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05 February 2021

Dear Elish

RESPONSE FROM THE SCOTTISH GOVERNMENT AND CROWN OFFICE TO THE INDEPENDENT REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING IN SCOTLAND

We would like to record our thanks to you for leading the independent review of complaints handling, investigations and misconduct issues in relation to policing in Scotland and delivering two comprehensive and incisive reports. We attach the joint response of the Scottish Government and Crown Office to your recommendations. As you will note from our response, we intend to accept the majority of your recommendations.

Both reports are incredibly wide-ranging, forensic in their analysis, with a broad suite of recommendations that will provide a strong platform from which to drive meaningful improvement. We are grateful that you have used this opportunity to be clear and candid about what is good and about what needs further work. The report rightly recognises the need for bold reform of the complaints, investigations and misconduct frameworks and we will be working closely with partners to deliver that.

With such substantial and significant reports, it will of course take some time to work through the recommendations with partners and in consultation with stakeholders, including staff associations. Some will need further discussion and engagement before an agreed position can be established; however, we have already made good progress in agreeing governance and reporting structures and will work in collaboration on progressing next steps.

Some of the recommendations will require legislative change and it is our intention to take forward as many of these in a single Bill with associated secondary legislation. This will not

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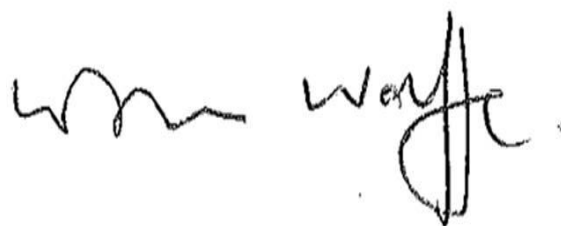
be a quick process due to the need for consultation but this does not detract from the overall ambition and commitment, shared with partners, to deliver improvement.

Once again, we would like to express our gratitude to you and your team for producing such significant and comprehensive reports and delivering our commission as set out in the Review's Terms of Reference. As we move forward with partners to progress implementation, we are confident that the resulting improvements will help to ensure systems and frameworks are fairer, more transparent, accountable and proportionate, which will ultimately help to strengthen public confidence in policing in Scotland.

We are copying this response to the Conveners of the Justice Committee and the Justice Subcommittee on Policing.



HUMZA YOUSAF
Cabinet Secretary for Justice



RT HON JAMES WOLFFE QC
Lord Advocate

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JOINT SCOTTISH GOVERNMENT & CROWN OFFICE RESPONSE TO THE REPORT ON COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING IN SCOTLAND

INTRODUCTION & OVERVIEW

It is of the utmost importance that public and parliamentary confidence in the police remains high. We greatly value the work of Scotland's police officers and staff in keeping communities safe, particularly as a vital part of our public health response to the challenges of the pandemic. A survey by the Scottish Police Authority from October confirmed that 61% of respondents rated their local police as excellent or good. To sustain that confidence, it is essential that when things go wrong, the police are held to account, lessons are learned and improvements made. The principle of policing by consent, so central to our justice system, is built on this accountability.

When Rt. Hon Dame Elish Angiolini, DBE QC was commissioned to undertake an independent review of complaints handling, investigations and misconduct in relation to policing in Scotland, the Scottish Government and Crown Office sought to bring greater fairness, transparency, accountability and proportionality, to ensure that all parties are treated justly. The recommendations of both the Review's Preliminary and Final Reports provide a platform for bold reform of the framework and systems governing this complex landscape and we record our thanks to Dame Elish and the Review team for the significant body of work, detailed analysis and extensive engagement underpinning this, with thanks also to those who contributed towards the Review. We acknowledge the work of the Justice Committee in considering a broad range of evidence relating to police complaints as part of its Post Legislative Review of the Police and Fire Reform (Scotland) Act 2012 (hereafter the "2012 Act"). The recommendations of that Review, many of which align with Dame Elish's findings, will be addressed in this response.

We remain confident that the systems for handling police complaints, investigations of serious incidents and misconduct are fundamentally sound, but recognise there is a clear case to make improvements. While public confidence in policing is high, we intend to seize the opportunity to make it even stronger in the field of complaints, investigations and misconduct. As Dame Elish states, complaints and investigations are a vital way for Police Scotland to learn and continually improve.

Together, working with partners, we intend to accept the majority of Dame Elish's recommendations, many as specifically set out, but with scope to explore options where other routes or mechanisms may achieve the desired outcome. Some will require further detailed discussion and development before a way forward can be agreed; in advance of that work we cannot provide a definitive position on every recommendation in this response but will set out a clear direction of travel. We will progress this collectively, where proposals cut across organisational responsibilities and individually, where they are wholly led and owned by one organisation - but here too, we commit to sharing progress and learning.

This is not the start of the journey: we will build on successful improvement work already undertaken and the shared commitment to partnership working since publication of the Preliminary Report in June 2019. We commend the significant steps taken by Police Scotland, the Scottish Police Authority (SPA), the Police Investigations and Review Commissioner (PIRC) and the Crown Office and Procurator Fiscal Service (COPFS). Each of the partner organisations is putting in place important measures which will provide the foundations on which to build progress towards implementation. In her Final Report, Dame Elish

acknowledges these developments and significant improvements in communication between the key partner organisations and a “*sea change in the relationships*”, resulting in an ability to address and resolve issues more effectively than before.

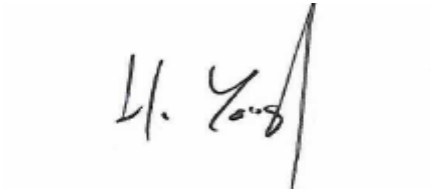
This response is based on that engagement to date but we recognise there is much more to do and for that reason we intend to set out our plans for managing implementation, providing an overview of governance and assurance; proposals for a thematic reporting framework; and detail progress in specific areas under those themed headings. In taking forward the work, **we are also committed to adopting a collaborative and inclusive approach to engagement with the whole policing community and recognise the key role that staff associations will play.** Again, we will not pre-empt that essential work by responding in detail on every recommendation at this stage. We do however commit to bringing forward comprehensive primary legislation to cover the necessary legislative changes in a single instrument where possible, supported by secondary legislation where necessary, to avoid a piecemeal approach. We recognise the development and scrutiny of legislation will take time, requiring extensive consultation and, of course, will be subject to the outcome of Scottish parliamentary elections.

There will be longer term resource and finance implications associated with changes to current roles and responsibilities, jurisdiction and powers that may flow from implementation. The Scottish Government’s total budget for policing in 2021-22 will be over £1.3 billion. This includes a £60 million increase in the SPA resource budget which will eliminate the structural deficit and deliver a sustainable budget position. In addition, the SPA will receive a further £15 million, one-off COVID-19 consequentials, to mitigate the impact of COVID-19 on the policing budget. This budget supports officers and staff and will ensure that officer numbers are maintained. In recognition of the additional demands faced by the PIRC, the draft budget for 2021-22, while still subject to parliamentary approval, includes an increase to the PIRC budget which builds on uplifts in previous years. As is always the case, we will continue to work with partners on budgets and resourcing required, recognising that timescales will in part be influenced by the investment required to underpin delivery, as would be the case for development of any new IT infrastructure.

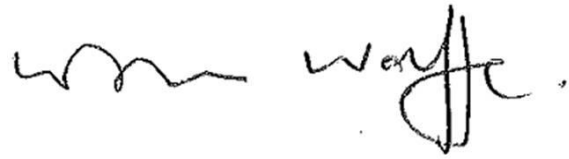
We welcome recommendations that take account of changes to legislation and working practices in other parts of the UK. We will work with our counterparts and partner bodies across the four nations to address cross-border jurisdictional issues and assess whether some of their arrangements could be adapted to work well here, mindful of the very different legislative and policing context in Scotland.

We do not underestimate the scale of the task ahead: these are complex issues, involving multiple organisations, additional costs, time and, in many cases, legislative changes - but we are committed to delivering these improvements in partnership. This in no way compromises the operational independence of partners, who may respond separately to provide more detail on the work underway within their own organisations.

In setting out this joint response, our aim is to provide an overview of the work undertaken and the work that lies ahead, signalling an overarching commitment to reflect on all of Dame Elish's recommendations and make plans which serve the best interests of the public and respect the rights of all involved.



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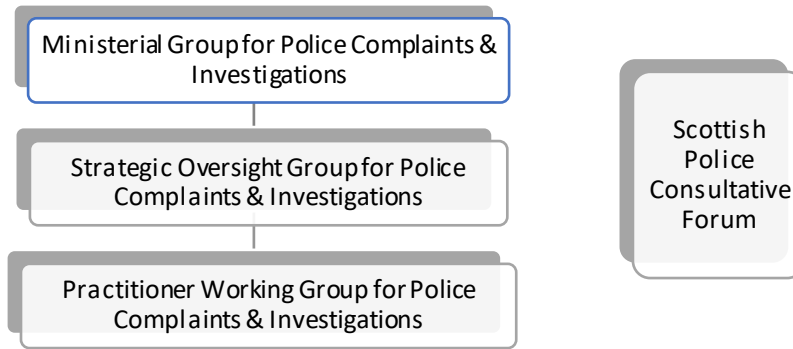
Given the complexity and breadth of the Review, with 30 recommendations in the Preliminary Report and 81 recommendations in the Final Report, it will be important to have clear governance structures in place to oversee, direct and report on progress. The governance framework is designed to provide assurance and accountability to both of us as the Cabinet Secretary for Justice and Lord Advocate, and we in turn will be accountable to the Scottish Parliament and the communities we serve. The leaders of each of the partner organisations will be directly involved in senior oversight of this work, as members of the **Ministerial Group for Police Complaints and Investigations (MG)**, which will meet four times a year.

Supporting and reporting to the Ministerial Group will be the **Strategic Oversight Group for Police Complaints and Investigations (SOG)**. Having previously met on an informal basis as a forum for discussion of shared operational priorities, this Group was formally established in 2019, following Dame Elish's Preliminary Report, which recommended the "*immediate establishment of a senior cross-agency joint Working Group*" (Preliminary Report recommendation 26). Comprised of senior representatives from the Crown Office, PIRC, SPA and Police Scotland, the SOG has overseen workstreams to implement a number of recommendations from the Preliminary Report and provides a solid foundation for the new three tier governance structure to manage partnership-working on cross-cutting recommendations. The SOG will be jointly chaired by senior representatives of the Scottish Government and the Crown Office, with membership extended to HM Chief Inspector of Constabulary in Scotland (HMICS) for the duration of its work on the implementation of Dame Elish's recommendations. Meetings will have a partitioned agenda to allow for the discussion of ongoing shared operational matters, for which both Scottish Government and HMICS will withdraw.

To take forward specific tasks and workstreams, the SOG will commission a new **Practitioner Working Group for Police Complaints and Investigations (PWG)**, with membership drawn from each of the operational partners and policy leads from the Scottish Government. The PWG will meet more frequently to co-ordinate progress across a range of detailed cross-cutting recommendations, delivering specific tasks and projects commissioned by the SOG and reporting against objectives. In addition to a stable core membership, providing the main points of contact for each organisation, there will be scope to extend membership to bring in subject matter experts, depending on the specific areas under consideration.

The **Scottish Police Consultative Forum (SPCF)** is an existing body that will enable police staff associations to engage fully on the implementation of Dame Elish's Review. The SPCF also fulfils Minister's statutory duty to consult policing bodies, before making regulations under section 54(2) of the 2012 Act. We will work with the SPCF to consult policing stakeholders on these recommendations, as a forum for staff associations to discuss the 'front-line' issues impacting their members, across the themes and on future proposals for legislative amendments.

Proposed governance structure



Group	Members	Key responsibilities
Ministerial Group	Cabinet Secretary (Co-chair) Lord Advocate (Co-Chair) Chief Constable PIR Commissioner SPA Chair & Chief Executive HMICS Chief Inspector	<ul style="list-style-type: none"> • Provide overall accountability and governance • Set policy direction and overarching objectives • Seek assurance on progress and risks • Approve decisions and publications
Strategic Oversight Group	SG Deputy Director (Co-Chair) Deputy Crown Agent (Co-Chair) PIR Commissioner Assistant Chief Constable SPA Head of Workforce Governance HMICS Lead Inspector	<ul style="list-style-type: none"> • Provide strategic direction for delivery • Commission workstreams and tasks • Monitor and report on progress and risks • Make recommendations to the Ministerial Group for decision
Practitioner Working Group	Police Scotland PIRC SPA COPFS HMICS SG policy leads (potentially other invited guests).	<ul style="list-style-type: none"> • Take forward workstream development and delivery of specific tasks • Manage interdependencies and risks • Prepare reports for approval of SOG and MG

In addition to the broad reporting framework outlined below, we will publish minutes of Ministerial Group meetings on the Scottish Government website to provide greater transparency as work progresses.

We will keep this governance structure, its component elements and associated membership, under review to ensure they remain effective.

REPORTING FRAMEWORK

We recognise the importance of transparency, the need to be open about our plans and provide clear updates on their delivery. We are committed to sharing information on progress but to do so in a way that is meaningful and accessible to a range of audiences. As the Cabinet Secretary mentioned in the Parliamentary debate on the Review, he will commit to publishing progress being made by Government and partners in relation to the recommendations.

However, a simple list of all 111 recommendations with a box to be ticked on completion will not give an accurate picture of the work underway; progress is more nuanced than a binary tick box can convey. Our individual and collective reporting mechanisms will be designed to monitor developments effectively and provide assurance. Equally, we will seek to ensure that any process for providing updates is efficient and does not deter progress on implementation.

The aim of the overarching reporting framework is to provide a coherent picture of progress across the areas Dame Elish identified for improvement. To achieve this, **we propose to adopt a thematic approach to reporting, grouping recommendations** under the following headings:

- Rights & ethics
- Jurisdiction & powers
- Governance & accountability
- Transparency & accessibility
- Equality, diversity & inclusion
- Conduct & standards
- Training & HR
- Efficiency & effectiveness
- Audit & review

The report will be published by the Scottish Government triannually, having been signed off by partners at the Ministerial Group. It will focus on high level progress under these themes, aligning to recommendations where relevant, with the aim of providing clarity on delivery. As to be expected, some recommendations could fit under a number of these headings but we are pleased to note that partners agree with the selection of themes and allocation of recommendations to each. Tables for each theme, listing the relevant recommendations grouped within it are included at **Annex A**.

In that vein, we have opted to set out our joint response to recommendations from both Dame Elish's Preliminary and Final Reports, as well as the Justice Committee's Post Legislative Review, under the themes listed above. While our approach is thematic, we will reference specific recommendations throughout the narrative and detail developments, where relevant, progress towards delivery or set out planning underway.

Some recommendations that stretch beyond policing, such as those relating to NHS mental health provision, will not be incorporated into the governance structures and reporting framework, which are of necessity tied to the policing landscape. Later in this response we provide updates on work underway to highlight our commitments in those areas, which sit within different governance structures.

THEME 1 - RIGHTS & ETHICS

We want to create an inclusive Scotland that protects, respects, promotes and implements internationally recognised human rights. The commitment to upholding fundamental human rights is central to the work of the Scottish Government and the Crown Office. It is embedded in police training and the oath that is taken by officers, and it is at the core of Police Scotland's professional ethics and values. All partners remain committed to ensuring that policing operations respect the human rights of all people and officers, who, in turn, should have their rights respected. In commissioning this review, our aim was to ensure that human rights remained central to the framework and systems for police complaints handling, investigations and misconduct.

As a theme that runs throughout both reports, many of Dame Elish's recommendations could be brigaded under this heading but we have chosen to focus on those that relate to ethics and specifically the code of ethics; the expectations and duties placed on officers following a serious incident; the categorisation and referral of serious incidents; the support provided to victims and families; whistleblowing; and the definition of person who can make a complaint.

Ethics in policing

In her Final Report, Dame Elish notes that Police Scotland's Code of Ethics does not have a statutory basis, unlike the equivalent systems in England and Wales, Northern Ireland and the Republic of Ireland. We welcome Dame Elish's support for the existing Code of Ethics published on Police Scotland's website, based on the values of integrity, fairness and respect, reinforcing the commitment to fundamental human rights. **We will give positive consideration to the recommendation (Final Report recommendation 1) that the code be underpinned in statute, as part of the suite of proposals for future legislative amendments and in consultation with partners**, noting that this could potentially extend further. We also note that the SPA will be working with Police Scotland to consider the recommendation (Final Report recommendation 32) concerning a possible role for the Policing Performance Committee and Complaints and Conduct Committee in addressing ethical issues.

Serious incidents involving the police

As Dame Elish highlights, the most serious complaints and investigations in this context related to incidents resulting in the death or serious injury of any individual in police custody or following police contact. Such incidents may engage Article 2 (right to life) or Article 3 (prohibition of torture, inhuman or degrading treatment or punishment) of the European Convention on Human Rights (ECHR)¹. Central to the investigation of potential Article 2 or Article 3 cases are the principles of independence; adequacy; promptness; public scrutiny; and victim involvement.

In both her Preliminary and Final Reports, Dame Elish makes observations for post incident procedures, in particular to limit conferral between officers and preserve the integrity of evidence (Final Report recommendation 3), recognising the need to ensure the provision of adequate welfare support for officers. Consideration of these important findings is a matter for COPFS, PIRC and Police Scotland, in consultation with staff associations and with the SPA's Complaints and Conduct Committee providing oversight of Police Scotland's approach.

¹ All references to numbered articles are to articles of the European Convention on Human Rights

Since 2018, Police Scotland has undertaken significant work to develop and roll out a revised Post Incident Procedure, extending the process a broader range of incidents. A cadre of Post Incident Managers has been trained in consultation with PIRC & COPFS and Staff Associations to provide a 24/7 on call support. The procedures have been deployed successfully, ensuring the integrity of the independent investigation and supporting those involved in the incident. Feedback from partners indicates that, in recent cases, the revised measures have provided sufficient mitigation against inappropriate conferral

The recently created Post Incident Procedures Professional Reference Group (PRG), which includes the PIRC, has oversight of PIP matters across UK policing and will continually review Police Scotland PIP guidance to ensure alignment with the National College of Policing Authorised Professional Practice for Post Incident Procedures, following both firearms and death and serious injury incidents.

Linked to this and building on recommendations 14 and 15 in her Preliminary Report, Dame Elish proposes (Final Report recommendation 12) that a statutory duty of co-operation, similar to that recently introduced in England and Wales in the Police (Conduct) Regulations 2020, be the subject of consultation, framed in Conduct Regulations as follows:

"Constables have a duty to assist during investigations, inquiries and formal proceedings, participating openly, promptly and professionally in line with the expectations of a police officer when identified as a witness."

We note and welcome the positive feedback from the PIRC and Police Scotland confirming prompt co-operation in recent post incident investigations and are confident that there is a strong commitment to upholding this practice. Nonetheless, **we recognise the gravity attached to Article 2 and Article 3 obligations and agree to include the proposed statutory duty in a future consultation on legislative amendments.** In doing so, we will acknowledge the work undertaken by Police Scotland to embed this approach and highlight the rights attached to Article 6 (right to a fair trial), which, as Dame Elish confirms, outweigh obligations associated with Article 2 and Article 3 investigations.

We welcome steps to ensure matters are dealt with promptly, understanding that any delays to the investigation of a death or serious incident can add to the distress of families and can also weigh heavily on those police officers involved. The independence of the initial investigation into deaths or serious incidents involving the police in Scotland is provided for under the direction of the Crown Office and the PIRC has made clear such investigations are always prioritised. We welcome the priority placed on these investigations, recognising that PIRC works to robust internal targets (80% of investigation reports to be reported to COPFS within 3 months) for such cases. There is a clear commitment and willingness on all sides to minimise delays but we accept that cases can be complex and require additional expert input. We note that Dame Elish did not call for timescales to be placed in statute (Final Report recommendation 73) but **we will continue to support the work of PIRC and partners to prioritise these serious investigations.**

Categorisation and referral of Incidents

In the Report of its Post Legislative Review, the Justice Committee noted the discretion afforded at various points in the assessment, categorisation and referral of cases by Police Scotland and the PIRC. Following publication of Dame Elish's Preliminary Report, the Crown Office's Criminal Allegations against Police Division (CAAP-D) and Police Scotland Professional Standards Department (PSD) agreed to revise procedures for reporting cases to ensure that allegations were being suitably assessed and categorised, in particular, those

alleging excessive force. As Dame Elish confirms, CAAP-D reviewed all of the 'assault' and 'excessive force' categorised complaints received by Police Scotland between 2 March 2020 and 3 April 2020, with the results demonstrating that current processes were robust and working well. **We note the Final Report highlights the new process whereby CAAP-D provides advice and guidance in respect of any case where PSD is uncertain about categorisation, or in any case where there was an inference of criminality and welcome the steps being taken by COPFS and CAAP-D to address the earlier recommendation.**

The Final Report goes further in proposing that where “*the terms of a complaint made allege a breach of Article 3 by a police officer, and therefore that a crime may have been committed, the Crown Office and Procurator Fiscal Service should instruct the PIRC to carry out an independent investigation rather than directing Police Scotland to investigate it; breaches of Article 5 may, depending on the circumstances and seriousness of the case, likewise require early independent investigation*” (Final Report recommendation 47). While understanding the rationale for this recommendation, it would carry significant operational implications particularly for the majority of less serious criminal allegations which are currently reported to CAAP-D.

We note that Dame Elish does make clear in her Final Report that not “*every use of a police baton should be independently investigated; that is neither necessary nor proportionate..... What actions constitute reasonable use of force in one circumstance might in other circumstances, where there is no threat or risk to the officer or the public, constitute an assault*” **On this point we would concur and will give careful consideration to what is proposed**, acknowledging that there are significant organisational and resource implications, as well as important questions of rights, obligations and proportionality to weigh up.

Support for victims and families

As Dame Elish highlights in the Final Report, the European Court of Human Rights has made clear that meaningful victim involvement and constructive engagement with complainers is a fundamental requirement for a fair and effective system. There are currently systems in place to support a member of the public throughout the process if they wish to make a complaint. PIRC employs specially trained Family Liaison Officers, who play a key role during investigations by keeping victims and families informed and providing advice; and COPFS has a Victim Information and Advice (VIA) service with offices around Scotland. All three organisations also give information on a variety of appropriate support and advocacy groups on their websites.

We recognise the importance of victim and family involvement in Article 2 investigations, we see merit in the recommendations from Dame Elish in this regard and will give careful consideration to the recommendations relating to access to legal support (Final Report recommendation 74) and financial support for families during Fatal Accident Inquiries (Final Report recommendation 76) to work through the legislative and resource implications. **The Minister for Community Safety has assured Parliament that as part of wider planning for a new Legal Aid Bill, the Scottish Government will consider the issue around legal aid entitlement for relatives involved in Fatal Accident Inquiries.** We will be taking this forward as part of a programme of wider reform around legal aid in Scotland, and intend to introduce a Bill in the next Parliament.

Whistleblowing

In her Final Report, Dame Elish provides a thorough analysis of whistleblowing arrangements in place, taking account of evidence from partners and stakeholders. We are grateful for her

considered observations on what are vital safeguards to ensure that concerns can be reported without detriment and welcome the steps taken by partners to strengthen and clarify guidance for officers and staff. Like many of the recommendations requiring legislation, **we will be considering the proposal to add PIRC to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014 (Final Report recommendation 20) further with PIRC and other relevant partners and stakeholders before developing policy proposals.** This would require amendments to reserved legislation and is something we would discuss with the UK Government in due course. In the interim, we note the intention of partners to consider administrative options in advance of potential legislative amendments.

Definition of person who can make a complaint

In providing evidence to the Review, Dame Elish reports that the SPA asked if the intention of the legislation was to exclude police officers from those who may make relevant complaints, this should be made clear. In particular, it was unclear whether police officers, or specifically on-duty police officers were excluded from the category of those who could complain. We accept that the current legislation does not provide the clarity needed and will **commit to consulting on legislative options to put beyond doubt the definition of a member of the public who may make a relevant complaint.** (Preliminary Report, recommendation 30).

THEME 2 - JURISDICTION & POWERS

A recurring theme running through Dame Elish's reports and that of the Justice Committee is the extent of the existing legislative framework and the jurisdiction and powers of its principal agencies, particularly in relation to officers who have resigned or retired and those operating in a cross-border context or capacity.

Definition of "person serving with the police"

As set out in a letter to the Justice Committee in January 2020, the need to clarify the definition of "person serving with the police" in legislation (Preliminary Report recommendation 29; Final Report recommendation 8) is of fundamental importance and will feature strongly in consultation and engagement with partners and stakeholders on future legislative amendments. **We accept the pressing requirement to address the unforeseen consequences that have arisen from the framing of provisions and commit to fully exploring the options for clarifying the definition in consultation,** not only as it relates to retired officers but also any related matters such as on or off duty officers, and officers operating in different jurisdictions. The definition occurs in a number of different provisions, including in reserved legislation and we will continue to work with partner organisations to develop a fully informed picture of where legislative adjustments may be required. The need to amend devolved and reserved legislation will have implications for the pace of delivery but we remain committed to addressing this issue to provide clarification and will engage with UK Government on reserved aspects in due course.

Cross-border jurisdiction

We welcome the work undertaken by the cross-agency group, established to consider cross-border issues by Police Scotland, and including the PIRC, COPFS, the Independent Office for Police Conduct (IOPC), the Office of the Police Ombudsman for Northern Ireland (OPONI), the National Police Chiefs Council (NPCC), the Police Service of Northern Ireland (PSNI), the Scottish Government, the UK Government and Northern Ireland Executive. This group was set up independently of the Review for the purpose of bringing together UK policing partners

to work through cross-border jurisdictional matters when police officers operate outwith their home country on mutual aid or cross-border operations. **We are aware the current legislative framework does not provide powers to the PIRC to investigate incidents involving officers from other territorial forces operating in Scotland and are committed to developing legislative proposals to address this, which will be subject to consultation with counterparts in other jurisdictions** (Final Report recommendation 81), as part of a wider suite of amendments. In the meantime, in the absence of legislation, partners have taken a collaborative approach in pulling together a draft agreement setting out the key principles, with actions for relevant organisations to support a collaborative approach until any new legislation can be put in place. We join Dame Elish in commending policing partners across the UK for this excellent example of collaboration.

Wider powers for the PIRC

We welcome the recommendations that have been made by Dame Elish to increase the current powers of PIRC, recognising PIRC has the people, skills and the values of integrity, impartiality and respect. Neither we nor Dame Elish believe the PIRC is toothless but recognise the report has identified where the role of PIRC could be further enhanced.

As mentioned, we view these recommendations favourably and will consider with the Commissioner and other partners the proposals put forward for enhancing the role of PIRC by providing additional statutory powers (Final Report Recommendations 13, 37 and 38; Preliminary Report recommendations 7 and 22).

THEME 3 - GOVERNANCE & ACCOUNTABILITY

Under this theme, we intend to cover recommendations relating to the governance and accountability of the PIRC; some of the proposals relating to the SPA's Complaints and Conduct Committee's scrutiny of performance; and the role of Local Scrutiny Committees in considering complaints handling within local areas. By way of context, we provide an outline of work underway to strengthen governance within the wider policing landscape.

Governance roundtable

We established the **Policing Governance Roundtable** to explore and address issues raised by stakeholders around the governance and accountability of policing in Scotland, to identify where improvements and refinements are required and to take forward action, either collectively or individually, to address any issues identified.

Chaired by the Cabinet Secretary for Justice, membership includes Audit Scotland, Her Majesty's Chief Inspector of Constabulary in Scotland, the Scottish Police Authority, the Chief Constable, and the Police Investigations and Review Commissioner. The Roundtable provides an important forum to discuss continuous improvement in the system and to consider collective and individual actions where necessary. The Roundtable's current focus includes the identification of actions to be taken to address possible issues arising.

The Roundtable has also discussed ways of reaching beyond the membership of the group, being clear that, in undertaking its work, the Roundtable should have due regard to others with an interest in the policing of Scotland. There is unanimous agreement that engagement with civic society is essential however; there is also awareness of a range of already existing fora that would be important to assist in reaching out to groups. For example, the work of the Independent Advisory Group, (chaired by John Scott QC and set up to review Police

Scotland's use of new temporary police powers to tackle coronavirus), has created further opportunities for regular discussions with a range of interests, specifically around governance issues. The Roundtable will meet three times throughout 2021, with any identified actions progressed more quickly if necessary.

PIRC governance

In its Post Legislative Review, the Justice Committee raised the issue of the accountability of the PIRC and in both Reports, Dame Elish provides a detailed assessment, recommending changes to PIRC, setting out a rationale for moving from the current governance and accountability structure. **We will consider all the options to ensure the PIRC is adequately supported to carry out its role, including options to enhance the current governance and accountability model.** Any changes to the current governance and accountability structure would need to be necessary and proportionate.

We are committed to ensuring that PIRC is adequately supported and resourced to be able to continue to deliver its functions, both at present and in the future as PIRC take on any additional suite of statutory powers, as recommended within the Reports.

Meantime, the Commissioner is looking at current staffing structures, to consider changes that could be made by PIRC as an employer that would not require changes to legislation. In addition, she has appointed new members and a Chair to its Audit and Accountability Committee.

For the recommendations that would require legislation, **we will engage with others as necessary ahead of developing proposals for any amendments to current legislation with regards to the governance and accountability of the PIRC** (Final Report recommendations 34 and 35; Preliminary Report recommendation 21).

Scrutiny of complaint handling performance

Scrutiny of performance is an essential element of good governance and accountability, to provide assurance that lead organisations are delivering their statutory functions and that systems and processes are working effectively. In her Final Report, Dame Elish makes a number of recommendations for improvement of complaint handling performance, including a recommendation that the PIRC publish its performance against targets for its Complaint Handling Reviews (Final Report recommendation 45). **While this is an operational matter for the PIRC we can confirm that performance against targets are already published within the PIRC annual report, so we consider this recommendation to be complete.**

More broadly, there are a number of recommendations relating to Police Scotland's reporting of performance in complaint handling and the SPA's scrutiny of that performance through its Complaints and Conduct Committee. **These too are operational matters for Police Scotland and the SPA and we welcome their commitment to exploring options to improve scrutiny of performance and confirmation that this joint working will involve the PIRC too** (Final Report recommendations 29, 59, 78 and 79).

Local Scrutiny Committees

Under the 2012 Act, local authorities were given powers to hold Police Scotland Local Commanders to account for the policing within their local communities. This already includes a power to request information on complaints in their local areas. The Scottish Government acknowledges the importance of local accountability and would welcome any steps to

strengthen it. This is something to be considered by the local scrutiny committees in the first instance and is due to be discussed at the next **COSLA Police Scrutiny Conveners' Forum** on 4 March 2021. **We look forward to receiving feedback from this meeting.**

THEME 4 - TRANSPARENCY & ACCESSIBILITY

Closely linked to governance and accountability is the theme of transparency and accessibility. Complexity and lack of clarity were features of complaints handling systems observed by both Dame Elish's Review and the Justice Committee. **We are committed to working with Police Scotland, the SPA and PIRC to ensure we have a complaints system in place which is fair, accountable, transparent and accessible to everyone.** As Dame Elish states it should be easy to complain, easy to get a response and easy to learn the lessons. More broadly, there is more we can all do to ensure our approach and language are clear and accessible. As part of this commitment, we intend to provide updates on progress in an accessible and transparent way, as described in the *Reporting Framework* section.

Within Dame Elish's Final Report she highlights the importance of transparency, confidentiality and the role of the media. Highlighting concerns around Article 8 of ECHR (respect for private and family life), around striking the right balance of rights which the media and organisations should take into account, particularly when dealing with serious incidents and at the early stages of senior misconduct cases. This was an area raised during the early stages of the Review, to which PIRC responded to in 2018 and we welcome the change to previous practice, with the decision not to publish information or comment on senior misconduct cases.

We will return to findings relating to the framework for managing misconduct, and senior officer misconduct allegations in particular, under the theme of Conduct and Standards. Under this theme, we consider recommendations for enhancing transparency around the work of the SPA's Complaints and Conduct Committee and progress towards improving information on routes for complaint, to make them more accessible to the public but also greater transparency for officers who are the subject of a complaint.

Dame Elish makes six recommendations in the Final Report and two recommendations in the Preliminary Report which relate to transparency and accessibility and **we are pleased to note there is agreement by partners to make improvements to deliver on the intent of all recommendations and plans are in progress to take these forward:**

- PIRC is in the process of updating its website to make it clearer that a member of the public can take a complaint to the Scottish Public Services Ombudsman (SPSO) if they are dissatisfied (Final Report recommendation 36) and will continue to refer individuals to SPSO if they remain unsatisfied when responding to letters of complaint.
- Police Scotland has commenced work on its website and a review of complaint resources to enhance public engagement and messaging which better publicises the ability to make a complaint or give feedback. This also includes reviewing the Know Your Rights section of the Police Scotland website, which is particularly aimed at young people (Final Report recommendations 48 and 49; Preliminary Report recommendation 8).
- Police Scotland has agreed a nationally consistent process to ensure officers are made aware they are the subject of a complaint (Preliminary Report recommendation 6).
- PIRC, COPFS, Police Scotland and the SPA have committed to working to better publicise the ability to report a complaint of a crime by a police officer directly to the Criminal Allegations Against Police Division (CAAP-D) of COPFS (Final Report recommendation 46).

- The SPA is developing proposals to share more of the substantive discussions of how Police Scotland is being held to account in the Complaints and Conduct Committee minutes and to include the content of private minutes where appropriate (Final Report recommendation 30).
- The SPA is also developing proposals for reporting on the Complaints and Conduct Committee's scrutiny function in the SPA Annual Report (Final Report recommendation 31).

THEME 5 - EQUALITY, DIVERSITY & INCLUSION

Our vision, as set out in the Race Equality Framework for Scotland, is for a fairer Scotland where people are healthier, happier and treated with respect and where opportunities, wealth and power are spread more equally. We want to ensure that this vision is achieved equally for all, helping to build a Scotland where we all share a common sense of purpose and belonging. Delivering on this vision is not the work of Scottish Government alone; it requires concerted effort by all public bodies, third sector and community organisations working in partnership with community groups and individuals.

Eliminating discrimination is critical to ensuring we have a fair and equal justice system. We take extremely seriously the evidence presented by Dame Elish of concerns raised by members of the public and police officers of discriminatory conduct and attitudes within Police Scotland. As Dame Elish observes, it is a reminder that in the police service - and in the wider community - attitudes have not necessarily changed as much as we like to believe. The findings of the Review are a stark reminder that we cannot be complacent and those of us in public service, including policing are, quite rightly, held to a high standard.

We welcome the strong statements and swift action from the Chief Constable, Iain Livingstone and the SPA Vice Chair, David Crichton, condemning racism and discrimination and reinforcing the importance of diversity and inclusion within policing.

Police Scotland has confirmed that it intends to address the diversity, equality and inclusion recommendations in the report and recognises the need for bespoke governance to oversee the work, being clear on concrete outcomes, and having metrics in place to capture and measure progress. Work to commission an independent review of equality matters (Final Report recommendation 18) is in the early stages of development; HM Chief Inspector of Constabulary in Scotland (HMICS), Gill Imery and DCC Professionalism and Assurance, Fiona Taylor are in direct dialogue to shape the work ahead. **While acknowledging this is for Police Scotland to take forward, we support this work and that of wider partners, recognising this as an issue which affects the whole justice system.**

As HMICS has observed, issues of diversity and equality are important at any time, but have been amplified in recent months by the varying degrees of impact of COVID-19 on different groups, and by protests around the world about racism in society. In the next phase of inspection of Training and Development, **the Inspectorate will be looking specifically at the recruitment, retention, development and promotion of under-represented groups.**

Within the justice system, there are a range of organisations at a national and local level who work with victims, witnesses and offenders to support safe and cohesive communities. It is therefore vital that we look across the whole system to understand the perspective and differential experiences for minority ethnic groups and work to develop evidence-based solutions to address the issues. The Scottish Government's Justice Board, which brings together partners from across the justice system, has set up two separate groups:

- the **Cross Justice System Race Data and Evidence Group** is working to improve both the collection and reporting of race data and evidence on people's interactions with the justice system; and
- the **Cross Justice Working Group on Race and Workforce** is reviewing the diversity of those who work within Scotland's Justice sector to assess the extent to which opportunities are spread equally.

The work of these two groups will run concurrently and there will be clear links established to ensure that evidence generated from both groups is shared and considered, as this will support delivery of the groups' aims.

While the focus of the two working groups is on race equality and extends beyond policing, we will explore opportunities for shared learning and collaborative working towards common goals. In terms of workforce, there is a clear read across to Dame Elish's recommendations for better understanding and supporting officers and staff who experience discrimination (Final Report recommendations 15 and 17), removing potential barriers to equal opportunities (Final Report recommendation 16) and to improving training in unconscious bias and the impacts of discrimination (Final Report recommendation 66). On evidence, there will also be links to proposals to improve the collection, use and analysis of diversity data (Final Report recommendations 5, 19 and 60).

All of these recommendations are essentially operational matters for Police Scotland but they are of fundamental importance to the Scottish Government, Crown Office and all partners. Prior to publication of the Final Report, members of the Strategic Oversight Group for Police Complaints and Investigations undertook to identify options for improving the diversity data they collect as part of their own complaints and investigations processes. In addition to the work Police Scotland is taking forward, both the PIRC and SPA have signalled their intention to consider how the recommendations directed to Police Scotland can be applied within their own organisations and PIRC is seeking to identify best practice from its counterparts in other jurisdictions in relation to discrimination (Final Report recommendation 44).

The collective ambition of partners to address the challenging findings in this Review and go further - to act as an accelerant to drive wider change - is to be welcomed and endorsed. **We commend the commitment of partners across the policing landscape to tackling discriminatory conduct, attitudes and cultures; to improving the diversity of our workforces; and enhancing the quality of our data, to better understand and serve the needs of our communities.**

THEME 6 - CONDUCT & STANDARDS

We welcome recommendations in relation to improving gross misconduct procedures and recognise that further discussions, consultation and engagement will be required to develop legislative proposals.

The Justice Committee's Post-Legislative Review identified a number of issues relating to officer conduct legislation and practice, many of which were picked up by the Review. In working through these complex issues, Dame Elish has set out a framework for managing misconduct, and senior officer misconduct allegations in particular, and **we will give full consideration to the suite of options to improve gross misconduct procedures and also the transparency in conduct processes. In developing proposals for the Primary and Secondary legislation required and considering the detail of the legislative framework,**

there will be extensive engagement with police staff associations, who will be able to provide insight and expertise from the workforce perspective.

Following Primary legislation, we will develop proposals for a revised set of Conduct Regulations, seeking to implement the outcomes set out by Dame Elish, providing police officers with a fair and proportionate misconduct process that also takes account of the needs of transparency for the communities they serve. As we engage with partners and staff associations, there will be scope to consider alternative approaches and mechanisms for delivering these outcomes, to ensure the rights of all involved in these processes are respected and protected.

The **Scottish Police Consultative Forum (SPCF)** will ensure appropriate consultation is carried out with police staff associations, for Ministers to take account of any representations made at the SPCF, under sections 52 and 54(2) of the 2012 Act.

Gross misconduct processes and procedures

Any allegation of misconduct against a police officer must be taken seriously, investigated thoroughly and dealt with impartially. However, the role of our police officers in protecting our communities, means the nature of their interactions is unique and this must be considered carefully in any move to increase public involvement.

Dame Elish has set out a framework that strengthens the investigation of alleged Gross Misconduct by police officers. Within the recommendations, **we will consider the legislative changes needed to extend the current ‘Barred List’ used in England and Wales, to Scotland, recognising the need to consult widely with staff associations and engage with counterparts in other jurisdictions**, where reserved legislation may be required for cross-border reciprocal arrangements (Final Report recommendation 24; Preliminary Report recommendation 28). **We will also consider and consult on proposals relating to the Gross Misconduct processes for serving and former officers**, to weigh up options for allowing proceedings to continue, or commence, after the resignation of officers and provide officers and the public with a resolution to all Gross Misconduct proceedings (Final Report recommendation 22).

We will also consult on legislative proposals to have all Gross Misconduct hearings chaired by an independent legally qualified chair, with an avenue of appeal to the Police Appeals Tribunal (Final Report recommendations 27 and 28).

We will give careful consideration to the level of transparency needed for Gross Misconduct hearings, with detailed consultation to fully work through all of the implications of providing the ability to have public hearings, taking account of the sensitivities involved in officer misconduct.

We will look at the procedures for the suspension of officers during misconduct investigations (Final Report recommendations 41 and 57; Preliminary Report recommendation 18) and **bring forward proposals for consultation, to provide a statutory footing for options available to Police Scotland, PIRC and the SPA when considering the suspension of an officer.**

Senior Officer Conduct & PIRC

Dame Elish has recommended a number of changes to Senior Officer conduct procedures and to the governance of the assessment and investigation of allegations of misconduct by Senior Officers. We are grateful for the Review’s detailed analysis of procedures that have in

the past been the subject of debate and consider the proposals put forward to provide a strong basis on which to build improvements.

We will consult on the legislative options for the transfer of the statutory preliminary assessment function, from the SPA to the PIRC, which would allow PIRC to assess allegations and to take forward Senior Officer conduct proceedings where appropriate (Final Report recommendations 25, 39 and 40; Preliminary Report recommendation 19). This will include assessing the resource implication if PIRC were to take on responsibility for Senior Officer misconduct proceedings, including the initial consideration of allegations; the preliminary assessment; and the referral of cases to COPFS or to a misconduct hearing heard by an independent legally chaired panel. In considering the recommendations, we will seek to ensure the transparent and independent governance of Senior Officer conduct.

We welcome the improvement work already undertaken by the SPA and PIRC, on the preliminary assessment process for Senior Officers, in advance of legislation, which will provide any statutory underpinning that may be required (Final Report recommendation 26; Preliminary Report recommendation 16). PIRC and the SPA have signalled their intention to progress work to agree a proportionate approach to the preliminary assessment until such a time as decisions on potential legislative amendments are made.

THEME 7 - TRAINING & HR

Throughout both reports, Dame Elish emphasises the importance of training and review of working practices to improve processes and the experiences of those engaging with the police complaints, investigations and misconduct systems. It is critical that all staff and officers are able to deal with complaints empathetically and knowledgeably and while making a number of recommendations for improvement, Dame Elish also commends the commitment to training across the organisations.

Training

All partners have welcomed the recommendations on training, recognising the need for the staff with the right skills and are committed to taking these forward. **Training and HR are primarily operational matters for each of the organisations to take forward internally, with no legislation required and we are pleased to see progress already underway:**

- Police Scotland has introduced an induction package for all officers and support staff in its Professional Standards Department (PSD). This will be developed further into a full day of training (Final Report recommendation 6).
- Police Scotland has appointed a training coordinator to help maintain momentum and liaise with partners on training opportunities (Final Report recommendation 62).
- As part of the national training programme, police probationers are given an overview of the role of the PSD with a focus on Standards of Professional Behaviour (Preliminary Report recommendation 9).
- Police Scotland will review training on how to deal effectively with individuals who display mental ill-health symptoms or related behaviours (Final Report recommendation 67), with PIRC also considering the provision of mental health training to staff.
- PIRC, Police Scotland and the SPA continue to work together to develop joint training and explore best practice (Final Report recommendation 65).
- PIRC has agreed to identify and develop training opportunities for its staff, in collaboration with partners, with options for work shadowing to be explored when COVID-19 restrictions allow (Final Report recommendation 63) and in-house expertise used to deliver internal training on the law of evidence (Final Report recommendation 64).

HR & Workforce

Implementation of the recommendations relating to HR are operational matters for the organisations involved. **We welcome the publication of Police Scotland's first Strategic Workforce Plan (SWP)** on 22 January 2021. This plan has been developed to ensure that the service is best placed to meet changing demands and serve Scotland's communities. It will be an important tool to support Police Scotland and the SPA to ensure they have the right people with the right skills in the right places. The SWP links in to the recommendations in Dame Elish's Reports, with the SWP including issues such as rank ratios, diversity and inclusion, and training (Preliminary Report, recommendation 3). For that reason, we won't go into further detail on specific recommendations but note that Police Scotland is reviewing workloads and supervisory ratios (Final Report recommendation 11), further enhancements to the process for assessing officers readiness for promotion (Final Report recommendation 14), and **we welcome steps taken to improve mediation and grievance procedures** (Preliminary Report, recommendations 4 and 9).

In relation to the proposal for non-police officers to replace officers in PIRC (Preliminary Report recommendation 24), this is clearly an operational matter for the PIRC and **we note the positive trend to recruit investigators from other investigative backgrounds and PIRC's commitment to continuing this trend particularly through its investigative trainee programme.**

THEME 8 - EFFICIENCY & EFFECTIVENESS

It is essential that complaints are investigated fairly and that everyone works together to reduce any barriers, delays and to improve systems and learning to help those raising the complaint and those being complained against. As detailed in the Terms of Reference for the Review, effectiveness and efficiency are principles that should underpin any complaints system and this was reflected in the Justice Committee's Post Legislative Review.

Throughout both Reports, Dame Elish identified a number of areas where greater efficiency and effectiveness could improve the complaints process and elements of these feature in many of the recommendations, with learning for all partners. We welcome the steps taken by the Chief Constable who has approved a revised operating model which will see all complaints across Scotland being handled within Professional Standards from the new financial year (April 2021). This will ensure that staff with the right skills and appropriate training progress all complaint matters appropriately and will be the platform on which Police Scotland can build and develop many of the other recommendations from the Review.

Again, **these recommendations are mostly operational matters for partners to take forward and we note the important progress underway:**

- As part of its new operating model, Police Scotland has developed a revised frontline resolution (FLR) process which is in the final stages prior to implementation. Impacts of this new measure will be monitored and kept under review (Final Report recommendation 9).
- Partners agree on the importance of engaging with the SPSO to understand where they can contribute and help improve the process. This will be progressed through the Strategic Oversight Group (SOG) (Final Report recommendation 68).
- PIRC and Police Scotland have been in discussion on benchmarking with other forces regarding time limits and PIRC aims to finalise statutory guidance early this year. There

is broad agreement that new arrangements could be implemented relatively quickly (Final Report recommendation 80).

Vexatious complainers

As well as the recommendations in the Final Report, we are committed to continuing to working with partners on recommendations from the Preliminary Report published in June 2019. One of those recommendations called for the Scottish Government to consider the case for amending legislation to deal with vexatious complainers (Preliminary Report recommendation 13). However, in the Final Report Dame Elish welcomes the joint approach of Police Scotland, PIRC and the SPA on aligning their Unacceptable Action policies for dealing with vexatious or malicious complaints. **We will, therefore, continue to monitor the handling of vexatious or malicious complaints with partners and will revisit and consider if changes are needed when developing legislation.**

PIRC management and regional presence

In her Preliminary Report, Dame Elish recommends a management review of PIRC be undertaken by an independent expert but in the Final Report, notes that **the Commissioner has made a number of significant changes and has indicated that PIRC may not require to pursue a management review.**

PIRC's Strategic Plan for 2019-22 and Business Plan 2020-21 set out clearly the commitment to continuous improvement from the strategic priorities and measures to increase public confidence in policing through independent scrutiny of action taken and how complaints by members of the public are handled. The most recent PIRC Annual Report, 2019-20, which published on 16 November 2020, highlights progress and steps implemented to enhance service delivery and public confidence in policing in Scotland. These include streamlining internal processes, increases in staffing and opportunities for Review staff to diversify their role, including audits. PIRC has continued to undertake stakeholder engagement and training with partners around its role on Complaint Handling Reviews, emphasising the importance of learning and development to nurture a more learning culture within policing. This is also true for investigations whereby they continue to publish twice yearly Learning Bulletins with justice partners.

In her Preliminary Report, Dame Elish recommended PIRC consider the case for creating a regional presence to enhance its capacity to respond immediately to the most serious incidents wherever they occur. This is an operational matter for PIRC. As Dame Elish notes in her Final Report, **PIRC has a Memorandum of Understanding with Police Scotland which provides that Police Scotland will secure the scene of the incident with the PIRC taking over on arrival. Dame Elish has made further suggestions in the Final Report; however, PIRC does not consider at this time a regional presence is required.**

Body-worn cameras

Another recommendation from Dame Elish's Preliminary Report relates to the roll-out of body-worn cameras (Preliminary Report recommendation 11), which could enhance the evidential basis for investigations and potentially have a deterrent effect. The issue of body-worn cameras is a policy and operational decision for Police Scotland, acting under the oversight of the SPA. It is important that the service continues to gather and manage evidence efficiently, appropriately, and in a way which supports victims and witnesses during the investigation process. Body-worn cameras could fundamentally change how evidence is captured and

shared. The Government is supportive of the use of Body Worn Cameras for Police Officers; we will work with justice partners to understand its costs and benefits across the whole criminal justice system. . **We welcome Police Scotland’s on-going work to adapt to changes in society, including the use of technology which can present both challenges and opportunities.**

The Cabinet Secretary has invited Dr Elizabeth Aston, in her capacity as Chair of the **Independent Advisory Group (IAG) on New and Emerging Technologies in Policing**, to consider the issues identified by Dame Elish in relation to the operational rollout of Body Worn Cameras.

We have provided one off funding of £0.5m in 2021-22 to the SPA, to support the use of body-worn cameras.

Mental Health

We note Dame Elish’s observations regarding NHS accident and emergency facilities and remain committed to improving mental health services in Scotland, as set out in the Mental Health Strategy 2017-2027, assuring delivery through our Mental Health Delivery Board.

The Scottish Government’s recently published **Mental Health – Scotland’s Transition and Recovery Plan** prioritises modernising pathways into mental health services from primary and unscheduled care services. This includes our continued work with Health Boards and other partners to redirect emergency mental health presentations away from Emergency Departments by establishing Mental Health Assessment Services. There are now 13 of these services across Scotland, receiving positive feedback from patients, clinicians and other services such as Police Scotland. **We will continue to work with Health Boards to retain, develop and support Mental Health Assessment Services, as part of a broader approach to helping people with mental health needs or in distress.**

THEME 9 - AUDIT & REVIEW

Throughout the Review, Dame Elish emphasises the critical role of independent auditing and review in improving services and increasing public confidence in the police complaints and misconduct system; points also raised by the Justice Committee in its Review. As Dame Elish highlights, it is through audit, research and analysis that partners can develop a more preventative approach and reduce the volume of future complaints. As well as identifying opportunities for improvements, it is through audit and review that we will measure the impact of any changes or the implementation of recommendations. Although Dame Elish identifies questions relating to some of the practices in place, she also commends progress on auditing since the Preliminary Report was published in June 2019.

Although essentially **operational matters for partners, we welcome the recommendations on audit and review and commend PIRC, the SPA and Police Scotland for their commitment to progressing these quickly, where possible.** In particular, it is good to see where progress has been made since the Preliminary Report was published, including:

- The introduction of an annual multi-agency audit by Police Scotland focused on the complainer’s journey.
- Additional funding received by the PIRC to enable it to increase the capacity of its Reviews team to undertake the various audits identified in the report (Final Report recommendations 7, 42 and 61; Preliminary Report recommendations 5 and 27).

- Coordinated response underway at the National Complaint Handling Development Group (NCHDG) on arrangements for an annual multi-agency audit of Police Scotland's complaint handling.
- PIRC will engage with Police Scotland on carrying out the next audit of the six stage complaint handling process or audit of frontline resolution.

Review of mental health

We recognise the need for, and the importance of, ensuring there is sufficient mental health support for those in police custody or who Police Scotland engage when in mental health crisis. There is agreement that HMICS, along with the appropriate health inspection or audit body, should conduct a review of the efficiency and effectiveness of the whole system approach to mental health. **We understand there needs to be further discussion on how best to take this forward including who will lead on this, how other partners are involved and how any provision is scrutinised. We will provide a further update on this recommendation as these discussions progress.**

PRIORITISATION & NEXT STEPS

As we stated at the beginning: we do not underestimate the scale of the task ahead - but we are committed to delivering these improvements in partnership with stakeholders. Throughout this response we have regularly referred to our partners and it is important to stress this is very much a collaborative effort. There will be aspects for each of the respective organisations to lead on but we are confident that collectively, we share the ambition and commitment to deliver on the improvements needed.

However, it is equally important when making bold changes to the complaints and conduct system that we engage and consult with partners, stakeholders and communities in the wider sense, to ensure all views are taken on board and all approaches considered.

In communications with the Justice Committee and Sub-committee on Policing, we have emphasised that every effort would be made to make progress where possible, but that parliamentary time was key to making legislative changes, while acknowledging that such time is under a lot of pressure. We do, however, commit to bringing forward comprehensive primary legislation to cover the necessary legislative changes in a single instrument where possible, supported by secondary legislation where necessary, to avoid a piecemeal approach. We recognise the development and scrutiny of legislation will take time, requiring extensive consultation and, of course, will be subject to the outcome of Scottish parliamentary elections.

Together, with partners, we will continue to prioritise and progress implementation workstreams that are not contingent on changes to legislation, pressing ahead where there is a clear agreement on the options to be delivered and committing to working through options where further consideration is required. As we have reported in this response, there are already plans in progress to implement many of the recommendations. Where we have not reached a definitive position on the way forward, discussions will continue both between and within each organisation. The new governance structure will provide leadership, oversight and scrutiny and, most importantly, accountability and transparency to both the public and the Parliament on progress being made.

We would like to conclude by once again thanking Dame Elish for this comprehensive review and thanks to all who contributed to the Report, particularly keeping in mind the impact of the COVID-19 pandemic on all areas of society.

There are – and always will be – opportunities to improve the complaints handling and investigation process. We are confident that we have good systems for the handling of police complaints, investigations and misconduct but our aim is to have the gold standard. The Dame Elish report provides the foundation and a roadmap to get us there.

ANNEX A

Tables with recommendations organised by theme

REPORTING MECHANISM – THEMES AND RECOMMENDATIONS

The table below outlines the themes agreed with partners and the recommendations that would be allocated to each theme. Where a recommendation states PR, these are recommendations from Dame Elish Angiolini's Preliminary Report which were still outstanding and not overtaken by the Final Report.

THEME - RIGHTS & ETHICS	
1	Police Scotland's Code of Ethics should be given a basis in statute. The Scottish Police Authority and the Chief Constable should have a duty jointly to prepare, consult widely on, and publish the Code of Ethics, and have a power to revise the Code when necessary.
3	Other than for pressing operational reasons, police officers involved in a death in custody or serious incident, whether as principal officers or witnesses to the incident should not confer or speak to each other following that incident and prior to producing their initial accounts and statements on any matter concerning their individual recollections of the incident, even about seemingly minor details. As with civilian witnesses, all statements should be the honestly held recollection of the individual officer.
10	The Scottish Government should propose amendment of the Police and Fire Reform (Scotland) Act 2012 to the following effect: There should be an explicit duty of candour on the police to co-operate fully with all investigations into allegations against its officers.
12	The Scottish Government should consult on a statutory duty of co-operation to be included in both sets, or any future combined set, of conduct regulations as follows: "Constables have a duty to assist during investigations, inquiries and formal proceedings, participating openly, promptly and professionally in line with the expectations of a police officer when identified as a witness."
20	The Police Investigations and Review Commissioner should be added to the list of prescribed persons in The Public Interest Disclosure (Prescribed Persons) Order 2014 in order that people working in Police Scotland and in the Scottish Police Authority are able to raise their concerns with an independent third-party police oversight organisation.
21	Whistleblowing can be an indicator of what is happening within an organisation and therefore Police Scotland should review and audit its whistleblowing arrangements and data on a regular basis.
32	The Scottish Police Authority and Police Scotland should consider together what role the SPA Complaints and Conduct Committee, or the Policing Performance Committee, might have in relation to the discussion of ethical issues in policing in Scotland.
47	Where the terms of a complaint made allege a breach of Article 3 by a police officer, and therefore that a crime may have been committed, the Crown Office and Procurator Fiscal Service should instruct the PIRC to carry out an independent investigation rather than directing Police Scotland to investigate it; breaches of Article 5 may, depending on the circumstances and seriousness of the case, likewise require early independent investigation.
69	The Scottish Government should consider adding to the Letter of Rights a contextual reference to the individual's general rights; and a reference to the individual's right to complain (either while in custody or thereafter) about their treatment.
70	Independent Custody Visitors should, as a matter of course, check with custody officers and with detainees that a third party has been notified of their detention.

73	Investigations involving death or serious injury in police custody are likely to be amongst the most serious and complex cases the PIRC has to investigate. Delay can add to the distress of families and have an adverse impact on those police officers involved in the circumstances of the death. Such cases should be dealt with in the same timescale and with the same urgency as a homicide investigation.
74	In Article 2 cases, in order to facilitate their effective participation in the whole process, there should be access for the immediate family of the deceased to free, non-means tested legal advice, assistance and representation from the earliest point following the death and throughout the Fatal Accident Inquiry.
76	For cases where the Fatal Accident Inquiry may last several weeks, the Scottish Government should consider the feasibility of a scheme to pay reasonable travel and subsistence expenses and compensation for loss of earnings of the next of kin.
77	Any restricted duties or transfers imposed for the duration of an investigation should take into account, where appropriate, the individual's family circumstances, and subject officers or staff should be offered the opportunity to access appropriate support services provided by Police Scotland.
PR1	Given the importance and sensitivity of such allegations it is recommended that all such allegations of excessive force should continue to be reported immediately by PSD to CAAP D for instruction and investigation by the independent Procurator Fiscal or by PIRC on the directions of the Procurator Fiscal of CAAP-D.
PR30	The Scottish Government should consider the case for amending the legislation to put beyond doubt the definition of a member of the public who may make a relevant complaint.

THEME - JURISDICTION & POWERS	
8	The Scottish Government should amend the relevant provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006 at the earliest opportunity to put beyond doubt the definition of a "person serving with the police".
13	The Scottish Government should consider the case for giving the PIRC a specific legislative power that would enable staff to access the Centurion database from its own offices so that contemporaneous audit is possible. Providing a basis in law for accessing any information relevant to the PIRC's statutory functions should ensure compatibility with GDPR and any other relevant data protection legislation.
37	The PIRC should be given a statutory power to call in an investigation of a complaint if there is sufficient evidence that Police Scotland has not dealt with a complaint properly, where the complainer provides compelling evidence of a failure on the part of Police Scotland and where the Commissioner assesses that it would be in the public interest to carry out an independent re-investigation.
38	The PIRC should have an additional power, similar to the PONI's, to investigate a current practice or policy of Police Scotland if she believes that it would be in the public interest to do so; this power should be used to focus on broad themes or trends, or practices which might be of particular public concern.
43	The case for all complaints being received by an independent police complaints body such as the PIRC should be kept under review by Scottish Ministers and if, after a reasonable passage of time, the changes recommended in this report have not secured appropriate improvement, then they should consider afresh whether they want to move to a PONI (Police Ombudsman for Northern Ireland) model where all complaints go to that independent body in the first instance.
81	The Scottish Government should agree with the UK Government and the Northern Ireland Executive how best to amend the primary legislation to give the PIRC the power, in clearly defined circumstances, to investigate the actions of officers from PSNI and English and Welsh police forces or services, and the other three reserved police forces, when they are undertaking a policing function in Scotland; and explore with the other administrations how reciprocal powers could be put in place for the IOPC and the PONI in respect of the actions of Police Scotland officers when they are operating in England, Wales or Northern Ireland.

PR22	The Commissioner, or potentially a Deputy Commissioner, should be vested with a statutory power to make recommendations in addition to the existing powers to direct reconsideration of complaints. The corollary to that is that there should be a statutory duty, subject to a public interest test, on the Chief Constable to comply with recommendations unless there are sound overriding operational or practical reasons for not complying with a PIRC recommendation and an obligation on PSD to report progress back to the PIRC. Those statutory arrangements should be supported by agreement between the PIRC and Police Scotland on how the PIRC will be kept advised of progress.
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THEME - GOVERNANCE & ACCOUNTABILITY	
4	The quarterly Police Scotland performance report to the SPA Complaints and Conduct Committee should identify five year trends.
29	The SPA Complaints and Conduct Committee should hold Police Scotland to account for delays in investigations into complaints and misconduct. Where there is evidence of excessive delays in PIRC investigations having an effect on policing in Scotland the Committee should raise the matter with the Commissioner.
33	Local scrutiny committees should consider, in consultation with Police Scotland's local divisional commanders and the COSLA Police Scrutiny Convenors Forum, what further complaints information or discussion would assist their scrutiny of the police.
34	The 2006 Act should be amended to re-designate PIRC as a Commission comprising one Police Investigations and Review Commissioner and two Deputy Commissioners, to create a statutory Board and to provide for the necessary appointment arrangements. Given the sensitivity of the office of the Commissioner, the role should be strengthened by the appointment of two Deputies with relevant legal expertise or other relevant experience who are not former senior police officers.
35	The Police Investigations and Review Commissioner should be appointed by Her Majesty The Queen on the nomination of the Scottish Parliament and should be made accountable to the Scottish Parliament through the Scottish Parliamentary Corporate Body and the committees of the Parliament, but not for criminal matters, for which the Commissioner is accountable to the Lord Advocate, and not for operational matters or decisions in which she acts independently. This in accordance with the 2009 opinion of the Council of Europe's Commissioner for Human Rights that each Police Ombudsman or Police Complaints Commissioner should be appointed by and answerable to a legislative assembly or a committee of elected representatives that does not have express responsibilities for the delivery of policing services.
45	PIRC should publish their performance against set targets for complaint handling reviews and investigations in the Commissioner's annual report.
59	In order to ensure public confidence in the police, the SPA should confirm each year in its annual report whether or not in its view, based on an informed assessment by the Complaints and Conduct Committee and evidence from the relevant audits, the Chief Constable has suitable complaint handling arrangements in place.
78	The Chief Constable should publish annually Police Scotland's performance in dealing with complaints against the time scales set out in the statutory guidance.
79	The Scottish Police Authority Complaints and Conduct Committee should scrutinise Police Scotland's performance in dealing with complaints and hold the service to account where the targets are not being achieved.
PR26	There should be the immediate establishment of a senior cross-agency joint Working Group involving the SPA, Police Scotland and the PIRC to develop appropriate and up to date guidance.

THEME - TRANSPARENCY & ACCESSIBILITY	
30	30. Recommendation: To increase public confidence in the system the SPA Complaints and Conduct Committee should consider using its minutes as a means of sharing with the public more of their substantive discussions and how Police Scotland is being held to account in this area; and consider whether some content of the minutes of the private sessions, where some strategic and policy matters are discussed, could be included in the published minutes.
31	31. Recommendation: The SPA Complaints and Conduct Committee's scrutiny function should be reported on in the SPA annual report, drawing out particular trends, highlighting improvements or concerns and using complaints data as an indicator of communities' satisfaction or dissatisfaction with policing services.
36	36. Recommendation: The ultimate ability of a member of the public to take a complaint against the PIRC or the Commissioner to the Scottish Public Services Ombudsman when they are dissatisfied with how that complaint has been handled by the PIRC in the first instance should be highlighted more prominently on the PIRC website.
46	46. Recommendation: The ability to report directly to the Criminal Allegations Against Police Division of COPFS a complaint of a crime by a police officer should be much better publicised and made more accessible to the public by COPFS, by Police Scotland and by the PIRC.
48	48. Recommendation: Police Scotland should publicise the right to complain as well as how to complain by displaying posters in police stations and other public buildings on how to make a complaint about, pay a compliment to, or submit a comment on Police Scotland.
49	49. Recommendation: The Know your Rights section of the Police Scotland website for young people should be amended to make clear their right to make a complaint.
PR6	Police Scotland should adjust its practice in respect of "Early intervention". Officers should be made aware that they are the subject of a complaint against them at the earliest practicable point, provided that such early disclosure would not prejudice any investigation of a complaint.
PR8	Police Scotland should simplify and streamline systems to make it as straightforward as possible for members of the public to navigate this rather opaque landscape and as easy as possible for them to access and understand information on how to make a complaint. In particular the online complaints form on the Police Scotland website should be made more prominent.
PR11	Police Scotland should accelerate its plans to expand the use of body worn video technology.

THEME - EQUALITY, DIVERSITY & INCLUSION	
5	Police Scotland and the Scottish Police Authority should consider expanding the collection of diversity data and the publication of information in order to enhance their understanding, and public understanding, of attitudes and concerns in different communities.
15	Police Scotland should make use of staff surveys to enhance their understanding of the experience of all minority groups in the service and senior officers should make more use of face-to face meetings and focus groups with members of these groups to gain a more acute understanding of the impacts of discrimination, prejudice and unconscious bias.
16	Police Scotland should implement, where it is in their gift, the SEMPER Scotland proposal that the composition of panel members for disciplinary hearings should be more diverse.
17	Appropriate support for anyone in Police Scotland who is the subject of internal or external discrimination should be enhanced.

18	In the light of the very worrying evidence that I have received, I consider that issues related to discrimination and their impact on public confidence in Police Scotland should be the subject of a broader, fundamental review of equality matters by an independent organisation. That review should take into account HMICS's proposed inspection of Training and Development that is to concentrate on the recruitment, retention, development and promotion of under-represented groups.
19	Police Scotland should develop its diversity data collection and analysis to inform a proper understanding of issues related to discrimination so that progress can be made and those issues addressed. The service should consider what it can learn from how this is done by the Police Ombudsman for Northern Ireland and the Garda Síochána Ombudsman Commission respectively.
44	The PIRC should ensure that discrimination issues are considered as an integral part of their work. A systematic approach should be adopted across the organisation and in all cases investigators should consider if discriminatory attitudes have played a part.
50	Police Scotland should have discussions with a number of the third party reporting centres for hate crime, including those representing minority groups, and secure their agreement to offer third party support for those who wish to make a complaint against the police.
60	At the point at which people make complaints Police Scotland should collect and analyse data to enable them to undertake demographic modelling and gain a better understanding of different groups and communities' experience of the police service.
66	All Police Scotland officers and staff should receive training on unconscious bias, equality legislation and diversity; this should be updated throughout their career, with the opportunity for refresher courses at regular intervals.
PR12	Police Scotland is a young but now established national organisation with a stable leadership team. This is a good opportunity 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.

THEME: CONDUCT & STANDARDS	
22	The Scottish Government should develop proposals for primary legislation that would allow, from the point of enactment, gross misconduct proceedings in respect of any police officer or former police officer to continue, or commence, after the individual ceases to hold the office of constable.
23	In gross misconduct cases, for all ranks, the Police Investigations and Review Commissioner should determine if it is reasonable and proportionate to pursue disciplinary proceedings in relation to former police officers after the twelve month period, taking into account the seriousness of the alleged misconduct, the impact of the allegation on public confidence in the police, and the public interest.
24	The Scottish Government should engage with the UK Government with a view to adopting Police Barred and Advisory Lists, to learn from experience south of the border and to ensure compatibility and reciprocal arrangements across jurisdictions.
25	The statutory preliminary assessment function should be transferred from the SPA to the PIRC in order to enhance independent scrutiny of allegations, remove any perception of familiarity, avoid any duplication of functions or associated delay, and give greater clarity around the process. The preliminary assessment should be carried out by the Commissioner or a Deputy Commissioner.
26	PIRC should work collaboratively with the SPA to agree and embed a proportionate and effective approach to preliminary assessment (for Regulation 8 of the senior officer conduct regulations) until such time as new regulations come into effect.

27	Gross misconduct hearings for all ranks should have 1) an independent legally qualified chair appointed by the Lord President, 2) an independent lay member appointed by the Lord President and 3) a policing member. This means in senior officer cases the role of Chair should transfer from the SPA to the independent legally qualified person. The policing member in senior officer cases should be appointed by the Lord President; in all other cases the policing member should be appointed by the Chief Constable.
28	There should be one route of appeal against a determination of a gross misconduct hearing or the disciplinary action to be taken and that should be to a Police Appeals Tribunal, as at present. This recommendation is subject to the Police Appeals Tribunals being transferred into the Scottish Courts and Tribunals Service.
39	The PIRC should take on responsibility for the key stages of the senior officer misconduct proceedings (both misconduct and gross misconduct) i.e. the functions of receipt of complaints/allegations, preliminary assessment, referral to COPFS of criminal allegations and, where appropriate, referral to an independent legally chaired panel.
40	The PIRC should be given a new statutory function and power to present a case at a senior officer gross misconduct hearing where the case would be determined by a three-person panel comprising an independent legally qualified chair, a lay person and an expert in senior policing.
41	The PIRC should have the power to recommend suspension of a senior officer if she or he believes that not suspending the officer may prejudice an effective misconduct investigation. The PIRC should provide supporting reasons when they make such a recommendation to the SPA that a senior officer should be suspended.
51	Provision equivalent to that in England and Wales for accelerated misconduct hearings should be included in Scottish conduct regulations for all ranks of constable to deal with circumstances where the evidence is incontrovertible and where that evidence means that without further evidence it is possible to prove gross misconduct, or where the subject officer admits to their behaviour being gross misconduct.
52	Police officer gross misconduct hearings should be held in public. The Chair should have discretion to restrict attendance as appropriate but the aim should be to ensure that as much of a hearing is held in public as possible.
53	In addition to the existing protections for witnesses, the Chair of the gross misconduct hearing should consider whether the evidence of any vulnerable witnesses should be heard in private and they should also be under an obligation to consider any other reasonable adjustments that they believe to be necessary to ensure the protection of such vulnerable witnesses. This may include the officer who is the subject of the proceedings.
54	The 2012 Act should be amended to confer on Scottish Ministers a power to issue statutory guidance in respect of conduct and a duty to consult on any such guidance, and confer a duty on policing bodies to have regard to any such guidance. Scottish Ministers should use that power at the earliest opportunity to issue guidance in respect of a new Reflective Practice Review Process. That guidance should build on the spirit of existing Scottish guidance and take into account any valuable elements of English and Welsh best practice.
55	Subject to safeguards needed to protect the rights of each individual officer, the regulations should make provision for the possibility of joint misconduct proceedings to deal with any number of officers, including senior officers.
56	The regulations governing probation (the Police Service of Scotland Regulations 2013) should be amended so that a fair and speedy consideration of any allegation of misconduct can be dealt with during the probation period.
57	A statutory suspension condition in England and Wales that temporary redeployment to alternative duties or an alternative location should have been considered as an alternative to suspension should be replicated in Scottish

	regulations in relation to all ranks of constable. Provision should also be made for regular review of the suspension of an officer.
58	The outcome of gross misconduct proceedings should be made public. The Chair's report, subject to any necessary redactions, should be published by the Scottish Police Authority on its website for a period of no less than 28 days
PR19	Any process for preliminary assessment of senior officer misconduct should require the relevant authority both to take into account whether the allegation is made anonymously, is specific in time and location, or whether it appears, on the face of the allegation, to be either vexatious or malicious. Scottish Government should consider amending the conduct regulations to reflect this process.

THEME - TRAINING & HR	
6	All officers and support staff in Police Scotland's Professional Standards Department (PSD) should receive comprehensive induction training on taking up post and regular refresher development opportunities thereafter.
11	Police Scotland should consider the workload of the sergeant rank at the front line and the supervisory ratio of sergeants to constables in order to give create sufficient capacity for management, coaching and mentoring duties.
14	Police Scotland's Executive team should consider in depth and review the criteria and competencies that it uses to assess police officers' readiness for promotion.
62	Police Scotland should appoint a PSD training officer to maintain the momentum in training and development arising from its internal Risk, Assurance and Inspection (RAI) team audit, and to liaise with the SPSO, the PIRC and the SPA on joint training, best practice and other relevant development opportunities.
63	PIRC complaint handling review officers and trainee investigators should work-shadow police officers at peak times to see at first hand the atmosphere and environment in which police officers are obliged to make decisions that can have serious implications.
64	PIRC should deploy the in-house expertise that the organisation has to deliver internal training for investigators in the law of evidence.
65	PIRC and Police Scotland should work together to develop training and development opportunities that take the theoretical learning from thematic analysis of complaints and embed it in practical learning for individual officers.
67	Police Scotland officers should receive regular training inputs on how to deal effectively with individuals who display mental ill-health symptoms or related behaviours.
PR2	Police Scotland should review the service wide capability of its line managers to line manage effectively, including the adequacy of training and mechanisms of support for line managers.
PR3	Police Scotland should consider the scope for employing more non police officer support staff in PSD with appropriate seniority, skills and level of knowledge of complaints handling. This is an option that Police Scotland may wish to ask HMICS to review.
PR4	Police Scotland should scrutinise complaints thoroughly on receipt so as to ensure that grievance matters that would in any other walk of life be treated in an HR context are not artificially elevated and dealt with as conduct matters.
PR9	To encourage appropriate use of mediation and grievance procedures Police Scotland should raise awareness and understanding amongst all members of the service of their own internal systems and which matters belong where in order to ensure a proportionate response.
PR10	Police Scotland should consider the importance of providing all officers involved in frontline resolution with training in mediation and customer handling.
PR17	Further training for complaints and conduct officers in SPA should be consolidated and broadened in order to ensure the right skillset and up to date knowledge of complaint handling best practice in other sectors.

PR24	Following the retirement of former police officers PIRC policy should be to replace them with non-police officers. The PIRC should also adopt a similar policy to the IOPC's in England and Wales by recruiting non police officers when recruiting to the most senior posts.
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THEME - EFFICIENCY & EFFECTIVENESS	
9	It is inappropriate to involve local officers in the frontline complaints process and therefore all frontline resolution should be carried out by Professional Standards Department.
68	The Strategic Oversight Group or the National Complaint Handling Development Group should take an early opportunity to engage with the SPSO to agree where their contribution and advice would be most useful.
72	NHS accident and emergency facilities should be designed to be able to deal safely with mental health care and acute crises.
80	A non-statutory time limit for the submission of complaints by the public should be made explicit in the PIRC's statutory guidance and publicised on the relevant websites. Complaints made more than twelve months after the event or incident should only be considered where the circumstances are grave or exceptional.
PR13	The Scottish Government should consider the case for amending the legislation to include a provision to deal with vexatious complainers.
PR20	The PIRC should consider the case for creating some measure of regional presence to enhance its capacity to respond immediately to the most serious incidents wherever they occur.
PR25	There should be a management review by an independent expert to ensure that the PIRC has appropriate leadership, skills and culture to carry out its functions in the future, and to examine interactions with other stakeholders and how they can be improved.

THEME: AUDIT & REVIEW	
2	The Criminal Allegations Against Police Division (CAAP D) of COPFS should repeat on a regular basis the review that they carried out of all the 'assault' and 'excessive force' categorised complaints that had been received by Police Scotland in the month of March 2020.
7	The next follow up audit of the six stage complaint handling process or audit of frontline resolution should be carried out by the PIRC as an independent third party.
42	The PIRC should conduct an annual audit of triage within PSD of public complaints against the police to ensure that matters that can be resolved by FLR, or misconduct, or potential criminality are being properly identified and routed accordingly, and to provide assurance that Article 3 and Article 5 cases are being correctly identified and reported forthwith to COPFS.
61	Both Police Scotland and the PIRC should consider drawing on the expertise of Audit Scotland and the Scottish Public Services Ombudsman in re designing the audit arrangements in respect of police complaints.
71	As soon as it is reasonable and feasible to do so, HMICS, along with the appropriate health inspection or audit body, should conduct a Review of the efficiency and effectiveness of the whole system approach to mental health.
75	Many of the issues identified in the 2017 report of my Independent Review of Deaths and Serious Incidents in Police Custody in England and Wales are also directly relevant in the Scottish context. The Scottish Government should consider which of the findings and recommendations made in that report could and should be mirrored by public bodies in Scotland.
PR5	Frontline resolution of complaints should be subject to close and regular monitoring through regular, meaningful internal and external audits, and monitoring of decision making.

PR27	All the audit arrangements, including regular dip sampling, designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public.
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