason<br/>Superintendent Helen Harrison</p> <p><u>PIRC</u><br/>Ilya Zharov, Head of Reviews and Policy<br/>Raymond Brown, Head of Investigations</p> <p><u>HMICS</u><br/>Craig Naylor, HM Chief Inspector of Constabulary in Scotland</p> |

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|  | Maggie Pettigrew, Lead Inspector |
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## 1. Introduction and Welcome:

### 1.1 Chair's Opening Remarks

The Chair welcomed attendees to the meeting.

### 1.2 Apologies

ACC Stuart Houston

### Declarations of Interest and Connections

None.

### 1.3 Any Other Business

None.

### 1.4 Decisions on taking business in private (Item 12 – 16)

Members **AGREED** to take Items 12 – 16 in private.

## 2. Minute and Actions from previous meeting:

### 2.1 Minute from meeting held on 22 August 2023 for approval

Members **AGREED** the Minute of the meeting held on 22 August 2023 as an accurate record of the meeting.

### 2.2 Public Minute of Private Meeting held on 22 August 2023 for approval

Members **AGREED** the Public Minute of the private meeting held on 22 August 2023 as an accurate record of the meeting.

### 2.3 Rolling Action Log and Matters Arising

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

### 3. Police Scotland Professional Standards Quarterly Report (Q2 – 23/24)

DCC Alan Speirs (DCCASpeirs) opened the item by advising members that the demand being placed on Police Scotland Professional Standards Dept (PSD) has never been greater, with the level of scrutiny being exceptionally high. DCCASpeirs advised that in addition to the core business within PSD, work was ongoing on the Police (Ethics, Conduct and Scrutiny) Bill, a preventions and professionalism programme and supporting HMICS reviews. DCCASpeirs referred to the 13% increase on complaints being received and noted that complaints are having to be prioritised in terms of the work required. DCCASpeirs noted that a function like PSD is not immune to the impact of financial and officer constraints that Police Scotland are currently facing.

Chief Superintendent Catriona Henderson (CSuptCHendersdon) provided members with statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2023 – 30 September 2023). During discussions the following matters were raised:

The Chair welcomed the comments made by DCCSpeirs and noted the importance of discussions around demand and resourcing in relation to PSD. The Chair welcomed the data provided and advised that there would be benefit in exploring what the increased demand against the static or reduced workforce would mean from a risk-based perspective in terms of achieving objectives.

Catriona Stewart (CStewart) sought clarity on how prioritisation of complaints may impact on Police Scotland's commitment to strategic work such as Violence Against Women & Girls. In addition, Members asked if there was confidence that there will be processes, systems and resourcing in place to pursue ongoing work, and if are there any additional challenges. DCCSpeirs assured members that matters around discrimination, sexual misconduct and misogyny are being treated as high priority. Nothing is being deprioritised to such a point that PSD won't address it. However, there is a need to look at the order in which matters are addressed. DCCSpeirs stated that he is assured by the work and structures in place within PSD to ensure that matters are being addressed as timelessly as possible with matters being referred to Crown Office and PIRC when required. DCCSpeirs noted that it is the lower-level complaints that are taking longer than usual. PSD are always looking for enhanced ways of working, and assured members that significant matters are getting urgent attention. CSuptCHenderson further assured members that PSD continue to be strongly involved in strategic boards and working groups across Police Scotland for Policing Together, Violence Against

Women & Girls and Sex Equality & Tackling Misogyny. In addition, PSD are continuing to work hard to obtain the upgrades required for Centurion with financial investment already secured. These upgrades will in turn assist with work within PSD. CSuptCHenderson added that work was also underway to involve third sector organisations around sexual misconduct as additional support, which was welcomed by members.

Fiona McQueen (FMcQueen) referred to staff not being fit for duty and sought clarity on whether there was a facility available for staff who felt fatigued, particularly in specialist areas. CSuptCHenderson advised that officers are actively encouraged to have discussions with line managers to open up a range of potential options to provide additional support. In addition, an invitation has recently come from People and Development Colleagues to for an annual wellbeing check, an additional opportunity to open up those discussions and look at support mechanisms.

FMcQueen noted that within other areas of the organisation, in order to meet financial targets, some training will be pulled back and sought clarity on the confidence within PSD that they will be able to deliver training for the remainder of the year. CSuptCHenderson advised that in order to maintain the vision within PSD, there is a need to train and upskill, and that therefore these are priorities that will absolutely be committed to in order to enhance quality, welfare and investment. DCCSpeirs added the pause on training for December and January should in no way be seen as a depletion. The purpose of this pause is to look at how to maintain as many officers and look at ways on enhancing training products.

FMcQueen sought clarity on how people know how to complain about the police service following an interaction with the police. CSuptCHenderson advised that following a Lady Angolini recommendation in relation to accessibility of the online reporting process, this has been reviewed and is now more forward facing in terms of accessibility. In addition, there is an ongoing piece of work to introduce a process to allow for compliments to be received.

Paul Edie (PEdie) sought clarity over the number of incidents in relation to officer speeding and was advised that a lot of that is attributed to perception on the use of blue lights.

The Chair referred to the 13% increase on complaints and sought clarity on whether there were any theories for the increase and whether any further projections had been done. DCCSpeirs advised that public expectation is far higher now than in previous years and this will be the result of more inspections and audits across the UK that focus on matters that PSD deliver on. One of the challenges for PSD is to ensure that

responses to complaints are proportionate. FMcQueen referred to process improvement and sought clarity on how confident PSD were around the current end to end process. DCCSpeirs assured members that PSD are very clear on timescales and continue to work within well-established targets, but that there is perhaps a question around achievability of some of those targets. CSuptCHenderson advised members on work currently being done to review and improve the end-to-end process. CSuptCHenderson further assured members that the financial investment to the system upgrades should hopefully address any issues around complaint timelines. The Chair noted that the data around timelines is currently mixed and that it would be helpful for the committee to have a clearer breakdown, and that having this information will allow for the discharge of recommendations. Darren Paterson (DPaterson) noted the need for committee and public assurance, and advised what was required in order to address complaint recommendations relating to timescales and trends. DPaterson highlighted gaps within the report and what action was required to address those gaps, noting that his comments were in line with discussions already had with CSuptCHenderson.

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

**20231411-CCC-001: DCC Alan Speirs to explore what the increased demand against the static or reduced workforce would mean from a risk-based perspective in terms of achieving objectives.**

**20231411-CCC-002: DCC Alan Speirs to inform the committee on PSD targets and acceptable timelines to allow members to hold Police Scotland to account and to allow outstanding recommendations to be discharged.**

#### **4. SPA Quarterly Report (Q2 – 23/24)**

Members were provided with a report updating the Committee on complaints and conduct matters including key statistics reflecting the position at the end of Q2, 2023/24. The report also included findings from dip-sampling of Police Scotland complaints from Q4, 2022/23; and review of Police Scotland complaints in respect of PSD/ACU officers/staff from 2019 to Q4, 2022/23. In addition the report sought approval to submit recommendation 32 (from the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing) for discharge via national governance structures and sought approval of proposed impact measures in respect of recommendations (from the Independent Review) for which the SPA was singly or jointly responsible. During discussions the following matters were raised:

The Chair sought clarity on whether there are many complaints of PSD/ACU officers as a back-office function. DPaterson advised that this was something put in place following an earlier HMICS recommendation. CSuptCHenderson advised that these complaints do come through and are often from unacceptable and persistent complainers.

Members **NOTED** the report and **APPROVED** the submission of recommendation 32 (from the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing) for discharge via national governance structures. Members further **APPROVED** the proposed impact measures in respect of recommendations (from the Independent Review) for which the SPA was singly or jointly responsible.

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

Ilya Zharov (IZharov) provided a detailed summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews. Raymond Brown (RBrown) provided an overview on the Investigation Referrals. The report included key statistics reflecting the position for Q2, 2023/24. During discussions the following matters were raised:

The Chair noted that the report remains fairly consistent and sought clarity on whether there was any broader assurance that could be provided to the committee in terms of work being taken forward by the PIRC. IZharov advised that a lot of work has gone into improving police complaint handling and that, in terms of Complaint Handling Reviews, the main focus for PIRC is to provide assurance that complaints handled by Police Scotland are done so in accordance with statutory guidance. He advised that, in that respect, there has been a gradual improvement over the last 5 years. Any themes identified are published in a bulletin twice a year and discussed at relevant forums.

FMcQueen referred to the increase in complaint handling reviews being returned by PIRC and sought clarity on whether that was a natural variation with no concerns. IZharov advised that, over the past five years, they remain relatively steady, but that the complexity in complaint allegations is increasing. FMcQueen sought clarity on whether PIRC were being too understanding on the pressures within PSD. IZharov advised that PIRC are certainly aware of pressures, but that, as an oversight organisation, and despite the demand, it is important that the quality of the complaint handling is not jeopardised. FMcQueen advised that she would be keen for

more dialogue, perhaps as part of a development session, on non-deserving and low-level complaints and how they are pitched.

The Chair noted the importance of statutory referrals to the PIRC. However, from a public interest perspective, she observed that only 14.8% are being investigated, and asked if the committee should take confidence from those figures. RBrown advised that when they are received by PIRC they go through a triage process, which involves determination of whether a formal investigation is required. RBrown advised that there is always overarching scrutiny. The Chair sought clarity on how the outcomes of full investigations are reported. RBrown advised that they are reported back into Police Scotland via a detailed report.

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

**20231411-CCC-003: Police Scotland to give consideration to more dialogue, perhaps as part of a development session, on non-deserving and low-level complaints and how they are pitched.**

## **6. PIRC Audit Planning Update**

IZharov provided a verbal update and advised members that there have been some discussions between the Commissioner and Deputy Chief Executive of SPA. The PIRC's immediate priority is around recommendation 7 from the Independent Review and that an audit Terms of Reference has been shared with Police Scotland, although discussions on that have yet to take place. IZharov advised members what the audit will involve and noted that it is hoped that the audit will be concluded within the current financial year. The Chair asked that a link to the Terms of Reference was made available ahead of the next committee meeting in February 2024.

DCCASpeirs advised that there will be a huge amount of work in PSD to support the audit and noted that HMICS are also due to look at a conduct inspection at the same time. He asked that the committee give some consideration to the team's ability to service both whilst maintaining normal business. The Chair noted the pressures faced by PSD and asked if there was an ability for the SPA to influence the timings of this work. Craig Naylor (CNaylor) advised that he was happy to have a discussion in order to deconflict timescales. However, based on comments from IZharov it was unlikely that there would be much conflict. The Chair welcomed these discussions taking place.

Members **NOTED** the verbal update and **AGREED** the following action:

**20231411-CCC-004:** Ilya Zharov to provide members with the Terms of Reference for the Audit ahead of the next committee meeting in February 2024.

**20231411-CCC-005:** Police Scotland, HMICS & PIRC to discuss the timings of the future audit with DCC Alan Speirs to ensure less pressure is being placed on PSD.

## 7. SPA/PIRC Joint Audit – Progress and Implementation

CSuptCHenderson provided members with a brief update regarding ongoing activity in relation to the progress following the earlier SPA/PIRC Joint Audit. FMcQueen sought clarity on when everything was expected to be complete and if there was anything that would stop recommendations progressing such as IT. CSuptCHenderson advised that recommendations continued to be reviewed, with progress being made where possible, and did not foresee any undue delays. Work is ongoing with the digital division and the supplier to ensure that upgrades are delivered as early as possible.

Members **NOTED** the report.

## 8. Police Scotland – Organisational Learning

Chief Inspector Emma Grimason (CIEGrimason) provided members with an update in relation to Police Scotland organisational learning and ongoing activity in that area. During discussions the following matters were raised;

Members welcomed the update and sought clarity on the appropriateness of the terminology “custodies” when referring to someone in custody. DCCASpiers agreed with the inappropriateness of this terminology and advised that he would pick this up within the criminal justice space in terms of the language used.

The Chair agreed with the need to make informal learning more formal, noting that the committee will be keen to understand in time how processes work and how that is benefiting Police Scotland.

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

**20231411-CCC-006:** DCC Alan Speirs to give consideration to the appropriateness of the terminology “custodies” and pick it up within the criminal justice space in terms of the language used.



## 9. Police Scotland Professional Boundaries – 6 Monthly Update on Recommendations

CSuptCHenderson provided members an update in relation to Police Scotland Professional Boundaries and ongoing activity in that area. During discussions the following matters were raised;

CStewart advised that there would be benefit in having a document that summarised the update provided. In addition, it would be of benefit to have timescales detailed within the same report. The Chair agreed that a high level summary would be of benefit to members. FMcQueen noted the importance of this information from a public perspective and asked that from a transparency and public assurance point of view, a similar document was made available.

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

**20231411-CCC-007: Chief Superintendent Catriona Henderson to produce a high level summary for members in relation to Professional Boundaries, noting timescales. This report should be made available for the public in order to address transparency and public assurance.**

## 10. HMICS Assurance Review of Vetting

CNaylor thanked CSuptCHenderson and her team for working with HMICS on this review, along with the early adoption of many of the ideas that had come to light. CNaylor noted that PSD and Vetting are still dealing with the legacy of reform when there was no capacity for change or standardisation, and that therefore no data sets are readily available. CNaylor added that the legislation that governs this area is difficult and does not provide the Chief Constable with the tools in terms of maintaining officers vetting standards, and removing those officers that fall below those standards from the organisation. CNaylor provided some detail around a number of the recommendations that have been made and stressed that the vetting team currently in place are exceptionally well led, well trained and work hard on a daily basis to ensure the organisation is in the best possible position.

Maggie Pettigrew (MPettigrew) noted that there had been no review of posts requiring management vetting since 2013, emphasising the importance to review in respect of access to vulnerable people.

The Chair welcomed the positive feedback and asked DCCASpeirs for comment. DCCASpeirs welcomed the findings and noted that the timing of the inspection has been very helpful. DCCASpeirs advised that Police

Scotland are currently working through ownership and delivery timescales of the recommendations which will be reported into ARAC. DCCASpeirs noted that some vetting records have been held in different ways within different legacy forces.

CStewart referred to the recommended annual integrity review and noted concerns on how that conversation will be modelled with individuals to ensure it is received positively. MPettigrew advised that the annual check would very much be part of a welfare and wellbeing (as well as maintaining accurate details) discussion and for Police Scotland to decide how to present that.

FMcQueen referred to the shift in society and sought clarity on whether the vetting process is still fit for purpose. CNaylor advised that vetting has moved on considerably since 2008. MPettigrew added that the vetting standards for Police Scotland are very measured in their approach and that she was reassured by the balanced approach taken in each case and the detailed rationale that is then recorded.

The Chair asked that Police Scotland ensure that the committee have sight of the action plan to future meetings. Members advised that they would also be keen to understand the resource implications associated with this work. The Chair noted that this work is linked to high profile cases, seeking clarity on whether vetting would have identified a 'Wayne Couzens' and what level of cover it provides. CNaylor advised that there is no 'silver bullet', and noted the need for different levels of protection, starting with a face to face interview.

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

**20231411-CCC-008: DCC Alan Speirs to ensure that the committee have sight of the action plan at future meetings.**

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

Members **NOTED** the report