

Meeting	Complaints & Conduct Committee
Date	18 November 2020
Location	Video-conference
Title of Paper	SPA Quarterly Report
Presented By	SPA Complaints Team
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

This is a Report to the Complaints and Conduct Committee containing information and updates on complaints and conduct matters. The report includes key statistics reflecting the position at the end of Q2, 2020/21. The report also includes key statistics of note over the last five full years, 2015/16 to 2019/20

The paper is submitted:

- For Discussion

1 BACKGROUND

1.1 This is a regular agenda item, containing updates on complaints and conduct matters within the SPA.

2 FURTHER DETAIL ON THE REPORT TOPIC

2.1 SPA COMPLAINTS QUARTERLY PERFORMANCE REPORT

2.1.1 The statistics presented below reflect the position at the end of Quarter 2 (Q2) 2020/21, i.e. 30 September 2020.

2.1.2 The Tables, 1 to 14, show i) Quarterly Statistics for the Last Full Year plus Current Year to Date; and ii) Yearly Statistics for the Last 5 Full Years.

2.1.3 The Graphs, 1 to 6, show 5- Year trends for some of the key data.

2.1.4 Key Findings in relation to this report are included at the end of this section.

2.2 Cases Received by the SPA

A complaint is an expression of dissatisfaction and the SPA is responsible for handling complaints about the SPA itself, members of SPA staff and senior officers of Police Scotland i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable.

Enquiries or other correspondence received by the SPA Complaints Team are recorded under the heading 'Miscellaneous (MI)'.

Tables 1 and 2 show the number of Complaint Cases received by the SPA, both for cases within and outwith its remit. The number of MI cases within the remit of the SPA is also shown.

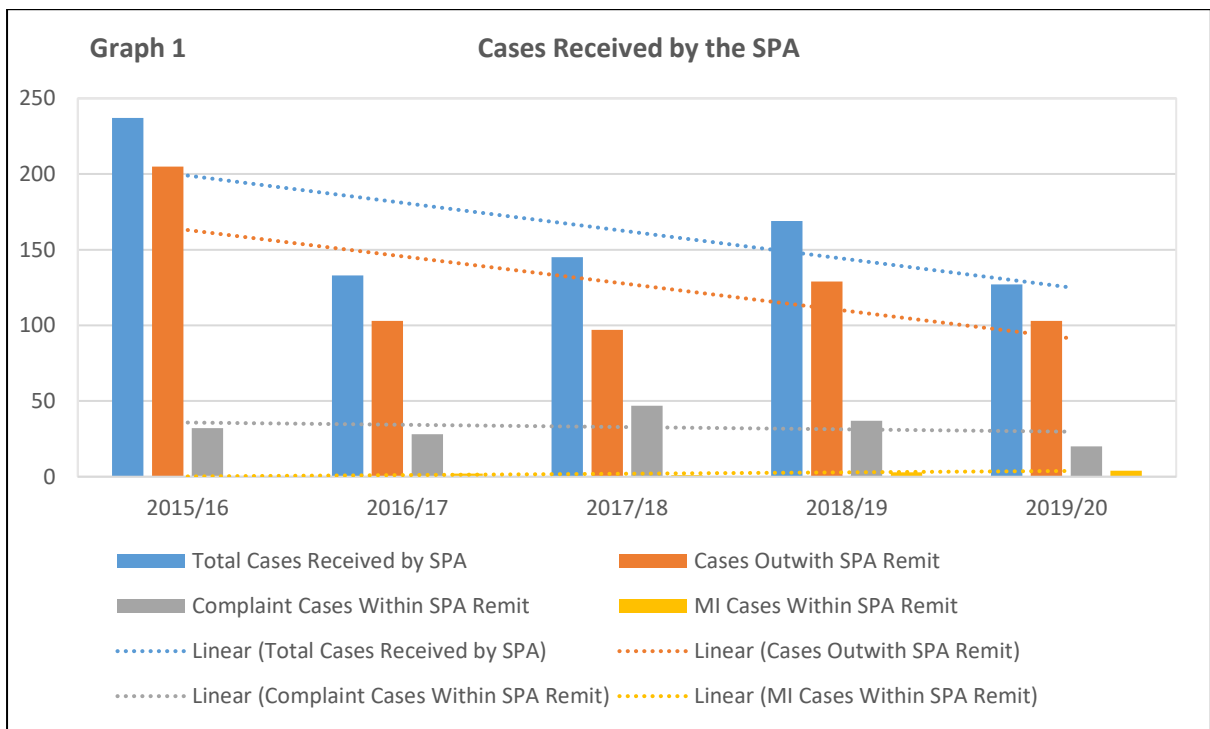
Table 1: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Complaint Cases Within SPA Remit	4	7	6	3	6	3
MI Cases Within SPA Remit	2	0	1	1	2	3

Cases Outwith SPA Remit	19	32	19	33	29	31
Total	25	39	26	37	37	37

Table 2: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Complaint Cases Within SPA Remit	32	28	47	37	20
MI Cases Within SPA Remit	0	2	1	3	4
Cases Outwith SPA Remit	205	103	97	129	103
Total	237	133	145	169	127



Graph 1 shows that, while the number of Cases received by the SPA has shown a general downward trend over the past five years, the number of Complaint Cases within the remit of the SPA has remained fairly steady.

2.3 Allegations Received by the SPA

A single Complaint Case may consist of a number of component parts that can be determined separately. For the purposes of this report, the component parts of a Complaint Case are referred to as 'Allegations'. Accordingly, each Complaint Case may consist of multiple Allegations.

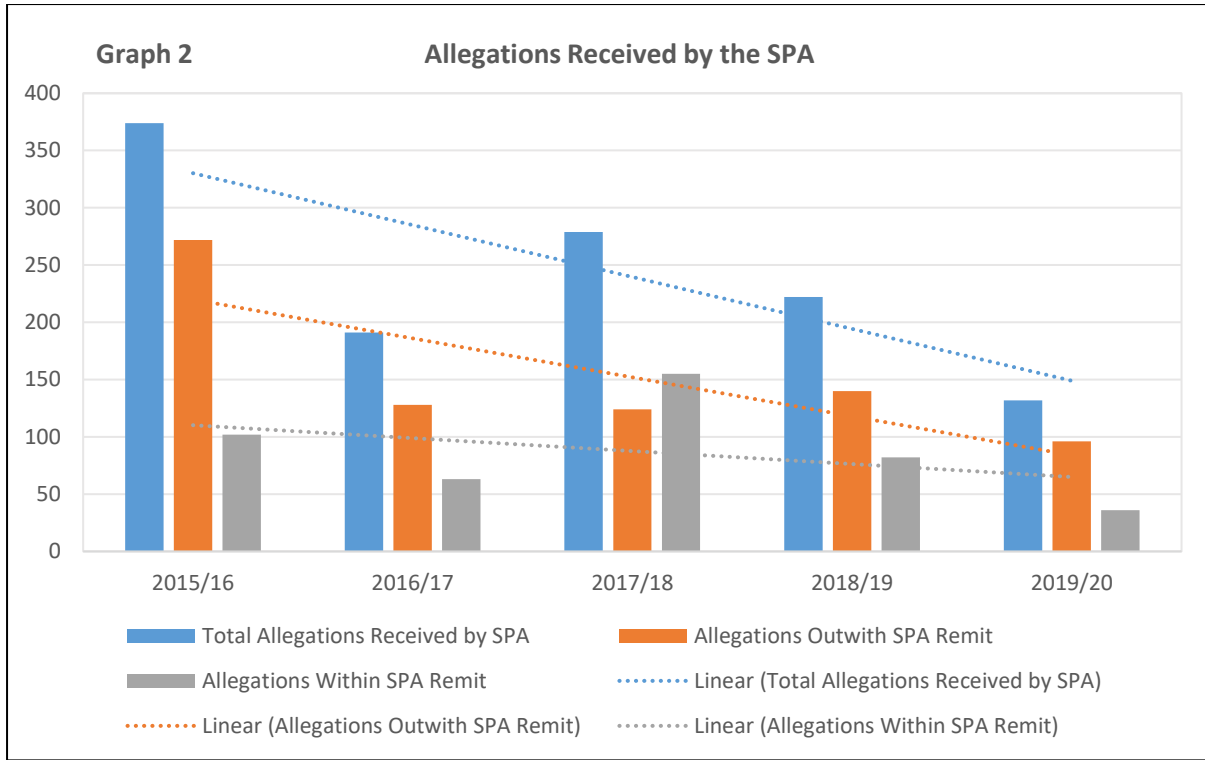
Tables 3 and 4 show the number of Allegations contained within the Complaint Cases received by the SPA, both for cases within and outwith its remit.

Table 3: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Allegations Within SPA Remit	5	18	10	3	14	9
Allegations Outwith SPA Remit	21	32	20	23	29	34
Total	26	50	30	26	43	43

Table 4: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Allegations Within SPA Remit	102	63	155	82	36
Allegations Outwith SPA Remit	272	128	124	140	96
Total	374	191	279	222	132



Graph 2 shows that the number of Allegations received by the SPA has shown a general downward trend over the past five years. This suggests that, while the number of Complaint Cases has remained fairly steady, the Cases generally contain fewer Allegations.

2.4 Allegations within SPA Remit by Subject of Complaint

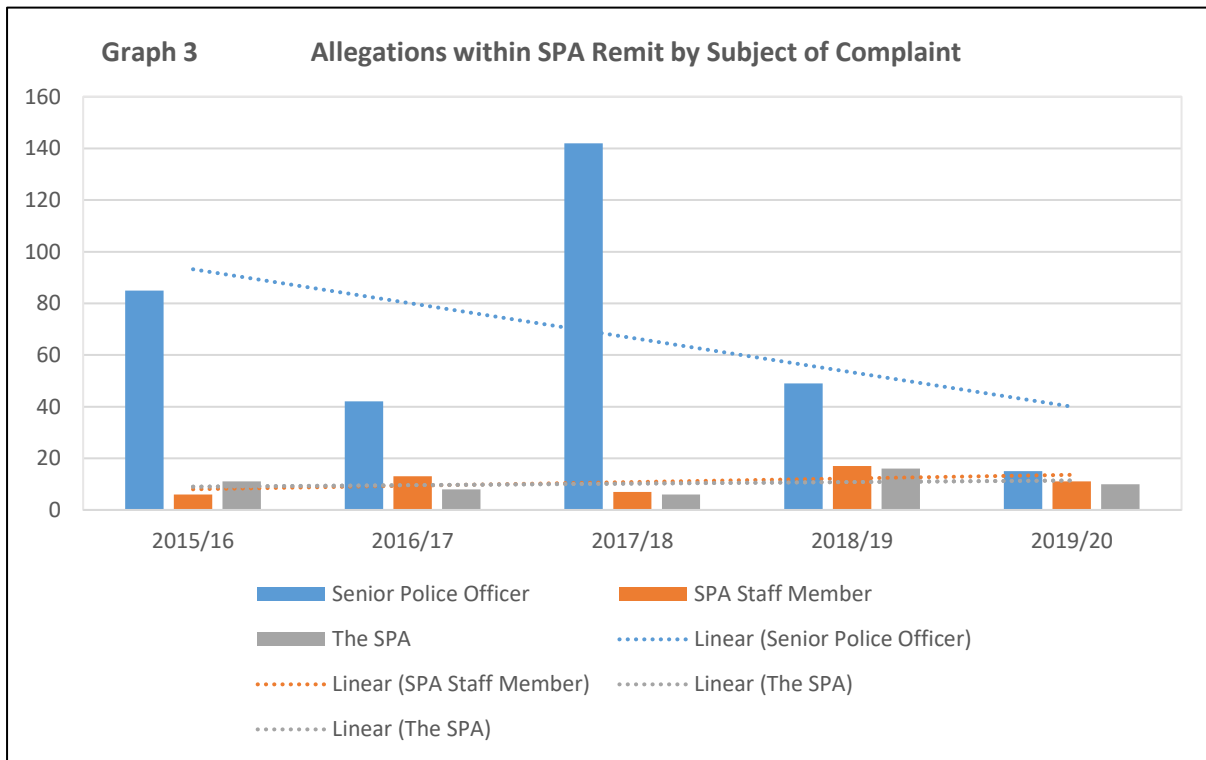
The SPA is responsible for handling complaints about the SPA itself, members of SPA staff and senior officers of Police Scotland. Tables 5 and 6 show a breakdown of Allegations by the subject of the complaint.

Table 5: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Senior Police Officer	2	7	4	2	14	2
SPA Staff Member	2	8	1	0	0	7
SPA	1	3	5	1	0	0
Total	5	18	10	3	14	9

Table 6: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Senior Police Officer	85	42	142	49	15
SPA Staff Member	6	13	7	17	11
SPA	11	8	6	16	10
Total	102	63	155	82	36



Graph 3 shows that the majority of Allegations received by the SPA over the past five years are about senior officers of Police Scotland and this was particularly evident with 'spikes' in the number of Allegations received in 2015/16 and 2017/18.

2.5 Complaint Cases within SPA Remit by Origin of Complaint

Tables 7 and 8 show the number of Complaint Cases within the remit of the SPA broken down by the origin of the complaint and show that complaints may be; received from members of the public; received from serving or former police officers/ members of staff or; made anonymously.

The 'internal' complaints made by serving or former police officers/ members of staff include those received through the 'Integrity Matters'

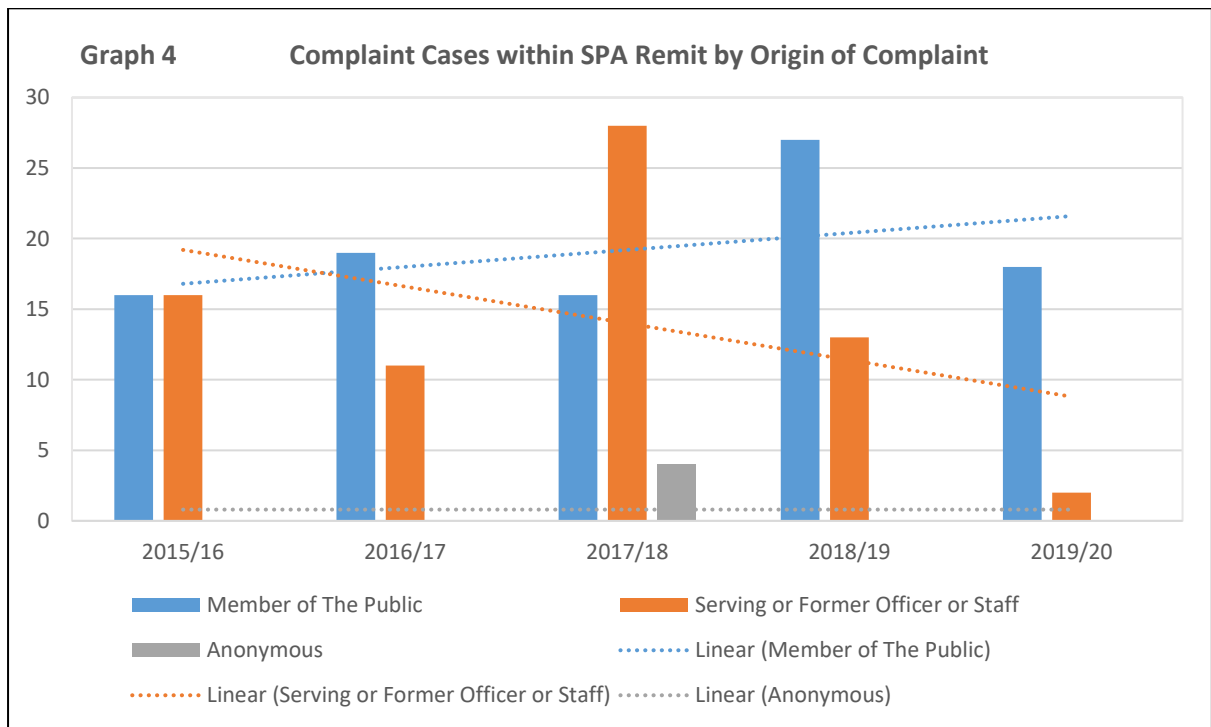
confidential reporting system. Although Integrity Matters provides the option to report matters anonymously, the nature of the complaints are such that it is possible to identify they are 'internal' complaints.

Table 7: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Member of The Public	4	6	5	3	4	1
Serving or Former Officer or Staff	0	1	1	0	2	2
Anonymous	0	0	0	0	0	0
Total	4	7	6	3	6	3

Table 8: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Member of The Public	16	18	15	25	18
Serving or Former Officer or Staff	16	10	28	12	2
Anonymous	0	0	4	0	0
Total	32	28	47	37	20



Graph 4 shows that in general, over the past five years, the majority of complaints are received from members of the public, with one exception in 2017/18 showing a 'spike' in the number 'internal' complaints received. The graph also shows a general increase in the number of complaints received from members of the public while, conversely, the number of 'internal' complaints has shown a downward trend.

2.6 Allegations within SPA Remit by Origin of Complaint

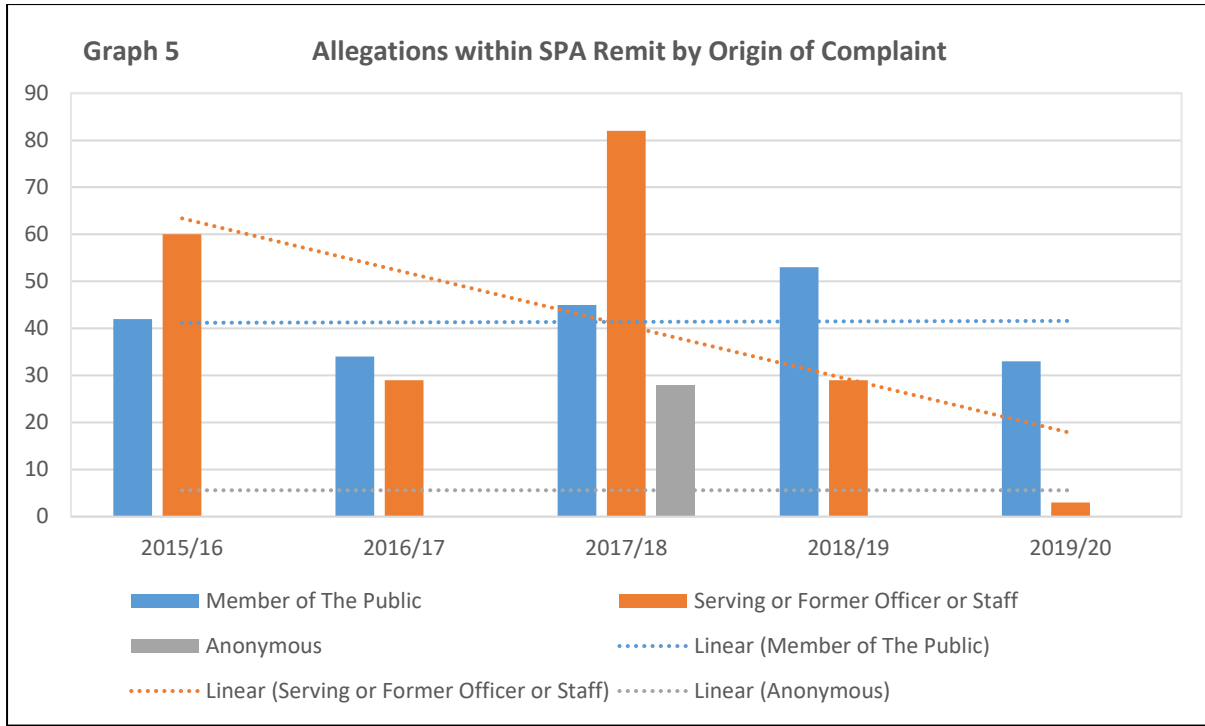
Tables 9 and 10 show the number of Allegations within the remit of the SPA broken down by the origin of the complaint.

Table 9: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Member of The Public	5	16	9	3	4	1
Serving or Former Officer or Staff	0	2	1	0	10	8
Anonymous	0	0	0	0	0	0
Total	5	18	10	3	14	9

Table 10: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Member of The Public	42	34	45	53	33
Serving or Former Officer or Staff	60	29	82	29	3
Anonymous	0	0	28	0	0
Total	102	63	155	82	36



Graph 5 shows that, in 2015/16 and 2017/18, spikes were seen in the number of Allegations received from serving or former police officers/ members of staff. Since 2017/18, the number of such 'internal' Allegations received by the SPA has shown a significant downward trend.

2.7 Determination of Allegations within SPA Remit

Tables 11 and 12 show the determination of Allegations within the remit of the SPA. Withdrawn complaints are those where the complainer intimates that they wish to withdraw a complaint. Abandoned complaints are those which cannot proceed without the complainer's further co-operation. If a complaint cannot proceed due to the complainer being subject to the SPA's 'Unacceptable, Persistent or Unreasonable Actions by Complainers Policy', this is recorded in Table 11 as 'Closed- UA'.

The determination of Allegations in the years 2015/16 to 2018/19 were previously reported as either 'Upheld' or 'Other' which was a recording of all Allegations which did not result in a finding of 'Upheld'. This information is reflected in Table 12.

Table 11: Quarterly Statistics for the Last Full Year plus Current Year to Date

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
Upheld	1	1	1	0	0	0
Not Upheld	2	9	9	2	3	2

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Abandoned	2	0	0	1	0	
Withdrawn	0	0	0	0	1	
Closed- UA	0	8	0	0	0	
Ongoing at 30/09/2020	0	0	0	0	10	7
Total	5	18	10	3	14	9

Table 12: Yearly Statistics for the Last 5 Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
Upheld	2	4	1	3	3
Other- including Not Upheld, Abandoned, Withdrawn, Closed- UA.	100	59	154	79	33
Total	102	63	155	82	36

Tables 11 and 12 show that a small minority of Allegations received by the SPA result in a finding of 'Upheld'.

2.8 Timescales to close Relevant Complaints

A 'Relevant Complaint' is defined in legislation and is essentially a non-criminal complaint by a member of the public about the police, the SPA, or a staff member of the police or the SPA.¹

The handling of relevant complaints are subject to the oversight of the PIRC who have an expectation that such complaints should be completed within 40 working days. Tables 13 and 14 show the timescales for the closure of 'relevant complaints' handled by the SPA.

Table 13: Quarterly Statistics for the Last Full Year plus Current Year to Date

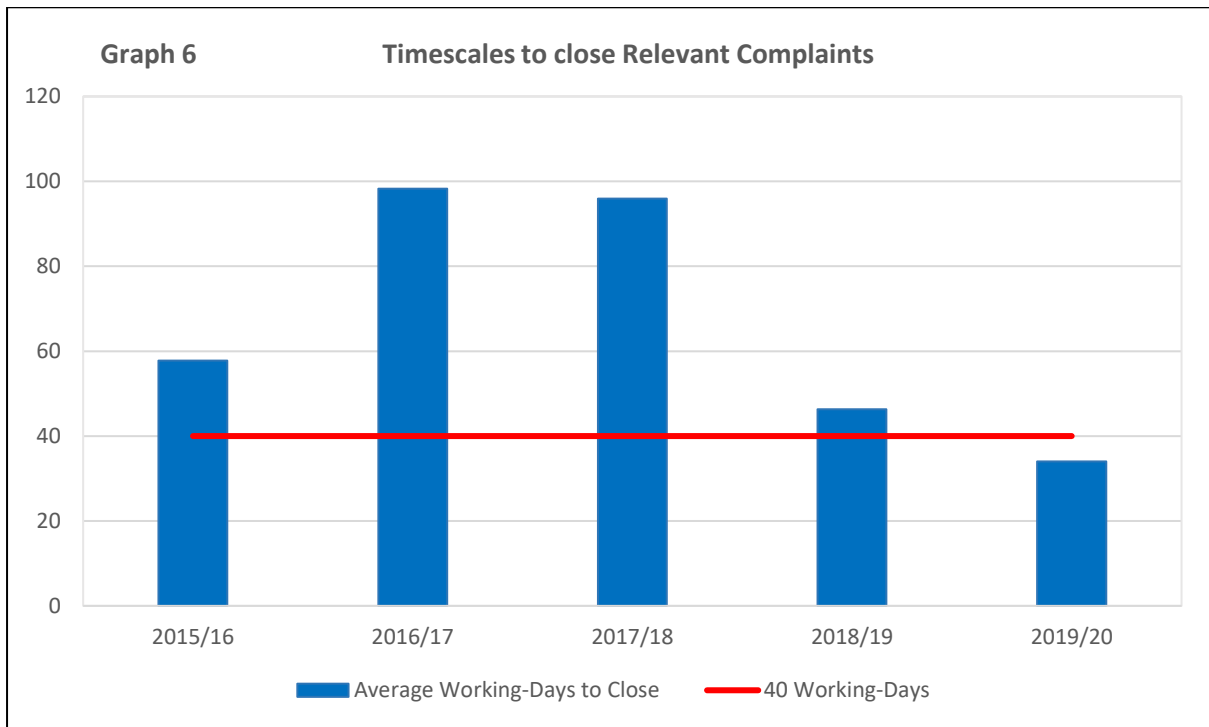
	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2
No of Relevant Complaints Received	4	7	6	2	6	2
Ongoing at 30/09/2020	0	0	0	0	2	0

¹ The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.
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Average working days to close	22.25	15.00	35.17	10.50	14.75	30.00
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Table 14: Yearly Statistics for the 5 Last Full Years

	2015/16	2016/17	2017/18	2018/19	2019/20
No of Relevant Complaints Received	9	16	22	27	19
Average working days to close	57.78	98.31	95.91	46.33	34.00



Tables 13 & 14 and Graph 6 show that, in general, over the past five years, the SPA has exceeded the expected period of 40 working days to close relevant complaints. Since 2017/18, however, the average time to close such complaints has shown a significant downward trend and statistics for 2019/20 and 2020/21 (to date) show, on average, closure within the expected 40 working-day period.

2.9 Key Findings

- a) The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework.

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- b) Most cases not within the SPA's remit are matters which require to be brought to the attention of Police Scotland's Professional Standards Department (PSD).
- c) The SPA Complaints Team will continue to monitor this issue and consider further steps which could be taken to ensure that members of the public are signposted appropriately when making a complaint.
- d) The majority of complaint cases within the remit of the SPA are about senior officers of Police Scotland, however, there are no identifiable trends in the type of complaint received, and no overall lessons to be learned for Police Scotland in relation to complaints about senior officers.
- e) The majority of complaint cases within the remit of the SPA are received from members of the public.
- f) There is a small but constant trend for individuals to raise complaints in relation to their dissatisfaction with HR-type issues, such as the Ill Health Retiral process or Injury on Duty Awards. Whilst the SPA decides the final outcome of these cases, much of the process is managed by Police Scotland.
- g) The majority of Allegations within the remit of the SPA are not upheld.
- h) The average time to conclude relevant complaints has decreased steadily over the past two and a half years and the statistics for 2019/20 and 2020/21 (to date) show, on average, closure within the expected 40 working-day period.

3 WORKLOAD MANAGEMENT

- 3.1** Currently, at 05/11/2020, 5 active cases are being progressed by the SPA Complaints Team. Further detail on ongoing workload is being presented to Members at the private session of today's meeting.

4 REVIEW OF COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES IN RELATION TO POLICING

- 4.1** An update on the SPA's work in relation to the review is being presented as a separate agenda item at today's meeting.

5 STAKEHOLDER MEETINGS

5.1 Since the last Committee meeting, there has been one meeting of the Strategic Oversight Group (SOG). Robin Johnston attended the meeting on behalf of the SPA and discussions included; diversity monitoring forms; joint training on Equality & Diversity issues; and the Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing.

5.2 Since the last Committee meeting, there has also been one meeting of the National Complaint Handling Development Group (NCHDG). The three members of the SPA Complaints Team attended the meeting and discussions included; Unreasonable Actions by Complainers Policies; PIRC Statutory Guidance; Conduct Regulations; Police Scotland's Complaints about the Police Standard Operating Procedure; SPA Dip-Sampling Exercises; and the selection of a new Chair for the Group.

6 SPA WEBSITE – COMPLAINTS PAGES

6.1 The SPA is undertaking a project to review and renew its digital offer which will include a review of the Complaints pages of the SPA Website.

7 FINANCIAL IMPLICATIONS

7.1 There are no financial implications associated with this paper.

8 PERSONNEL IMPLICATIONS

8.1 There are no personnel implications associated with this paper.

9 LEGAL IMPLICATIONS

9.1 There are no legal implications associated with this paper.

10 REPUTATIONAL IMPLICATIONS

10.1 There are no reputational implications associated with this paper.

11 SOCIAL IMPLICATIONS

11.1 There are no social implications associated with this paper.

12 COMMUNITY IMPACT

12.1 There are no community implications associated with this paper.

13 EQUALITIES IMPLICATIONS

13.1 There are no equality implications associated with this paper.

14 ENVIRONMENT IMPLICATIONS

14.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to note the content of this paper and request additional information if required.