

Complaints, Investigations & Misconduct in Policing

Implementation of Recommendations

Thematic Progress Report

June 2021



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Annex – List of recommendations in full can be found at: [Policing - complaints handling, investigations and misconduct issues: independent review - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2018/04/20180404_Policing-complaints-handling-investigations-and-misconduct-issues-independent-review.pdf)

Overview

The Rt. Hon Dame Elish Angiolini, DBE QC was commissioned in 2018 to undertake an independent review of complaints handling, investigations and misconduct in relation to policing in Scotland. In establishing this review, the Scottish Government and Crown Office sought to bring greater fairness, transparency, accountability and proportionality, protecting the human rights of all involved. Through her Preliminary Report (June 2019) and Final Report (November 2020), Dame Elish delivered 111 recommendations for improvements to systems, procedures and the legislative framework, creating a platform for bold reform of this complex landscape.

The review's final report, published on 11 November 2020, assessed the current framework and reported on the effectiveness of structures, operational responsibilities and processes. The final report included 81 recommendations for improvements covering a wide range of areas. This is in addition to 30 recommendations in the preliminary report published in June 2019.

The Scottish Government and Crown Office issued a joint response to the Review in February 2021, with a clear commitment to accept the majority of Dame Elish's recommendations, many as specifically set out, but with scope to explore options where other routes or mechanisms may achieve the desired outcome. Ministers also committed to bringing forward comprehensive primary legislation to cover the necessary legislative changes to strengthen governance, accountability and a rights based approach, as well as providing a fair and proportionate misconduct process. The Scottish Government is engaging with partners and stakeholders in developing proposals for full public consultation later in the year.

As set out in the Scottish Government/Crown Office response (hereafter 'the joint response'), a new governance and reporting framework has been put in place to co-ordinate and provide assurance to Ministers on implementation progress. Since publication of the response, meetings of the Ministerial Group, the Strategic Oversight Group and Practitioner Working Group have taken place, supporting collaboration and identifying where further deliberation is required.

In line with commitments made to the Scottish Parliament, and in keeping with the strong theme of transparency and accessibility running through the Review, the Scottish Government is publishing thematic reports setting out key developments on a triannual basis. This first Thematic Progress Report is structured under nine themes, setting out progress towards implementation of improvement recommendations from both reports.

Since publication of the Preliminary Report, and in light of the Final Report, significant steps have been taken by Police Scotland, the Scottish Police Authority (SPA), the Police Investigations and Review Commissioner (PIRC) and the Crown Office and Procurator Fiscal Service (COPFS) to progress recommendations, which do not require legislation. This report highlights the key developments under each of the themes and records the current status of each of the recommendations, including those where we believe the recommendation has been delivered. There are also a number of recommendations where, although they have reached completion, are awaiting approval for sign off and will, therefore, be discharged in the next Progress Report.

Theme 1: Rights and Ethics

The protection and promotion of fundamental human rights continues to be a priority for the Scottish Government, Crown Office, PIRC, SPA and Police Scotland.

Ethics in policing

A number of recommendations under this theme will require legislation and those will be subject to full consultation later in the year. This includes **recommendation 1**, that the Code of Ethics for Police Scotland be placed in statute, consideration of which will include evidence from other jurisdictions highlighted by Dame Elish.

Serious incidents involving the police

The forthcoming consultation will also cover the three recommendations relating to the expectations of those involved in a serious incident and subsequent investigation of allegations against the police. This will include **recommendations 10 & 12** from the Final Report, which would provide duties in both primary and secondary legislation requiring co-operation and candour, as well as **recommendation 15** from the Preliminary Report, to give PIRC the power to compel officers to attend for interview. In preparing proposals for consultation, careful consideration will be given to the interaction of these distinct powers and duties, in particular to clarify how recommendations from the Final Report build on the earlier report.

As highlighted in the joint response in relation to **recommendation 3**, significant progress has been made in the post-incident procedures (PIP) which cover the management and investigation of serious incidents involving the police. The Post Incident Procedures Professional Reference Group (PRG), which has oversight of PIP matters across UK policing, ensures that PIP is invoked effectively and appropriately and in line with Police Scotland and the College of Policing Authorised Professional Practice (APP) in relation to Armed Policing Post Deployment & Post Incident Procedure Following Death or Serious Injury. The PRG is responsible for ensuring all developments within PIP are effectively implemented and communicated throughout Police Scotland and provides Police Scotland's Senior Executive with appropriate strategic oversight and direction to ensure effective PIP management and deployment. It also provides a mechanism to facilitate key discussions and implementation of the organisational learning arising from PIP deployment, associated debriefs, and consider any proposals for changes to current Force policies, practice, procedures and training.

Categorisation and referral of Incidents

The joint response outlined steps taken by the Crown Office's Criminal Allegations against Police Division (CAAP-D) and Police Scotland Professional Standards Department (PSD) to revise procedures for reporting cases to ensure that allegations were being suitably assessed and categorised.

Specifically, in relation to complaints that allege breaches of Articles 3 (prohibition of torture, inhuman or degrading treatment or punishment) or Article 5 (the right to liberty and security of person), the Lord Advocate has confirmed that he accepts **recommendation 47** and considers that a multi-agency group would serve as an appropriate forum in which to consider proposals for implementation. The creation of this group will align with the wider governance and assurance arrangements outlined above and model resourcing and operational requirements.

This work is linked to, and builds on, Crown Office delivery of **recommendation 1** from the Preliminary Report relating to allegations of excessive force. An initiative was introduced by CAAP-D towards the end of 2018 to ensure that allegations were not being miscategorised by Police Scotland and that the Crown was properly sighted, in order to provide direction on appropriate investigation. That initiative continues to operate. When police categorisation of a complaint is as one involving “excessive force”, and either an inference of criminality arises or there is a perception of criminality on the part of the complainer, that complaint is now routinely drawn to CAAP-D’s attention by way of an advice and direction briefing paper, allowing CAAP-D an opportunity to review that categorisation and provide whatever further instruction is considered necessary. It is CAAP-D’s intention to continue with this initiative.

Support for victims and families

As outlined in the joint response, planning is underway for a new Legal Aid Bill, which may provide a legislative vehicle for the implementation of **recommendations 74 & 76**, relating to support for relatives involved in Fatal Accident Inquiries. This is subject to the necessary parliamentary timetabling considerations and further details will be provided in due course.

Whistleblowing

The Scottish Government will consult on the proposals to add the PIRC to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014 (**recommendation 20**) and is engaging with the UK Government on the legislative mechanism, given this requires a change to reserved legislation. In advance of that, PIRC is engaging with the Scottish Public Service Ombudsman (SPSO) to explore the associated responsibilities of protecting a whistleblower from suffering a detriment.

On **recommendation 21**, relating to a review of Police Scotland’s whistleblowing arrangements and data, the Professional Standards Department is appointing an Auditor to provide internal audit assurance, ensuring organisational risks are effectively managed and will be responsible for making recommendations to improve the overall internal control environment and to improve operational performance across its operations.

Custody

In relation to **recommendation 69**, the Scottish Government recognises there is a need to consider the content and format of both the 'standard' and the 'easy read' versions of the Letter of Rights supplied to individuals in custody to ensure they are easy to understand and accessible, with appropriate adjustments available. Following consultation on the Letter of Rights in 2019 the Scottish Government established two working groups to take forward reforms. Dame Elish’s recommendations for amendments to the letter, to highlight both general rights and the right to complain, will be considered as part of this.

On **recommendation 70**, relating to Independent Custody Visitors (ICVs), the SPA (which has statutory responsibility for ICVs) has clarified that they are trained to ask detainees if a third party has been notified and to confirm this with custody officers and staff. This is also set out in the checklist provided for Visitors to use during visits.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 1: Rights and Ethics				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
1	Code of Ethics should be given a basis in statute.	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
3	Prevention of post incident conferral other than for pressing operational reasons	Police Scotland	In progress Awaiting sign off	Post Incident Procedures Professional Reference Group (PRG) continues to provide Police Scotland Senior Executive appropriate strategic oversight and direction to ensure effective PIP management and deployment. Revised guidance being developed and refresher training being undertaken by relevant police officers and PIRC staff.
10	Statutory duty of candour	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
12	Statutory duty of cooperation	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
20	PIRC to be added to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021 and will engage with UKG on any legislative amendments to the 2014 Order. PIRC currently exploring with Scottish Public Service Ombudsman (SPSO) how this recommendation would work in practice.
21	Police Scotland to review and audit whistleblowing arrangements and data	Police Scotland	In progress	Police Scotland is appointing an Auditor to provide internal audit assurance, ensuring organisational risks are effectively managed and will be responsible for making recommendations to improve the overall internal control environment and to improve operational performance across its Professional Standards Department.

Theme 1: Rights and Ethics cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
32	Ethical issues – roles of Committees	SPA	In progress	Planning for development of an ethical framework is due to commence shortly.
47	COPFS to refer all potential Article 3 and Article 5 breaches where a crime may have been committed to PIRC rather than Police Scotland -	COPFS	In progress	Short-life working group being established (COPFS/PIRC/Police Scotland) to progress.
69	Amendment to Letter of Rights to clarify general rights and right to complain for detainees in custody.	Scottish Government	In progress	This is currently being reviewed through the Letter of Rights Working Group which is scheduled to meet again in June.
70	Independent Custody Visitors to check that third parties have been notified of detention.	SPA	Complete	Independent Custody Visitors are trained to ask detainees if a third party has been notified and to confirm this with custody officers and staff. This is also set out in the checklist provided for Visitor use during visits.
73	PIRC to act speedily in investigations of deaths in custody	PIRC	Complete	PIRC has a KPI to conclude 80% of such investigations within 3 months. PIRC is fully aware of those investigations, which may affect policing in Scotland and such investigations are prioritised.
74	Access to free legal representation for families in Article 2 cases	Scottish Government	In progress	Requires legislation. Scottish Ministers have given a commitment to bring forward a Bill however a slot in the parliamentary timetable has still to be agreed.
76	Consideration of a scheme to pay reasonable travel and subsistence expenses and compensation for loss of earnings for next of kin involved in FAls	Scottish Government	In progress	Scottish Government officials are currently liaising with COPFS to explore options for progressing this recommendation.

Theme 1: Rights and Ethics cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
77	Restricted duties or transfers during investigation to take account of family circumstances and support.	Police Scotland	In progress Awaiting Sign off	Established processes in place and well tested for the suspension / restricted duties process. Investigative Wellbeing Policy and Guidance is at an advanced stage and will be presented to Police Scotland Executive in July for consideration.
PR1	Police Scotland to refer all allegations of excessive force to COPFS.	COPFS & Police Scotland	Complete	National processes in place with improved reporting and increased involvement from stakeholders and CAAP-D. CAAP-D completed an audit of such cases in 2020, confirming allegations were suitably assessed and categorised and national police processes in respect of reporting excessive force/assaults were adequately robust. Regular auditing and scrutiny will continue to maintain this consistent approach and all relevant information shared appropriately.
PR15	PIRC to have statutory power to compel officers to attend for interview	Scottish Government	In progress	Requires legislation. Further consideration being given to how this would interact with or is overtaken by of Recommendations 10 and 12.
PR30	Clarify definition of “a member of the public who may make a relevant complaint”.	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 2: Jurisdiction and Powers

Definition of “person serving with the police”

As set out in the joint response, the Scottish Government accepts the need to clarify the definition of “person serving with the police” in legislation, which Dame Elish highlighted in both her Preliminary Report (**PR recommendation 29**) and Final Report (**recommendation 8**). The public consultation will explore options for clarifying the definition, not only as it relates to retired officers but also any related matters such as on or off duty officers, and officers operating in different jurisdictions. Proposals will also be explored with the UK Government to address the definition as it occurs in reserved legislation.

Cross-border jurisdiction

To progress implementation of **recommendation 81**, the public consultation will also feature legislative proposals to provide powers to the PIRC to investigate incidents involving officers from other territorial forces operating in Scotland. In parallel with this, the Scottish Government will work with the UK Government and Northern Ireland Executive to develop options for making reciprocal provisions in other jurisdictions. In advance of legislative amendments, work on a draft proposed memorandum of understanding (MOU) led by the cross-agency group on jurisdictional matters is nearing completion. Once signed off, the MoU will set out key principles and arrangements for the investigation of incidents involving police officers operating outwith their home country on mutual aid or cross-border operations.

Wider powers for the PIRC

Proposals put forward by Dame Elish to enhance the current powers of PIRC will require legislation and thus will feature in the public consultation later in the year. This will include **recommendation 37**, to enable PIRC to call in a complaint being investigated by Police Scotland and **recommendation 38**, to give the Commissioner powers to investigate Police Scotland’s practices and/or policies. The consultation will cover PIRC’s existing powers and the options for strengthening as proposed by the Review.

In advance of the consultation and legislation, discussion is underway between PIRC and Police Scotland to explore how it might be possible to give PIRC access to aspects of Police Scotland’s Centurion system, in line with **recommendation 13** but with recognition that legislation may be required to address data protection issues.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 2: Jurisdiction and Powers				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
8	Clarify definition of “person serving with the police”	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
13	Power to enable PIRC staff to access the Centurion database	Scottish Government	In progress	Likely to require legislation to address data protection. PIRC and Police Scotland are exploring how this can be achieved through agreement prior to any legislative changes.
37	PIRC powers to call in an investigation of a complaint	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
38	PIRC powers to investigate practices or policies of Police Scotland	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
43	Hold in mind a possible PONI model	Scottish Government	Keep under review	Engaging with partners to determine appropriate periodic review by Scottish Ministers.
81	Cross jurisdictional investigatory powers	Scottish Government	In progress	Requires legislation and ongoing engagement with partners across UK, with public consultation due to start autumn 2021. Prior to legislation, all parties have agreed to sign a memorandum of understanding agreement (non-legally binding) to engage, communicate and cooperate should the circumstances planned for occur, ie non-Scottish police force officers involved in an incident in Scotland (and vice versa) that results in the death or serious injury of a member of the public.
PR22	PIRC power to make recommendations and corresponding duty on the Chief Constable to comply	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 3: Governance and Accountability

PIRC governance and accountability

Proposals in **recommendations 34 and 35** to re-designate PIRC as a Commission, with one Commissioner, two Deputy Commissioners, a statutory Board and to be accountable to the Scottish Parliament will be subject to public consultation, before any legislative amendments are considered. As noted in the joint response, in the interim, the Commissioner has been reviewing staffing and Committee arrangements to strengthen legal capacity and organisational scrutiny.

Scrutiny of performance

Many of the remaining recommendations under this theme are non-legislative and work on implementation across a range of areas is progressing well. Following up on **recommendations 29, 59 and 79**, work is underway within the SPA to strengthen arrangements to hold Police Scotland to account and the Authority is working with the service on the proposed content of future reports. The SPA is also engaging with PIRC, which has its own KPIs to complete 80 % of investigations within 3 months and CHRs within 4 months of receipt. Linked to that, PIRC has confirmed that performance against Key Performance Indicators is already published in its Annual Report, as proposed by **recommendation 45**.

Cross-agency liaison

In light of **recommendation 26** in Dame Elish's Preliminary Report for the establishment of a senior cross agency working group, the Strategic Oversight Group was formed and is now part of the governance and assurance structure overseeing implementation of the Review.

Local Scrutiny Committees

As a first step towards implementing **recommendation 33**, the Scottish Government raised the role of the local scrutiny committees at the COSLA Police Scrutiny Conveners' Forum on 4 March 2021, offering a brief update to members and flagging the work to come on the issue more widely. At the same meeting, Police Scotland noted their actions so far, including confirmation that monthly reports on complaint handling for Divisional Commanders have been revised to ensure inclusion of data relevant for local committees. This new approach commenced on in November 2020.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 3: Governance and Accountability				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
4	Police Scotland performance report to identify 5 year trends.	Police Scotland	In progress	Review ongoing covering all performance reporting, working closely with PIRC and SPA.
29	SPA to hold Police Scotland to account for any delays and raise any concerns over PIRC delays with the Commissioner	SPA	In progress	SPA (Members and Officials) and PIRC in discussions to improve effectiveness and engaging with Police Scotland on content of future reports. PIRC also has KPI to complete 80% of investigations within 3 months and complaint handling reviews within 4 months of receipt. Priority is given to those investigations, including any alleging misconduct, which may affect policing in Scotland.
33	Local scrutiny committees to consider what further complaints information or discussion would assist their scrutiny of the police	Local Scrutiny Committees & Police Scotland	In progress	Monthly reports on complaint handling for Divisional Commanders revised to ensure inclusion of data relevant for Scrutiny Boards and commenced on 1.11.20.
34	PIRC to be re-designated as a Commission, with one Commissioner, two Deputy Commissioners and a statutory Board	Scottish Government	In progress	The PIRC has recently transitioned its Accountability and Audit Committee (AAC) to a more formal board structure with Committee Members being appointed through an open and transparent appointment process including a representative from SG on the appointments panel. In addition external and internal auditors attend the meetings. As the remit and responsibilities of the AAC mirror the functions that would fall to a Statutory Board, PIRC questions what additional benefits would arise from having a Statutory Board. Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 3: Governance and Accountability cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
35	PIRC to be accountable to Parliament for non-criminal matters	Scottish Government	In progress	PIRC is not supportive of this recommendation. Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
45	PIRC to report performance against targets in the Annual Report	PIRC	Complete	PIRC reports against performance in its Annual Report and Accounts which evidences performance against strategic objectives. The Commissioner has agreed a series of key performance indicators (KPIs) which form the basis of the PIRC's performance management framework. Performance against these KPIs is reviewed monthly by the Heads of Department Group and quarterly by the Audit and Accountability Committee (AAC).
59	SPA to confirm in its annual report whether or not the Chief Constable has suitable complaint handling arrangements in place.	SPA	In progress	SPA plans to include statement in next year's Annual Report Accounts in respect of suitability of Police Scotland's complaints handling arrangements.
78	Chief Constable to publish annually Police Scotland's performance in handling complaints against timescales in statutory guidance	Police Scotland	In progress	Public performance reporting is currently under review.
79	SPA Complaints and Conduct Committee to scrutinise Police Scotland's performance in dealing with complaints and hold to account	SPA	In progress	SPA (Members and Officials) and PIRC in discussions to improve effectiveness and engaging with Police Scotland on content of future reports
PR23	PIRC to consider building into structure legal support and advice capacity	PIRC	Complete	This recommendation has been superseded by recommendation 34 and PIRC will be recruiting legal support in the near future.

Theme 3: Governance and Accountability cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR26	Establishment of Senior cross agency working group	All partners	Complete	This has been addressed by the establishment of Strategic Oversight Group.

Theme 4: Transparency and Accessibility

All of the recommendations grouped under this theme are non-statutory and, as highlighted in the joint Scottish Government/Crown Office response, significant steps have been taken by partners to increase the transparency and accessibility of complaints systems and processes.

Improvements to information on how to complain

Further developments have been made in the intervening period, including completion of work to update the PIRC website to highlight more prominently the role of SPSO in handling complaints about PIRC and to signpost that if individuals are dissatisfied they can ask the SPSO to review how PIRC has handled their complaint. This completes implementation of **recommendation 36**.

In relation to **recommendations 48 and 49** (and **recommendation 8** from the Preliminary Report) relating to Police Scotland's complaints handling systems, improvement work continues to ensure that the system is fair, accountable, transparent and accessible for a complainer to effectively navigate the complaints process. Work has commenced on improvements to the Police Scotland website and review of complaint handling resources (complaints leaflet) to enhance public engagement and simplify the feedback process, both in terms of making complaints and recording positive experience. This also includes reviewing the Know Your Rights section of the Police Scotland website, which is particularly aimed at young people. PSD has developed a question set to seek public views on the complaints process, particularly on Accessibility, User Experience and Improvements, which form part of the User Satisfaction Surveys. Work is also progressing to incorporate initial communication/email of thanks to complainers, immediately upon submission of an online complaints form.

As reported in the joint response, PIRC, COPFS, Police Scotland and the SPA have committed to working to better publicise the ability to report a complaint of a crime by a police officer directly to the Criminal Allegations Against Police Division (CAAP-D) of COPFS, as proposed by **recommendation 46**. Options are currently under consideration and will be further developed with criminal justice partners to ensure the desired outcome, of increased accessibility, is met without creating further complexity and inefficiencies within the system.

Information on SPA Committees

To increase public awareness of the work of the SPA's Complaints and Conduct Committee, as proposed in **recommendations 30 and 31**, is developing a proposed approach to publication of private Committee discussions for the Committee's approval and is also enhancing reporting on the Complaints and Conduct Committee's scrutiny function in the SPA Annual Report and Accounts.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 4: Transparency and Accessibility				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
30	Greater public sharing of SPA Complaints and Conduct Committee work	SPA	In progress	Proposal for publication of private Committee discussions to be presented to SPA Committee for approval.
31	SPA Complaints and Conduct Committee work to feature in SPA Annual Report and Accounts	SPA	In progress	Complaints and Conduct Committee annual report for 2020/21 is being prepared, and summary extract for inclusion in this year's SPA Annual Report and Accounts.
36	Publicising recourse beyond PIRC to SPSO	PIRC	Complete	PIRC website has been updated to highlight more prominently the role of SPSO in Complaints about PIRC.
46	Publicising avenue to take criminal allegations to COPFS directly	COPFS	In progress	Options to improve accessibility are currently being considered and further liaison with criminal justice partners to take place to assess all consequences of introducing any changes to practice in this regard.
48	Police Scotland to publicise right to complain	Police Scotland	In progress	Work continues to ensure that the system is fair, accountable, transparent and accessible for a complainer to effectively navigate the complaints process. Questionnaire developed seeking public views and this will be part of the User Satisfaction Surveys.
49	Know your Rights section of the Police Scotland website to be improved	Police Scotland	In progress	Work commenced on website and review of complaint handling resources (complaints leaflet) to enhance public engagement. This also includes reviewing the Know Your Rights section of the Police Scotland website, which is particularly aimed at young people.
PR6	Police Scotland to adjust "Early intervention" practice to ensure officers are aware of a complaint against them	Police Scotland	Complete	Consistent approach to notification introduced and consistency of recording for officer notification for both Front Line Resolution and Complaint Handling Reviews. As Business As Usual, this will be subject to ongoing review/improvement.

Theme 4: Transparency and Accessibility cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR8	Police Scotland to simplify navigating complaints process for members of the public	Police Scotland	Complete	<p>National streamlined process implemented and revised 'How do I make a complaint' form for the public published on Police Scotland external website.</p> <p>Completed forms are processed by the National Complaints and Resolution Unit (NCARU) for follow up with complainers. Officers will still encounter members of the public who wish to make a complaint about the police and every effort should be made to resolve issues highlighted at the earliest opportunity-A Guide for Complaints About The Police leaflet will also be provided.</p>

Theme 5: Equality, Diversity and Inclusion

Following the swift response from the Chief Constable and then Vice Chair of the SPA to Dame Elish's findings relating to Equality, Diversity and Inclusion, Police Scotland has applied renewed focus and commitment, both to workstreams already underway and new developments to better understand and serve the needs and experience of Scotland's diverse communities and its own workforce.

Strategic oversight

To embed Equality, Diversity and Inclusions across the organisation and to provide a refreshed, enhanced and robust governance structure, Police Scotland has established the Equality, Diversity, Inclusion and Human Rights Strategic Oversight Board, chaired by DCC People and Professionalism. The Board draws together activity and oversees the delivery of Police Scotland's Equality Outcomes, the Equality, Diversity and Inclusion (Employment) Framework and the Diversity Action Plans which are being developed. The Board also oversees the implementation of recommendations within the Dame Elish Angiolini report, capturing and assessing progress.

The Board is overseeing a comprehensive review of existing governance arrangements to ensure they are fit for purpose to drive forward the current reform agenda. The Board will report into Police Scotland's Strategic Leadership Board and the Scottish Police Authority.

Independent review

To complement and accelerate Police Scotland's activity in mainstreaming equality, diversity and inclusion and in eliminating discrimination, an Equality, Diversity, Inclusion and Human Rights Independent Review Group (IRG) has been established. This will bring considerable value to Police Scotland's approach and understanding of equality matters. The IRG will provide critical oversight, challenge, review and assurance as progress is made. This is in line with the Chief Constables commitment to independent review as proposed in **recommendation 18** of Dame Elish Angiolini's report. The IRG met for the first time on 25 May 2021. Membership is reflective and representative of society with experience in advocating on behalf of underrepresented communities. The IRG will report publically on its findings.

Part 2 of Her Majesty's Inspectorate of Constabulary's (HMIC) Inspection into Police Scotland's Training and Development is now underway. The terms of reference for this inspection were published in March 2021. The Inspection will provide further independent scrutiny with a particular focus on Police Scotland's approach to equality, diversity and inclusion. The aim of the inspection is to assess the effectiveness and efficiency of Police Scotland in relation to the recruitment, retention, development and promotion of people from underrepresented groups.

Diversity data

There has been further progress to improve collection and reporting of diversity data as proposed in **Recommendations 5, 9 and 60**. Developments in Police Scotland are seeking to enhance existing data capture to improve consistency and its new operating model, centralising complaints within PSD will support this. Police Scotland is also planning to undertake a benchmarking exercise to determine how the Police Ombudsman for Northern Ireland and the Garda Síochána Ombudsman Commission currently capture diversity data to consider potential areas for learning. Although primarily aimed at Police Scotland and the SPA, there is wider ambition to deliver improvements across the sector. As highlighted in the joint response, the Justice Board's Cross Justice Working Group on Race, Data and Evidence is driving cross-

sector improvements. Discussions are also progressing through the National Complaints Handling Development Group (NCHDG) to jointly review and ensure consistency across complaints equality & diversity monitoring forms and PIRC has formed its own Equality and Diversity group to take recommendations forward.

PIRC consideration of discrimination issues

More broadly, in terms of its own policies and procedures, PIRC has prepared an internal guidance document in relation to dealing with allegations of discrimination when undertaking investigations or complaint handling reviews, as part of its implementation of **recommendation 44**. The document is currently going through internal quality assurance process and once approved will be utilised by all staff and published on the PIRC website.

Workforce impacts and diversity

Linked to **recommendation 15** proposing steps for Police Scotland to better understand the experience and impacts of discrimination, prejudice and unconscious bias on all minority groups in the workforce, members from SEMPER Scotland (Supporting Ethnic Minority Police Employees for Equality in Race) took part in a 'Talk Truth to Power' series of events with Deputy Chief Constable Fiona Taylor. An action plan has been developed based on these discussions, setting out how Police Scotland could take specific action to deliver its inclusion agenda and create an environment which attracts, develops and retains a diverse and representative workforce.

Following the success of the BME 'Talk Truth to Power' sessions and the development of the BME Action Plan, this work is now being replicated across the protected characteristics. This will enhance Police Scotland's understanding of the unique experiences and concerns of different minority groups enabling barriers to be identified and addressed.

Significant progress has already been made in reviewing and updating the Standard Entrance Test (SET) to ensure it is non-discriminatory. The embedding and impact of this new SET will be closely monitored to ensure positive change.

To improve support for those experiencing discrimination, (**recommendation 17**) work is ongoing within PSD to better understand needs of officers and staff together with nuances of investigating prejudice and discrimination, building on improved communication with Diversity Staff Associations in this area.

Unconscious bias training

In relation to **recommendation 66** Unconscious Bias continues to feature throughout Police Scotland's training programmes. Work is currently being developed to further integrate a focus on unconscious bias into all aspects of training and further refine how this affects all members of the workforce and impacts within policing. Again, although aimed at Police Scotland, PIRC recognises the relevance of this recommendation and its Senior Management Team has taken part in Unconscious Bias training with PSD. PIRC has also rolled out an online module to staff and further appropriate training is being identified.

Diverse panels for disciplinary hearings

For **recommendation 16**, proposing diverse panels for disciplinary hearings, Police Scotland is currently reviewing the existing cadre of chairs and assessors for misconduct proceedings. Analysis is being undertaken to establish the diversity of this cadre to ensure diverse panels can be put in place. For its part, the SPA seeks to ensure, as far as possible, the diversity of Police Appeals Tribunals (albeit recognising that it is the Lord President who appoints the pool of members from which the SPA selects).

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 5: Equality, Diversity and Inclusion				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
5	Police Scotland and SPA to consider expanding collection and publication of diversity data	Police Scotland & SPA	In progress	Police Scotland will benchmark with a number of other Police Services to capture best practice. All partners engaging to review and ensure consistency across complaints equality and diversity monitoring forms through NCHDG and wider cross-sectoral improvement driven through Cross-Justice Working Group on Race, Data, and Evidence. PIRC has also formed an Equality and Diversity Group.
15	Police Scotland to use staff surveys, meetings and focus groups to understand the experience and impacts of discrimination, prejudice and unconscious bias on all minority groups in the workforce	Police Scotland	In progress	Police Scotland is working with SEMPER Scotland to deliver its inclusion agenda and currently piloting a new Standard Entry Test, which reflects inclusive language and terminology.
16	More diverse panels for disciplinary hearings	Police Scotland	In progress	Police Scotland is currently reviewing the existing cadre of chairs and assessors for misconduct proceedings and analysis is being undertaken to establish the diversity of this cadre to ensure diverse panels can be put in place. SPA will ensure, as far as possible, the diversity of Police Appeals Tribunals.
17	Appropriate support for anyone who is subject to internal or external discrimination	Police Scotland	In progress	Work ongoing within PSD at present to better understand needs of officers and staff together with nuances of investigating prejudice and discrimination. Already improved communication with Diversity Staff Associations in this area.

Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
18	Independent review of equality matters within Police Scotland	Police Scotland	In progress	HMICS Training and Development inspection, has now been brought forward 2020-2021 and terms of reference published in March 2021 ¹ . Inspection now underway with fieldwork interviews being planned. To complement and accelerate Police Scotland's activity in mainstreaming equality, diversity and inclusion and in eliminating discrimination, an Equality, Diversity, Inclusion and Human Rights Independent Review Group (IRG) has been established to provide critical oversight, challenge, review and assurance as progress is made.
19	Police Scotland should develop its diversity data collection and analysis to inform a proper understanding of issues related to discrimination	Police Scotland	In progress	Development around collation of diversity data by Police Scotland, seeking enhancements required to existing data capture to ensure consistency.
44	PIRC should ensure that discrimination issues are considered as an integral part of their work.	PIRC	In progress	PIRC internal guidance document is in development. When it has passed through internal quality assurance process and approved, it will be utilised by all staff and published on the PIRC website.
50	Third-party reporting centres for hate crime, including those representing minority groups, to offer support to complainers.	Police Scotland	In progress	Police Scotland is undertaking a wider piece of work related to third party reporting centres which will incorporate complaints about the police.

¹ [Training and Development Phase 2 - Terms of Reference.pdf \(hmics.scot\)](#)

Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
60	Police Scotland to analyse complaints data to gain a better understanding of different groups and communities' experience of the police	Police Scotland	In progress	Enhancements required to demographic data recording currently being explored by Police Scotland, working closely with PIRC and SPA.
66	All Police Scotland officers and staff to receive training on unconscious bias, equality legislation and diversity with refresher courses	Police Scotland	In progress	Unconscious Bias continues to feature throughout Police Scotland Training. Work is currently being developed to further integrate into all aspects of training unconscious bias and further refine how this affects us all and how this impacts within policing. PIRC senior management have also taken part in Unconscious Bias training with Police Scotland Professional Standards and rolled out an online module to PIRC staff.
PR12	Police Scotland to reflect on the culture of the new service, address any long-standing issues and consider how everyone in the organisation can help to change that culture for the better.	Police Scotland	Complete	PSD Training group reporting to Complaints Handling Working Group captures/disseminates Organisational learning communicating across Police Scotland. Restructure of probationers course with singular PSD input (Ethics and Values, Professional Standards and Corruption). Introduction of Ethics Advisory Panels (EAPs) providing an opportunity for individuals to raise issues which assists decision making and which will have a wide arching impact. Organisational priorities continue to focus on people and develop a culture and supporting working environment which allows people to develop as outlined in Police Scotland's Annual Police Plan 2021-22.

Theme 6: Conduct and Standards

The majority of recommendations under this theme will require either primary or secondary legislation and will be subject to detailed engagement with partners, staff associations and trade unions before full public consultation. To avoid pre-empting this engagement and consultation, this report will focus on the non-legislative recommendations.

Senior officer conduct process

Following recommendations in the Preliminary report – **Recommendation 18**, the SPA has undertaken a review of its Complaints Handling Procedures and Guidance on Senior Officer Conduct Regulations, incorporating consultation feedback from PIRC and the Scottish Chief Police Officers Staff Association (SCPOSA).

Linked to **Recommendation 26** in the Final Report, discussions are ongoing between PIRC and the SPA on the approach to preliminary assessment process during the intervening period in advance of proposed legislative changes removing this function from the SPA. Following any resulting further revisions to the Guidance on Senior Officer Conduct Regulations, they will be presented to the Complaints and Conduct Committee for approval, alongside the revised SPA Complaints Handling Procedures.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 6: Conduct and Standards				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
22	Gross misconduct proceedings to continue even if /after officer leaves	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
23	For gross misconduct cases for all ranks, PIRC to consider continuation of disciplinary proceedings for former officers beyond 12 months	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 6: Conduct and Standards

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
24	UK wide barred and advisory lists	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021. Will require legislative change in other jurisdictions to allow for reciprocal arrangements.
25	Preliminary assessment to move from SPA to PIRC	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
26	PIRC to collaborate with SPA on preliminary assessment process (until legislative change is in place)	PIRC	In progress	Discussions are ongoing between PIRC and the SPA on the approach to preliminary assessment process during the intervening period in advance of proposed legislative changes removing this function from the SPA. A review was undertaken as a result of recommendations in the Preliminary Report and following any resulting further revisions to the Guidance on Senior Officer Conduct Regulations, they will be presented to the Complaints and Conduct Committee for approval, alongside the revised SPA Complaints Handling Procedures.
27	Composition of Gross Misconduct Hearing panels, including independent legally qualified chair	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
28	Police Appeals Tribunal role in appeals to continue following transfer to SCTS	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
39	PIRC to handle key stages of senior officer misconduct proceedings	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 6: Conduct and Standards

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
40	PIRC to have new statutory function to present cases in senior officer gross misconduct hearings	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
41	PIRC power to recommend suspension of senior officer	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
51	Faster misconduct hearings in certain circumstances	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
52	Gross misconduct proceedings to be held in public	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
53	Chair to consider protecting vulnerable witnesses including officer who is the subject of Gross misconduct proceedings	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
54	Scottish Ministers to have powers to consult on and issue guidance in respect of conduct, conferring duties to have regard to guidance, also introducing Reflective Practice Reviews	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
55	Statutory provision for Joint misconduct proceedings, including senior officers	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.

Theme 6: Conduct and Standards

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
56	Provision for misconduct allegations against probationers to be dealt with during probation period	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
57	Alternatives to suspension to be added to regulations	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
58	Outcome of gross misconduct proceedings to be made public	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021.
PR16	Complaints against senior officers should be prioritised and dealt with as speedily as possible	PIRC	In progress Awaiting sign off.	Revised SPA Complaints Handling Procedures developed incorporating consultation feedback from PIRC and SCPOSA. Will be submitted to SPA Committee for approval in due course.
PR18	SPA to consider alternative options for senior officers other than suspension	SPA	In progress	Revised SPA Guidance on Senior Officer Conduct Regulations developed incorporating consultation feedback from PIRC and SCPOSA. Further revisions may be made - links to Recommendation 26.
PR19	Preliminary assessment to take factors into account, such as anonymity and potential vexatious basis	Scottish Government	In progress	Requires legislation. Scottish Government developing proposals for full public consultation due to start autumn 2021. In addition, revisions are being made to the SPA Senior Officer Conduct Guidance to seek to address these points ensuring that these factors are taken into account in preliminary assessments.

THEME 7: TRAINING AND HR

In contrast to the previous theme, all recommendations under this theme are non-legislative and primarily aimed at partners to implement within their own organisations.

Police Scotland training

As part of a suite of changes made to strengthen its Professional Standards Department (PSD), Police Scotland has developed a comprehensive five day Induction Training package in conjunction with partners (PIRC, CAAPD, Scottish Police Federation) providing new PSD officers with an overview and insight into all PSD Business areas, in-depth delivery covering the journey of a complaint focusing on process and guidance, Customer Handling, Mediation and Mental Health. The first induction course was delivered 26th – 30th April and feedback has been extremely positive, with external observers from Scottish Government, SPA and PIRC in attendance. The establishment of the Induction Course in conjunction with the new Complaint Handling Operating Model being commenced on 3rd May 2021 (see page 28 below) simultaneously progresses the delivery of **recommendations 6 and 67**. This is complemented by the appointment of a Training coordinator in National Support, Partnerships and Prevention Unit (NSPPU) with responsibility for coordination of all training across PSD business areas, implementing **recommendation 62**.

As proposed in **Recommendation 14** that Police Scotland review its competencies for assessing readiness for promotion, a new promotion process has been introduced, which tests skills, competence, behaviours and values, all linked to the Competency and Values Framework (CVF). The Police Leadership and Development Programme (PLDP) commenced on 1st April 2021 and will become the new qualification required prior to promotion to the rank of sergeant, replacing the Diploma. The aim of the PLDP pilot is ultimately to provide Police Scotland with a new and modern promotion qualification in which officers are assessed on work based performance by undertaking vocational tasks.

PIRC training

PIRC provides in-house training through shadowing and mentoring, in addition to which trainees attend the Police Scotland College at Jackton and undertake a University course as part of their traineeship. In planning for implementation of **recommendation 63**, preliminary discussion has taken place between PIRC and PSD to progress opportunities for PIRC staff to work shadow Police Scotland officers, which will be realised once COVID restrictions are lifted. In connection with **recommendation 64**, PIRC intends to carry out an assessment of training needs to identify any gaps which require to be addressed. Although aimed at Police Scotland, PIRC has recognised the relevance of **recommendation 67** and its staff have completed mandatory training in relation to engaging with those who have experienced trauma, with training inputs from Mental Health First Aiders.

Joint PIRC and Police Scotland training

Investigation and Review staff from PIRC already provide training inputs to courses at the Scottish Police College and publishes *Learning Point* providing learning that has been identified through investigations and complaint handling reviews. PIRC and PSD training cadre have established training material and regularly deliver jointly on Police Scotland's internal PSD training, Divisional Training, Leadership training and National training. PIRC will liaise through the NCHDG to see if this can be further enhanced or propose that **recommendation 65** be closed.

PIRC workforce

In her Final Report, Dame Elish noted that in the period since **recommendation 24** from her Preliminary Report was made in June 2019, proposing that PIRC replace former officers with non-police staff following retirement, there had been no requirement to recruit to the most senior PIRC posts. In considering the implementation for this recommendation, PIRC views it as essential to have operational and managerial members of staff who have investigative experience and expertise whether from policing or other investigative agencies for the credibility of its investigative capacity of PIRC. To effectively hold the police to account requires investigators with a range of specialist and operational investigative skills. However, PIRC is aware of the benefits attracting employees from other backgrounds and continues to actively recruit from a diverse pool, including those from non-policing bodies who have an investigative function, as well as growing their own investigators through an active trainee program. PIRC has recruited 16 trainees, all from a non –police background, on its trainee programme. To be operationally competent requires on the ground experience and with the current volumes of investigations, particularly critical investigations, it inevitably will take time for them to gain the extensive operational competency that would enable them to investigate effectively without the support of investigators from a policing background. As acknowledged in the Final Report, the gradual shift to recruit more employees from a non – policing background will take some years. It is important in the Scottish context to recognise that the Commissioner cannot be a former police officer, thus bringing an element of independence. Further, all investigations involving criminality of a serious nature or deaths in custody are conducted by the PIRC under the direction of the COPFS, ensuring oversight by the independent prosecutor.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 7: Training and HR				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
6	All officers and support staff in Police Scotland's Professional Standards Department (PSD) to receive comprehensive induction training and regular refresher development.	Police Scotland	In progress	A comprehensive 5 day Induction Training package was developed for new PSD officers covering the journey of a complaint focusing on process and guidance, Customer Handling, Mediation and Mental Health. The establishment of the Induction Course in conjunction with the new Complaint Handling Operating Model being commenced on 3 rd May 2021, simultaneously progresses the delivery of Training and HR recommendations 6 and 67.

Theme 7: Training and HR

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
11	Police Scotland to consider front line sergeant workload at and supervisory ratio of sergeants to constables	Police Scotland	In progress	Initial work has been undertaken by Strategic Workforce Planning (SWP) to understand the picture of supervisory ratios across Police Scotland and in particular local policing. A working group has been constituted and will have its inaugural meeting in June to consider the findings of the SWP analysis of supervisory ratios. This group will have representation from staff associations to ensure they are fully sighted on any proposals.
14	Police Scotland Executive team should consider in depth and review the criteria and competencies that it uses to assess police officers' readiness for promotion.	Police Scotland	In progress	Introduction in August 2020 of a new promotion process to test skills, competence, behaviours and values, all linked to the Competency and Values Framework (CVF). Police Leadership and Development Programme (PLDP) commenced on 1 April 2021 and will become the new qualification required prior to promotion to the rank of sergeant, replacing the Diploma. Aim of the PLDP pilot is ultimately to provide Police Scotland with a modern promotion qualification in which officers are assessed on work based performance by undertaking vocational tasks.
62	Police Scotland to appoint a PSD training officer to liaise with the SPSO, the PIRC and the SPA on joint training, best practice.	Police Scotland	In progress Awaiting Sign off	Training coordinator appointed in National Support, Partnerships and Prevention Unit (NSPPU) with responsibility for coordination of all training across PSD business areas.
63	PIRC staff to work shadow police officers at peak times to understand context	PIRC	In progress	Preliminary discussions have taken place with review officers scheduled to attend Officer Safety Training Overview and visit Contact, Command and Control in the coming weeks.

Theme 7: Training and HR

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
64	PIRC in house training on law of evidence	PIRC	In progress	Training currently provided through shadowing and mentoring. Trainees also attend Police Scotland training college and a University course as part of their traineeship. Plans are in place to undertake a training needs analysis in due course.
65	PIRC and Police Scotland to develop training and development opportunities to embed learning from thematic analysis of complaints	PIRC	In progress	Contribution from PIRC to Police Scotland training events and identification of learning through application of investigation and complaints handling reviews. PIRC and PSD training cadre regularly deliver jointly on internal PSD training, Divisional Training, Leadership training and national training. Further work being undertaken to determine if current practice can be enhanced.
67	Police Scotland to provide training on engaging with individuals displaying mental ill-health symptoms or related behaviours.	Police Scotland	In progress	See Rec 6 above. PIRC rolled out mandatory training to support engagement with anyone who experienced trauma, as well as training from Mental Health First Aiders.
PR2	Police Scotland to review service-wide capability of line managers, including the adequacy of training and support mechanisms	Police Scotland	Complete	Management and co-ordination of internal complaints (including grievance) and employment tribunal complaint submissions to ensure consistency of approach regarding consideration of all associated people matters, remaining cognisant of officer and staff wellbeing. National processes established within PSD to identify training requirements in for complaints, investigations and conduct, including Induction training, CPD events and resources. Training Working Group covering all PSD business areas includes representation from Learning, Training and Development and Local Policing.

Theme 7: Training and HR

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR3	Police Scotland to consider for employing more non-police officer support staff in PSD. This is an option that Police Scotland may wish to ask HMICS to review.	Police Scotland	In progress	PSD are engaged in a Force wide strategic workforce planning exercise directly examining the composition of the workforce on a needs analysis basis. Resourcing of PSD in the area of complaint handling will form part of that analysis. Commitment and progress to Organisational Design, Resources and Demand and Organisational Resilience as Organisational priorities will be included in reporting on Annual Policing Plan 2021-22.
PR4	Police Scotland to ensure that grievance matters are not artificially elevated and dealt with as conduct matters.	Police Scotland	Complete	Triage process for complex Grievances, Criminal Complaints and Conduct managed by PSD Gateway Unit. GWU scrutinises and assesses for potential criminal matters, conduct related matters or grievance related matters. Case Allocation Review Panel established to provide oversight for Grievance, Non-Criminal Complaints and Employment Tribunals.
PR9	Police Scotland to raise awareness of internal systems for mediation and grievance	Police Scotland	Complete	The promotion of mediation at any stage of the grievance process is contained within Police Scotland Grievance policy, published on the P&D Policy Hub on the Intranet. Ongoing communications work regarding whistleblowing and where concern does not meet WB criteria, signposted to Integrity Matters online form to raise concern. The promotion of Wellbeing continues to feature in Operational Priorities.
PR10	Police Scotland to provide officers in frontline resolution with training in mediation and customer handling.	Police Scotland	Complete	Police Scotland PSD has established an overarching training group to provide oversight of national approaches and delivery of mediation and customer handling training. Training identified for customer handling and mediation in conjunction with Contact, Command and Control Trainer. PSD Training Working group will continue to provide oversight of training in support of Organisational Priorities as outlined in the Annual Police Plan 2021-22.

Theme 7: Training and HR

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR17	Training for complaints and conduct officers in SPA to be consolidated to ensure up-to-date knowledge of complaint handling best practice	SPA	In progress	SPA offer their staff the opportunity to attend Queen Margaret University's course in Complaints and Ombuds Techniques which looks at how organisations can respond effectively to complaints and how they can learn from complaints. Discussions currently ongoing with partners to develop and implement a programme of training and personal development for SPA Complaints team, including access partner provisions where applicable.
PR24	Following retirement of former police officers PIRC policy should be to replace them with non-police officers	PIRC	In progress	PIRC is continuing to seek to attract employees from diverse backgrounds. It was acknowledged in final report that this would be a process that would take many years. In considering the composition of the PIRC workforce, there has to be a balance between the credibility of the PIRC as an effective investigative body and ensuring that public confidence is not affected by a perception of a close relationship between the investigator and those being investigated.

Theme 8: Efficiency and Effectiveness

Police Scotland's revised operating model for complaint handling

One of the most significant changes to the system of police complaints resulting from Dame Elish's review is the development and roll out of a new operating model for complaint handling within Police Scotland. The revised Police Scotland Complaint Handling Model commenced on Monday 3 May 2021 and will see all complaints managed within the Professional Standards Department and handled by trained officers and staff. To support this new model 25 posts from both Local and National Policing divisions have been re-aligned. This is a significant step which will support Police Scotland's response to a number of recommendations from both the Preliminary and Final Reports, principally **recommendation 9** but also a number of the training recommendations highlighted above. The new revised Frontline resolution (FLR) process also commenced on 3rd May 2021, in order to broaden the opportunities where FLR can be used. This revised process coincides with structural change within PSD whereby early engagement with complainers, early resolution where appropriate, and consistent service delivery to all policing Divisions is at the core of the PSD business model.

Time limits for submission of complaints

PIRC's new Statutory Guidance has been updated to clarify timescales for the submission of complaints by the public and include discretion for Police Scotland to discount complaints that are more than 12 months after the event if they satisfy the specified criteria. The Statutory Guidance has been circulated to all stakeholders, published on the PIRC website and is being incorporated and referenced into the revision of the Police Scotland Complaint Handling Standard Operating Procedure (SOP), thus closing **recommendation 80**

Vexatious complaints

As Dame Elish highlighted in her Final Report, **recommendation 13** from her Preliminary Report to make provision for vexatious complaints is dependent on changes to legislation but in the meantime Police Scotland, the SPA and the PIRC are aligning their unacceptable actions policies for dealing with vexatious or malicious complaints to ensure that they are consistent, robust and efficient. Discussions between the partners are progressing through NCHDG to jointly review and ensure consistency across 'Unacceptable, Persistent or Unreasonable Actions by Complainers' policies with updated guidance to be published in due course. The public consultation on legislative proposals will take account of these developments in presenting options.

PIRC management and regional presence

The joint response noted developments following the publication of Dame Elish's Preliminary Report which have overtaken those early **recommendations 20 and 25**, developments which Dame Elish also signalled in her Final Report. In light of the organisational changes made by the new Commissioner, Michelle Macleod following her appointment in 2019, the Scottish Government agrees with Dame Elish that a management review is not currently required. Similarly, the Memorandum of Understanding between PIRC and Police Scotland, which provides that Police Scotland will secure the scene of the incident with the PIRC taking over on arrival, should mean that a regional presence is not essential. PIRC considers the volume of investigations currently outwith the west central belt of Scotland would not justify a regional office elsewhere in Scotland and recognises that home working has brought flexibility in the response to incidents, with recent recruitment campaigns welcoming applications from throughout Scotland.

Body Worn Video

As highlighted in the joint response, the then Cabinet Secretary for Justice invited Dr Elizabeth Aston, in her capacity as Chair of the Independent Advisory Group (IAG) on New and Emerging Technologies in Policing, to consider the issues identified by Dame Elish in relation to the operational rollout of Body Worn Cameras. The IAG will undertake a live case study on Body Worn Video technology, as part of their work programme. The Scottish Government has provided one-off funding of £0.5m in 2021-22 to the SPA, to support the use of the technology and the Chief Constable has supported an accelerated roll-out to all appropriate officers and staff across Police Scotland as quickly as funding allows. There is a commitment to ensure all armed officers will be equipped with the devices in time for the major international summit, Conference of the Parties 26 (COP26), which is scheduled to be held in Glasgow in November 2021. Police Scotland’s Body Worn Video Project Board has now drafted a Code of Practice which has been circulated for comment and feedback.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 8: Efficiency and Effectiveness				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
9	All frontline resolution should be carried out by Professional Standards Department	Police Scotland	In progress	New revised Frontline resolution (FLR) process commenced on 3rd May 2021, in order to broaden the opportunities where FLR can be used. This revised process coincides with structural change within PSD whereby early engagement with complainers, early resolution where appropriate, and consistent service delivery to all policing Divisions is at the core of the PSD business model.
68	Strategic Oversight Group or National Complaint Handling Development Group to engage with the SPSO	Scottish Government	In progress	Partners are engaging with SPSO as part of work to take forward a number of recommendations, including consultation on those requiring legislation. SPSO also features in the Terms of Reference for the Strategic Oversight Group.

Theme 8: Efficiency and Effectiveness

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
72	NHS accident and emergency facilities designed to be able to deal safely with mental health care and acute crises	Scottish Government	In progress	<i>Mental Health – Scotland’s Transition and Recovery Plan</i> prioritises modernising pathways into mental health services from primary and unscheduled care services. We are working with the Redesign of Urgent Care Programme to improve the integration of physical and mental health within the urgent care setting. We are working alongside partners from other sectors, to ensure that support that is easy to access, quick and responsive at the earliest possible point. This will ensure that people who present with unscheduled care needs find our various systems easy to access and are supported by a clearer referral pathway to the right intervention. The intention is to build on the significant progress already made toward providing an unscheduled care response, this will include embedding mental health unscheduled care pathways for adults, children and young people’.
80	Time limit for submission of complaints by the public should be clear in the PIRC's statutory guidance and publicised on the relevant websites.	PIRC	Complete	New statutory guidance updated to allow Police Scotland discretion to discount complaints that are more than 12 months after the event if specific criteria is met. Guidance circulated to all stakeholders and published on the PIRC website. PIRC statutory guidance and being incorporated and referenced into the revision of the Police Scotland Complaint Handling Standard Operating Procedure.

Theme 8: Efficiency and Effectiveness

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR11	Police Scotland to accelerate plans to expand use of Body Worn Video	Police Scotland	In progress	Independent Advisory Group (IAG) on New and Emerging Technologies in Policing, will undertake a live case study on Body Worn Video technology. The Scottish Government has provided one-off funding of £0.5m in 2021-22 to the SPA, to support the use of the technology and the Chief Constable has supported an accelerated roll-out to all appropriate officers and staff across Police Scotland. All armed officers will be equipped with the devices in time for COP26. Police Scotland's Body Worn Video Project Board has now drafted a Code of Practice which has been circulated for comment and feedback.
PR13	Scottish Government to consider the case for amending the legislation to include a provision to deal with vexatious complainers.	Scottish Government	In progress	Requires legislation. Engaging with partners and staff associations. Public consultation due to start autumn 2021. In the meantime, discussions also progressing with partners to jointly review and ensure consistency across 'Unacceptable, Persistent or Unreasonable Actions by Complainers' policies. Unacceptable complainers guidance reviewed in consultation with PIRC and SPA – to be published imminently.
PR20	PIRC to consider the case for creating regional presence to enhance its capacity to respond immediately	PIRC	Complete	Analysis of current volume of investigations outwith the west central belt of Scotland would not justify a regional office elsewhere in Scotland. However, home working has brought flexibility to the way PIRC responds to incidents and recent recruitment campaigns have welcomed applications from throughout Scotland.
PR25	Independent management review to ensure that the PIRC has appropriate leadership, skills and culture to carry out its functions.	PIRC	Complete	The Commissioner has made a number of significant changes within the PIRC organisation. This recommendation has now overtaken by the Final Report paragraphs 14.150.

Theme 9: Audit and Review

Crown Office audit functions

COPFS intends to carry out the next exercise to review complaints of assault and excessive force, as proposed in **recommendation 2** during August 2021 and have commenced discussions with Police Scotland. COPFS' intention is to repeat the exercise on an annual basis although this will be kept under review in light of successful implementation of other recommendations within Dame Elish's report, particularly those supporting and enhanced audit role for PIRC.

PIRC audit functions

As Police Scotland are moving to a centralised model of Complaint Handling PIRC will wait for the model to be embedded before auditing the six-stage complaint handling process or FLR, as proposed in **recommendation 7**. PIRC met with Audit Scotland to discuss best practise in methodology and has arranged for a presentation from HMICS on their methodology. PIRC has recently recruited additional staff to assist in its Audit function and support the implementation of **Recommendation 42**. Planning is underway to set the scope and methodology for such audits, involving discussion with the NCHDG and COPFS.

Police Scotland audit functions

Police Scotland has consulted and compiled a PSD audit methodology for complaint handling. The main purpose of the annual audit is to assess compliance with the six-stage complaint handling process, ensuring that all complaints are classified and handled as per the Standard Operating Procedures (SOP). The process will involve a fully comprehensive audit of all complaint categories, featuring controls which measure the life cycle of a complaint. This will provide a complete oversight of the six stage complaint handling process demonstrating an ongoing commitment to monitor and track all types of complaints against the Police received by Police Scotland supporting the implementation of **recommendations 7, 42, 61**. PSD is also appointing an Auditor to provide internal audit assurance, ensuring organisational risks are effectively managed and will be responsible for making recommendations to improve the overall internal control environment and to improve operational performance across PSD.

Joint audits

Linked to recommendation 61, Police Scotland is working in partnership with PIRC and SPA through the NCHDG on the compilation and introduction of multi-agency audits. PSD will be responsible for ensuring co-ordination and facilitation of such audits are managed. PIRC has also engaged with Audit Scotland and SPSO who are happy to assist PIRC with methodology guidance, with Audit Scotland agreeing to provide an input to Review staff.

Review of whole-systems approach to mental health

Recommendation 71 proposed a broad and holistic review of the whole-systems approach to mental health. HMICS is considering the scope and parameters of what will be a wide-reaching and substantial piece of work. This may include a phased approach to the work and will require engagement with stakeholders, and partnership working with other scrutiny bodies with experience in the inspection of health and mental health services.

Further updates

Details on progress against other recommendations under this theme are set out in the table below:

Theme 9: Audit and Review				
Progress Overview for the period up to end April 2021				
Recommendations		Lead	Current Position	
2	Criminal Allegations Against Police Division (CAAP-D) of COPFS to regularly repeat review of all the 'assault' and 'excessive force' categorised complaints received by Police Scotland in the month of March 2020.	COPFS	Complete	Agreement between COPFS and Police Scotland that reviews will be undertaken on an annual basis with the next exercise due during August 2021.
7	Next follow-up audit of six-stage complaint handling process or audit of frontline resolution to be carried out by PIRC	PIRC	In progress	Best practice methodology being developed by PIRC, with auditing planned to start once Police Scotland restructured complaint handling model has embedded.
42	PIRC to conduct annual audit of triage within PSD of public complaints against the police to matters are properly identified and routed, and to provide assurance that Article 3 and Article 5 cases are correctly identified and reported to COPFS.	PIRC	In progress	Additional resourcing now in place to assist with scoping and methodology of audits, with all partners engaged in the work. The process will involve a fully comprehensive audit of all complaint categories, featuring controls which measure the life cycle of a complaint. This will provide a complete oversight of the six stage complaint handling process demonstrating an ongoing commitment to monitor and track all types of complaints against the Police received by Police Scotland.

Theme 9: Audit and Review

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
61	Police Scotland and the PIRC to consider drawing on expertise of Audit Scotland and SPSO in re-designing the audit arrangements for police complaints.	Police Scotland	In progress	Police Scotland are working in partnership with PIRC and SPA on the compilation and introduction of multi-agency audits. PSD will be responsible for ensuring coordination and facilitation of such audits are managed. Police Scotland had also developed PSD audit methodology for complaint handling, with all partners engaged and input from Audit Scotland.
71	HMICS, and health inspection or audit body, to conduct a Review of efficiency and effectiveness of the whole-system approach to mental health.	HMICS	In progress	HMICS considering the scope and parameters of this review. This may include a phased approach to the work and will require engagement with stakeholders, and partnership working with other scrutiny bodies with experience in the inspection of health and mental health services.
75	Scottish Government to consider which findings and recommendations made in the Deaths in Custody review points from 2017 can be mirrored by public bodies in Scotland	Scottish Government	In progress	Agreement by all partners to examine the 2017 review and recommendations. Steps will include liaison with UK Further consideration will also be given to requirement for legislation.
PR5	Frontline resolution of complaints to be subject to close and regular monitoring through regular, internal and external audits, and monitoring of decision-making.	Police Scotland	Complete	National Frontline Resolution process implemented. PSD Audit methodology and management as yearly Business As Usual activity -in line with Police Scotland Excellence Framework - 1st level Assurance.

Theme 9: Audit and Review

Progress Overview for the period up to end April 2021

Recommendations		Lead	Current Position	
PR27	All audit arrangements, including regular dip-sampling, to be prioritised and co-ordinated to improve standards and service to the public	All partners	In progress	The National Complaint Handling Development Group are developing arrangements for an annual multi-agency audit of Police Scotland's complaint handling involving the SPA, Police Scotland and the PIRC. Police Scotland has developed an internal Quality Assurance process and methodology which are now in place.



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