

SERVICE UPDATE

<u>Name of Function:</u>	Communities, Housing and Public Protection Committee
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<u>Title of Update:</u>	Police Scotland - Professional Standards Department overview
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UPDATE:

INTRODUCTION

This report has been prepared following my presentation at Committee on 6 July 2023 and the request from Councillor Graham for a written version.

The report provides an overview of the Professional Standards Department (PSD) within Police Scotland, in particular around the handling of Complaints made about Police Officers both on and off duty, whether that be Criminal or Non-criminal, and to outline the departmental structure and functions of the department which are not visible or immediately recognisable as part of PSD.

It is vital that the Police can be held appropriately accountable if things go wrong. Without such accountability, policing by consent can be undermined and it also becomes more difficult to learn lessons and make improvements to prevent recurrence of mistakes, poor practice, wrong doing and criminality. It is essential therefore that systems for complaints handling, investigations and misconduct issues are fair, transparent and accountable respecting the rights of all those involved.

The Dame Elish Angiolini, Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing was published in November 2020. Since then there have been significant changes in the way in which Police Scotland and other public bodies handle complaints, investigations and misconduct issues.

Two of the most significant changes include the fact that all non-criminal complaints are now handled within PSD where they used to fall to the responsibility of Divisions and the Article 3 and 5 ECHR referrals - which are essentially all On Duty complaints of Assault or Excessive Force - are automatically referred to PIRC to investigate independently. These changes will hopefully serve to add to transparency and increase public trust and confidence in the service.

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The Police Complaints and Misconduct Handling Bill which has recently been introduced, contains further legislative changes to further enhance and implement recommendations made by Dame Elish in the aforementioned review. As such there are likely to be even more changes ahead.

COMPLAINT DATA – NORTH REGION/ABERDEEN CITY

- 1,539 complaints received YTD (22/23), -0.5% from PYTD and +1.8% against the 5 Year Average.
- Notably, North East Division registered an increase (+7.8% from PYTD, +11.8% against the 5 Year Average). Service Delivery and Service Outcome allegations are the primary influence, with lower volume increases in Policy/Procedure and Assault allegations.

'Policy/Procedure' relates to Policing policy, procedure or practice rather than a member of staff, 'Service Delivery – Policing response' refers to presence, time and type of response and 'Service Outcome' to lack of action or dissatisfaction with action taken.

The verified figures for Aberdeen City saw an increase of 5.7% in Complaints made about Police Officers from 298 in the year 21/22 to 315 in the year 22/23 - an increase of 17 complaints.

PSD are currently exploring options to allow Local Commanders more readily and easily available access to more detailed Complaint and Conduct information for their area.

DEPARTMENTAL STRUCTURE

The Professional Standards Department (PSD) works to maintain, promote and improve how Police Scotland serves the public in line with our Standards of Professional Behaviour and Our Values.

To support this, PSD oversees a number of national functions, being the National Complaint Assessment & Resolution Unit (NCARU), Investigations (including Complaint Handling, Specialist Investigations and the National Gateway Unit), National Conduct Unit, Anti-Corruption Unit (ACU), Support and Service Delivery and Admin and Vetting. A brief outline of all of these functions has been included within this report.

While we deliver a national service, we have local offices across Scotland including Aberdeen, Dundee, Edinburgh, Glasgow, Inverness, Stirling and Grangemouth.

PSD has responsibility for overseeing and managing all Criminal, Non-criminal and Quality of Service Complaints About the Police. In doing so, good practice and emerging trends are identified and disseminated.

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On behalf of Police Scotland, we cooperate fully with both the Police Investigations and Review Commissioner (PIRC), and the Crown Office and Procurator Fiscal Service (COPFS).

PIRC has independent oversight, carrying out independent investigations into the actions of Police Officers and Staff, as well as conducting Complaint Handling Reviews (CHRs) in respect of our investigation and response to complaints.

National Investigations – split into two strands: Criminal and Non-Criminal.

National Complaint Assessment and Resolution Unit (NCARU) forms part of the Non-Criminal Investigations team and is split over 5 hubs in Aberdeen, Inverness, Dundee, Edinburgh and Glasgow.

The team are responsible for assessing all complaints received by Police Scotland either in writing, by phone, in person or via the online complaints form.

Nationally, Police Scotland receive circa 6k Complaints a year into the organisation – just under 50% of those are resolved early on in the process, this is referred to as Frontline Resolution (FLR). This occurs primarily at the NCARU where the team aims to resolve a complainers concern by explanation, apology or assurance that a certain action will be taken.

FLR is only applicable with respect to Non-criminal matters.

The below information was extracted from the SPA Q4 report:

- A total of 6,621 complaints were received during 2022/23 YTD (0.9% decrease from the PYTD and 2.0% increase against the 5 Year Average).
- 47.1% were resolved by Frontline Resolution (FLR), a reduction from the PYTD rate of 49.2%.
- 199 CHRs were received YTD, with 74.2% of allegations reviewed found to be handled to a reasonable standard (+7.4% from PYTD). This further reflects the continued improvement in complaint handling in recent years.
- Approximately 3% of complaints reported are subject of CHR.

Non-Criminal Investigations also have overarching responsibility for assessing and referring to PIRC circumstances which relate to Death or Serious Injury following Police Contact or in Police Custody.

Where there are Complaints About the Police which relate to On Duty criminality, these are investigated by PSD and reported to the Criminal Allegations against the Police Division (CAAPD) of the Crown Office and Procurator Fiscal Service (COPFS) for their consideration.

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Off Duty criminal matters are generally investigated by local or specialist divisions and Officers or Staff are treated in the same manner as a member of the public, with Standard Prosecution Reports submitted to COPFS for consideration.

As part of our criminal cadre of investigators we have Specialist Investigations, a national team of investigators whose core role is the investigation of serious criminal allegations, intelligence led and 'whistle-blower' type investigations.

Advice and Guidance Briefings are provided by this team in as a preventative measure to mitigate risk to individuals and the organisation.

National Anti-Corruption Unit (ACU) – Service integrity is critical to the legitimacy of our policing purpose and to maintaining public trust and confidence in how we Keep People Safe.

The National Anti-Corruption Unit's core operational business is not only to conduct intelligence led investigations into the minority who engage in corrupt activity but also to support and protect Officers and Staff across Police Scotland in identifying, taking ownership of and proactively addressing any vulnerabilities, corrupt practices and unethical behaviour.

The ACU consists of Intelligence and Operations functions.

National Conduct Unit – This unit is responsible for the investigation of circumstances where it is alleged that our Standards of Professional Behaviour have been breached. Investigations are governed by the Police Service of Scotland (Conduct) Regulations 2014.

The Misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct. The procedures are intended to encourage a culture of learning and development for individuals and the organisation. Disciplinary action has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome.

As was recently reported into the SPA Complaints and Conduct Committee in June, 19 Misconduct hearings in respect of Gross Misconduct were scheduled in the last financial year. There were 5 dismissals, 1 demotion in rank, 6 final written warnings and 2 written warnings. A further 12 allegations were concluded with resignation prior to a hearing and 1 resulted as no Misconduct. Please note that each meeting or hearing may involve multiple Subject Officers and multiple allegations, with a disposal attached to each allegation.

At the conclusion of Q4 LYTD, 68 Police Officers were suspended and 102 were subject to duty restrictions. A further 13 members of Police Staff were suspended at this time.

National Vetting Unit - A thorough and effective vetting process is a key component in assessing an individual's honesty and integrity. By identifying those who might pose

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a risk, vetting acts to prevent crime or harm and to protect members of the public against improper conduct by people working for, on behalf of, or in partnership with, the Scottish Police Authority (SPA) or Police Scotland. The process will reassure the public that appropriate checks are conducted on individuals in positions of trust and support public confidence.

The Force Vetting Unit undertakes vetting checks on all applicants to join Police Scotland as Police Officers or Police Staff. In addition, the Unit undertakes checks on serving personnel who are in a designated post which requires Management Vetting.

The Unit also undertakes checks on companies and other bodies seeking to supply Police Scotland with goods or services to ensure that these suppliers are not linked to Serious Organised Crime.

Support and Service Delivery – This business area provides support and central co-ordination for all PSD business areas with responsibility for;

- Administration
- Support and Service Delivery
- Partnerships
- Preventions and Ethics Advisory Panels
- Learning and Improvement

PREVENTIONS AND PROFESSIONALISM PROGRAMME

The Preventions and Professionalism (P&P) Programme led by PSD promotes positive behaviours and a learning culture around Professional Standards to identify best practice, address emerging trends and achieve better outcomes for our people and communities. This also supports Police Scotland's VAWG strategy launched in March 2023, where Chief Constable Livingstone reinforced the message that misogyny, sexism and discrimination of any kind are deplorable and should have no place in society and no place in policing.

He outlined that individually and as an organisation, we need to challenge our own and each other's behaviours in relation to misogynistic attitudes and actions. Also that we all have a duty and an opportunity to lead a change which improves the experiences of all women, including our own Officers and Staff.

The purpose of the programme is to;

- Promote our Code of Ethics and Values
- Work with partners and academia to improve our understanding of Professional Standards, empower staff and enhance organisational learning
- Promote Wellbeing support in all Professional Standards functions to protect our people and deliver a person centred approach to all parties involved in an investigative process
- Identify individual vulnerabilities, corruption threats and ethical drift within the organisation and intervene at the earliest juncture

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- Work with external partners to share best practice and improve resilience within Police Scotland and across the Criminal Justice sector

The programme includes our Standards campaign, which is a yearlong initiative with a monthly focus on each of the 10 statutory Standards of Professional Behaviour. This is intended to increase understanding and influence positive behaviours which uphold Police Scotland's standards, values and Code of Ethics. A constant thread running across each monthly focus is the responsibility to appropriately challenge and report unacceptable behaviours. A particular area of focus is highlighting the harm caused by Abuse of Position for a Sexual Purpose and crossing Professional Boundaries.

REVIEW OF SEXUAL MISCONDUCT AND DOMESTIC CASES

Police Scotland commissioned a review of all complaints and conduct matters which contained "sexual circumstances" between date parameters. 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.

CONTINUOUS INTEGRITY SCREENING

In January 2023, Deputy Chief Constable Fiona Taylor announced that Police Scotland would complete appropriate checks of all Officers and Staff against national systems, in line with work being taken forward in England and Wales at the request of the Home Secretary. This work is being undertaken by a dedicated team of Officers and Staff and is due for completion by the end of September 2023.

We are committed to addressing sexism, misogyny and violence against women - within the organisation and across society, working to root out those within policing who display harmful behaviours.

BENCHMARKING

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Police Scotland continues to have visible representation across relevant groups led by the National Police Chiefs Council (NPCC) to ensure it remains abreast of trends, current issues and broader organisational good practice and learning. We do so while actively encouraging and supporting the reporting and challenging of inappropriate behaviour through facilitation of internal, external and anonymous reporting mechanisms.

'THE STANDARD' INTERNAL NEWSLETTER

PSD has launched its first quarterly newsletter providing preventions messaging to Officers and Staff to help safeguard their career and enhance professional standards. The publication will communicate key themes and trends arising from complaints and conduct investigations to prevent reoccurrence and enhance our service delivery to the public.

I do hope the information provided within this service update has been helpful in providing an insight into PSD and to demonstrate our absolute commitment to ensuring from complaint handling through to our preventions and professionalism programme we maintain, promote and improve how Police Scotland serves the public in line with our Standards of Professional Behaviour and Our Values.

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