

Justice Sub Committee on Policing

Police Scotland's Internal Complaints Procedures

Written submission from the Scottish Police Federation

I refer to the above and to your recent correspondence on this matter and thank you for inviting the Scottish Police Federation (SPF) to contribute to the deliberations of the Committee on this subject.

The SPF is aware the committee gave consideration to the issue of whistleblowing in the recent past and a great deal of attention has been given over to the subject. Whilst whistleblowing is a concept that appears to be readily understood, how it fits within a regulatory framework such as in the police service (and for police officers) is less clear.

It is important to highlight that the activities of police officers are governed in many aspects by regulations that have progressed through the Scottish Parliament. In very simple terms the issues of police officer conduct and performance are amongst those matters subject to regulation.

It is also important to highlight that whilst many may consider regulations apply to what could loosely be termed pay and allowances, they also relate to the manner in which police officers behave towards each other and also to managerial practices.

For example, if a supervisor was to pressurise a constable to work out with the provisions of the workplace regulations, this would raise a question of overbearing conduct and arguably a legitimate question over their performance. In these circumstances police officers cannot ignore the conduct or performance regulations (to do so would in itself be a neglect of duty).

The conduct regulations explicitly apply to a report, allegation or complaint from which it can reasonably be inferred that an act or omission of such a constable may amount to misconduct.

If we take other examples where a police officer might treat another colleague with a lack of respect or ignore procedures that are in place, these issues would also legitimately fall under the umbrella of conduct and / or performance.

A police officer who may witness (or even be privy to) these kind of behaviours does not have the option of seeking alternative vehicles to deal with these matters as the obligations and reach of the conduct and performance regulations are not discretionary.

The fact that the police service is regulated in the manner it is, is a matter for parliament but the SPF's view is that where a lack of confidence in complaint procedures manifests itself this is rarely as a product of the process but rather from a lack of willingness to use or adhere to the processes that are there.

The SPF continues to express concern over the level of understanding that exists within professional standards departments over the difference between misconduct and performance. It remains the case that the performance processes are rarely used even though they would be more appropriate. It is regrettable that a continued adversarial approach is adopted and this in turn breeds a lack of confidence in internal processes.

As the committee is aware the SPF raised concerns over the activities of the Counter Corruption Unit and we consider that our concerns were fully vindicated with subsequent events. Whilst we have seen undoubted improvements to the internal governance processes for what is now the Anti-corruption Unit (ACU) it is regrettable that our members still express concern over the manner in which they are treated in some ACU inquiries.

When we encounter examples of non-regulatory practices being used by those who are intended to be custodians of standards and integrity in the service, it remains the case that there is a dogged unwillingness to utilise the performance and conduct regulations to challenge these behaviours.

The SPF considers that to maintain confidence in the processes that cover day to day conduct and performance, that no less of a standard should be applied to those who undertake investigations on behalf of the service.

Another area that has to be considered when examining internal complaints procedures has to be those surrounding workplace grievances. Whilst the SPF would like nothing more than to have a completely content police workforce, we know this is far from the case. Indeed the last staff survey identified only 8% of police officers believed the service was genuinely interested in their wellbeing.

Against this it is telling that so very few police officers raise grievances and rather than be considered as a sign of positivity, this suggests a fundamental lack of confidence in the processes that are there.

At this time many police officers are simply “scunnered.” They experience their working conditions being regularly disregarded and ignored. They are pulled from pillar to post and have so little confidence that things will improve that they often ask themselves “What is the point as nothing will change.”

These are matters that should be of the gravest concerns for anyone who has an interest in policing.

Calum Steele
General Secretary
8 September 2017