

# **Complaints, Investigations & Misconduct in Policing**

## **Implementation of Recommendations**

### **Thematic Progress Report**

**December 2021**



**Scottish Government**  
Riaghaltas na h-Alba  
gov.scot

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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 \(www.gov.scot\)](#)

## Overview

This is the second thematic progress report following the publication of Dame Elish Angiolini's independent Review of Complaints, Investigations and Misconduct in Policing in Scotland in November 2020.

Since the publication of Dame Elish Angiolini's final report and the first thematic progress report in June 2021, significant steps have been taken by Police Scotland, the Scottish Police Authority (SPA), the Police Investigations and Review Commissioner (PIRC), the Crown Office and Procurator Fiscal Service (COPFS) and Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) to progress recommendations which do not require legislation. Scottish Government also continues to prepare for a full public consultation next year on those recommendations which require, or are likely to require, legislative change or new legislation. This report highlights some of the key achievements made over the period 1 May to 30 September 2021.

The report is structured under nine themes and sets out progress towards implementation of the recommendations recording the current status of each, including those where recommendations have been delivered and signed off. There are also a number of recommendations where, although they have reached completion, are awaiting approval for sign off and will, therefore, be recorded as discharged in the next progress report.

Of particular note in this report is the work undertaken by COPFS in relation to complaints of alleged breaches of Articles 3 (prohibition of torture, inhuman or degrading treatment or punishment) or Article 5 (the right to liberty and security of person) - **Recommendation 47**. As reported in June, following joint working by COPFS, PIRC and Police Scotland, a model to provide a change in assessment and investigative process was agreed and since 4 October 2021, Police Scotland's Professional Standards Department (PSD) refer such cases to PIRC for assessment and investigation.

Another area of improvement is the substantial programme of work being undertaken by Police Scotland around Equality, Diversity, Inclusion and Human Rights (EDI & HR). Police Scotland's Strategic Oversight Board maintains oversight and supports strategic issues relating to EDI & HR throughout the organisation in all aspects of planning and delivery. In the period since the last report, and in relation to **Recommendation 18**, the EDI & HR Independent Review Group (IRG) held its first meeting. The IRG will provide informed scrutiny of Police Scotland's EDI activity by offering expertise, guidance, critical oversight, challenge, review and assurance and is anticipated to be in place between 12-18 months with a final report to the SPA Board anticipated in September 2022.

Related to **Recommendation 18**, HMICS also published its Thematic Inspection of Training and Development Phase 2 Report focusing specifically on Police Scotland's recruitment, retention, development and promotion of people from under-represented groups.

This inspection focused on the internal aspects of Police Scotland's approach to equality, diversity and inclusion, given the importance of a police service that is reflective of the communities it serves, in order to maintain public trust and confidence. HMICS looked at all protected characteristics, and has compared and contrasted the progress made in relation to two - Sex – the representation of women in policing; and Race – the representation of people from minority ethnic backgrounds in policing.

HMICS describes the significant progress Police Scotland has made since the Phase 1 report was published in September 2020, which has been delivered in the challenging context of the coronavirus pandemic. The inspection found evidence of genuine commitment at the most senior levels of Police Scotland to ensure that the service is welcoming and inclusive, but identified room for improvement in translating that commitment into action with a positive impact on the day-to-day experience of police officers and staff from under-represented groups working in Police Scotland. The report made ten recommendations for Police Scotland.

Also of note is the work undertaken to discharge **Recommendation 44** under which PIRC has finalised Guidance on dealing with allegations of discrimination when undertaking investigations or complaint handling reviews for publication on its website. **Recommendations 30** and **31** have also been implemented to increase public awareness of the work by the SPA's Complaints and Conduct Committee, ensuring that the Committee's work features in the SPA Annual Report and Accounts, which were published in October 2021 and public versions of the private Committee minutes will commence from the May 2022 meeting.

Looking ahead to the next reporting period, the next thematic progress report will also include greater visibility of work already underway to implement similar recommendations from international scrutiny committees. Where there is clear alignment with recommendations from Dame Elish Angiolini's review, we will bring those strands of work together and include progress updates from relevant CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment) and NPM (National Preventative Mechanism) recommendations.

## 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, HMICS and Police Scotland.

Legislation, either primary or secondary, will be required to implement several recommendations under this theme, including **Recommendation 1**, that the Code of Ethics for Police Scotland should be placed in statute, and **Recommendation 20**, that the PIRC should be added to the list of prescribed persons in the Public Interest Disclosure (Prescribed Persons) Order 2014. As set out in the table below, discussions with operational partners, staff associations and other jurisdictions are taking place on the detail of those recommendations. That engagement is essential in developing legislative proposals and will continue. Further additional discussions with wider stakeholders are also planned ahead of full public consultation in 2022.

To avoid pre-empting this on-going engagement and consultation, this report focuses on the recommendations under this theme which can be implemented without legislation.

### **Ethics in policing**

Progress has been made on **Recommendation 32**, with the Vice-Chair of the SPA's Board being confirmed as the Authority's ethics champion. A draft plan to develop an Ethical Oversight Framework ("the Framework") has been produced by the SPA. Should this be approved, then the Framework will be delivered by June 2022. Work carried out by SPA to explore international best practice approaches to ethics in law enforcement will inform the development of the Framework. Further consideration will be required regarding the role of specific SPA committees in the oversight of ethics in policing.

Additionally, it should be noted that the Legal Framework & Ethical Standards workstream of the Independent Advisory Group on New and Emerging Technologies in Policing is expected to make linked recommendations to Scottish Ministers in 2022/23.

### **Categorisation and referral of Incidents**

**Recommendation 47** stated that where the terms of a complaint against a police officer or member of police staff alleges a breach of Article 3 of the European Convention on Human Rights (ECHR), such that there is an indication that a person serving with the police may have committed an offence, COPFS should instruct the PIRC to carry out an independent investigation; and further recommended that certain breaches of Article 5 of ECHR should also be referred to the PIRC for investigation by COPFS. Following joint working by COPFS, PIRC and Police Scotland, a model to provide a change in assessment and investigative process was agreed whereby, from 4 October 2021, Police Scotland's Professional Standards Department (PSD) will refer such cases to PIRC for assessment and investigation. To facilitate this, COPFS has instructed that the PIRC should carry out investigation into all allegations of assault (and all associated criminal allegations) that have been notified to the PIRC by Police Scotland from 4 October. This standing instruction was issued in terms of Section 33A(b)(i) of the Police Public Order and Criminal Justice (Scotland) Act 2006. In addition, the PIRC will conduct bi-annual audits in respect of allegations of unlawful arrests/detentions and use of excessive force. Furthermore, process guidance has been jointly created by PIRC, COPFS and the Police

Service of Scotland to ensure investigative independence. This recommendation is therefore fully implemented and complete.

### **Whistleblowing**

In relation to **Recommendation 21**, Police Scotland has reviewed and revised its Whistleblowing Guidance. The updated guidance has been complemented by significant training and numerous awareness sessions have been carried out on various platforms. A benchmark self-assessment was undertaken by Police Scotland in June 2021 to identify areas of improvement and this was presented to the SPA's Audit, Risk and Assurance Committee (ARAC). The Whistleblowing Guidance will be subject to annual review and enhanced engagement in terms of Whistleblowing awareness is to be included in established supervisory and leadership training. The feedback process which has been established will ensure improvement opportunities are captured appropriately. Bi-annual reports will be submitted to the SPA. This self-assessment process has been established to effectively manage and audit processes within Police Scotland. The first annual report (including self-assessment against best practice) was presented to the ARAC in July 2021. Separately, the SPA's Whistleblowing Guidance was updated in March 2020 in line with Recommendation 21 to include governance and reporting arrangements. Recommendation 21 has now been fully implemented.

### **Serious incidents involving the police**

Police Scotland revised its Post Incident Procedures (PIP) guidance and toolkit and issued force-wide communications in relation to this. Additional communications in respect of PIP were also issued to Contact, Command & Control Division (C3). Also in relation to **Recommendation 3**, both the PIP Professional Reference Group and the Police Scotland Internal Practitioner Working Group were established and Terms of Reference have been agreed. Recommendation 3 has, therefore, been implemented.

### **Support for victims and families**

With regard to restricted duties and access to support, progress has been made in relation to **Recommendation 77** with Investigations Wellbeing and Employee Safeguarding Processes and Guidance approved at Police Scotland's Strategic Leadership Board on 20 October 2021 for rollout across the service.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
1	Code of Ethics should be given a basis in statute.	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive and Irish Government are planned to better understand the systems and arrangements in place in both Northern Ireland and Ireland. SPA is also considering the Code of Ethics as part of broader ethical oversight - this links to recommendation 32.
3	Prevention of post incident conferral other than for pressing operational reasons	Police Scotland	Complete	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. Post Incident Procedures (PIP) guidance and toolkit revised. Force-wide and additional communications issued to Contact, Command & Control Division (C3) in respect of PIP. PIP Professional Reference Group and Police Scotland internal Practitioner Working Group established and Terms of Reference agreed.
10	Statutory duty of candour	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
12	Statutory duty of cooperation	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.

## Theme 1: Rights and Ethics cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
20	PIRC to be added to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Although this requires legislation, a meeting was held between PIRC and Scottish Public Services Ombudsman on 21 May 2021 to explore how this recommendation would work in practise and, in particular, how PIRC would discharge the responsibility of protecting a whistle-blower from suffering a detriment.
21	Police Scotland to review and audit whistleblowing arrangements and data	Police Scotland	Complete	Whistleblowing Guidance has been revised and significant training and awareness sessions provided on various platforms. Self-assessment process established to effectively manage and audit processes, with benchmark undertaken in June 2021 to identify areas of improvement and presented to the SPA Audit, Risk and Assurance Committee (ARAC). Guidance will be reviewed annually, with enhanced engagement in terms of Whistleblowing awareness to be included in established supervisory and leadership training and the feedback process established to ensure improvement opportunities captured.

## Theme 1: Rights and Ethics cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
21 cont				Bi-annual reports will be submitted to SPA. Although this recommendation is aimed primarily at Police Scotland, the SPA has also made arrangements for annual reporting on its whistleblowing policy to the Audit Risk and Assurance Committee, with the first report submitted in July 2021.
32	Ethical issues – roles of Committees	SPA	In progress	SPA has appointed its Vice-Chair as ethics champion. Plans are also in place to develop an Ethical Oversight Framework and, if approved, is likely to be delivered by June 2022. Work undertaken to explore international best practice approaches to ethics in law enforcement will inform the Framework. Further links anticipated through SG's Independent Advisory Group on New and Emerging Technologies in Policing 'legislation and ethical standards' work stream in 2022/23.
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	Complete	To facilitate the implementation of this recommendation COPFS instructed that from 4 October 2021, the PIRC should carry out investigation into all allegations of assault (and all associated criminal allegations) that have been notified to the PIRC by Police Scotland. This standing instruction was issued in terms of Section 33A(b)(i) of the Police Public Order and Criminal Justice (Scotland) Act 2006. A model for the referral of such cases has been agreed by COPFS, PIRC and PSD.
69	Amendment to Letter of Rights to clarify general rights and right to complain for detainees in custody.	Scottish Government	In progress	The Letter of Rights Working Group continues to consider this recommendation as part of wider reforms following consultation on the Letter of Rights in 2019.
74	Access to free legal representation for families in Article 2 cases	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022.

## Theme 1: Rights and Ethics cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
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	Initial discussions with operational partners have taken place with further work planned to progress this recommendation.
77	Restricted duties or transfers during investigation to take account of family circumstances and support.	Police Scotland	In progress Awaiting Sign off	Additional internal consultation delayed approval of the Investigative Wellbeing guidance. However, the Investigations Wellbeing and Employee Safeguarding Process and Guidance has now been approved by Police Scotland's Strategic Leadership Board.
PR15	PIRC to have statutory power to compel officers to attend for interview	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
PR30	Clarify definition of "a member of the public who may make a relevant complaint".	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

<b>Theme 1: Rights and Ethics cont</b>		
Recommendations		Lead
70	Independent Custody Visitors to check that third parties have been notified of detention.	SPA
73	PIRC to act speedily in investigations of deaths in custody	PIRC
PR1	Police Scotland to refer all allegations of excessive force to COPFS.	COPFS & Police Scotland

## Theme 2: Jurisdiction and Powers

As is the case for several recommendations under the previous theme, legislation, either primary or secondary, will be required, or is likely to be required, to largely implement the recommendations under this theme. As set out in the table below, discussions with operational partners, staff associations and other jurisdictions are taking place on the detail of these. That engagement is essential in developing legislative proposals and will continue. Further additional discussions with wider stakeholders are also planned ahead of full public consultation in 2022. To avoid pre-empting this on-going engagement and consultation, this report focuses on the elements of the recommendations under this theme which can be implemented without legislation.

### **Wider powers for the PIRC**

As set out in the table below, **Recommendation 13** is likely to require legislation to address data protection matters. However, Centurion capabilities are under review by operational partners and consideration is being given by those partners to the potential upgrade and/or replacement of Centurion. PIRC and Police Scotland continue to discuss this ahead of any potential legislative changes being made.

### **Cross-border jurisdiction**

**Recommendation 81** requires legislation to be made to implement it and therefore will be included in the legislative proposals which will be consulted on in 2022. Indeed, the Cabinet Secretary for Justice and Veterans wrote to the UK Government in August 2021 on this matter to highlight concerns about the need for legislation in this area. However, as highlighted in the last thematic progress report, in advance of a legislative solution being implemented, a draft memorandum of understanding (MoU) was developed by the cross-agency group on jurisdictional matters. This group includes the PIRC, Police Scotland and COPFS and that draft MoU has now been finalised and signed by all strategic partners. The MoU sets 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 ahead of legislation being made.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
8	Clarify definition of "person serving with the police"	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive are planned to better understand the systems and arrangements in place in Northern Ireland.
13	Power to enable PIRC staff to access the Centurion database	Scottish Government	In progress	This is likely to require legislation to address data protection matters. Initial discussions with operational partners and staff associations have therefore taken place ahead of a full public consultation in 2022. PIRC and Police Scotland continue to explore Centurion's capabilities and possible non-legislative options prior to any potential legislative changes being made.
37	PIRC powers to call in an investigation of a complaint	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions with the Northern Ireland Executive and Irish Government are also planned to better understand the systems and arrangements in place in both Northern Ireland and Ireland to help consider this recommendation.
38	PIRC powers to investigate practices or policies of Police Scotland	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive are planned to better understand the systems and arrangements in place in Northern Ireland.

## Theme 2: Jurisdiction and Powers cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
43	Hold in mind a possible PONI model	Scottish Government	Keep under review	Engagement with operational partners is required to determine when a periodic review by Scottish Ministers would be appropriate. Decisions are unlikely to be taken until after legislative changes have been progressed.
81	Cross jurisdictional investigatory powers	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. In advance of legislation, a cross-border MoU has been signed by operational partners setting 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.
PR22	PIRC power to make recommendations and corresponding duty on the Chief Constable to comply	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.

## Theme 3: Governance and Accountability

### **PIRC governance and accountability**

As reported in June, proposals in connection with **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. In the meantime PIRC continues to strengthen its leadership.

### **Scrutiny of Performance and Cross-agency Liaison**

Recommendations under this theme are mainly non-legislative and work on implementation across a range of areas continues. **Recommendations 29 and 79** are closely linked with regular meetings taking place between SPA, Police Scotland and PIRC, which provide an opportunity for feedback on a range of subjects including timeliness and content of reports to the SPA Complaints and Conduct Committee. PIRC continues to monitor achievement of the Key Performance Indicator set by the Commissioner to complete 80% of investigations within 3 months and Complaint Handling Reviews within 4 months of receipt, providing assurance that any delays are only in the most complex cases and are reported to the SPA.

Since the last report, Police Scotland has progressed development of reporting to identify 5 year trends to address **Recommendation 4**. Reports to the SPA Complaints and Conduct Committee for the period April to June 2021 included 5 year trend analysis, which will be further developed as the relevant data is available. The expectation is that the next quarterly report will ensure completion of this recommendation. The Chief Constable also aims to publish annual complaints performance at the end of the financial year 2021/22 which will see **recommendation 78** finalised at that point.

### **Local Scrutiny Committees**

We reported in June that first steps had been made to progress **Recommendation 33**. Since then, Police Scotland's redesign of the Local Commanders' Report has now been implemented and is reflective of the SPA Complaint and Conduct Committee quarterly report. Professional Standards Department has also undertaken a survey of Local Commanders and received confirmation that the information they are providing, which includes evidence, adequately assists local committees to scrutinise police, and as such this recommendation is now proposed as complete.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
4	Police Scotland performance report to identify 5 year trends.	Police Scotland	In progress	The Quarter 1 Report for 2021 submitted to the SPA Complaints and Conduct Committee included 5 year trend analysis which will be developed incrementally as the relevant data is available. It is anticipated that reports to the end of this financial year will ensure finalisation of this recommendation.
29	SPA to hold Police Scotland to account for any delays and raise any concerns over PIRC delays with the Commissioner	SPA	In progress	Engagement is ongoing with Police Scotland on proposed content of future reports, following initial consultation with SPA Complaints & Conduct Committee Members, SPA officials and PIRC. The Commissioner has also agreed a key performance indicator (KPI) in relation to this recommendation which is reviewed monthly and reported publicly. By ensuring the KPI is met, PIRC is able to provide assurances that delays are only in the most complex and protracted cases and where necessary highlighted to the SPA. This links to recommendation 79.
33	Local scrutiny committees to consider what further complaints information or discussion would assist their scrutiny of the police	Local Scrutiny Committees & Police Scotland	Complete	The Professional Standards Department monthly Divisional Commanders' Report has been redesigned to be more reflective of the SPA Complaint & Conduct Committee quarterly report. All Local Commanders have provided confirmation that the redesigned report meets the needs of their local scrutiny committees at divisional level.
34	PIRC to be re-designated as a Commission, with one Commissioner, two Deputy Commissioners and a statutory Board	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland. In the meantime, PIRC has taken steps to strengthen its leadership.

### Theme 3: Governance and Accountability cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
35	PIRC to be accountable to Parliament for non-criminal matters	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. PIRC is not supportive of this recommendation. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland.
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 a statement in next year's Annual Report Accounts (2021/22) in respect of the 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	Annual reporting on Police Scotland's complaints handling performance will be available at the end of financial year 2021/22.
79	SPA Complaints and Conduct Committee to scrutinise Police Scotland's performance in dealing with complaints and hold to account.	SPA	In progress	Engagement continues with Police Scotland on proposed content of future reports, following initial consultation with SPA Complaints and Conduct Committee Members, SPA officials and PIRC to improve effectiveness. This links to recommendation 29.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

<b>Theme 3: Governance and Accountability cont</b>		
Recommendations		Lead
45	PIRC to report performance against targets in the Annual Report	PIRC
PR23	PIRC to consider building into structure legal support and advice capacity	PIRC
PR26	Establishment of Senior cross agency working group.	All partners

## Theme 4: Transparency and Accessibility

The recommendations under this theme can be implemented without the need to make legislation and action is ongoing in relation to those which were not completed as part of the last thematic report. Progress includes collaborative working with interested stakeholders to ensure information on the complaints system and processes are accessible and clearly communicated to members of the public.

### **Information on SPA Committees**

**Recommendations 30 and 31** relate to increased public awareness of the work by the SPA's Complaints and Conduct Committee and ensuring that Committee features in the SPA Annual Report and Accounts. In the period since the last thematic progress report was published, text for inclusion in SPA's Annual Report and Accounts, which published in October 2021, in relation to the Committee has been agreed. This is in addition to the earlier publication of a Committee-specific report in August 2021. Therefore these recommendations have been implemented and, as highlighted in the table below, are now complete.

### **Improvements to information on how to complain**

There have been general improvements around accessibility for members of the public to the police complaints process, which ties in with **Recommendation 46**. In addition to ongoing liaison with criminal justice partners, COPFS is considering additional options to further improve accessibility. Police Scotland publicises the process of making complaints of a crime to COPFS and, as mentioned below, there is an ongoing review of Police Scotland web pages.

### **Improvements to information on how to complain**

Progress continues to be made in relation to **Recommendation 48** with the establishment of a QR code which provides enhanced accessibility to the Police Complaints section of the Police Scotland website. This is now widely available to the public, officers and staff following extensive consultation with SPA, PIRC, HMICS, Criminal Allegations Against the Police Division (CAAPD), Scottish Youth Parliament, Association of Scottish Police Superintendents and Scottish Police Federation being hugely positive. Connected to this is progress made in relation to **Recommendation 49**, with a review of Police Scotland internet pages ongoing in conjunction with consultation with the Scottish Youth Parliament and others.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
30	Greater public sharing of SPA Complaints and Conduct Committee work	SPA	Complete	Proposal for publication of public version of private SPA Committee minute approved at August 2021 Complaints and Conduct Committee. This process will commence from the May meeting.
31	SPA Complaints and Conduct Committee work to feature in SPA Annual Report and Accounts	SPA	Complete	Complaints and Conduct Committee annual report for 2020/21 approved for publication at August 2021 meeting. Summary extract included in this year's SPA Annual Report and Accounts which published in October 2021.
46	Publicising avenue to take criminal allegations to COPFS directly	COPFS	In progress	Options are currently under consideration that might support/improve accessibility. In addition, when the new COPFS website goes live, Criminal Allegations Against the Police Division (CAAPD) will have a page that advises members of the public that they may initiate a criminal allegation by reporting directly to COPFS. Further liaison with criminal justice partners is required to properly identify all the consequences of introducing any changes to practice in this regard. Signposting is also now included on SPA website.
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. This work included the establishment on 11 October 2021 of a QR Code which will provide the public, officers and staff with enhanced accessibility to the Police Scotland Complaint Section on the website. Extensive consultation with SPA, PIRC, HMICS, CAAPD, Scottish Youth Parliament, ASPs & SPF has all been fully supportive. Professional Standards web pages have also been revised in support of this.
49	Know your Rights section of the Police Scotland website to be improved	Police Scotland	In progress	Review of Police Scotland's website is ongoing. Consultation has now taken place with Scottish Youth Parliament and, as noted at recommendation 48, a QR Code was established in October, providing the public with enhanced accessibility to the Police Scotland Complaint Section on the website.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

<b>Theme 4: Transparency and Accessibility cont</b>		
Recommendations		Lead
36	Publicising recourse beyond PIRC to Scottish Public Services Ombudsman	PIRC
PR8	Police Scotland to simplify navigating complaints process for members of the public	Police Scotland
PR6	Police Scotland to adjust "Early intervention" practice to ensure officers are aware of a complaint against them	Police Scotland

## Theme 5: Equality, Diversity and Inclusion

### Diversity data

Police Scotland's Equality, Diversity, Inclusion and Human Rights Strategic Oversight Board (EDI & HR SOB) aims to maintain oversight and support strategic issues relating to Equality, Diversity, Inclusion and Human Rights throughout the organisation, in all aspects of planning and delivery.

The EDI & HR SOB includes the prioritisation and co-ordination of activity on issues and recommendations arising from Dame Elish Angiolini's Review and also to agree appropriate and deliverable measurements to monitor progress and success of the EDI agenda.

At this strategic level, work is ongoing in respect of developing EDI measures and insights data which align to performance reporting, and also to identify any gaps/additional EDI measures and insights required to evidence the impact of the work that is underway at a national, regional and local level.

Police Scotland and SPA are expanding collection and publication of diversity data. Police Scotland's Analysis and Insights report has been produced for newly appointed staff and its promotion process. A working group has been established to progress data analysis and insights to further progress **Recommendation 5** going forward. The SPA review of online forms (including equality and diversity) is being progressed as part of wider review of SPA's digital offer, although wider discussions are also ongoing via National Complaints Handling Development Group (NCHDG) in this regard.

In the period since the last report, Police Scotland provided a presentation to PIRC senior staff on workstreams that will address this recommendation. PIRC has introduced forms to collect diversity data in relation to **Recommendation 5** and it is part of the information that will be collected in relation to allegations of criminality that are investigated by PIRC. PIRC includes diversity monitoring as part of PIRC's recruitment process and work is ongoing with web developers to enable candidates to apply online via their website.

Police Scotland has reported that arrangements for the gathering and storage of diversity complaints data is being explored in relation to **Recommendation 19**. This will include data governance arrangements and system development needs for the storage of Professional Standards Department (PSD) diversity data on the Police Scotland SCoPE system. In addition, Police Scotland has reported that work to analyse complaints data relative to **Recommendation 60** is being progressed jointly by PSD and Police Scotland's People and Development Department to gather demographic data on complaints.

### Independent review

In the period since the last report, and in relation to **Recommendation 18**, the Equality, Diversity, Inclusion & Human Rights (EDI & HR) Independent Review Group (IRG) held its first meeting. A report was also presented to the SPA Board on 29 September 2021, along with a Terms of Reference and IRG outcomes.

The IRG is anticipated to be in place between 12-18 months with a final report to the SPA Board anticipated in September 2022. It will provide informed scrutiny of Police Scotland's EDI activity by offering expertise, guidance, critical oversight, challenge, review and assurance with a focus on the 3 key areas of Cultural Change; Strategic Direction and Training and Development. The IRG will also engage with members of the EDI & HR SOB and Police Scotland to enhance the identification of risk and provide insight on effective mitigation measures.

Her Majesty's Inspectorate of Constabulary in Scotland's (HMICS) Inspection into Police Scotland's Training and Development - Phase 2 Equality and Diversity, has also completed the inspection activity. The report was published on 20 October, with 10 recommendations that will be considered alongside the work already ongoing outlined above.

### **PIRC consideration of discrimination issues**

As reported previously in connection with **Recommendation 44**, PIRC prepared an internal guidance document in relation to dealing with allegations of discrimination when undertaking investigations or complaint handling reviews. PIRC held a meeting with its counterpart for England and Wales, the Independent Office of Police Conduct (IOPC), whose diversity team confirmed that the guidance is still current and applicable. The guidance document was also shared with Police Scotland who sought feedback from key members of their Equality, Diversity, Inclusion and Human Rights Independent Review Group. Constructive feedback was provided prior to the document being finalised. The Guidance will now be published on the PIRC website resulting in discharge of this recommendation. All staff are required to read the guidelines and, in particular, apply them when dealing with any allegations of discrimination.

### **Unconscious bias training**

Police Scotland has continued to progress work in connection with **Recommendation 66**. An Insert has been developed for its Operational Safety Training on Unconscious Bias in the tactical environment is currently out for consultation with staff associations.

### **Workforce impacts and diversity**

In the period since the last report, Police Scotland has shared the results of the Your Voice Matters (YVM) survey with the Survey Steering Group and the Diversity Network Chairs to ensure that any reflections or areas of concern are included within the organisational Improvement Plan. A draft Improvement Plan has been developed and will be circulated to Survey Steering Group and Diversity Staff Associations for their review and input prior to being presented through Police Scotland's normal governance channels.

Work is ongoing through Police Scotland's EDI & HR SOB to engage internal and external stakeholders in shaping positive, effective, sustainable change; providing opportunities for feedback whilst identifying and sharing best practice across the organisation

**Recommendation 15** seeks to increase Police Scotland's understanding of the experience and impacts of discrimination, prejudice and unconscious bias on all minority groups in the workforce. Related to this, Police Scotland has held discussions with the Independent Office for Police Conduct (IOPC) in respect of discrimination training for use by Police Scotland which furthers progress in connection with **Recommendation 17**.

### **Hate Crime and Third Party Reporting**

Work is also being taken forward by the Partnerships, Preventions and Community Wellbeing Division within Police Scotland to improve third party reporting of hate crime as set out in **Recommendation 50**, but also links to wider improvements being made as a result of HMICS Hate Crime Inspection.

At a strategic level, this also links into the work is ongoing through Police Scotland's EDI & HR SOB and the EDI Service Delivery Sub Group in relation to Hate Crime. In September, a presentation was given to the EDI & HR SOB with an overview of Hate Crime priority activities being undertaken to minimise risk to vulnerable groups and enhance public reassurance.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
5	Police Scotland and SPA to consider expanding collection and publication of diversity data	Police Scotland & SPA	In progress	<p>Analysis and Insights report produced for newly appointed staff and promotion process. Working group has also been established to progress data analysis and insights going forward.</p> <p>At strategic level, work is ongoing in respect of developing Equality, Diversity and Inclusion measures and insights data which align to performance reporting, and also to identify any gaps/additional EDI measures and insights required to evidence the impact of the work that is under way at a national, regional and local level.</p> <p>SPA is currently undertaking a review of online forms (including equality and diversity) as part of a wider review of SPA digital presence.</p> <p>PIRC has also introduced a process to collect diversity data which will form part of the information collected in relation to allegations of criminality that are investigated by PIRC. PIRC includes diversity monitoring as part of its recruitment process and work is ongoing with web developers to enable candidates to apply online via their website.</p>
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	<p>Work on the Your Voice Matters staff survey is nearing completion with the Survey Steering Group and Diversity Network Chairs briefed on high level results. A draft improvement plan has also been developed.</p>
16	More diverse panels for disciplinary hearings	Police Scotland	In progress	<p>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.</p>

## Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
17	Appropriate support for anyone who is subject to internal or external discrimination	Police Scotland	In progress	<p>Work continues to be progressed and discussion has taken place with Independent Office for Police Conduct (IOPC) in respect of discrimination training for use by Police Scotland.</p> <p>At a strategic level, work is also ongoing through EDI &amp; HR SOB to engage internal and external stakeholders in shaping positive, effective, sustainable change; providing opportunities for feedback whilst identifying and sharing best practice across the organisation.</p>
18	Independent review of equality matters within Police Scotland	Police Scotland	In progress	<p>Equality, Diversity, Inclusion &amp; Human Rights (EDI &amp; HR) Independent Reference Group (IRG) established to provide critical oversight, challenge, review and assurance. The IRG has reported to the SPA Board in February and in September 2021, with a final report to the SPA Board anticipated in September 2022. It will provide informed scrutiny of Police Scotland's EDI activity by offering expertise, guidance, critical oversight, challenge, review and assurance on the 3 key areas of Cultural Change; Strategic Direction and Training and Development.</p> <p>The IRG will engage with members of the EDI &amp; HR SOB and Police Scotland to enhance the identification of risk and provide insight on effective mitigation measures.</p> <p>Related to this, Police Scotland will develop an improvement plan in response to the recommendations identified in HMICS Inspection Report into Police Scotland's Training and Development - Phase 2 Equality and Diversity.</p>
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	<p>Arrangements for the gathering and storage of diversity complaints data being explored, to include data governance arrangements and system development needs for the storage of PSD diversity data on Police Scotland SCoPE system.</p> <p>At a strategic level, this links into the work ongoing through EDI &amp; HR SOB to identify any gaps/additional EDI measures and insights.</p>

## Theme 5: Equality, Diversity and Inclusion cont

19 cont				It also links into the ongoing engagement with internal and external stakeholders in shaping positive, effective, sustainable change; providing opportunities for feedback whilst identifying and sharing best practice across the organisation engaging with Diversity Staff Associations.
44	PIRC should ensure that discrimination issues are considered as an integral part of their work.	PIRC	Complete	PIRC has prepared an internal guidance document in relation to dealing with allegations of discrimination when undertaking investigations or complaint handling reviews. PIRC has met with Independent Office for Police Conduct diversity team who advised that the PIRC guidance is still current and applicable. Constructive feedback was also received from Police Scotland's Equality, Diversity and Inclusion Group prior to publication. The document will be utilised by all staff and published on PIRC's website.
50	Third-party reporting centres for hate crime, including those representing minority groups, to offer support to complainers.	Police Scotland	In progress	Work is being progressed by Police Scotland's Partnerships, Preventions & Community Wellbeing Division. The action links to wider improvements for third party reporting as per recommendation 6 of HMICS Hate Crime Inspection. This also links into the work is ongoing through EDI & HR SOB and the EDI Service Delivery Sub Group in relation to Hate Crime.
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. This work is being taken forward jointly by Police Scotland's Professional Standards and People and Development departments.
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. Insert for Operational Safety Training on Unconscious Bias in the tactical environment is currently out for consultation with staff associations. PIRC also continues to undertake work to identify any further appropriate training in this regard. The Senior Management Team have taken part in Unconscious Bias training with PSD and have rolled out an online module to staff.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

<b>Theme 5: Equality, Diversity and Inclusion cont</b>		
Recommendations		Lead
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

## Theme 6: Conduct and Standards

Legislation, either primary or secondary, will be required to implement the majority of the recommendations under this theme. As set out in the table below, discussions with operational partners, staff associations and other jurisdictions are taking place on the detail of those recommendations. That engagement is essential in developing legislative proposals and will continue. Further additional discussions with wider stakeholders, including trade unions, are also planned ahead of full public consultation in 2022.

To avoid pre-empting this on-going engagement and consultation, this report focusses on the recommendations under this theme which can be implemented without legislation.

### **Senior officer conduct process**

Following the SPA's review of its Complaints Handling Procedures and Guidance on Senior Officer Conduct Regulations, which was highlighted in the last thematic progress report, **Recommendation 26** and **Preliminary Report Recommendation 18** have now been implemented and are therefore complete. The SPA's review of its Guidance on Senior Officer Conduct Regulations, which incorporated consultation feedback from the PIRC, Police Scotland's Professional Standards Department, the Scottish Chief Police Officers Staff Association (SCPOSA) and other key stakeholders, was approved by the SPA's Complaints and Conduct Committee in August 2021. While **Preliminary Report Recommendation 19** would require legislation to amend conduct Regulations, this revised guidance does address points raised in this recommendation by ensuring that certain factors, such as anonymity and potential vexatious basis of complaints, are taken into account in preliminary assessments.

The revised SPA Complaints Handling Procedures, which incorporated consultation feedback from the PIRC and SCPOSA, and were noted as awaiting sign-off in the last thematic progress report, were also approved by the SPA's Complaints and Conduct Committee in August 2021. Those revised procedures have since been published by the SPA. Therefore, **Preliminary Report Recommendation 16** is now also complete.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
22	Gross misconduct proceedings to continue even if /after officer leaves	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland.
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	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
24	UK wide barred and advisory lists	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive are planned to better understand the systems and arrangements in place in Northern Ireland.
25	Preliminary assessment to move from SPA to PIRC	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022.

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
26	PIRC to collaborate with SPA on preliminary assessment process (until legislative change is in place)	SPA/PIRC	Complete	Draft revisions made to SPA Guidance (including the preliminary assessment process) following liaison with PIRC, Police Scotland and SCPOSA, prior to further consultation with key stakeholders. A meeting also took place between the Commissioner and SPA Chief Executive, with revised Guidance then presented and approved at August 2021 Complaints & Conduct Committee. This links to recommendation PR18.
27	Composition of Gross Misconduct Hearing panels, including independent legally qualified chair	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland.
28	Police Appeals Tribunal role in appeals to continue following transfer to SCTS	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
39	PIRC to handle key stages of senior officer misconduct proceedings.	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive and Irish Government are planned to better understand the systems and arrangements in place in both Northern Ireland and Ireland.

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 May to 30 September 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	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive and Irish Government are planned to better understand the systems and arrangements in place in both Northern Ireland and Ireland.
41	PIRC power to recommend suspension of senior officer	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive and Irish Government are planned to better understand the systems and arrangements in place in both Northern Ireland and Ireland.
51	Faster misconduct hearings in certain circumstances	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Northern Ireland Executive are planned to better understand the systems and arrangements in place in Northern Ireland.

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
52	Gross misconduct proceedings to be held in public	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. Similarly, discussions with the Irish Government are planned to better understand the systems and arrangements in place in Ireland.
53	Chair to consider protecting vulnerable witnesses including officer who is the subject of Gross misconduct proceedings	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
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	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
55	Statutory provision for Joint misconduct proceedings, including senior officers	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
56	Provision for misconduct allegations against probationers to be dealt with during probation period	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
57	Alternatives to suspension to be added to regulations	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
58	Outcome of gross misconduct proceedings to be made public	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation.
PR16	Complaints against senior officers should be prioritised and dealt with as speedily as possible	SPA/PIRC	Complete	Revised SPA Complaints Handling Procedures developed and subject to PIRC/SCPOSA consultation prior to publication of Dame Elish Angiolini's Final Report. A final review was undertaken to ensure alignment with PIRC Statutory Guidance and revised Senior Officer Conduct Guidance, before being approved for publication at SPA Complaints & Conduct Committee in August 2021.
PR18	SPA to consider alternative options for senior officers other than suspension	SPA	Complete	SPA considered this as part of the revisions made to the SPA Guidance on Senior Officer Conduct Regulations following liaison with PIRC, Police Scotland and SCPOSA, prior to further consultation with key stakeholders. Revised Guidance was presented and approved at August 2021 Complaints & Conduct Committee. This links to recommendation 26.

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
PR19	Preliminary assessment to take factors into account, such as anonymity and potential vexatious basis	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022.

## THEME 7: TRAINING AND HR

In contrast to the previous theme, all recommendations under this theme can be implemented without the need to make legislation. These recommendations are primarily for partners to develop and implement within their own organisations.

### **Police Scotland training**

As noted in the last thematic progress report, a comprehensive five day induction training course has been implemented and this is now complemented by the development and implementation of a one day course to provide additional training for new staff members. A refresher training programme has also been established and is available as part of the regular cycle of Continued Professional Development events. Furthermore, Police Scotland's Professional Standards Department (PSD) has established both a Training Working Group and a training cadre, comprised of PSD staff, which provides development and enhanced training programmes. All training provided benefits from significant on-going support and input from both the PIRC and CAAPD. As a result, **Recommendation 6** has been fully implemented and is now complete.

**Recommendation 62** has similarly been fully implemented. The training officer appointed by PSD is now in post and joint training with the SPSO, the PIRC and the SPA is taking place on a regular basis. This completes the action necessary to implement this recommendation.

Progress continues to be made in relation to **Recommendation 67**. A national mental health aide memoire has been prepared by Police Scotland and consultation feedback from key stakeholders is currently being sought. Training relating to mental health symptoms and behaviours, which is currently available online, and officer safety training are both being reviewed by Police Scotland. Mental Health leads for Operational Command Training are considering, and preparing to finalise, material designed on Leading Mental Health Incidents which includes best practice on leading incidents, detention, warrants, risk assessment and accessing treatment.

Similarly, work continues on **Recommendation 14**, with a new process having been implemented across all ranks. The framework of this new process is underpinned by the Competency and Values Framework for Police Scotland which aims to support all policing professionals and ensures that there are clear expectations of everyone working in policing. Having been implemented, the new process is now subject to both internal Police Scotland review and review by HMICS. Those reviews should determine the impact and effectiveness of the new process.

### **PIRC training**

The PIRC provides in-house training through shadowing and mentoring, and its trainees attend Police Scotland's Training College at Jackton and a University course as part of their trainee continuous professional development programme. A further assessment of training needs to identify any gaps which require to be addressed is ongoing and the results will be assessed and actions discharged through the Heads of Department Group. Progress has been made in relation to **Recommendation 63**, with staff visits having been made to police custody suites and operational safety training completed. It is the PIRC's intention to progress work-shadowing of police officers in due course.

In anticipation of an increased investigations workload, which is expected as a result of recommendation 47 implementation (see the Rights & Ethics theme for further information), the PIRC has circulated to all of its investigators material on evidential requirements relating to assaults. This includes an aide memoire and style template guide. These will be kept under review as they are used in order that they can be updated as and when necessary. Materials relating to other charges are being similarly prepared. As **Recommendation 64** specifically relates to the delivery of PIRC's internal training for investigators in the law of evidence, this recommendation has now been fully implemented.

### **Joint PIRC and Police Scotland training**

As set out in the last thematic progress report, the 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. The delivery of the 'Learning Point' publication provides a medium for capturing and sharing learning that has been identified through PIRC investigations and complaint handling reviews. This has been embedded in 'business as usual' processes and will provide a foundation for theoretical learning to be shared and embedded in practical Policing operations. In light of this, partners have agreed that **Recommendation 65** has been successfully implemented, particularly with new model SPA and PSD training being delivered at the Police Scotland College in Tulliallan, and this recommendation is now complete.

### **Police Scotland People and Development**

Progress continues to be made in relation to **Recommendation 11**, with Police Scotland currently considering the workload of frontline sergeants. Rank ratios have been analysed across Police Scotland, the outcome of which has identified significant differences across the Force. These findings were presented at the Corporate Finance and Performance Board. Divisional Commanders are now reviewing their rank ratios, using Strategic Workforce Planning methodologies. Findings will be presented back to Police Scotland's Strategic Workforce Planning team once they have been collated. They will be accompanied by an options paper in order that decisions can be taken in order to further progress this recommendation.

### **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 1 May to 30 September 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	Complete	A comprehensive 5-day induction training package was carried out and one-day course has been developed to provide training for new staff members. A refresher training programme has also been established, with Continued Professional Development events taking place on a regular basis. Professional Standards Department (PSD) Training Working Group and Training cadre has also been established, comprising PSD staff, providing development and enhancing training programmes. All training is supported with significant ongoing input from both PIRC & CAAPD.
11	Police Scotland to consider front line sergeant workload at and supervisory ratio of sergeants to constables	Police Scotland	In progress	Rank ratios have been analysed across Police Scotland with findings presented at Corporate Finance and Performance Board where it was identified that there were significant differences across the Force. Divisional Commanders were tasked with reviewing their rank ratios in line with Dame Elish's recommendations using Strategic Workforce Planning methodologies and present their findings back to Strategic Workforce Planning team. Findings from this exercise are still being collated and once this is achieved an options paper will be presented November/December 2021 for decision.
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 Awaiting Sign off	The new promotion process has been implemented across all ranks and the framework underpinned by the Competency and Values Framework (CVF). This will be subject to both internal review and review by HMICS. Evidence of impact is now awaited.

## Theme 7: Training and HR cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
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	Complete	Training officer appointed in National Support, Partnerships and Prevention Unit (NSPPU) with responsibility for coordination of all training across PSD business areas. Joint training now takes place on a regular basis.
63	PIRC staff to work shadow police officers at peak times to understand context	PIRC	In progress	Preliminary discussion has taken place between PIRC and Professional Standards Department and it will be progressed now that COVID restrictions have been relaxed. However there have already been PIRC staff visits to custody suites and Officer Safety Training (OST) awareness sessions carried out. Work shadowing will progress in due course.
64	PIRC in house training on law of evidence	PIRC	Complete	PIRC provides in-house training through shadowing and mentoring. Trainees also attend Police Scotland's Jackton training facility and a University course as part of their trainee continuous professional development programme. A further assessment of training needs to identify any gaps is ongoing and the results will be assessed and actions discharged through the Heads of Department Group. As a result of the implementation of Recommendation 47 on 4 October 2021, in-house legal expertise has produced Aide Memoir and Style template guidance on evidential standards and requirements relating to assaults, which will be circulated to all investigators. Further iterations will follow seeking to provide support in respect of a wider range of offences.

## Theme 7: Training and HR cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
65	PIRC and Police Scotland to develop training and development opportunities to embed learning from thematic analysis of complaints	PIRC/ Police Scotland	Complete	In addition to joint training already delivered by PIRC and Police Scotland, further training has been delivered at the Scottish Police College, SPA and Police Scotland Professional Standards department. The delivery of the 'Learning Point' publication also provides a medium for capturing and sharing learning that has been identified through PIRC investigations and complaint handling reviews. This has been embedded in 'business as usual' processes and will provide a foundation for theoretical learning to be embedded in practical Policing operations.
67	Police Scotland to provide training on engaging with individuals displaying mental ill-health symptoms or related behaviours.	Police Scotland	In progress Awaiting Sign off	National mental health aide memoire under consultation. Training currently online and officer safety training to be reviewed. Input has been designed and is presently being finalised with Mental Health leads for Operational Command Training (newly promoted sergeants) on Leading Mental Health Incident, including best practice on leading incidents, detention, warrants, risk assessment and accessing treatment. PIRC staff have also completed mandatory training in relation to engaging with those who have experienced trauma and have received training inputs from Mental Health First Aiders. The Senior Management Team have taken part in Unconscious Bias training with Professional Standards department and rolled out an online module to staff. Further appropriate training is being identified. Operationally, PIRC also record the vulnerabilities of complainers to inform their work.
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	Professional Standards department (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.

## Theme 7: Training and HR cont

Progress Overview for the period 1 May to 30 September 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 Ombudsman 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.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

## Theme 7: Training and HR

Recommendations		Lead
PR2	Police Scotland to review service-wide capability of line managers, including the adequacy of training and support mechanisms	Police Scotland
PR4	Police Scotland to ensure that grievance matters are not artificially elevated and dealt with as conduct matters.	Police Scotland
PR9	Police Scotland to raise awareness of internal systems for mediation and grievance	Police Scotland
PR10	Police Scotland to provide officers in frontline resolution with training in mediation and customer handling.	Police Scotland

## Theme 8: Efficiency and Effectiveness

The recommendations under this theme are owned by a variety of partners and can largely be implemented without the need to make legislation. Partners are therefore making good progress in developing and implementing these within their own organisations.

### **Police Scotland's revised operating model for complaint handling**

As noted in the last thematic progress report, the new revised Frontline resolution (FLR) process was commenced on 3 May 2021 at the same time the revised Police Scotland Complaint Handling Model commenced. Progress has since been made on revising FLR guidance and support documents to provide clarity on how the process fits into the complaint handling model. The revision of FLR in conjunction with the new complaint handling process includes the creation of the National Complaint and Resolution Unit (NCARU) which facilitates the requirement for all FLR to be dealt with by Police Scotland's Professional Standards Department (PSD). **Recommendation 9** has therefore now been fully implemented and is noted in the below table as complete.

### **Mental Health**

In relation to mental health, progress continues to be made on **Recommendation 72** as the Scottish Government is working with partners through the Redesign of Urgent Care Programme to improve referral pathways, assessment and support for those presenting with mental health unscheduled care needs. This work has been complemented by the Navigator programme which is funded by the Scottish Government and NHSScotland and delivered through Medics Against Violence. This programme is delivered in several hospitals across Scotland and seeks to improve outcomes for those presenting with complex social issues by making sure those individuals are able to access support and services. The Navigator programme is based on intervening with vulnerable individuals when they are at a particular low point within a hospital Emergency Department.

### **Body Worn Video**

Progress continues to be made on **Preliminary Report Recommendation 11** with completion of the rollout of Body Worn Video (BWV) to armed officers for the COP 26 conference.

A document set including Standard Operating Procedure and Code of Practice have also been compiled and published on the Police Scotland intranet pages in line with the recommendations of the Justice Sub-Committee on Policing on the use of remote piloted aircraft systems and body worn video cameras.

Further public engagement activity and focus groups is currently being carried out involving interviews with a cross section of society from all age groups, people with disabilities, minority ethnic groups and representatives from communities across Scotland to inform the development of a national code of practice for the future use of body cameras by Police Scotland.

The BWV Project Team has carried out initial work in respect of roles which could be considered for body worn cameras and the associated costs for a national rollout. The full costs will be developed as part of the standard business case process, inclusive of a full tender exercise.

An Independent Advisory Group (IAG) on Emerging Technologies, chaired by Dr Liz Aston, is due to report its findings to Ministers next year and is exploring legal and ethical issues associated with the use of technologies in operational policing, including body-worn video. In the meantime, the IAG continues to use Body Worn Video technology as a live case study in their ongoing work.

### **Vexatious Complaints**

Legislation will be required to fully implement **Preliminary Report Recommendation 13**. As set out in the table below, discussions with operational partners, staff associations and other jurisdictions are taking place on the detail of this recommendation and further additional discussions are planned ahead of full public consultation in 2022. However, alongside this, partners have been working collaboratively to align their management of vexatious complaints procedures. One milestone to note is that the SPA completed a review in August 2021 of their policy via the National Complaints Handling Development Group and this was approved for publication by the Authority's Complaints and Conduct Committee.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
9	All frontline resolution should be carried out by Professional Standards Department	Police Scotland	Complete	New revised Frontline resolution (FLR) process commenced on 3rd May 2021, in order to broaden the opportunities where FLR can be used. FLR has been revised in conjunction with the new complaint handling process, including the creation of the National Complaint and Resolution Unit (NCARU) which facilitates the requirement for all FLR to be dealt with by Professional Standards department.
68	Strategic Oversight Group or National Complaint Handling Development Group to engage with the SPSO	Scottish Government	In progress	Operational partners continue to engage with the Scottish Public Services Ombudsman (SPSO) as part of overall work to take forward a number of recommendations. Furthermore, the Scottish Government plans to engage with SPSO on recommendations likely to require legislation as part of the additional discussions with wider stakeholders planned ahead of full public consultation in 2022.
72	NHS accident and emergency facilities designed to be able to deal safely with mental health care and acute crises	Scottish Government	In progress	The Scottish Government is working with partners through the Redesign of Urgent Care Programme to improve referral pathways, assessment and support for those presenting with mental health unscheduled care needs.
PR11	Police Scotland to accelerate plans to expand use of Body Worn Video	Police Scotland	In progress	Police Scotland has completed the rollout of Body Worn Video (BWV) to armed policing officers for the COP 26 conference. Initial work to assess high level costs has also been carried out and will feed into wider planning, discussions and the development of a business case to inform the extent of any future rollout. The Independent Advisory Group (IAG) on New and Emerging Technologies in Policing, continues to use Body Worn Video technology as a live case study in their ongoing work. The IAG is due to report to Ministers next year.

## Theme 8: Efficiency and Effectiveness cont

Progress Overview for the period 1 May to 30 September 2021

Recommendations		Lead	Current Position	
PR13	Scottish Government to consider the case for amending the legislation to include a provision to deal with vexatious complainers.	Scottish Government	In progress	Initial discussions with operational partners and staff associations have taken place on this recommendation ahead of a full public consultation in 2022. Discussions are also underway with the UK Government to better understand the systems and arrangements in place in England and Wales to help consider this recommendation. In the meantime, a revised SPA policy was approved for publication at its Complaints & Conduct Committee in August 2021.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

## Theme 8: Efficiency and Effectiveness

Recommendations		Lead
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
PR20	PIRC to consider the case for creating regional presence to enhance its capacity to respond immediately	PIRC
PR25	Independent management review to ensure that the PIRC has appropriate leadership, skills and culture to carry out its functions.	PIRC

## Theme 9: Audit and Review

The majority of the recommendations under this theme are non-legislative and are being taken forward by partners to implement within their own organisations.

### **Crown Office audit functions**

The annual audit exercise by the Criminal Allegations Against Police Division (CAAP-D) of COPFS and Police Scotland took place in August 2021 and saw all excessive force categorisations by the Professional Standards Division (PSD) of Police Scotland reviewed by CAAP-D. PSD were found to have categorised correctly all of the excessive force cases reviewed during the course of the exercise. The agreement of this exercise completed Recommendation 2 at the time of the previous thematic report.

### **PIRC audit functions**

Meetings have taken place between the SPA and PIRC in order to finalise the audit methodology for the annual audit of triage within the Professional Standards Division (PSD) in Police Scotland of public complaints against police. This was proposed in **Recommendation 42**, and will be carried out collaboratively between PIRC and the SPA and for which draft terms of reference have been set. This will be followed by further engagement between the SPA and Police Scotland, with a report to be considered at the SPA's November 2021 Complaints and Conduct Committee. The intention is for the audit to be completed during the year 2021/22.

A further audit of the six-stage complaint handling process or audit of frontline resolution is to be scoped and progressed to support the implementation of **Recommendation 7** following this audit of triage in PSD, and once the centralised model of Complaint Handling is embedded in Police Scotland.

### **Police Scotland audit functions**

In order to meet **Recommendation 61** – that Police Scotland and the PIRC should consider drawing on the expertise of Audit Scotland and SPSO in re-designing the audit arrangements for police complaints – regular meetings are now taking place between PIRC and Audit Scotland. Audit Scotland and SPSO are assisting PIRC with methodology guidance on the police complaints audit arrangements. As part of the ongoing work around audit functions, a self-assessment process has also been established within the Professional Standards Department in Police Scotland.

### **Review of whole-systems approach to mental health**

HMICS continues to consider the scope and parameters of the review of efficiency and effectiveness of the whole-system approach to mental health proposed by **Recommendation 71**. The scoping exercise will include discussion with stakeholders and work with other scrutiny bodies that have experience in the inspection of health and mental health services. It is expected that work on the initial baseline information on healthcare in custody for the review will be progressed in early 2022. Further scoping work will then be taken forward around the discharge of this recommendation.

### **Consideration of the findings and recommendations of the 2017 Deaths in Custody review**

Work is ongoing to consider, as per **Recommendation 75**, the findings and recommendations in Dame Elish Angiolini's 2017 review into Deaths and Serious Incidents in Custody in England and Wales. As this develops, the Scottish Government will consider whether there are particular recommendations that should be considered as part of the full public consultation in 2022.

### **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 1 May to 30 September 2021

Recommendations		Lead	Current Position	
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	As Police Scotland move 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 front line resolution (FLR). PIRC met with Audit Scotland to discuss best practise in methodology and had a presentation from HMICS on their methodology. This audit will be scoped and progressed following the audit which is referred to in Recommendation 42.
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	PIRC has recently recruited additional staff to assist with its Audit function. Planning to set the scope and methodology for such audits is also underway and will involve discussion with the NCHDG (National Complaint Handling Development Group) and COPFS. A draft ToR has been compiled and good progress is being made towards formal proposals being considered by SPA and PIRC. It is anticipated that a report will be considered at November 2021 Complaints & Conduct Committee with the intention for audit to be completed during 2021/22.
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	A self-assessment process has been established within Police Scotland's Professional Standards department. PIRC has also had meetings with Audit Scotland and SPSO who will assist PIRC with methodology guidance. Audit Scotland has agreed to provide an input to Review staff and regular meetings are now scheduled.
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 continues to consider the scope and parameters of this review. This will include discussion with stakeholders and working with other scrutiny bodies with experience in the inspection of health and mental health services and a meeting is being arranged with Mental Welfare Commission to discuss the scope of such a review. Initial baseline information of healthcare in custody is being progressed early 2022.

Theme 9: Audit and Review cont				
Progress Overview for the period 1 May to 30 September 2021				
Recommendations		Lead	Current Position	
75	Scottish Government to consider which findings and recommendations made in the Deaths in Custody review points from 2017 could and should be mirrored by public bodies in Scotland	Scottish Government	In progress	Work is ongoing to consider the findings and recommendations in the 2017 review into Deaths in Custody in England and Wales. As this develops, we will consider whether there are particular recommendations which should be considered as part of the full public consultation in 2022.
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	This links to work undertaken for recommendation 42.  The National Complaint Handling Development Group continues to progress arrangements for an annual multi-agency audit of Police Scotland's complaint handling involving the SPA, Police Scotland and the PIRC. Police Scotland has also developed an internal Quality Assurance process and methodology which are now in place. It is anticipated that the first audit will be completed during 2021/22.

The following is a list of recommendations within this theme which were signed off by the Ministerial Group as completed and featured in the Thematic Progress Report dated 24 June 2021:

Theme 9: Audit and Review		
Recommendations		Lead
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
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



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The Scottish Government  
St Andrew's House  
Edinburgh  
EH1 3DG

ISBN: 978-1-80201-716-8 (web only)

Published by The Scottish Government, December 2021

Produced for The Scottish Government by APS Group Scotland, 21 Tennant Street, Edinburgh EH6 5NA  
PPDAS960786 (12/21)

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