

T: 0300 244 4000
E: scottish.ministers@gov.scot

The Rt. Hon. Dame Elish Angiolini DBE QC
The Shrubbery
72 Woodstock Road
OXFORD
OX2 6HP

19 March 2020

Dear Dame Elish,

Indemnity from personal civil liability in the execution of your functions as Chair of the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing

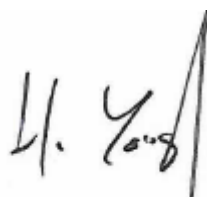
In his letter of 19 June 2018, the then Cabinet Secretary for Justice, Michael Matheson confirmed that the Scottish Government would indemnify you against any legal costs, actions or damages arising from any reports published by or in connection with the Review.

To further clarify, this letter confirms that as regards your work for the Independent review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing, you are treated as an office-holder for the purpose of Paragraph 18 of the Insurance section of the Scottish Public Finance Manual (SPFM). Paragraph 18 of SPFM provides:

Liabilities of office-holders and board members

18. Office-holders appointed by the Scottish Ministers and individual board members of bodies sponsored by the SG (including independent external members of board committees) who have acted honestly and in good faith should not have to meet out of their own personal resources any personal civil liability which is incurred in the execution or purported execution of their functions, save where the person has acted recklessly. Relevant claims established against an office-holder or board member will therefore be met from funds provided by the Scottish Ministers.

Thank you for your continued leadership of the independent review.



HUMZA YOUSAF



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Dame Elish Angiolini
Independent Review Secretariat
secretariat@independentpolicingreview.scot

25 June 2019

Dear Elish,

RESPONSE FROM THE SCOTTISH GOVERNMENT TO THE PRELIMINARY REPORT

I would like to thank you for taking the time to consider this important topic, and all those who contributed by engaging with your Review to inform this comprehensive preliminary report.

It is important that we take some time to fully consider the recommendations contained in your report and discuss these with stakeholders. As I have said before, where there is unanimous agreement among stakeholders that a specific measure can be implemented quickly, there is no reason that we should not seek to do that.

Once again, I would like to express my gratitude to you for your consideration of these issues and will respond fully in due course.

HUMZA YOUSAF

Tha Ministearan na h-Alba, an luchd-comhairleachaidh sònraichte agus an Rùnaire Maireannach fo chumhachan Achd Coiteachaidh (Alba) 2016. Faicibh www.lobbying.scot

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

Taigh Naomh Anndrais, Rathad Regent, Dùn Èideann EH1 3DG
St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



The Rt Hon Dame Elish Angiolini DBE QC

T: 0131 244 1839

E: secretariat@independentpolicingreview.scot

Independent Review of
Complaints Handling,
Investigations and
Misconduct Issues in
Relation to Policing

Humza Yousaf MSP
Cabinet Secretary for Justice
Scottish Government
St Andrew's House
2 Regent Road
EDINBURGH
EH1 3DG

3 November 2020

Dear Cabinet Secretary

I have pleasure in providing you with a copy of the final report of my Independent Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing. The full, final text as it will appear when published is attached. The report sets out my findings and contains a number of recommendations to you, to the Lord Advocate and to many others.

As you will recall, the Review was commissioned jointly by the Lord Advocate and your predecessor as Cabinet Secretary for Justice in June 2018, announced in Parliament by Michael Matheson that month and commenced in September 2018.

As I said when I briefed you, the Lord Advocate, the Solicitor General and other colleagues on the content of the report, I am very grateful indeed for the fulsome co-operation and openness that I received from a number of Scottish Government officials during the review. Crown Office and Procurator Fiscal Service staff, the Scottish Police Authority, Police Scotland and the Police Investigations and Review Commissioner and her staff also gave me and my secretariat great assistance.

I will publish the report online on Wednesday 11 November at 2pm. The report is embargoed until that date and time.

Thank you giving me the opportunity to explore the many issues arising from the subject matter of the report. I am confident that the report does justice to those issues and will contribute in future to an increasing level of public confidence in policing in Scotland.

Yours sincerely,
Elish

ELISH ANGIOLINI

The Rt Hon Dame Elish Angiolini DBE QC

T: 0131 244 7055

E: secretariat@independentpolicingreview.scot

Independent Review of
Complaints Handling,
Investigations and
Misconduct Issues in
Relation to Policing

Malcolm Wright
Director General Health and Social Care
Scottish Government
Room 1E-17
St Andrew's House
EDINBURGH
EH1 3DG

15 January 2020

Dear Mr Wright

Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing
Access to NHS records of those held in police custody

In June 2018 it was announced by the Scottish Government that I had been asked to conduct an Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing and work got under way in September 2018. I published a preliminary report in June 2019 and I intend to publish my final report in September 2020.

The formal Terms of Reference for this Independent Review, which was commissioned jointly by the Lord Advocate and the then Cabinet Secretary for Justice, are attached to this letter.

During the course of gathering evidence about police custody arrangements it has been brought to my attention by a witness that where members of the public are held in police custody in a police station NHS staff in attendance may not always have online access to their medical records. I understand that in some custody suites online access is available for individuals who live in that health board area but is not available if they live in another health board area. For example, NHS records would be available for a resident of Glasgow in a custody suite in Glasgow but would not be available if he or she were taken into custody in Edinburgh. I would be grateful if you could confirm whether this is the position.

Given the vulnerability and the healthcare needs of many of the people in police custody I believe that it is important that appropriate and speedy access to NHS records should be available across Scotland. I would be grateful if you could consider this suggestion and advise me of what steps have been or could be taken to deal with this situation.

If you have any questions please contact the Review Secretary, Ian Kernohan on 0131 244 1839.

I have copied this letter to Paul Johnston.

Yours sincerely

A handwritten signature in black ink that reads "Elish Angiolini". The signature is written in a cursive style with a large initial 'E'.

Elish Angiolini

REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

Terms of Reference

The purpose of the Review is to:

- Consider the current law and practice in relation to complaints handling, investigations and misconduct issues, as set out in relevant primary and secondary legislation;
- Assess and report on the effectiveness of the current law and practice; and
- Make recommendations to the Cabinet Secretary for Justice and the Lord Advocate for improvements to ensure the system is fair, transparent, accountable and proportionate, in order to strengthen public confidence in policing in Scotland.

Whilst the Review will encompass the investigation of criminal allegations against the police, it will not address the separate role of the Lord Advocate in investigating criminal complaints against the police or the role of HMICS in scrutinising the state, effectiveness and efficiency of both the Police Service of Scotland (Police Scotland) and the Scottish Police Authority (SPA). The consideration of specific complaints and investigations will not form part of the review beyond informing an overall assessment of the efficacy of current systems and processes.

The Review will consist of two phases:

- The **first phase** will include a consideration of current procedures and guidance to identify areas for immediate improvement;
- The **second phase** will include a wider assessment of the frameworks and practice in relation to complaints handling, investigations and misconduct issues, covering the Police Investigations and Review Commissioner, the SPA and Police Scotland. Recommendations in the final report should take into account human rights considerations, as well as seeking to identify longer-term improvements.

Director-General Health & Social Care and
Chief Executive NHSScotland
Malcolm Wright



T: 0131-244 2790
E: dghsc@gov.scot

The Rt Hon Dame Elish Angiolini
1W-01
St Andrew's House
2 Regent Road
EDINBURGH
EH1 3DG

By email:
secretariat@independentpolicingreview.scot

24 January 2020

Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing & Access to NHS records of those in held in police custody

Dear Dame Elish Angiolini

I would like to thank you for your letter of 15 January 2020 inquiring into the access of NHS records of individuals in police custody as part of your wider review of complaints handling, investigations and misconduct issues in relation to policing.

Access to patient information is a key part of the Police Custody system and national arrangements are in place regarding access to data across Scotland.

A single national system for all Police Custody sites has been in place since 2014. The system known as Adastra (provided by a company called One Advanced) is well established and is used in other clinical settings in NHS Scotland for unscheduled care. Patient information is available through the Emergency Care Summary (ECS) which is automatically available in all sites. This provides key patient information on medication, allergies and other patient details for all patients who are registered at a GP Practice. Access to ECS is available across Scotland and is not restricted by Health Board. Access for police custody settings is equitable with other unscheduled care settings. The Adastra system in Police Custody also provides supporting information on medication to support safer prescribing. It is noted that any patient previously treated in Police Custody will be known on the Adastra healthcare system and any previous information is available.

Local Health Boards have implemented additional systems to support Police Custody. For example, NHS Greater Glasgow and Clyde have enabled access to the Clinical Portal system which provides a broader range of important clinical information including documentation, letters and results. Access to this additional information is currently restricted to the West of Scotland Health Boards, however plans are in discussion as part of the Digital Health and Care strategy to enable other Health Boards to have access to the Clinical Portal.

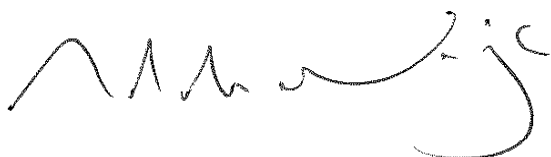
It has been reported by the system provider (One Advanced) that the system is not consistently well used in all areas, and that this issue has been raised to Territorial Board eHealth Leads.

To support safe access to patient information after individuals leave police custody, read-only access to Adastra is now available to all prisons in Scotland to support prisoner transfer and confirm any treatments given before transfer to prison.

The Digital Health and Care Strategy includes the development of the National Clinical Platform which will create a single source of patient information that will be available across multiple clinical settings in NHS Scotland. This platform will be a vital step towards greater and faster sharing of patient information, and this will include supporting care across Police Custody for this critical patient group.

I hope this addresses the concerns raised in your letter and contributes to the valuable work you are undertaking.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Malcolm Wright', with a stylized flourish at the end.

Malcolm Wright
Director General for Health & Social Care and Chief Executive of NHSScotland