

GRAMPIAN JOINT POLICE BOARD

COMPLAINTS SUB-COMMITTEE

ABERDEEN, Monday 28th March 2011 – Minute of meeting of **GRAMPIAN JOINT POLICE BOARD, COMPLAINTS SUB-COMMITTEE.**

Present:- Councillor Hendry, Chair, Councillor Collie (as substitute for Councillor Dunbar), Councillor Greig and Councillor Shepherd.

In Attendance:- Chief Superintendent Ewan Stewart, Grampian Police, Mrs J Anderson, Representing the Depute Clerk to the Board, Ms F Smith, Aberdeen City Council and Ms K Riddoch, Aberdeen City Council.

APOLOGIES FOR ABSENCE

1. Apologies for absence were intimated on behalf of Councillor Bell and Dunbar, Deputy Chief Constable John McNab, Grampian Police, Jane MacEachran, Clerk to the Board and Karen Donnelly, Depute Clerk to the Board.

ELECTION OF SUB COMMITTEE CHAIRPERSON

2. Mrs Anderson invited Members to nominate a Chairperson for the Complaints Sub Committee in light of the Best Value Audit & Inspection Report recommendation that the Board Convener should not Chair the Boards Sub Committees.

Councillor Shepherd, seconded by Councillor Greig nominated Councillor Hendry to be the Chairperson of the GJPB Complaints Sub Committee. There were no further nominations and therefore Councillor Hendry was confirmed elected.

The Sub Committee Resolved:

To elect Councillor Hendry as Chairperson of the GJPB Complaints Sub Committee.

MINUTE OF PREVIOUS MEETING OF GJPB COMPLAINTS SUB-COMMITTEE OF 13TH DECEMBER 2010

3. The Sub-Committee had before it and approved as a correct record, the Minute of meeting of the Grampian Joint Police Board Complaints Sub-Committee meeting of 13th December 2010.

The Sub Committee Resolved:

To approve the minute.

MATTERS ARISING

4. Item 3: Councillor McKail requested an update with respect to the progression of discussions with PCCS on the issue of persistent and vexatious complaints. Ms Smith advised that a date for a meeting between the Clerks Office, the Force and PCCS is to be sought in the near future.

The Sub Committee resolved:

To note the matter arising.

QUARTERLY REPORT ADVISING NUMBER OF COMPLAINTS AGAINST THE POLICE – QUARTER 3 - 1ST OCTOBER 2010 – 31ST DECEMBER 2010

5. The Sub Committee had before it a report by the Chief Constable, providing members with an update on the number of complaints made against Grampian Police for the period 1st October – 31st December 2010.

Chief Superintendent Ewan Stewart introduced the report and advised that, in respect of the volume of complaints received in the three month period from 1st October to 31st December 2010, there was a slight increase from the last quarter and a decrease in comparison with the same quarter last year. Table 1 detailed that 148 complaints were received by the Force, giving rise to 185 on duty allegations and 1 off duty allegation. Action was taken in relation to 25 allegations.

Mr Stewart went on to advise that the most common type of allegation made in this quarter was Irregularity in Procedure (64 allegations) followed by Incivility (43 allegations).

Table 2 summarised Quality of Service complaints received by the Force and put these figures into context. 36 Quality of Service complaints were received during the period 1st October to 31st December 2010, the equivalent of 0.66 complaints per 10,000 population. During this same period, 54 letters of appreciation were received by the Force which compares to 58 for the corresponding period in 2009/10.

The report stated that the national target for completion of minor non-criminal and quality of service complaints is 56 days. The aim is to achieve this 85% of the time in the quarter in question, 81% of cases were concluded in 56 days.

Criminal and serious non-criminal cases require more complex investigation and the target for criminal cases fully reported to the Area Procurator Fiscal is within 126 days of receipt of the complaint. In the quarter in question, no cases were reported on.

Councillor Greig noted that, with respect to Complaint case management, the Force has made vast improvement in this quarter from previous reports in that 81% of cases were concluded within the national target of 56 days. Councillor Greig sought assurance from the Force that this level of performance is

sustainable moving forward. Mr Stewart confirmed that it is sustainable and the Force will be seeking to increase the percentage further.

With respect to the Scottish Policing Performance Framework (SPPF), Members expressed concern that not all Scottish Forces were using the Framework in the same way as Grampian and that this lack of consistency makes comparison across Forces impossible. Mr Stewart reported that Grampian Police record every complaint received within the complaint figures and that continued work at Scottish level is seeking commonality of reporting across all Scottish Police Forces. Mr Stewart tabled a draft reporting standard template which is being developed through ACPOS which will provide detailed breakdowns of complaints received and support consistent reporting. Members were invited to feedback any comments on this draft reporting standard via Ms F Smith.

Further to this, Councillor McKail suggested that the GJPB should write to PCCS to state the Boards support for a common set of recording and reporting standards to be in place across all Scottish Police Forces such as the SPPF. Members agreed to this suggestion and instructed the Depute Clerk to prepare such a letter.

Councillor McKail sought information regarding the reasons for the reported decrease in quality of service complaints. Mr Stewart advised that there were no obvious reasons for this decrease and that the levels are always variable.

The Sub Committee resolved:

To note the content of the report.

COMPLAINTS SUB COMMITTEE DEVELOPMENT ACTION PLAN

6. The Sub Committee had before them a paper from the Depute Clerk which provided an update to Members with respect to the Complaints Section of the Board Development Action Plan which was approved by the GJPB on 4th March 2011.

Ms F Smith introduced the report and advised that the Board Development Action Plan has pulled together a range of actions arising from recent audit reports and from other development activities relating to policing in Scotland. The purpose of the Board Development Action Plan is to ensure that Board Members are kept updated with respect to progress made towards implementation of the identified actions. Within the Action Plan approved by the Board on 4th March 2011 is a section regarding developments for the GJPB Complaints Sub Committee. The report advised Members that the Depute Clerk will provide an update report to each meeting of the Sub Committee on the Complaints Sub Committee Actions.

In addition, the report advised of the addition of two new actions to the Complaints Sub Committee Development Action Plan as a result of correspondence received from the Police Complaints Commissioner for Scotland.

Councillor McKail noted that the Board Development Working Group would be overseeing the development of the entire Action Plan and Ms Smith confirmed that this would include, where applicable, the Complaints Sub Committee section also.

Councillor Greig noted that, in respect of item C2, the development of a Board Complaints Policy, the Board should consider existing policies developed by other public sector agencies in order to ensure that best practice in complaints handling is incorporated into the Board's policy. Ms Smith confirmed that this would be done.

The Sub Committee resolved:

- (i) To note the Complaints Sub Committee Development Action Plan and approve the addition of two new actions, C11 and C12.
- (ii) To instruct the Depute Clerk to provide an update report to each future Sub Committee meeting with respect to progress made towards achieving the stated outcomes within the Action Plan.
- (iii) To otherwise note the report

HOLDING TO ACCOUNT – AN AUDIT OF POLICE BOARD & AUTHORITY CAPABILITIES

7. The Sub Committee had before it a report from the Depute Clerk which invited Members to consider the 'Holding to Account – An Audit of Police Board and Authorities capabilities' report which was recently published by the Police Complaints Commissioner for Scotland (PCCS).

Ms F Smith introduced the report and provided a summary of the PCCS Audit process which has led to the publication of this report. Ms Smith advised the Sub Committee that the draft report had been considered during the Sub Committee Development Session on 4th February 2011 and, as a result of this, 10 of the recommendations within the report are included in the Complaints Sub Committee Development Action Plan already. The remaining 3 recommendations contained within the report are already met by GJPB.

Councillor McKail noted that the report was very detailed and would be useful to the Complaints Sub Committee moving forward.

The Sub Committee resolved:

- (i) To note the recommendations made within the PCCS report and agree that progress towards achieving the 10 outstanding recommendations will be monitored as part of the Complaints Sub Committee Development Action Plan
- (ii) To otherwise note the report.

EXEMPT INFORMATION

Prior to considering the remaining items of business the Board resolved that in terms of Section 50A (4) of the Local Government (Scotland) Act 1973 that the public be excluded from the meeting during the consideration on the items on the grounds that it was likely in view of the nature of proceedings that if members of the public were present during the consideration of these items that there would be a disclosure to them of exempt information as defined in paragraph 1 of part 1 of Schedule 7A of the said Act.

REPORT PROVIDING A RESUME OF COMPLAINTS AGAINST THE POLICE WHICH HAVE BEEN CONSIDERED BY THE POLICE COMPLAINTS COMMISSIONER FOR SCOTLAND

8. The Sub Committee had before it a report which noted that three complaint handling review had been published by the Police Complaints Commissioner for Scotland (PCCS) since the last meeting.

Mr Ewan Stewart introduced the report and provided an overview of the PCCS considerations in each case. The Sub Committee considered each case, noting the outcome of each.

The Sub Committee resolved:

To note the content of the report.

CORRESPONDENCE FROM POLICE COMPLAINTS COMMISSIONER FOR SCOTLAND (PCCS)

9. The Sub Committee had before it a report from the Depute Clerk which brought to the attention of the Sub Committee correspondence received from PCCS regarding a longstanding complaint case.

Ms F Smith introduced the report and provided an overview of the background of the relevant complaint case. It was noted that the complainer had applied to PCCS for a complaint handling review to take place in respect of his complaints about Grampian Joint Police Board. For the reasons outlined in the letter PCCS had determined that no complaint handling review was required. Finally, PCCS highlighted two points for action required of the Board, both of which have been incorporated into the Complaints Sub Committee Development Action Plan.

The Sub Committee thereafter gave detailed consideration to the correspondence received from PCCS in this case.

The Sub Committee resolved:

- (i) to note the content of the correspondence received from PCCS

- (ii) To instruct the Depute Clerk to advise the PCCS that the issues identified in his letter would be actioned by the GJPB and the relevant policies would be forwarded to him as soon as possible
- (iii) To note that GJPB will continue to acknowledge any further correspondence from the complainer on the issue identified however would not consider this matter any further should no new information or evidence be provided.

COMPLAINT AGAINST A SENIOR OFFICER

- 10.** Prior to the Sub Committee considering this item Chief Superintendent Ewan Stewart left the meeting. The Sub Committee had before it a report by the Depute Clerk to the Board summarising all complaints received from the complainant, summarising advice received from PCCS in respect of this complainant and inviting the Sub Committee to determine the appropriate response to this.

Ms F Smith introduced the report and advised the Sub Committee of the remit of the sub committee and the background of the complaints received from the Complainant and of the advice received from PCCS in this case.

Following detailed discussion of the report, the sub-committee noted the content of all of the complainant complaints to the Board, noted the content of the PCCS advice in this case and noted that the Sub Committee had previously considered complaints from this complainant. Furthermore, the Sub Committee agreed to adopt the recommendation of PCCS and advise the complainant that GJPB will not give any further consideration to any of the complaints already lodged with the Board, or any new complaints which relate to the same issue. The Depute Clerk was instructed to advise the complainant of this decision.

The Sub-Committee resolved:-

- To note all of the complaints made by the complainant to the GJPB since June 2010.
- To note the content of the PCCS consideration of this case
- To note the previous consideration given by the Sub Committee to the complainants complaints against a Senior Officer
- To resolve that the Sub Committee would adopt the recommendation of PCCS and not give any further consideration to any of the existing complaints or any new complaints lodged with the Board relating to the same issue identified within the report.
- To instruct the Depute Clerk to advise the complainant of this decision.

COUNCILLOR ALLAN HENDRY - Chair