

Justice Sub-Committee on Policing
Police Scotland's Internal Complaints Procedures
Written submission from Unison Scotland

Introduction

UNISON is the main trade union for Police Staff across Scotland. We welcome the opportunity to contribute to the Justice Sub Committee's scrutiny of internal complaints procedures.

We have been consulted on the drafting of the Police Scotland and SPA Whistleblowing Guidance. We are fully supportive of Police Scotland and the SPA's attempts to address any deficiencies in complaints handling and Whistleblowing processes but due to the complexities and structure of policing in Scotland we feel there are still potential gaps in the provisions.

From this perspective it is important to consider complaints affecting individuals to those which affect collective groups of employees and how these are addressed.

Background

UNISON has been critical with regards to the strategies and policies shaping Scottish Policing including how policing has been restructured during the first 4 years of the SPA and Police Scotland.

In our experience the workforce balance often impacts on the ability to provide a service and we recognise that financial savings have been a primary justification for driving change.

The consequent challenges, have not always been welcome as we have frequently pointed out deficiencies, problems and risks associated with such an ambitious programme of reform on which reputations rest.

We remain concerned about how policies and procedures are interpreted and applied in workplaces which have become increasingly centralised with diminishing supervisory ratios. In areas where police officers are deployed in roles managing police staff we witness specific nuances in culture, structure and management style which aren't always compatible with listening to and acting on the legitimate concerns of staff and trade unions.

Grievances and whistleblowing

Employees may raise complaints regarding how they perceive they have been treated in line with organisational standards, policies and procedures. During grievances and appeals we have observed a reluctance on the part of the organisation to re-examine whether the application or interpretation of process and procedure was correctly applied. In the early stages of grievances, we have found that those hearing grievances are in the position at the early outset of defining what

a grievance is and indeed whether it is applicable to the situation. This can contribute to the aggrieved feeling 'fobbed off' or deterred from pursuing the matter further resulting in under reporting and a distorted organisational view.

This may also be true of whether the grievance has greater significance by way of impacting on others and is actually something which can be disclosed under the Public Interest Disclosure Act (PIDA).

During 2015/16 UNISON raised a number of concerns in relation to the operating practices of the Counter Corruption Unit (which was effectively policing the police). These concerns were escalated accordingly to senior leaders within Police Scotland and the SPA. There were difficulties gaining traction to address our concerns. However following UNISON taking legal advice and the subsequent HMICS Review of CCU, steps were taken to improve standards and make necessary changes.

UNISON fully supports the development of a healthy whistleblowing culture based on the core principle of instilling confidence amongst staff so they raise matters of concern.

The two biggest fears staff making disclosures have are fear of reprisal and no action being taken.

On account of previous difficulties UNISON felt it was important to include specific provisions in whistleblowing process:

- That the document offering instruction is not just shaped by guidance (which can be discretionary) but details how we apply the process, consistently.
- That there is improved corporate recording and governance of complaints/disclosures.
- Maintaining an external independent pathway for employees to raise complaints and disclosures.

This third point was accommodated with the development of the Code of Conduct to enable police staff the opportunity to raise concerns about how whistleblowing disclosures have been handled with the Scottish Government Police Division Sponsor Team. However we now understand this relationship has been reexamined on account that the Scottish Government is not an employer under PIDA.

Whilst we understand this supporting rationale, it somewhat limits the opportunity for true independence and neutrality on whistleblowing allegations as any allegations raised with government will be referred back to the SPA.

Conclusion

The culture of policing is very unique. Policing has a hierarchical command structure which demands a disciplined service based on adherence to principles such as 'task not ask'. This does not lend itself well to challenges or complaints when operational decisions and procedural judgements are flawed. It is vital that those who raise concerns have the confidence in process to do so without fear of reprisal or no action being taken.

It is the view of UNISON that there is a vital need for a 'sterile corridor' to maintain integrity of process.

For this to happen there has to be an examination of; what managers understand to constitute a complaint, how this is recorded, reported and actioned and the level of independent scrutiny of complaints.

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