

# **Police (Ethics, Conduct and Scrutiny) (Scotland) Bill**

## **Island Communities Impact Assessment**

# Island Communities Impact Assessment

Name of Policy, Strategy or Service	<b>Police (Ethics, Standards and Conduct) (Scotland) Bill ("the Bill")</b>
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## Step one – develop a clear understanding of your objectives

<ul style="list-style-type: none"> <li>• What are the objectives of the policy, strategy or service?</li> <li>• Do you need to consult?</li> <li>• How are islands identified for the purpose of the policy, strategy or service?</li> <li>• What are the intended impacts/outcomes and how do these potentially differ in the islands?</li> <li>• Is the policy, strategy or service new?</li> </ul>	<p>This Bill provides greater clarity around police complaints and misconduct processes, ensuring there are robust, clear and transparent mechanisms in place to investigate complaints or other issues of concern.</p> <p>The legislative proposals we are bringing forward will embed good practice and underline the importance of maintaining the high standards expected of Scotland’s police officers, further strengthening public confidence in policing.</p> <p>The Bill implements some of the recommendations contained in the work <i>Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing</i><sup>1</sup> by Dame Elish Angiolini, published in November 2020.</p> <p>There are only two parts which have small impacts on island communities in infrequent circumstances. Therefore, we do not consider there is a need to consult.</p> <p>Part of the Bill implements a duty of candour. This includes a requirement on officers to attend interviews and assist and participate in proceedings (including investigations against constables) openly, promptly and professionally. This may incur additional travel costs for constables who have to travel further, though this would always have been the case before the Bill.</p> <p>Additionally, Part of the Bill contains provision which amends existing enabling powers to pave the way for regulations to provide for a panel independent of the Scottish Police Authority to determine senior officer misconduct cases. This may affect island communities as there will be travel expectations for</p>
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<sup>1</sup> [Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: Final Report \(www.gov.scot\)](http://www.gov.scot)

	<p>subject officers and witnesses to attend the hearings in person. However, given the small number of senior officers in Scotland and the rarity of such misconduct proceedings, the impact is expected to be minimal. If Police Constables from an island community are required to attend hearings as witnesses then it is expected this would be carried out on duty and therefore travel expenses would be paid. There would be no impact that is <i>significantly</i> different between island and other communities. However, mitigations are being considered for online attendance.</p> <p>We do not consider the intended impact of the Bill to differ for island communities other than in these specific circumstances which we do not consider to happen often or have significant impacts.</p>
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## Step two – gather your data and identify your stakeholders

<ul style="list-style-type: none"> <li>• What data is available about the current situation in the islands?</li> <li>• Do you need to consult?</li> <li>• How does any existing data differ between islands?</li> <li>• Are there any existing design features or mitigations in place</li> </ul>	<p>No data is collected on geographical origin of complainants by SPA or COPFS.</p> <p>Police Scotland collect two levels of geography for complaints – incident locations and complainer details. An incident location can vary from a complainer’s address. Incident locations are not a mandatory field to be collected, and will only be collected if provided by the complainer. The same applies to the complainer’s address, however, this is then mapped to a territorial division of residence.</p> <p>Police Scotland report on complaints received by area, including comparisons in volume over the last 5 years. This can be found in the <a href="#">Professional Standards SPA Performance Report Quarter 4 of 2021/22.</a></p> <p>The West area receives more complaints than North and East areas, which is consistent with 5 year averages. There was an increased number in all areas in 2020/21 but this reduced in 2021/22. There has been no significant increase in complaints received in any area between 2016-2022.</p>
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### Step three – consultation

<ul style="list-style-type: none"><li>• Who do you need to consult with?</li><li>• How will you carry out your consultation and in what timescales?</li><li>• What questions will you ask when considering how to address island realities?</li><li>• What information has already been gathered through consultations and what concerns have been raised previously by island communities?</li><li>• Is your consultation robust and meaningful and sufficient to comply with the Section 7 duty?</li></ul>	Not required.
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### Step four - assessment

<ul style="list-style-type: none"><li>• Does your assessment identify any unique impacts on island communities?</li><li>• Does your assessment identify any potential barriers or wider impacts?</li><li>• How will you address these?</li></ul>	<p>No unique impacts on island communities have been identified; the instances which may impact on island communities will not be specifically targeted at island communities - these are requirements for all officers in these circumstances.</p> <p>As discussed, there are online options to consider for mitigating factors for the relevant policies, this will be fully considered at the point of implementation of the Bill provisions.</p>
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## Is a full Island Communities Impact Assessment required?

You should now determine whether, in your opinion, your policy, strategy or service is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). To form your opinion, the following questions should be considered:

<ul style="list-style-type: none"><li>• Does the evidence show different circumstances or different expectations or needs, or different experiences or outcomes (such as different levels of satisfaction, or different rates of participation)?</li><li>• Are these different effects likely?</li><li>• Are these effects significantly different?</li><li>• Could the effect amount to a disadvantage for an island community compared to the mainland or between island groups?</li></ul>	<p>The evidence does not provide information on island communities specifically, therefore the impacts cannot be accurately assessed.</p> <p>The intention of the policy is not to treat island communities, including complainants and officers, differently and there are only specific instances where there will likely be any impact on island communities by this Bill, as explained above.</p> <p>These instances are considered to be infrequent and likely not significant and therefore the impacts will be minimal.</p>
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## A full Islands Community Impact Assessment is NOT required

In preparing the ICIA, I have formed an opinion that our policy, strategy or service is **NOT** likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities). The reason for this is detailed below.

This assessment concludes that there are no significant impacts on island communities. Small impacts were noted in certain instances for a small number of individuals, and mitigations are possible if necessary. The Scottish Government is assured that incidents are infrequent and therefore would not incur an additional impacts on island communities.

Therefore we do not consider a full Islands Community Impact Assessment to be required.

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<b>Signature and date</b>	5 April 2023
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