

**COMPLAINTS AND CONDUCT COMMITTEE**  
**25 November 2021**

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**Minute of the Scottish Police Authority Complaints and Conduct  
Committee held by videoconference on Thursday 25 November  
2021.**

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Committee Members

Alasdair Hay (Chair)  
Paul Edie  
Fiona McQueen

Scottish Police Authority

Chris Brown, Deputy Chief Executive (Resources)  
Darren Paterson, Head of Workforce Governance  
Stuart Milne, Complaints and Conduct Co-ordinator  
Graham Ravenscroft, Complaints and Conduct Co-ordinator  
Colette Craig, Governance Support Officer

Police Scotland

ACC Alan Speirs  
Chief Superintendent Andy McDowall  
Superintendent Nicola Burnett

PIRC

Ilya Zharov

HMICS

Elaine Galbraith

**1.1 Welcome and Apologies**

The Committee Chair welcomed attendees to the meeting and noted Grant MacRae as an apology. The Chair welcomed Elaine Galbraith from HMICS who had joined to provide input to the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing Reports later in the agenda.

**1.2 Declarations of interest**

There were no declarations of interest.

### **1.3 Minute from meeting held on 19 August 2021 for approval**

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

### **1.4 Public Minute from private meeting held on 19 August 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 15 September 2021 for approval**

Members **AGREED** the Minute of the private meeting held on 15 September 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 8 - 12)**

In accordance with paragraph 20 of the SPA Standing Orders, the Committee **AGREED** to consider items 8 to 12 on the agenda in private.

## **2. SPA Quarterly Report (Q2 – 21/22) – Darren Paterson**

Members considered the report which provided information and updates on complaints and conduct matters, including key statistics reflecting the position at the end of Q2, 2021/22, and matters considered at recent multi-agency meetings. Darren Paterson (DPaterson) highlighted a number of key points as detailed in the paper.

In discussion the following matters were raised:

- Members sought clarity in understanding what lies behind statistics in respect of reduction in complaints from serving/former officers. DPaterson advised that it is not the case that complainants have a

further right of recourse to the SPA where they consider that Police Scotland have not dealt with their complaint appropriately, the SPA remit extending only to consider 'relevant complaints' in respect of Police Scotland senior officers.

- Members noted the high number of complaints not being upheld and sought clarity over the categorisation of complaints. DPaterson explained how complaints can be broken down into a number of allegations, some of which are upheld and others not, as well as describing the broader range of outcomes as outlined within the report.
- Members sought clarity on how learning was articulated, and on how complainant satisfaction was measured. DPaterson noted that identifying themes was difficult due to the small number of complaints within the SPA remit. In respect of complainant satisfaction, DPaterson noted that the SPA operates in line with PIRC statutory guidance (individuals having the right of recourse to the PIRC if they are not satisfied), but advised that, along with wider partners, it was reviewing other examples of best practice to identify opportunities for further improvement.
- Members sought clarity on what additional work was being taken forward within the SPA Complaints Department. DPaterson advised that, in addition to assessing and reviewing cases that come into the department, the team had been liaising with the PIRC around the planning for the joint audit, as well as progressing work in response to recommendations within the DEA Report. Members noted work behind the scenes within the team to enable effective handling of complaints and provision of excellence in service to members of the public.
- Members welcomed the revised webpage being live, enabling streamlining of complaints and noting the link to DEA recommendations. Clarity was sought around how its effectiveness would be evaluated. DPaterson advised that the SPA would hope to see a reduction in complaints received which are out with their remit. DPaterson advised that an organisation had been awarded the tender to review the SPA overarching digital approach, including the complaints webpage, and that this would include user testing. The Chair advised that he looked forward to the evaluation of impact coming forward.

The Committee resolved to:

- **NOTE** the SPA Quarterly Performance Report

### **3. Police Scotland Professional Standards Quarterly Performance Report (Q2 – 21/22) – ACC Alan Speirs**

Members were presented with a report which contained statistical information relating to the investigation of complaints about members of Police Scotland for period (1 April 2021 – 30 June 2021). Assistant Chief Constable Alan Speirs (ACCASpeirs) highlighted key points from the report.

In discussion the following matters were raised:

- Members sought clarity around referrals to PIRC in respect of presentation of firearms. ACCASpeirs advised that any firearms operations that Police Scotland are involved in where a weapon (including taser) is pointed at a member of the public require a statutory referral to the PIRC. This is distinct from complaints. Following an initial assessment of a referral, PIRC will make a determination as to whether or not they will investigate further, ACCASpeirs advising that in majority of cases this has not been required.
- Members sought clarity around the low amount (5%) of upheld complaints. In addition they asked about analysis of excessive force and neglect of duty complaint categories showing an increase against last year. They also sought clarity around analysis of key themes, learning and improvement to inform a reduction in complaints. ACCASpeirs advised that Police Scotland were very focussed on organisational learning. Police Scotland's position is to embrace all recommendations that are returned from the PIRC following Complaint Handling Reviews (CHRs). In addition, monthly meetings with divisions take place which breakdown all complaints and conduct matters in order to address local themes. Part of the remit of ACCASpeirs is to look at broader organisational learning. Trying to reduce, appropriately, complaints is an absolutely imperative for the organisation. Chief Superintendent Andy McDowall (CSAMcDowall) expanded on how themes are identified and explained the measures that are in place to identify learning. In addition, CSAMcDowall provided further explanation and the work that takes place within Police Scotland in relation to upheld complaints (noting that the 5% relates to allegations, rather than overarching complaints, as well as the proportion of overall complaints addressed via frontline resolution, withdrawn/abandoned or malicious in nature). ACCASpeirs added that the 5% is similar to the 5 year average and provided reassurance that if complainers are dissatisfied then they do have opportunity to advance their complaints to the PIRC in relation to the handling of their complaint. He also noted degree of independence via centralised PSD model; separate assurance reporting via PIRC CHRs and the role of future joint SPA/PIRC audit. CSAMcDowall also noted the independent role of PIRC/COPFS regarding criminal complaints.

ACCASpeirs offered to bring forward a report (6 monthly) which would focus on organisational learning and how that is being progressed within the organisation. Members asked that this cover learning at both organisational and Divisional levels.

- Superintendent Nicola Burnett (SuptNBurnett) referred to Analytical Actions and noted that along with individual learning, there is also organisational learning, and therefore PSD are looking at an opportunity with PS Comms in order to frame that and pull together something more composite.

The Committee resolved to:

- **NOTE** the Police Scotland Professional Standards Quarterly Performance Report (Q2) and AGREE the following action;

**20211125- CCC- 001: Assistant Chief Constable Alan Speirs to bring forward a report focusing on organisational learning and how that is communicated throughout Police Scotland. This report will be added to the work plan to come forward on a 6 monthly basis.**

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

IZharov (IZharov) referred to the previous item discussion in relation to the low number of upheld complaints within Police Scotland and noted Front Line Resolution (FLR) complaints are not defined as upheld or not upheld. Therefore he believed these numbers should be removed from the 5% to provide a more accurate representation of the number of complaints being upheld.

IZharov provided a summary of the report which provided quarter 2 statistical information relating to PIRC CHRs.

In discussion the following matters were raised:

- Members sought clarity on whether or not there would be an analysis of FLRs. IZharov advised that the PIRC had not undertaken significant analysis to date in this regard, but that there is an intention to undertake an audit of the FLR process in due course. IZharov reminded members that FLR process relates to low level complaints.
- Members sought clarity on what mechanisms were in place to ensure that recommendations were being followed up and implemented. IZharov advised that recommendations remain live and the PIRC liaise with PSD until they are satisfied that they have been implemented.

The Committee resolved to:

- **NOTE** the PIRC Quarterly Report on Police Scotland Handling of Complaints.

## **5. Joint Audit SPA/PIRC Update –Ilya Zharov**

IZharov provided a verbal update in relation to the planned Joint Audit between SPA/PIRC of Police Scotland complaint handling. IZharov advised that work is progressing and the draft Terms of Reference have been approved by The Commissioner. Following a meeting with the SPA Complaints Team there will be a meeting with PSD to discuss timescales. IZharov advised that he hoped they would be in a position to progress the audit in early 2022. CSAMcDowall noted the benefit of a potential focus of the audit on frontline resolution. Members noted that they looked forward to seeing the agreed Terms of Reference as soon as practicable.

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.

In discussion the following matters were raised:

- Members sought clarity on what influence staff associations could have around legislative proposals arising from the Review. DPaterson referred to engagement by Scottish Government via the Scottish Police Consultative Forum to understand their views on the Review recommendations in this regard and to seek their input to inform the shaping of resulting legislative proposals, in addition to their being able to respond via formal consultation on the resulting proposals themselves. CSAMcDowall added that involvement of the staff associations was absolutely necessary. There is a huge public trust aspect to the conduct regulations along with an organisational justice

element and this is where the staff associations will play a key role in shaping any future legislation that will be considered by government.

- Members sought clarity on how the effectiveness of recommendations that were complete were being evaluated. DPaterson advised that the initial actions were complete, however, this did not detract away from the need for broader assurance. DPaterson advised that he would expect the effectiveness to be reflected within, for example, annual review of SPA complaints handling procedures and annual reports.

The Committee resolved to:

- **NOTE** the Update.

## 6.2 Police Scotland update – ACC Speirs

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. ACCASpeirs emphasised the importance of staff association engaging, noting their involvement in an internal oversight group focussed on those recommendations which impact Police Scotland directly. ACCASpeirs advised that he was grateful to the work of HMICS, particularly Elaine Galbraith (EGalbraith), in terms of reviewing the recommendations at a stage before they are submitted for closure and asked EGalbraith to comment. EGalbraith provided a brief overview of process, with approach aligned to framework used for HMICS recommendations. EGalbraith advised that she had submitted a report to the Practitioner Working Group which summarised the evidence for the 7 recommendations assessed by HMICS as suitable for discharge. EGalbraith noted that a huge amount of work had been undertaken by PSD in relation to improvement and submission of evidence. The Chair thanked EGalbraith and noted that the Committee would look within the governance structure as to how to best make use of HMICS evidence assessments going forward.

In discussion the following matters were raised:

- Members welcomed the report and the staff association involvement. Members sought clarity around timescales to assist Committee understanding around whether or not they were on track. ACCASpeirs advised that the aspiration was that they would be dealt with as timeously as possible, adding that each recommendation had different owners with varying timescales which are tracked on a monthly basis and fed through to the Practitioner Working Group, Strategic Oversight Group and up to the Ministerial Group. The Chair sought clarity on whether or not PS internally had indicative timescales. ACCASpeirs advised that they did, noting that some recommendations did not

relate solely to PSD and pass over to other departments which he was overseeing on behalf of the DCC. Whilst appreciating the caveats, the Chair advised that there would be value of sharing those indicative timescales and those that are responsible with members to assist with understanding on what progress they should be expecting to be delivered by Police Scotland. ACCASpeirs advised that the recommendations are also reported to the ARAC, however, for completion he would share with the Complaints & Conduct Committee, which was welcomed by members.

The Chair asked for final comments from EGalbraith. EGalbraith advised that the role played by HMICS comes with the caveat that it is not an HMICS Report and it is only an assessment on how any other report would be looked at. EGalbraith added that this brought opportunity for HMICS to look at long term scrutiny planning and see an area of the business in terms of progress and improvements being made, making it a helpful exercise for HMICS.

The Committee resolved to:

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

**20211125- CCC- 002: Assistant Chief Constable Alan Speirs to provide the committee with indicative timescales in relation to the recommendations.**

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

The Chair advised that the workplan was being presented for the Committee's consideration and for any amendments to be sent to SPA Board Services.

The Committee resolved to:

- **NOTE** the work plan.

*The Chair concluded the public session of the Committee.*