

Date: 03 August 2017

Your ref:

Our ref:

Mary Fee MSP
Justice Sub-Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP



**POLICE
SCOTLAND**

Keeping people safe

**Chief Constable
Philip Gormley QPM**

Police Scotland Headquarters
Tulliallan Castle
Kincardine
FK10 4BE

Telephone No: 01259 733111

E-mail: cc.office@scotland.pnn.police.uk

Dear Ms Fee

Justice Sub-Committee on Policing

Thank you for your letter of 28 June 2017 and your invitation to attend the session of the Sub-Committee on 14 September 2017. I am pleased to accept your invitation.

With regard to the specific information you requested in your letter, I have provided my response to each point highlighted in bold below.

- 1. the remit and timescale for completion of the review and whether any issues have been prioritised, such as complaints relating to those working within the CCU (ACU) and/or Professional Standards Department.**

Following publication of the Her Majesty's Inspectorate of Constabulary Scotland (HMICS) Assurance Review of Police Scotland's Counter Corruption Unit (CCU) on 27 June 2016, a Steering Group was established by Police Scotland (chaired initially by Deputy Chief Constable Nicolson and thereafter Deputy Chief Constable Gwynne) to address the 39 recommendations contained within the report. A number of business areas from across Police Scotland were represented at the group, these included Training, Leadership and Development, Specialist Crime Division, Organisational Learning Development, Legal Services, Professional Standards Department (PSD) and Corporate Communications, together with the Scottish Police Authority (SPA), Scottish Government, Crown Office and Procurator Fiscal Service and HMICS.

An Independent Reference Group, (chaired by SPA Board member, Graham Houston), was also convened to assist with the process and provide guidance and direction to the Steering Group. Membership of this Group included Staff Associations (Unison, Scottish Police Federation (SPF) and Association of Scottish Police Superintendents (ASPS)) and legal advisors.

Following extensive work over the past 12 months, and having been discussed and endorsed by members of the Steering and Reference Groups, 35 of the recommendations will be proposed for closure in an update report that is being prepared for HMICS.

In terms of the remaining recommendations, work is currently ongoing and whilst at an advanced stage, completion dates have yet to be finalised.

All of the recommendations were prioritised following risk assessment, which has resulted in 35 of the 39 recommendations being proposed for closure due to the progress made.

2. any changes that have been made to the Integrity Matters whistleblowing Policy, and if so, how these changes were agreed and communicated, including any input from relevant unions, staff associations and the SPA.

To avoid any confusion, it should be noted that Integrity Matters (IM) is the name given to the Online Confidential Reporting System which was designed to allow officers and staff to report, anonymously should they so wish, any criminal, unethical or misconduct matter in the knowledge that it will be fully assessed and appropriately actioned.

IM is an Information and Technology (IT) platform, and not a policy.

The Police Scotland Whistleblowing Policy was formally launched on 21 June 2017 and was communicated to members of Police Scotland via an internal memo circulated by Deputy Chief Constable Livingstone, and published on the Police Scotland Intranet on the same date.

With regard to IM Online Confidential Reporting System, and in line with relevant HMICS recommendations, new audit and enhanced recording processes were developed and applied to IM.

To support any future enhancements to IM, a decision was also made at the Steering Group to transfer the system to a new IT platform. In line with the previous HMICS assessment, IM remains totally secure and provides complete anonymity to the user should they so wish.

Furthermore, to provide added confidence in relation to the handling of IM referrals, a new Gateway Unit was created under the line management of Professional Standards Department (PSD). This effectively removed the Anti-Corruption Unit (ACU) from the initial assessment and allocation process for IM.

Members of ASPS, Unison, Unite and the SPF were provided with an overview and demonstration of the enhanced system by Information

Communication and Technology department (ICT) and ACU / PSD staff prior to implementation. The SPA was also afforded a similar opportunity.

- 3. confirmation of whether the CCU/ACU or Professional Standards department have since the SPA's 2015 audit, investigated complaints from police officers or staff (or former officers and staff) whose complaints relate to those working within the CCU/ACU and/or professional standards department.**

I can confirm that this has occurred and further detailed below.

As the answers to both points 4 and 5 are linked to the previous comment, I have addressed these points together as follows:

- 4. if this is the case, details of measures taken (a) to ensure that there was no conflict of interest for the staff or officers involved in investigating complaints and (b) to protect staff and officers who have made a complaint and**
- 5. whether Police Scotland has dealt with any complaints from police officers or staff, or former police officers of staff, who have found themselves in the position of making a complaint against those working in the CCU/ACU and/or the professional standards department and, if so, how these were/are being addressed.**

In line with changes to complaint handling procedures any complaints made against members of the ACU/CCU or PSD are investigated by an independent Enquiry Officer appointed from out with both PSD and ACU. This appointment is made in conjunction with the Head of Professional Standards and Deputy Chief Constable (Designate). In making such an appointment steps are taken to ensure the highest possible standards of independence. As a result, often the Enquiry Officer is appointed from another part of the country and from an unconnected business area. Head of PSD will notify the SPA in writing at the commencement of any enquiry which will provide the SPA with an opportunity to dip sample any such complaints at a later time. The Police Investigations and Review Commissioner (PIRC) are fully sighted on the complaint handling arrangements and it remains the process whereby any complainer is afforded the opportunity to refer to the PIRC if they are dissatisfied with the handling of the complaint.

These complaint handling processes, introduced in the latter part of 2016, have been signed off by both the HMICS Reference Group and the HMICS Steering Group.

In the period from July 2016 to the present, 6 separate complaints have been made against officers within the ACU/CCU and subsequently handled in this described fashion. No complaints have been made against officers within PSD. The 6 complaints relate to serving or ex officers who have in the past been the subject of CCU investigations and are legitimate complaints within

the spirit of the complaint handling guidelines. Those complaints relate largely to historical matters and in a number of instances pre date Police Scotland.

The appointed Enquiry Officer is largely determined by the nature and rank of officers complained about, and in the majority of instances the appointment has been at the Chief Inspector or Superintendent level.

I trust that you find this update useful at this time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Gormley', with a stylized, cursive script.

Phil Gormley QPM
Chief Constable