

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

## **Implementation of Recommendations**

### **Thematic Progress Report**

**June 2022**



**Scottish Government**  
Riaghaltas na h-Alba  
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List of recommendations in full can be found at: [Policing - complaints handling, investigations and misconduct issues: independent review - gov.scot \(www.gov.scot\)](#)

The [first thematic report](#) was published on 24 June 2021 and the [second thematic report](#) was published on 16 December 2021.

## Overview

This is the third 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. 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.

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 HMICS. Those organisations have delivered major business transformation and service redesign to improve how complaints are handled, bringing greater transparency, fairness and accessibility to systems, policies and process. The first two thematic progress reports, published in [June](#) and [December](#) 2021, confirmed that **34** recommendations had been discharged and highlighted key delivery milestones, including:

- Development and roll out of a **new operating model for complaint handling within Police Scotland**, with all complaints managed by dedicated teams within the Professional Standards Department, supported by a revised Frontline resolution (FLR) process to improve early resolution and consistent service delivery
- Joint working by COPFS, PIRC and Police Scotland to introduce a **revised approach to assessment and investigation of alleged breaches of Article 3 (prohibition of torture, inhuman or degrading treatment or punishment) and/or Article 5 (the right to liberty and security of person)** where all such cases are referred to PIRC, which will also conduct biannual audits on allegations of unlawful arrests/detentions and use of excessive force
- Successful deployment of **revised Post Incident Procedures**, by Police Scotland, in consultation with PIRC and COPFS, ensuring the integrity of independent investigations of serious incidents involving the police.
- Establishment of **Police Scotland's Strategic Oversight Board** to mainstream **equality, diversity and inclusion** and oversee a broad programme of improvement work, with additional external scrutiny provided by the new **Independent Review Group (IRG)**
- Enhancements to online information and guidance to **improve accessibility of complaint routes** for members of the public and increase awareness of the work of **SPA's Complaints & Conduct Committee**.
- Revised **SPA guidance on Senior Officer Conduct** procedures rolled out, to improve current processes in advance of legislative change.
- Suite of **new and revised training products and guidance** developed by (and between) Police Scotland, SPA and PIRC to enhance workforce capability in number of key areas, including complaint handling and resolution, law of evidence, supporting individuals with mental health trauma, and unconscious bias.

This third thematic report highlights some of the key achievements made over the period 1 October 2021 to 31 March 2022. A further **10** recommendations have been completed, including all recommendations within Theme 5: Transparency and Accessibility, bringing the **total number of non-legislative recommendations completed to 44**. A few of those key delivery milestones include:

- Significant improvements made by all partners (Police Scotland, SPA, PIRC and COPFS) to **improve accessibility for members of the public to the police complaints process**, how to make criminal allegations to COPFS directly which is now visible on all partner websites. Police Scotland's use of a QR code to access the complaints section

of their website has also been widely publicised in public buildings and third party reporting centres within the communities.

- Design of a **new training programme for officers engaging with individuals displaying mental ill-health symptoms or related behaviours**. Police Scotland has delivered the training to all new uniformed sergeants on Leading Mental Health Incidents which includes best practice on leading incidents detention, warrants, risk assessment and accessing treatment.
- The results of Police Scotland's Your Voice Matters staff survey have now been reviewed to **identify learning in relation to experiences and impacts of discrimination, prejudice and unconscious bias** on all minority groups. High level priorities from the survey analysis have also been aligned with the strategic intention of Equality Diversity and Inclusion and Human Rights (EDI & HR) Strategic Oversight Board and ongoing work will be scrutinised and supported by the Independent Review Group (IRG).

This signals an ongoing improvement journey reinforcing the commitment to strengthening public confidence in policing.

On 24 May 2022 the Scottish Government launched a full public consultation seeking views on those recommendations which require, or are likely to require, legislative change. The consultation will close on Tuesday 16 August 2022. This will help inform how the changes Dame Elish recommended can be implemented as preparations for a Bill continue. We will continue to engage with stakeholders throughout the consultation period and when developing any proposals to implement recommendations.

Finally, in the last Thematic Progress Report, we referred to recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT) and where there is some alignment to recommendations made by Dame Elish in both her Preliminary and Final Reports. These broadly relate to the rights and treatment of persons in custody and the work undertaken to progress Dame Elish Angiolini's recommendations within the following themes:

- Theme 1: Rights and Ethics
- Theme 4: Transparency and Accessibility
- Theme 8: Efficiency and Effectiveness
- Theme 9: Audit and Review

We are aiming to provide further detail on this in the December thematic progress report.

## Theme 1: Rights and Ethics

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

Legislation, either primary or secondary, will be required to implement several recommendations under this theme. As set out in the table below, the public consultation has now launched and the responses will help to shape the preparation of a draft Bill. Commentary in this reporting period will, therefore, focus on the recommendations under this theme which can be implemented without legislation.

### Letter of Rights

Following Ministerial approval, revised versions of the Letter of Rights for Scotland, due to be delivered in late 2022/early 2023 will include information on an individual's right to complain as proposed in **Recommendation 69**. This recommendation will, therefore, remain 'In progress' in the meantime.

### Categorisation and referral of Incidents

Since 4 October 2021, all allegations of assault against police officers have been submitted to PIRC for assessment and investigation and **Recommendation 47** was signed off as completed by the Ministerial Group in December 2021. Whilst Police Scotland and PIRC continue to liaise regularly in respect of ongoing working practices, a review is underway in order to streamline the existing system and ensure it is fit for purpose. A Terms of Reference has been implemented by COPFS to support the process, with workshops taking place between PIRC and Police Scotland, as well as PIRC and COPFS, as part of the review process. Reports on these workshops will also be produced and made available.

### Support for victims and families

With continued progress made by Police Scotland in relation to **Recommendation 77**, including completion of additional internal consultation, the Investigative Wellbeing and Safeguarding Process and Guidance was approved by Police Scotland's Strategic Leadership Board and published for rollout across the service in November 2021. Recommendation 77 has, therefore, been fully implemented.

### Ethics in Policing

In relation to **Recommendation 32**, since the last reporting period, a Memorandum of Understanding has been established between the SPA Chair and Chief Constable which lays out a framework of considerations which underpin development of ethics and human rights focused decision making for new strategies, policies and practices in Scottish Policing.

This approach is being further enhanced through work of the Scottish Government's Independent Advisory Group on Emerging Technology (ETIAG) where Police Scotland's Data Ethics Framework and an SPA sponsored approach to wider ethics based business case assessment are key elements of overall programme. The ETIAG report and recommendations which is expected to make linked recommendations to Scottish Ministers in 2022/23 will be considered as part of the SPA's wider approach to oversight of ethical considerations. This also links to **Recommendation 1** and **Preliminary Recommendation 11**.

**Further updates**

As mentioned above, a number of the recommendations under this theme will require either primary or secondary legislation to implement and, as the public consultation has now launched, commentary on those recommendations will be limited in this reporting period.

Details on progress against other recommendations under this theme are set out in the tables below.

<b>Theme 1: Rights and Ethics</b>				
Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
1	Code of Ethics should be given a basis in statute.	Scottish Government	In progress	SPA is also considering the Code of Ethics as part of broader ethical oversight. This links to recommendation 32.
10	Statutory duty of candour	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
12	Statutory duty of cooperation	Scottish Government	In progress	
20	PIRC to be added to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014	Scottish Government	In progress	
32	Ethical issues – roles of Committees	SPA	In progress	A Memorandum of Understanding has been established between the SPA Chair and Chief Constable setting out a framework which will underpin development of ethics and human rights focused decision making for new strategies, policies and practices in Scottish Policing. Police Scotland’s Data Ethics Framework and an SPA sponsored approach to wider ethics based business case assessment are key elements of overall programme of work being taken forward by SG’s Independent Advisory Group on New and Emerging Technologies in Policing which is due to report to Ministers in 2022/23. This also links to Recommendation 1 and Preliminary Recommendation 11.

## Theme 1: Rights and Ethics cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
69	Amendment to Letter of Rights to clarify general rights and right to complain for detainees in custody.	Scottish Government	In progress	Following recent Ministerial approval, revised versions of the Letter of Rights for Scotland will include information on an individual's right to complain.
74	Access to free legal representation for families in Article 2 cases	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
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	Further data gathering and consideration of existing payment schemes is ongoing to determine options for progressing this recommendation.
77	Restricted duties or transfers during investigation to take account of family circumstances and support.	Police Scotland	Complete	Following completion of additional internal consultation, the Investigative Wellbeing and Safeguarding Process and Guidance was approved by the Strategic Leadership Board and published in November 2021.
PR15	PIRC to have statutory power to compel officers to attend for interview	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
PR30	Clarify definition of "a member of the public who may make a relevant complaint".	Scottish Government	In progress	

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

<b>Theme 1: Rights and Ethics cont</b>		
Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
3	Prevention of post incident conferral other than for pressing operational reasons	Police Scotland
21	Police Scotland to review and audit whistleblowing arrangements and data	Police Scotland
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
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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

In this theme, the majority of recommendations will require, or are likely to require, either primary or secondary legislation to fully implement. The Scottish Government is currently consulting on legislative proposals relating to jurisdiction and powers with a view to delivering new laws that improve transparency and further strengthen public confidence in policing. We will continue to engage with stakeholders throughout the consultation period and when developing any proposals to implement these recommendations.

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

As **recommendation 13** is likely to require legislation to address data protection matters, it has been included within the public consultation. In the meantime, PIRC and Police Scotland continue to explore Centurion's capabilities and possible non-legislative options, including upgrading or replacing it, prior to any potential legislative changes being made.

### **Cross-border jurisdiction**

As reported previously, **recommendation 81** requires legislation to implement it and has, therefore, been included within the public consultation.

However, as highlighted in the last thematic progress report, in advance of legislation, a draft memorandum of understanding (MoU) was developed by the cross-agency group on jurisdictional matters. The MoU has now been signed by all strategic partners (PIRC, Police Scotland and COPFS) and will remain in place until a legislative solution has been implemented.

### **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 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
8	Clarify definition of "person serving with the police"	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
13	Power to enable PIRC staff to access the Centurion database	Scottish Government	In progress	As this is likely to require legislation to address data protection matters, it has been included within the public consultation. In the interim, 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	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
38	PIRC powers to investigate practices or policies of Police Scotland	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
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	This recommendation is included as part of the public consultation and the responses will help to shape the preparation of a draft Bill. 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	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.

### Theme 3: Governance and Accountability

Two of the recommendations under this theme will require either primary or secondary legislation and, as such, are included as part of the public consultation. Reporting will, therefore, focus on the recommendations under this theme which can be implemented without legislation.

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

To address **Recommendation 4**, Police Scotland has continued to progress development of reporting to identify 5 year trends. Reports to the SPA Complaints and Conduct Committee covering the period Q1 (April to June), Q2 (July to September) and Q3 (October to December) have included 5 year trends where the information is available. This reporting will continue to be developed incrementally, as and when relevant data is available, until it is included in all aspects of data in the performance report. The last 3 published reports confirms an established process and, thereafter, data will continue to be reported in this format. **This recommendation** has, therefore, been fully implemented.

It also remains the Chief Constable's intention to publish annual complaints performance at the end of the financial year 2021/22 which will see **Recommendation 78** finalised at that point. However, in this reporting period recommendation 78 remains ongoing.

**Recommendations 29 and 79** are closely linked with regular meetings taking place between SPA, Police Scotland and PIRC, including agreement on proposed content and timing of data required for Complaints and Conduct Committee reports. Whilst some significant changes and improvements have already been made, engagement remains ongoing with Police Scotland on incorporation of enhanced assurance content within Committee reports. It is anticipated that, recognising the need for consistency of in-year reporting, broader changes will commence from reporting on Q1 (April to June) 2022/23 performance.

In relation to **Recommendation 59**, the SPA plans to include confirmation in the 2021/22 Annual Report, whether or not the Chief Constable has suitable complaint handling arrangements in place. This will be based on assessment by the Complaints and Conduct Committee during the preceding 12 months, as well as consultation with the PIRC.

#### **Further updates**

Details on progress against all recommendations under this theme are set out in the tables below:

### Theme 3: Governance and Accountability

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
4	Police Scotland performance report to identify 5 year trends.	Police Scotland	Complete	The Quarter 1, 2 & 3 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. The 3 published reports confirms an established process which is set to continue to be reported in this format. This process ensures 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	Recognising the need for consistency of in-year reporting, broader changes will commence from reporting on Q1 2022/23 performance. Significant changes and improvements have already been made and engagement remains ongoing with Police Scotland on incorporation of enhanced assurance content within Committee reports. This links to recommendation 79.
34	PIRC to be re-designated as a Commission, with one Commissioner, two Deputy Commissioners and a statutory Board	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report. PIRC is not supportive of the part of this recommendation relating to the establishment of a Statutory Board.
35	PIRC to be accountable to Parliament for non-criminal matters	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
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 Chief Constable's complaints handling arrangements, based on assessment by the Complaints and Conduct Committee during the preceding 12 months, and consultation with the PIRC.

### Theme 3: Governance and Accountability cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
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 shortly after 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	Recognising the need for consistency of in-year reporting, broader changes will commence from reporting on Q1 2022/23 performance. Significant changes and improvements have already been made and engagement remains ongoing with Police Scotland on incorporation of enhanced assurance content within Committee reports. This links to recommendation 29.

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
33	Local scrutiny committees to consider what further complaints information or discussion would assist their scrutiny of the police	Local Scrutiny Committees & Police Scotland

## Theme 4: Transparency and Accessibility

In this reporting period, a further 3 improvement recommendations have been signed off as completed. This means that all recommendations within this theme have been completed, thus ensuring that information on the complaints system and processes are now more accessible and clearly communicated to all members of the public.

### Improvements to information on how to complain

There have been a number of improvements around accessibility for members of the public to the police complaints process, which links with **Recommendation 46**. Since the last report, COPFS has published additional easily accessible, and suitably prominent, guidance on their external website explaining the option of making a complaint against an off-duty police officer directly to COPFS. A new process has also been introduced for engagement with members of the public who wish to report their criminal allegations against the police direct to COPFS and the signposting of the option for reporting directly to COPFS is now included in the websites, and other publications, published by other partner investigating organisations (Police Scotland, PIRC, SPA). All of this information will be migrated across to the new website as soon as it becomes live. This includes the completion of a new “information capture” form which has been designed so that complainers might provide, and COPFS (Criminal Allegations Against the Police Department) can obtain, sufficient relevant background and detail with regards the substance of a complaint. This means that the complaint can be progressed quickly following appropriate liaison between COPFS, Police Scotland Professional Standards Department and/or PIRC. This recommendation is now considered fully implemented.

**Recommendation 48** is aimed at improving and publicising the right to complain, or comment, by displaying posters in police stations and other public buildings. The QR code to access the complaints section of Police Scotland’s website has now been widely publicised and forms part of the publication to be displayed in public buildings with a view to increasing accessibility. The poster has been delivered for distribution across Local Policing Divisions, including third party reporting centres within the community. This recommendation is now considered fully implemented.

**Recommendation 49** also relates to improving and publicising the right to complain, focusing on improved accessibility for young persons. Police Scotland has continued to consult with the Youth Parliament on the work being undertaken and outlined at recommendation 48 above. A Youth Hub Section has now been added to Police Scotland’s website to ensure maximum accessibility and this has been endorsed by the Youth Parliament. Cross referencing links have also been added to the FAQ on the Youth Hub section and on the main complaints page making young people’s right to complain clear. This recommendation is now considered fully implemented.

The SPA has also made improvements to the complaints handling page of its website, giving further clarity about the complaints handling process. The improvements include a new online complaints form, incorporating equality and diversity monitoring, as well as providing guidance to complainers on the types of complaints that are both within and outwith SPA’s remit.

## **Further updates**

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

<b>Theme 4: Transparency and Accessibility</b>				
Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
46	Publicising avenue to take criminal allegations to COPFS directly	COPFS	Complete	Since 16 December 2021 COPFS has published additional easily accessible, and suitably prominent, guidance on the COPFS external website explaining the option of making a complaint against an off-duty police officer directly to COPFS. In addition, the signposting of the option for reporting directly to COPFS is now included in the websites, and other publications, published by other partner investigating agencies.
48	Police Scotland to publicise right to complain	Police Scotland	Complete	The QR code to access the complaints section of Police Scotland's website has now been widely publicised and forms part of the poster to be displayed in public buildings to increase accessibility. The poster has been delivered for distribution across Local Policing Divisions, including third party reporting centres.
49	Know your Rights section of the Police Scotland website to be improved	Police Scotland	Complete	Consultation with Scottish Youth Parliament has continued and a new Youth Hub section has been added to Police Scotland's website making clear young people's right to complain. 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 have already been signed off by the Ministerial Group as completed in 2021:

<b>Theme 4: Transparency and Accessibility cont</b>		
Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
30	Greater public sharing of SPA Complaints and Conduct Committee work	SPA
31	SPA Complaints and Conduct Committee work to feature in SPA Annual Report and Accounts	SPA
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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

The recommendations under this theme can be implemented without the need to make legislation and work has been progressing in relation to those which were not completed as part of the last thematic report.

### Diversity Data

Police Scotland and SPA continue to expand collection and publication of diversity data in relation to **Recommendation 5**. The Data Owner Group set up by Police Scotland has now held its first meeting and a draft terms of reference issued to members. The National Complaints Handling Development Group (NCHDG) has also established two subgroups and part of their remit will be to ensure a corporate approach to gathering of diversity data. SPA has also included equality and diversity monitoring to online complaints forms to enable greater understanding of diversity of complainants. To further improve the capturing of diversity data, a health check of the Professional Standards Department IT system, Centurion, has been arranged for July 2022. A Data Mapping exercise is also underway to determine data process, storage and requirements in respect of Professional Standards Department data.

Although recommendation 5 is not specifically directed at PIRC, 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. Diversity monitoring is also included as part of PIRC's recruitment process and work is ongoing with web developers to enable candidates to apply online via their website.

All of the work undertaken in relation to recommendation 5 above supports progress of **Recommendations 19 and 60**. In addition, for **Recommendation 19**, discrimination training is also being actively progressed, linking to **Recommendation 17** and also to the work of EDI groups to ensure data capture is relevant across the organisation. In respect of **Recommendation 60**, the data mapping exercise being led by the Data Owner Group to determine data process, storage and requirements, should also enhance the organisation's understanding of complaints across communities and allow analysis and a proactive approach in the overall Preventions and Professionalism Programme.

### Unconscious bias training

Unconscious Bias training is now part of Police Scotland's online training module, ensuring that all Police Scotland officers and staff receive training on unconscious bias, equality legislation and diversity in line with **Recommendation 66**. Following consultation with staff associations, feedback has now been received regarding the inclusion of Unconscious Bias within Operational Safety Training, with the next step being to seek endorsement from Leadership, Training and Development for inclusion within the Operational Safety Training programme going forward. This will also be included in chair and assessor training for conduct panels and hearings which links with **Recommendation 16** below.

To ensure diverse panels for disciplinary hearings can be put in place as far as reasonably possible, Police Scotland's review of processes in respect of panel availability and selection is underway and as such **Recommendation 16** continues to progress. As mentioned above, a programme of training including unconscious bias has been implemented with a view to having all chief superintendents, superintendents and chief inspectors trained in chairing and assessing panels. A diversity monitoring form is also being produced to record decision making in respect

of panel members. SPA will also ensure, as far as possible, the diversity of Police Appeals Tribunals.

### **Workforce impacts and diversity**

The results of Police Scotland's Your Voice Matters staff survey have now been reviewed to identify learning in relation to experiences and impacts of discrimination, prejudice and unconscious bias on all minority groups in the workforce in line with the aim of **Recommendation 15**. Organisational learning from the survey will be subject to independent scrutiny as part of SPA's audit in 2022/23 and the self-assessment process will record examples of progress and promote the organisation's commitment to sustaining improvement. High level priorities from the survey analysis have also been aligned with the strategic intention of Equality Diversity and Inclusion and Human Rights (EDI & HR) Strategic Oversight Board and ongoing work will be scrutinised and supported by the Independent Review Group (IRG). The aim is to bring improvements to service provision and policing culture to the benefit of officers and staff, enhance employee relations and promote Police Scotland as a preferred employer. A Memorandum of Understanding (MOU) is also in place with Diversity Staff Associations and action plans developed to drive this change forward. These actions, supported by robust governance, signal that **Recommendation 15** has, therefore, been fully implemented.

As noted above, in relation to **Recommendation 17**, discrimination training is being actively progressed with meetings having taken place with the Independent Office for Police Conduct (IOPC) in respect of their discrimination training programme so that there is appropriate support for those staff who have been subjected to discrimination. Engagement is also continuing with EDI groups to explore options for improvement, implementing training and awareness and sharing best practice.

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

In respect of Dame Elish's recommendation to offer third party support to those who wish to make a complaint, Police Scotland has taken action to improve support and convenience for complainers. Updates have been made to the Police Scotland website in respect of making a complaint and signposting relevant partner agencies. This also links to **Recommendation 48** within Theme 4: Transparency and Accessibility which seeks improvements to information on how to complain. The introduction and widespread circulation of a QR code and informative literature in leaflets, online and posters in buildings where the public have access, have enhanced accessibility to those who wish to compliment, comment or complain. These have extended to being made available for display in third party reporting centres, with the added advantage of providing a translation option, should language be a barrier in the understanding of process or indeed making a complaint. These features will significantly increase the reach into our communities, with a view to understanding dissatisfaction with Police Scotland and for implementing improvements to service delivery. **Recommendation 50** is, therefore, considered to be fully implemented.

Police Scotland is one of a number of organisations involved in the development of Third Party Reporting, particularly in relation to the reporting of hate crime. [HMICS' Hate Crime Inspection](#) has recommended areas for improvement and Police Scotland and the Scottish Government, along with relevant partners, are seeking to examine third party reporting provisions during their development of a national hate crime strategy and associated campaign. This will be progressed under a redesigned Tackling Prejudice and Building Connected Communities Group and will seek to develop the general function of the centres and their capacity.

**Independent review**

As reported previously, a robust governance process is in place to ensure effective direction and scrutiny of equality matters within Police Scotland, as well as providing the necessary structure to deliver and sustain improvements. The Equality, Diversity, Inclusion & Human Rights (EDI & HR) Strategic Oversight Board (SOB) sets direction and oversees the delivery of Equality Outcomes and the People Strategy.

The Independent Review Group (IRG) established last year continues to provide critical oversight of equality matters focusing on 3 key areas of Cultural Change, Strategic Direction and Training and Development. The work of the IRG will be subject to internal monitoring by the EDI & HR SOB in accordance with existing arrangements for monitoring all external scrutiny recommendations. Police Scotland’s progress and achievements will be reported quarterly to SPA Audit, Risk and Assurance Committee along with direct reports to SPA Board and any other relevant Committee. A final report from the IRG is due to be presented to the SPA Board in September 2022 and, if content with the IRG’s findings, **Recommendation 18** will then be considered for sign off through the Scottish Government’s governance framework.

Linked to **Recommendation 18**, the 10 recommendations made by HMICS following the Thematic Inspection on Training and Development into Police Scotland's Training and Development - Phase 2 Equality and Diversity last year, have now been developed into an improvement plan. These recommendations will be discharged by HMICS on the presentation of strong evidence of change and measurable positive impact.

**Further updates**

Details on progress against all recommendations under this theme are set out in the tables below:

Theme 5: Equality, Diversity and Inclusion				
Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
5	Police Scotland and SPA to consider expanding collection and publication of diversity data	Police Scotland & SPA	In progress	<p>A terms of reference for the Data Owner Group is now drawn up and its initial meeting has taken place. A health check of the Professional Standards Department IT system, Centurion, has been arranged for July 2022, with a view to improving the capture of diversity data. A Data Mapping exercise is also underway to determine data process, storage and requirements in respect of Professional Standards Department data.</p> <p>Work within SPA has included the addition of equality and diversity monitoring to online complaints forms to enable greater understanding of diversity of complainants.</p>

## Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
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	Complete	Results of the Your Voice Matters staff survey have been reviewed to identify learning in relation to experiences of minority groups. Organisational learning from the survey will be subject to independent scrutiny as part of SPA Audit 2022/23. Ongoing work is scrutinised and supported by Independent Review Group to bring improvements to service provision and policing culture to the benefit of officers and staff, enhance employee relations and promote Police Scotland as a preferred employer.
16	More diverse panels for disciplinary hearings	Police Scotland	In progress	Review of processes in respect of panel availability and selection is underway to ensure diverse panels can be put in place as far as reasonably possible. A programme of training, incorporating unconscious bias, has also been implemented with a view to having all chief superintendents, superintendents and chief inspectors to be trained in chairing and assessing panels. A diversity monitoring form is being produced to record decision making in respect of panel members. SPA will also ensure, as far as possible, the diversity of Police Appeals Tribunals.
17	Appropriate support for anyone who is subject to internal or external discrimination	Police Scotland	In progress	Discrimination training is being actively progressed in conjunction with IOPC so that there is appropriate support for those staff who have subject to discrimination. Engagement is also continuing with EDI groups.
18	Independent review of equality matters within Police Scotland	Police Scotland	In progress	Equality, Diversity, Inclusion & Human Rights (EDI & 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.

## Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
18 cont	Independent review of equality matters within Police Scotland	Police Scotland		The IRG will engage with members of the EDI & HR SOB and Police Scotland to enhance the identification of risk and provide insight on effective mitigation measures. 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
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	Work being undertaken to progress Recommendation 5 in relation to collection and publication of diversity data supports progress of this recommendation. In addition, discrimination training is also being actively progressed, linking to Recommendation 17 and to the work of EDI groups to ensure data capture is relevant across the organisation.
50	Third-party reporting centres for hate crime, including those representing minority groups, to offer support to complainers.	Police Scotland	Complete	This also links to Recommendation 48 which seeks improvements to information on how to complain, with the introduction of a QR code and informative literature in leaflets, online and posters in buildings where the public have access, have enhanced accessibility to those who wish to compliment, comment or complain which has been extended to third party reporting centres. Police Scotland and the Scottish Government, along with relevant partners, are seeking to examine third party reporting provisions during their development of a national hate crime strategy and associated campaign.
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	The data mapping exercise being led by the Data Owner Group to determine data process, storage and requirements, should also enhance the organisation's understanding of complaints across communities and allow analysis and proactive approach in the overall Preventions and Professionalism Programme. This also links to recommendation 5.

## Theme 5: Equality, Diversity and Inclusion cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
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 training is now part of the organisation's online training module. Following consultation with staff associations, feedback has now been received regarding Operational Safety Training incorporating Unconscious Bias. Further consultation with Leadership, Training and Development is progressing seeking endorsement for inclusion of this into the Operational Safety Training programme. This also links to recommendation 16.

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
44	PIRC should ensure that discrimination issues are considered as an integral part of their work.	PIRC
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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 all of the recommendations still in progress under this theme.

The Scottish Government is currently consulting on legislative proposals relating to conduct and standards with a view to delivering new laws that improve transparency and further strengthen public confidence in policing. As the public consultation has now launched and the responses will help to shape the preparation of a Police Complaints Bill, individual commentary on each recommendation has not been included within this report to avoid pre-empting this on-going engagement and consultation. We will continue to engage with stakeholders throughout the consultation period and when developing any proposals to implement recommendations.

Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
22	Gross misconduct proceedings to continue even if /after officer leaves	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
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	
24	UK wide barred and advisory lists	Scottish Government	In progress	
25	Preliminary assessment to move from SPA to PIRC	Scottish Government	In progress	
27	Composition of Gross Misconduct Hearing panels, including independent legally qualified chair	Scottish Government	In progress	
28	Police Appeals Tribunal role in appeals to continue following transfer to SCTS	Scottish Government	In progress	

## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
39	PIRC to handle key stages of senior officer misconduct proceedings.	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
40	PIRC to have new statutory function to present cases in senior officer gross misconduct hearings	Scottish Government	In progress	
41	PIRC power to recommend suspension of senior officer	Scottish Government	In progress	
51	Faster misconduct hearings in certain circumstances	Scottish Government	In progress	
52	Gross misconduct proceedings to be held in public	Scottish Government	In progress	
53	Chair to consider protecting vulnerable witnesses including officer who is the subject of Gross misconduct proceedings	Scottish Government	In progress	
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	
55	Statutory provision for Joint misconduct proceedings, including senior officers	Scottish Government	In progress	



## Theme 6: Conduct and Standards cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
56	Provision for misconduct allegations against probationers to be dealt with during probation period	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
57	Alternatives to suspension to be added to regulations	Scottish Government	In progress	
58	Outcome of gross misconduct proceedings to be made public	Scottish Government	In progress	
PR19	Preliminary assessment to take factors into account, such as anonymity and potential vexatious basis	Scottish Government	In progress	

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
26	PIRC to collaborate with SPA on preliminary assessment process (until legislative change is in place)	SPA/PIRC
PR16	Complaints against senior officers should be prioritised and dealt with as speedily as possible	SPA/PIRC
PR18	SPA to consider alternative options for senior officers other than suspension	SPA

## 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 and are primarily for partners to develop and implement within their own organisations.

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

Since the last report, Police Scotland has made significant progress towards implementation of **Recommendation 11**. The rank ratio review is ongoing. A revised Terms of Reference has been agreed and profiles have been issued to the business areas that are included in the review (Local Policing Divisions, Roads Policing, Armed Policing and Specialist Services). The business areas had a deadline of end of April to comment on the divisional profiles, and a composite report will be developed based on these profiles and the divisional response. This report will be submitted prior to the end of May at which time an element of this work will be completed. This recommendation remains ongoing.

Building on the work undertaken to date to implement **Recommendation 14**, the promotion process is now an embedded process to directly support the Chief Constable's commitment to deliver a fair and transparent promotion process that recognises the day to day performance of our people. This was supported by extensive awareness sessions across the organisation for candidates, management teams and the Force Executive. The Competency and Values Framework (CVF) promotion process will underpin the following areas: general recruitment, the Leadership and Development programme, which is proposed to replace the existing Police Diploma, the My Career appraisal system which will formally launch in April 2022 and Leadership Interventions. In addition, a monthly Programme Management Board is in place, with the full programme targeted for completion by April 2023. Progress will be reported to Police Scotland Corporate Management and People Board and the SPA People Committee on a regular basis. This recommendation is, therefore, considered fully implemented.

Further progress has been made on implementation of **Recommendation 67** which proposes that Police Scotland provides training on engaging with individuals displaying mental ill-health symptoms or related behaviours. Training has now been delivered to all new uniformed sergeants on Leading Mental Health Incidents and includes best practice on leading such incidents. This recommendation is considered fully implemented.

**Preliminary Report Recommendation 3** which asks that Police Scotland considers employing more non-police officer support staff in Professional Standards Department is part of the wider body of work being progressed in relation to the Strategic Workforce Plan and remains ongoing.

### **PIRC Recruitment**

**Preliminary Report Recommendation 24** relates to the retirement of former police officers and adapting the PIRC policy in order to replace them with non-police officers. Work remains ongoing, with recruitment practices heavily focused on assessing what skills the business requires at the point of a vacancy being created ensuring there is flexibility to adapt to changing business requirements. An overarching imperative, however, is that the most appropriately skilled person is recruited following a fair and transparent recruitment process.

Work has also recently been introduced to develop the PIRC Skills Matrix, which will generate the production of specific skills profiles for each role in the organisation. This will be used to not only develop current staff, but also form the basis of advertisements for recruitment campaigns. Again the focus is firmly on the skills of potential candidates.

### **PIRC Training**

**Recommendation 63** remains ongoing with public health measures during the reporting period prohibiting PIRC complaint handling review officers and trainee investigators shadowing police officers at peak times. However, work has been progressing to embed shadowing as part of the induction process for newly appointed staff in the respective areas identified within the PIRC.

### **SPA Training**

Progress continues on **Preliminary Report Recommendation 17** with further development of a comprehensive programme of training for the SPA Complaints Team. The team has now completed the Professional Award and Professional Certificate course in Complaints and Ombudsman Techniques (Queen Margaret's University) examining how organisations can respond effectively to and learn from complaints. They have also recently completed SPSO Complaints Investigation Skills training course to enhance complaints investigations skills in line with the SPSO Model Complaints Handling Procedures, as well as a British Standards Institute Auditing Techniques and Approaches training course which will assist the team in conducting future audits and dip- sampling exercises. Additionally, the team has also been undertaking a benchmarking review of Complaints Handling Procedures against Scottish and international best practice, and engaging with counterparts in Republic of Ireland to identify learning opportunities. To further enhance the skills within the team, colleagues have recently been seconded from Police Scotland PSD to support continuous improvement and shared learning.

### **Further updates**

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

<b>Theme 7: Training and HR</b>				
Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
11	Police Scotland to consider front line sergeant workload and supervisory ratio of sergeants to constables	Police Scotland	In progress	The rank ratio review is ongoing. A revised Terms of Reference and profiles have issued to business areas included in the review. Business areas have a deadline of end of April to comment on the divisional profiles, and a composite report will be developed based on these profiles and the divisional response. This report will be submitted before end May at which time an element of this work will be completed.

## Theme 7: Training and HR cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
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	Complete	New promotion process based on the Competency and Values Framework (CVF) introduced across all ranks and now embedded process. Full programme targeted for completion by April 2023 with progress reported to Police Scotland Corporate Management and People Board and the SPA committee on a regular basis.
63	PIRC staff to work shadow police officers at peak times to understand context	PIRC	In progress	Now that public health measures have eased, newly appointed PIRC staff will shadow police officers at peak times as part of their induction programme in the respective areas identified within the PIRC. PIRC staff have previously made visits to custody suites and Officer Safety Training (OST) awareness sessions carried out.
67	Police Scotland to provide training on engaging with individuals displaying mental ill-health symptoms or related behaviours.	Police Scotland	Complete	Building on progress already made, training now delivered to all new uniformed sergeants on Leading Mental Health Incidents and includes best practice on leading such incidents.
PR3	Police Scotland to consider 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	This recommendation is being progressed as part of the wider body of work being progressed in relation to the Strategic Workforce Plan and the work undertaken to date will help to inform this going forward.

## Theme 7: Training and HR cont

Progress Overview for the period 1 October 2021 to 31 March 2022

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. Additionally staff recently completed an SPSO Complaints Investigation Skills training course, have undertaken benchmarking reviews, engaged with counterparts in Republic of Ireland to identify learning opportunities and have seconded colleagues from PS PSD to support continuous improvement and shared learning.
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. Work has recently been introduced to develop the PIRC Skills Matrix, which will generate the production of specific skills profiles for each role in the organisation. This will be used to develop current staff, as well as forming the basis of advertisements for recruitment campaigns with the focus being firmly on the skills of candidates.

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
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
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
64	PIRC in house training on law of evidence	PIRC
65	PIRC and Police Scotland to develop training and development opportunities to embed learning from thematic analysis of complaints	PIRC/Police Scotland

## Theme 7: Training and HR cont

Recommendations	Lead	
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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. However, one recommendation (Preliminary Recommendation 13) will require, or is likely to require either primary or secondary legislation, and has, therefore, been included as part of the public consultation which has now launched. The responses to the consultation will help to shape the preparation of a draft Bill and to avoid pre-empting this on-going engagement and consultation, commentary on this recommendation will be limited in this reporting period.

### **Mental Health**

Progress continues to be made on **Recommendation 72** in relation to mental health. The Scottish Government is working with partners, including Police Scotland, through the Redesign of Urgent Care Programme to ensure that people with urgent physical and mental health care needs get the right help, in the right place, at the right time. This will be facilitated by ensuring that each Health Board provides access to a mental health clinician 24 hours a day, seven days a week for those who require urgent specialist mental health assessment or urgent referral to local mental health services. This will create national and local routes to ensure people in emotional crisis or distress and those in need of urgent care are assessed and supported, regardless of how they access services.

The focus of this approach is to ensure that people do not have to attend A&E to receive the care they need. However, when they do, improvements to our urgent care response will ensure appointments can be scheduled so that clinicians are ready to receive them, providing care quickly and reducing waiting times for patients. To build additional mental health capacity in key settings, the Scottish Government has provided significant investment to recruit an additional 800 whole time equivalent (WTE) mental health posts, including A&Es, GP practices, police station custody suite and prisons – ensuring local provision and support is at the heart of our plans. As of 1 January 2022, an additional 756.9 WTE mental health posts have been recruited to under Action 15 of the Mental Health Strategy, including 149.3 WTE posts within the A&E setting.

### **Body Worn Video**

**Preliminary Report Recommendation 11** proposes that Police Scotland accelerates plans to expand use of Body Worn Video (BWV). A national consultation took place in 2021, with early indications that the public largely support national roll out of BWV. A submission was then made to the SPA Policing and Performance Committee on 17 March 2022 on Insights and Key Considerations from the Public Engagement Surveys with the internal, then external dissemination to follow. The recommended approach is to develop and deliver a fully considered and measured BWV solution to selected police officer and support staff roles that fits strategically. The timescale is initially estimated to be in the region of 24 months before implementation could commence, and a more detailed delivery plan will be developed as part of the Business Case process.

Police Scotland remains committed to progressing the development and use of BWV technology with the SPA in a manner that is transparent and meets both privacy and ethical standards to enhance how policing is delivered to communities across Scotland. Funding to enable delivery of a national BWV solution will be sought from the Scottish Government in line with standard business case processes and associated governance

approvals. The majority of capital spend is anticipated to be during development and rollout phases as software is procured/developed and hardware is purchased. This recommendation is, therefore, considered fully implemented.

Related to this and, as reported in December, an Independent Advisory Group on Emerging Technologies (ETIAG), chaired by Dr Liz Aston, is due to report its findings to Ministers this year and is exploring legal and ethical issues associated with the use of technologies in operational policing, including body-worn video. The ETIAG will produce an interim report in June 2022 and the final report is due to be delivered to the Cabinet Secretary for Justice and Veterans in September 2022. In the meantime, the ETIAG continues to use Body Worn Video technology as a live case study in their ongoing work.

### **Further updates**

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

<b>Theme 8: Efficiency and Effectiveness</b>				
Progress Overview for the period 1 October 2021 to 31 March 2022				
Recommendations		Lead	Current Position	
68	Strategic Oversight Group or National Complaint Handling Development Group to engage with the SPSO	Scottish Government	In progress	SPSO has been invited to meet with operational partners at the next meeting of the National Complaint Handling Group (NCHDG) – likely to be around June - with a view to better understanding support/resources available and how these might be utilised going forward
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 ensure that people with urgent physical and mental health care needs get the right help, in the right place, at the right time. the Scottish Government has provided significant investment to recruit an additional 800 whole time equivalent (WTE) mental health posts, including A&Es, GP practices, police station custody suite and prisons – ensuring local provision and support is at the heart of our plans.
PR11	Police Scotland to accelerate plans to expand use of Body Worn Video	Police Scotland	Complete	National consultation took place in 2021, with early indications that the public largely support national roll out of BWV. The timescale for delivery of a fully considered and measured BWV solution that fits strategically is initially estimated to be in the region of 24 months before



## Theme 8: Efficiency and Effectiveness cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
PR11 cont	Police Scotland to accelerate plans to expand use of Body Worn Video			implementation could commence, and a more detailed delivery plan will be developed as part of the Business Case process. Funding to enable delivery of a national BWV solution will be sought from the Scottish Government in line with standard business case processes and associated governance approvals.
PR13	Scottish Government to consider the case for amending the legislation to include a provision to deal with vexatious complainers.	Scottish Government	In progress	The public consultation has now launched and the responses will help to shape the preparation of a draft Bill. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 16 December 2021 Thematic Progress Report		
9	All frontline resolution should be carried out by Professional Standards Department	Police Scotland
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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

All of the recommendations under this theme are non-legislative and are being taken forward by partners to implement within their own organisations, with the exception of one which is Recommendation 75.

### **Improvements to Audit Arrangements**

For **Preliminary Recommendation 27**, which proposes that audit arrangements, including regular dip-sampling, should be prioritised and co-ordinated to improve standards and service to the public, the National Complaints Handling Development Group (NCHDG) has now established a subgroup focused on Audit, Performance and Analysis. A key objective for the subgroup is to establish the broader 'Audit Journey' including an Annual Audit Program to inform dates and areas for auditing with partners, aligning the audit approach in the longer term. This would ensure alignment of Police Scotland internal auditing arrangements (**R61**), SPA dip-sampling and the annual joint audit between PIRC/SPA (**R42**). The sub-group will confirm timescales for relevant actions in due course, after which it is anticipated that an indication can be given of when this action could be submitted for sign off.

### **Police Scotland audit functions**

In respect of **Recommendation 61** regarding the re-designing the audit arrangements for police complaints, Police Scotland has now developed an audit methodology for complaint handling with input from Audit Scotland. The review part of the planned audit led jointly by SPA and PIRC is also reaching conclusion and the results from the analysis are now awaited.

### **PIRC audit functions**

On **Recommendation 42** significant collaborative working has taken place between PIRC and SPA on the audit process and methodology to undertake the annual audit of triage of public complaints against police within the Professional Standards Department (PSD) in Police Scotland. The audit framework has also been agreed by Police Scotland.

In early March, PIRC and SPA staff commenced the inaugural audit which has already completed the fieldwork phase and now moving to the next phase of compiling the audit report for consideration by the Commissioner. This recommendation will be proposed for completion in the next reporting period.

As a result of the above phased approach and relying upon the successful completion of the annual audit of triage, work on **Recommendation 7** can now be scoped and progressed in the quarter three which will also see Police Scotland's centralised model of Complaint Handling further embedded at that point. In advance of auditing the six-stage complaint handling process or front line resolution, PIRC have met with Audit Scotland to discuss best practise in methodology and have also received a presentation from HMICS on their methodology.

**Recommendation 71** proposes that HMICS, and health inspection or audit body, to conduct a Review of efficiency and effectiveness of the whole-system approach to mental health. HMICS has published its new three year scrutiny plan [HMICS | HMICS Scrutiny Plan 2022-2025](#) in which it sets out the intention to undertake a thematic inspection on the role that policing has in responding to mental health related incidents as well as where other services may be more equipped to provide the appropriate level of support to the public. HMICS will also look at preventative approaches and the support available from partner organisations, to identify

alternatives that will offer the best possible outcomes for the public. The current inspection of Police Scotland’s Contact Assessment Model will assist in the scope of this inspection, as will discussions with other scrutiny partners /researchers and stakeholders regarding other work that is ongoing in relation to mental health provision.

### **Further updates**

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

<b>Theme 9: Audit and Review</b>				
Progress Overview for the period 1 October 2021 to 31 March 2022				
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 further 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	In March 2022 PIRC and SPA staff commenced the inaugural audit of triage within Police Scotland Professional Standards Department. Fieldwork phase is completed and now moving onto develop the audit report for the consideration of the Commissioner. This recommendation will be proposed for completion in the next reporting period.

## Theme 9: Audit and Review cont

Progress Overview for the period 1 October 2021 to 31 March 2022

Recommendations		Lead	Current Position	
61	Police Scotland and the PIRC to consider drawing on expertise of Audit Scotland and SPSO in re-designing the audit arrangements for police complaints.	Police Scotland	In progress	Audit methodology for complaint handling developed with input from Audit Scotland. Joint audit by SPA and PIRC is reaching conclusion for the review part of the audit and results from analysis are awaited.
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' new 3 Year Scrutiny Plan, sets out a number of steps that HMICS will take to progress this recommendation, including engaging with other scrutiny partners /researchers and stakeholders regarding other work that is ongoing in relation to mental health provision. The current inspection of Police Scotland's Contact Assessment Model will also assist in the scope of this inspection.
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	Review of the 2017 Deaths and Serious Incidents in Police Custody in England and Wales has been completed. Relevant findings have been included within the public consultation which has now launched. We will continue to engage with stakeholders throughout the consultation period. A further update on this will be provided in the next Thematic Progress Report.
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 and 61.  The National Complaint Handling Development Group (NCHDG) has established a Subgroup which will ensure a 'business as usual' approach to prioritisation and coordination of audit arrangements. The sub-group will confirm timescales for relevant actions in due course, after which it is anticipated that an indication can be given of when this action could be submitted for sign off.

The following is a list of recommendations within this theme which have already been signed off by the Ministerial Group as completed in 2021:

<b>Theme 9: Audit and Review cont</b>		
Recommendations		Lead
Signed off by Ministerial Group as completed and reported in the 24 June 2021 Thematic Progress Report		
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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