

Meeting	SPA Complaints & Conduct Committee Meeting
Date	31 May 2022
Location	MS Teams
Title of Paper	Professional Boundaries
Presented By	Alan Speirs, ACC Professionalism and Assurance
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A – Professional Boundaries – Case Review – Executive Summary.

PURPOSE

To provide an overview to SPA Complaints and Conduct Committee members in respect of the Professional Standards Department case review of complaints and conduct matters impacting on professional boundaries between 01 January 2017 and 21 October 2021 and outline proposed next steps.

Members are invited to discuss the content of this paper.

1. BACKGROUND

- 1.1 Policing holds a unique position of trust and authority with our fellow citizens and it is from that bond which we draw our legitimacy. The onus is on the police service to reassure the public that we discharge our duties in line with our values of fairness, integrity and respect and with a commitment to upholding human rights.

Tackling breaches of professional boundaries is a priority for UK policing and Police Scotland. Police Scotland is represented at UK and regional levels across relevant groups.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 The conviction and whole life sentencing of a former police officer in London has led police forces across the UK to address the resultant concerns of communities in respect of serving police officers and staff members who breach professional boundaries and in particular, those who abuse their position to do so.
- 2.2 On 21st October 2021, Police Scotland commissioned a review of all complaints and conduct matters which contain sexual circumstances between 1st January 2017 and 21st October 2021 which were reported to or within Police Scotland.
- 2.3 The key findings, conclusions, recommendations and next steps are outlined in Appendix A.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no specific legal implications in this paper.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are reputational implications associated with this paper. Public confidence in the police depends on police officers and staff demonstrating the highest levels of personal and professional behaviour.

- 6.2 Police Scotland is committed to providing a victim focussed approach to the investigation of matters compromising professional boundaries, harnessing all opportunities to protect victims and preventing such crimes occurring.
- 6.3 Through selection, vetting, training, supervisory practice and communication we seek to prevent breaches of professional boundaries.
- 6.4 Police Scotland has a strategy in place to formalise and address this subject, evidencing our progress and governance surrounding this matter.
- 6.5 Dame Elish Angiolini's independent review of complaint handling, misconduct and investigations underlined the range and depth of challenges for policing, those who scrutinise policing, and the public we serve, with many recommendations requiring significant collaboration and co-operation. We are working with the Scottish Government, key partners including the Scottish Police Authority, HMICS and the PIRC to respond to Dame Elish's recommendations and progress is reported publicly.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

- 8.1 There are community impact implications associated with this paper. Where public trust is affected, this could negatively impact on confidence to report.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

- 10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are invited to discuss the contents of this paper.

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Appendix A

Professional Standards Case Review – Professional Boundaries

Executive Summary

Produced by: Professional Standards Department – 2022

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Key Findings

Following are the key findings of the review:

- 410 reports received by Police Scotland between January 2017 and October 2021 analysed.
- Reports related to 360 named individuals and 28 unknown persons.
- Police Scotland has seen a year on year increase of reporting on such matters since 2018.
- The most prevalent reports received related to sexual assault, inappropriate comments and inappropriate messages.
- 150 reports related to off duty matters and 260 reports related to on duty matters.
- No significant issues were identified in terms of quality of individual investigations.
- Opportunities to enhance organisational learning and development and raise awareness of the Standards of Professional Behaviour identified.

Introduction

Police officers and police staff hold a privileged position within our society and often members of the public are at their most vulnerable when they come into contact with the police. It is imperative that police officers and police staff act with the highest levels of integrity and professionalism at all times, both within our communities and within the workforce to uphold public trust and confidence and ensure Police Scotland is an inclusive place to work.

Tackling professional boundaries is a priority for UK policing and Police Scotland. Police Scotland is committed to undertaking robust review, conducting ongoing work and preventions activity in support of protecting our public and preventing any such instances of concern.

This document has been prepared to provide an executive summary of the review findings and recommendations in response to the work carried out to date.

Background

The conviction and sentencing to whole life imprisonment of a former police officer in London for murder and serious sexual crimes has led police forces across the UK to address resultant concerns of communities in respect of serving police officers and staff members who breach professional boundaries and in particular those who abuse their position to do so.

Summary

On 21 October 2021 Police Scotland commissioned a review of all complaints and conduct matters which contain sexual circumstances between 1st January 2017 and 21st October 2021 which were reported to or within Police Scotland to ensure it has discharged its responsibilities in relation to the management of risk and has fully investigated and progressed matters within relevant legislation, powers and regulations.

The review was charged to focus on those reports which stem from complaints or conduct allegations 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 in respect of any related grievances.

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During the course of the review 410 reports over the 4 ¾ year period between 01 January 2017 and 21 October 2021 were reviewed. These reports were received via a range of sources including reports from members of the public, complaints about the police, internal reports, intelligence and anonymous reporting.

The most prevalent reports included Sexual Assault, Inappropriate Comments and Inappropriate Messaging. 118 reports were assessed as criminal and the remaining 292 reports assessed as non criminal. In considering those reports further 125 reports were as a result of complaints about the police. Currently 83 reports remain live investigations and a further 16 reports were withdrawn. Of note 150 of the reports occurred whilst officers/staff were off duty. 44 officers resigned or retired during proceedings.

The review undertaken has provided context around Police Scotland's response to relevant intelligence and information reported from both members of the public and from police officers / staff within the organisation.

Police Scotland recognises the requirement for officers and staff to maintain professional boundaries, adhere to our standards of professional behaviour and ensure that any opportunities to abuse their trusted position are minimised.

Where a report outlines such a breach of professional boundaries by an officer or member of staff, the investigation is carried out thoroughly, led by a Senior Investigating Officer and supported by other specialist officers, all underpinned by a robust investigative strategy, irrespective of who the offender is.

At the conclusion, reports of criminality are reported to Crown Office and Procurator Fiscal Service and additionally progressed for consideration of misconduct proceedings. Where no criminality is found a report to the PSD Conduct Unit may also be progressed for a formal conduct assessment.

Although there were no significant issues identified in respect of individual investigations, several learning opportunities and recommendations were identified which will enhance and refine current process and the overall response to such matters.

Conduct Regulations do not prevent an officer from retiring or resigning and therefore in such circumstances, a conduct assessment cannot be undertaken.

Police Scotland has 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.

Next Steps

Police Scotland has a long term commitment to this work and is currently undertaking a broad range of actions and preventions activity which will be progressed over the forthcoming 12 months.

Following this case review, a number of recommendations were identified which included enhancing vetting arrangements. To coordinate activity and delivery of the recommendations Police Scotland's response will include:

- Creation of a PSD Preventions & Professionalism governance structure to enhance consistency and outcomes throughout the investigative process, supported by a phased tactical plan.
- Implementation of a prevention strategy across the organisation. The PSD Preventions & Professionalism programme will raise awareness of Our Standards of Professional Behaviour, empowering officers and staff to challenge behaviours through ethical leadership, PSD support, education and early intervention. This aims to ensure that our officers, staff and leaders are provided with advice and guidance to support the strategy.