



<b>Meeting</b>	<b>SPA Complaints and Conduct Committee</b>
<b>Date</b>	<b>01 June 2023</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Police Scotland Boundaries – Bi-annual Progress Update</b>
<b>Presented By</b>	<b>ACC Alan Speirs, Professionalism and Assurance</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Yes Appendix 1 – Professional Boundaries – Recommendation Tracker</b>

**PURPOSE**

To provide the SPA Complaints and Conduct Committee with an update regarding ongoing activity.

Members are invited to discuss the content of this report.

## 1. Background

- 1.1 Police Scotland commissioned a review of all complaints and conduct matters which contained “*sexual circumstances*” between 1<sup>st</sup> January 2017 and 21<sup>st</sup> October 2021. This involved external reports to Police Scotland and also internal reports concerning officers and staff. The review was to ensure the organisation had discharged its responsibilities relating to the management of risk and had thoroughly investigated all matters in line with relevant legislation, powers and regulations.

The review focused on complaints and conduct allegations reported across the following business areas:

- **Complaints about the Police**
- **Referrals through Professional Standards Department (PSD) Gateway Assessment Unit**
- **Anti-Corruption Unit related referrals, intelligence reports and investigations**
- **PSD Misconduct**
- **Vetting**

An overview of grievance related matters was also included to highlight the scale, range and outcomes involved.

## 1.2 Progress / Preventions - Update

- Of the 19 recommendations from the PSD Case Review, 15 are complete and 3 are currently in progress, and 1 is being considered under another PSD work stream. (Appendix 1).
- Work continues to promote Our Standards of Professional Behaviour Programme through the PSD Preventions and Professionalism Tactical Group and the “Standards” campaign with the 7th standard “Orders and Instructions” being published in May 2023.
- Historical Data Wash (HDW) Exercise - In January 2023, Deputy Chief Constable Professionalism, Strategy and Engagement announced that Police Scotland would check all officers and staff against the Police National Database (PND), in line with work being taken forward in England and Wales at the request of the Home Secretary. This work is ongoing and a Strategic Oversight Group, Tactical Group and Review Group are in place to provide governance. These Groups feed into likewise NPCC governance groups to ensure cohesion.

- A Police Scotland preventative quarterly internal publication of misconduct outcomes scheme was published on the 13th April 2023.
- PSD has also launched a quarterly internal newsletter “The Standard” to provide preventions messaging to officers and staff to enhance standards, communicating key themes and trends arising from complaints and conduct investigations to prevent a recurrence and to enhance service delivery to the public.
- A PSD Domestic Abuse Case Review is underway covering instances between 01 January 20 and 31 January 23 with 206 cases reviewed for the period. Of these, there are 5 cases which have been reviewed by the Domestic Abuse Task Force with additional lines of enquiry identified.
- A further PSD Case Review in respect of Professional Boundaries covering instances between 22 October 2021 and 31 January 2023 will also be carried out. To date, research of relevant cases has been conducted to identify cases.
- Police Scotland continues to have visible representation across relevant groups led by National Police Chiefs Council (NPCC) to ensure it remains abreast of trends as well as current in respect of broader organisational good practice and learning.
- Police Scotland continues to actively encourage and support the reporting and challenging of inappropriate behaviour through facilitation of internal, external and anonymous reporting mechanisms.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

2.1 There are no further details on this report.

## **3. FINANCIAL IMPLICATIONS**

3.1 There are no financial implications in this report.

## **4. PERSONNEL IMPLICATIONS**

4.1 The nature of the matters reported inevitably leads to implications for both individual and wider personnel matters. These are considered on a case by case basis to ensure welfare, conduct and

both individual and organisational learning opportunities are identified and addressed.

**5. LEGAL IMPLICATIONS**

5.1 There are no legal implications in this report.

**6. REPUTATIONAL IMPLICATIONS**

6.1 As per Item 4.1, each case is assessed for individual and organisational reputational risks and implications and appropriate action taken

**7. SOCIAL IMPLICATIONS**

7.1 The nature of the data reported in this paper is related to complaints about the police and conduct matters. By its very nature, the subject matter implies a level of negative social, community and equalities impact. By addressing the individual matters and thereafter considering holistically that which has been reported, Police Scotland seeks to mitigate the negative impact of those cases reported.

**8. COMMUNITY IMPACT**

8.1 As per 7.1 above.

**9. EQUALITIES IMPLICATIONS**

9.1 As per 7.1 above.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the content of this report and appendix.

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**Professional Boundaries - PSD Case Review - Delivery of Recommendations**

No	Recommendation	Open / Complete/ Ongoing
1	Further engagement in respect of outcomes for sexual misconduct matters reported to COPFS.	Complete
2	Consider the suite of options to renew the vetting process to improve assessment around changes to personal circumstances.	Complete
3	Implementation of an annual integrity check by line managers.	<b>For Consideration under P&amp;P Tactical Board.</b>
4	A liaison platform between Learning, People and Development and PSD re sexual related Grievance to support awareness and consistency in approach to matters of sexual misconduct.	Complete
5	Creation of a Sexual Harassment action plan / Sex Action Plan / policy that fits with the ED&I Strategy.	Complete
6	Consideration of an immediate Health Check of Centurion to be undertaken by service.	Complete
7	Creation of a PSD Professional Boundaries Governance Board to deliver quarterly statistical analysis and drive and progress the implementation of the recommendations.	Complete
8	All PSD Departments introducing enhanced sign off/approval of all enquiries or investigations involving sexual misconduct to the rank of Chief Inspector prior to closure.	Complete
9	Develop a PSD Proactive Support and Interventions Programme (PSIP) which will provide a more detailed and holistic view of all police officers with PSD involvement by considering complaint and conduct issues.	In progress
10	All departments across PSD to consider their approach to welfare of subject officers, complainers and witnesses in order to ensure appropriate recording of any associated welfare strategy, ensuring a victim focussed approach.	Complete
11	All departments across PSD to be reminded regarding recently published Investigation Wellbeing Guidance.	Complete
12	Conduct - Review processes in investigations to ensure there is parity across geographical areas in respect of criterion for referring matters to Conduct for Assessment under the Conduct Regulations and investigations Supts to assume ownership in respect of the use of the standardised referral template, consistency in referrals across the country and timeous nature of referrals to Conduct.	Complete
13	Conduct - Consideration to be given to confirming/establishing processes in relation to the forensic examination of articles between partner agencies, particularly in relation to circumstances where further quasi-judicial processes i.e. misconduct proceedings are probable.  Investigations Supts to ensure that given opportunities to retain productions are limited in respect of conduct proceedings, referrals are not only timeous but also broader in terms of information regarding vulnerabilities of victims, power imbalance	Complete

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	etc to be outlined within statements with relevant productions being seized at time of investigation to support future Conduct proceedings.	
14	Conduct - Regulation 10 is not an investigation and not all information is required in order to make an assessment. Where statements have been noted as part of the Divisional investigation, they are considered fundamental to informing an appropriate assessment. Therefore where available, statements should be included in what is shared with the National Conduct Unit for assessment.	Complete
15	Conduct - Further audits in terms of the Subject Officer's access to Police systems relating to the complainant are conducted and assessment reviewed dependent on the outcome of such audits.	Complete
16	Consider internal consultation to review the current Risk Assessments appended to restrictions or suspension submissions to establish if further mitigation is required specific to matters involving sexual misconduct. This could be further developed with liaison with SCD PPU as well as SPA and People & Development in relation to Senior Officers and members of police staff.	In progress
17	Continue engagement with Scottish Government and partners in the pursuit of additional legislation aligned to Misconduct in Public Office (MiPO) which is already in place in England in Wales, to support investigations of abuse of position and sexual misconduct.	In progress
18	In accordance with current pursuit of an LBM Administrators post, consideration to be given to combining LBM and Mail Marshall / Web Marshal activity under the remit of ACU.	Complete
19	PSD to commence delivery of the Preventions and Professionalism Programme which will provide a spotlight on Our Standards of Professional Behaviour through a series of workshops/programmes and educational communications.	Complete