



Complaints and Conduct Committee

1 March 2023

Minutes of the Complaints & Conduct Committee held on Tuesday 15 November 2022 via MS Teams

Board Members present:	Katharina Kasper (Committee Chair) Paul Edie (Committee Member) Fiona McQueen (Committee Member) Grant Macrae (Committee Member) Catriona Stewart (Committee Member)
Apologies:	ACC Alan Speirs.
In attendance:	<u>Police Scotland</u> Chief Superintendent Catriona Henderson Superintendent Debbie Reilly <u>SPA</u> Chris Brown, Deputy Chief Executive Resources Darren Paterson, Head of Workforce Governance David Collie, Complaints and Conduct Manager Colette Craig, Governance Support Officer <u>PIRC</u> Phil Chapman Ilya Zharov <u>HMICS</u> Maggie Pettigrew Alan Wright

1. INTRODUCTION AND WELCOME:

1.1 Chair's Opening Remarks

Katharina Kasper advised that this was her first meeting as Chair of the Complaints and Conduct Committee. The Chair welcomed Alan Wight and Maggie Pettigrew from HMICS.

1.2 Declarations of Interest and Connections

None.

1.3 Any Other business

None.

1.5 Decision on taking business in private (Item 11 – 14)

Members AGREED to take Items 11 – 14 in private.

2. MINUTE AND ACTIONS FROM PREVIOUS MEETING:

2.1 Minute from meeting held on 18 August 2022 for approval

Members **AGREED** the Minute of the meeting held on 18 August 2022 as an accurate record of the meeting.

2.2 Public Minute of Private Meeting held on 18 August 2022 for Approval

Members **AGREED** the Public Minute of the private meeting held on 18 August 2022 as an accurate record of the meeting.

2.3 Rolling Action Log and Matters Arising

The Chair advised that the actions proposed for closure would be reviewed following items being covered within the agenda.

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

2.4 Decisions since last meeting

None.

3. Police Scotland Professional Standards Quarterly Performance Report (Q2 – 22/23)

Members were provided with a report containing the 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 September 2022). Chief Superintendent Catriona Henderson (CSCHenderson) highlighted key points as noted within the report and Superintended Debbie Reilly provided an overview in relation to conduct matters. During discussions the following matters were raised;

Catriona Stewart (CStewart) referred to the National Gateway Assessment Unit and sought clarity on whether Police Scotland have a means of tracking the effectiveness of any training which in turn fed into this process to ensure that it was being confidently measured. In addition, CStewart sought clarity on what the timescales were in addressing Complaint Handling Reviews (CHR's). CSCHenderson advised that the source of referrals that come into the Gateway are looked at and advised that a couple of referrals had recently been received as a result of an input provided to 300 probationers, therefore they were able to quantify and identify that those referrals had been received as a result of that input. CSCHenderson advised that all CHR's have a response timeline to report back to PIRC in terms of the recommendations.

Fiona McQueen (FMcQueen) sought clarity on how assurance can be gained that pro-active action being taken to reduce complaints is being effective. CSCHenderson advised that a values campaign had recently been launched across the organisation which PSD have a key role/remit in. Within this there is a preventions campaign around the standards of professional behaviour. The ethos behind this campaign is to imbed and change the culture therefore it is hoped that the volume of complaints will reduce and that will be monitored accordingly. It is difficult to quantify how many complaints are as a result of prevention, however, measures are in place for different parts of the programme along where feedback is being sought which should hopefully show improvements going forward. FMcQueen sought clarity on whether complaints from the public can be related to workforce numbers. CSCHenderson advised that was not an area that was currently highlighted, however, it is still early days in terms of resource alignment. If off trend increases are identified then PSD would look to carry out some analysis around that.

Paul Edie (PEdie) asked if there had been a marked increase in firearms response and if so why. CSCHenderson requested to undertake a more detailed review on this matter to report back to the committee. PEdie sought clarity around the timescales (4-5months) reported to close non-

criminal and FLR complaints. CSCHenderson advised that she would discuss these timescales with the local team in order to understand some of the procedural aspects and report back to the committee.

Grant Macrae (GMacrae) sought clarity on whether there was a record of the same types of complaints coming forward against the same officers which may lead to one to one counselling or advice. CSCHenderson advised that there is an early and effective intervention process where PSD invoke if an office is subject to four complaints in a 12 month period they would be subject to intervention in terms of corrective advice. CSCHenderson advised that she would undertake to supply the detail of number of instances of application of Early Intervention & how effectiveness of programme is measured in terms of reduced complaints.

The Chair noted that the report contained vast amount of text and asked that consideration was given to transfer narrative data into graphics to allow a more visual overview. In addition the Chair asked that further consideration was given to other lenses of analysis – i.e. determining factors beyond geography when referring to complaints to provide members with a deeper insight. The Chair sought clarity on whether, within the complaints space, there was diversity data available around officers being complained about. CSCHenderson advised that there were some limitation on the database used by PSD and it is one of the matters highlighted as part of Lady Elish's Review. PSD are actively looking to upgrade the PSD database in order to enhance the recording of diversity detail. CSCHenderson advised that she would provide information on work to understand/address impact of totality of complaints on workforce.

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

20221511 - CCC- 001 – Chief Superintendent Catriona Henderson to undertake a more detailed review in order to provide further assurance in relation to the volume of statutory referrals to PIRC in relation to armed policing.

20221511 - CCC- 002 – Chief Superintendent Catriona Henderson to review the timescales reported to close non-criminal and FLR complaints and report back to the committee.

20221511 - CCC- 003 – Chief Superintendent Catriona Henderson provide a summary of number of instances of application of Early Intervention & how effectiveness of programme is measured in terms of reduced complaints.

20221511 - CCC- 004 – Chief Superintendent Catriona Henderson - Presentation of data – Look to transfer narrative data into graphics to allow a more visual overview.

20221511 - CCC- 005 – Chief Superintendent Catriona Henderson to consider other lenses of analysis – i.e. determining factors beyond geography when referring to complaints to provide members with a deeper insight. For example, by:

- **Types of duties**

- **Head of population/size of force**

Demographic profile of subject officers (e.g. Rank, LoS, diversity data).

20221511 - CCC- 006 – Chief Superintendent Catriona Henderson to provide information on work to understand/address impact of totality of complaints on workforce.

4. SPA Quarterly Report (Q2 – 22/23)

Darren Paterson (DPaterson) provided an overview of the report which provided updates on complaints and conduct matters including includes key statistics reflecting the position at the end of Q2, 2022/23. During discussions the following matters were raised;

GMacrae referred to complaints against senior officers, due to them being the figureheads of what is happening within policing, and sought clarity on whether any trends had been identified around lack of resolution. DPaterson advised that no themes around lack of resolution had been identified and added that if a member of the public felt a complaint had not been handled correctly then the route would be to go through the PIRC as a Complaint Handling Review (CHR).

Members **NOTED** the report

5. PIRC Quarterly Report on Police Scotland Handling of Complaints and Investigations Referrals

Ilya Zharov (IZharov) provided a summary of the report which noted statistical information in relation to PIRC Complaint Handling Reviews and Investigations. Phil Chapman (PChapman) provided an overview on the Investigation Referrals. The report included key statistics reflecting the position at the end of Q2, 2022/23. During discussions the following matters were raised:

FMcQueen referred to the need for complaints having to be reassessed due to insufficient inquiry and sought clarity on what that was. FMcQueen also

welcomed the improvements in terms of administrative behaviours however noted a variation from quarter to quarter in PIRC findings and sought clarity on whether that was just a natural variation or was there worrying trends being identified. IZharov advised that in terms of insufficient inquiry, those recommendations primarily relate to when additional and obvious lines of inquiry that could potentially effect the determination of the complaint have not been addressed when they could have been. In terms of administrative behaviours, there are variations from quarter to quarter for a variety of reasons, one is the need to take into consideration the arrival and departure of staff into PSD and training needs to be carried out which can affect the quality of complaint handling. There has been recent discussions around the need for further training input to be provided to PSD by PIRC following the arrival of new staff.

CStewart referred to complaints reasonably handled and asked if why the trend in north differed. IZharov was unable to provide a specific rationale for the variation, however, assured members that there was ongoing discussions with regions on the data and any arising issues. IZharov agreed and advised the culture of learning and improvement is promoted these areas will be addressed.

The Chair reflected on some of the learning points that had come from cases that had not been dealt with to a sufficient standard and noted that many of them fell into a procedural weakness and advised that as the new Complaint Handling Model is bedding in there would be an expectation these matters will be resolved through training.

The Chair referred back to performance within the North and sought clarity that what the PIRC were seeing was not a statistical representative sample from each of the region. IZharov agreed and advised that the data provided is based on individual cases brought to the PIRC as a CHR, therefore it is not a definitive representation of complaint handling in the North and the annual figure would perhaps be a better reflection.

PEdie referred to statutory referrals on fire arms and sought clarity on how the committee could monitor that within both PIRC and Police Scotland performance reporting. PChapman referred to page 11 of PIRC report set out the PIRC investigations and processes. PChapman took members through the assessment process in relation to fire arms referrals and how they feedback the outcome of that process back to Police Scotland. PEdie noted discrepancies between the PIRC and PS reports in relation to referrals on fire arms. PChapman advised that he would review anomalies in the PIRC report compared to the PS report and clarify the position back to the committee.

GMacrae sought clarity on how PIRC are resourced to complete investigations within a reasonable time scale. PChapman advised that work has changed dramatically within PIRC following the work now taken on surrounding the investigations of Article 3 (criminal allegations of assault against the police). PChapman advised that this is a substantial body of work and impacts on the other core work and impacts on KPI's that have been set for a number of years. Although there has been an uplift in staff following the Lady Elish recommendations, the workload is substantial and PIRC are not resourced to a suitable level.

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

20221511 - CCC- 007 – Phil Chapman and Chief Superintendent Catriona Henderson to review anomalies in PIRC report compared to PS report and clarify the position back to the committee.

Phil Chapman left the meeting at 11:25am.

6. Organisational Learning

DPaterson provided an overview of a report which provided an update to the Committee on a review conducted by the SPA Complaints Team into trends and learning opportunities identified in relation to the handling of relevant complaints by the SPA over the period 2017/18 - 2021/22. During discussions the following matters were raised:

CStewart sought clarity around the handling of the removal of complaints on SPA staff due to them being moved to HR as part of a grievance process. DPaterson advised that this was around correct categorisation and ensuring the appropriate and correct route is taken in the first instance and the SPA being satisfied that what they have is a relevant complaint. DPaterson added that previous criticism from Lady Elish was that the organisation in the past had gone straight to a complaint route when in fact matters did not meet that definition and should have gone down a different route. In terms of grievance matters for senior officers, a point made by Lady Elish, was around the need for grievance matters to be treated like grievance matters and considered through the appropriate grievance procedure. Members noted the difference and overlap with the People Committee in terms of grievance matters.

Members **NOTED** the report.

7. Key themes of Complaints

CSCHenderson provided an overview of a report which were brought forward to discharge the following actions:

OFFICIAL

- 20223105-CCC-0004 - Produce a bespoke report for the next committee around Discriminatory Behaviour and Quality of Service, looking at the data from 2121/22, allowing for a deeper dive into a full five years' data.
- 20223105-CCC-005 - Provide the committee with further detail around which policies are the drivers for Irregularity in Procedures based on a 5 year average.

During discussions the following matters were raised:

CStewart sought clarity on how Police Scotland are able to evaluate the output of awareness campaigns. In addition, allegations with a race sub-type and a majority of males making complaints, CStewart sought clarity on whether there was any way of Police Scotland evaluating why that was the case. CSCHenderson advised that Police Scotland raise awareness and educate officers around all the sub categories noted within the report. There is also a number of diversity associations internally where feedback is actively sought on a monthly basis, where good honest feedback is provided in terms of Police Scotland's approach. The Professionalism and Preventions Campaign will allow further opportunity to enhance education, learning and prevention in terms of awareness training. CSCHenderson advised that some thought would be required around seeking feedback around the imbalance of male and female reporting.

FMcQueen referred to Quality of Service data and sought clarity on whether there was any learning from that and perhaps opportunity to aggregate learning particularly in relation to lack of update or lack of learning. CSCHenderson advised that lack of updates has been an ongoing concern for the public following public engagement surveys and within the new Complaint Handling Model there is real opportunity to improve this area.

GMacrae referred to additional online training and sought clarity on how long that would take to roll out. CSCHenderson advised that some creative thought has been given to this educational message and advised that the communications and engagement team will tour the country and engage face to face in order to focus on the service brackets.

PEdie noted that the service bracket of 2-5 years held a higher amount of complaints and asked if that was because those officers were more likely to be operational compared to a senior officer in a managerial role. CSCHenderson advised that was the case for those within that service bracket.

Members discussed the importance of ongoing discussions on the area presented for the purposes of learning and improvement. The Chair noted the importance for follow up and asked for management actions of the analysis provided within the report to be brought forward to the committee.

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

20221511 - CCC- 008 – Following the analysis provided within the report, Chief Superintendent Catriona Henderson to bring forward management actions.

9 Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relations to Policing:

9.1 SPA Update

DPaterson provided an overview of work being progressed by the SPA to address recommendations arising from the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, led by Dame Elish Angiolini. During discussions the following matters were raised:

FMcQueen advised that she would find it helpful to have a list of recommendations, actions taken and evidence of assurance. DPaterson advised that there has been a different reporting approach compared to previous, however, all SPA actions that have been proposed for closure have been brought back to the committee for its satisfaction before being presented to Scottish Government. DPaterson provided an update in relation to the 3 outstanding SPA recommendations and advised that these will be reported back to the committee for discharge.

The Chair noted that a period of time since some recommendations had been closed off closure and asked for an analysis around the desired impact of closed recommendations.

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

20221511 - CCC- 009 – Darren Paterson to provide an analysis around the desired impact of closed recommendations.

8 Professional Boundaries – Progression of Recommendation

CSCHenderson provided a progress update to members in respect of the PSD case review of complaints and conduct matters impacting on professional boundaries. During discussions the following matters were raised:

Members welcomed the report and advised that it represented a firm change in the organisation.

FMcQueen referred to the person raising concern and their experience and sought clarity on the plans around that in order to gain further organisational learning. CSCHenderson advised that there will be two strands, internal workforce and members of the public. Internally there is engagement with staff associations where there is active feedback on Police Scotland approach. In terms of next steps there is a gap in reaching out to members of the public and there is a hope to link in with third sector and advocacy organisations and encourage them to report in.

Maggie Pettigrew (MPettigrew) advised that HMICS are keen to have an assurance review of the current vetting and noted that discussions around that have already started to take place in order to allow the review to take place in the next 12 months.

It was agreed that a progress update on this will be placed onto the committee work plan for 6 months' time.

Members **NOTED** the report.

9 Independent Review of Complaint Handling, Investigations and Misconduct Issues in Relations to Policing:

9.2 Police Scotland Update

CSCHenderson provided a Police Scotland progress report in relation to addressing the recommendations from the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing.

Members **NOTED** the report.

10 Committee Work Plan

The Chair advised attendees that going forward, when action logs and work plans are circulated, there is a requirement for action owners to review the discharge date. If discharge dates are unrealistic then this should be referred to the Governance Support Officer to discuss with the Committee Chair.

Members **NOTED** the report.