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| Meeting | SPA Complaints & Conduct Committee |
| Date | 3 March 2021 |
| 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 Q3, 2020/21.

The paper is presented in line with:

- *Scottish Police Authority Committee Terms of Reference*

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 3 (Q3) 2020/21, i.e. 31 December 2020.

2.1.2 The Tables, 1 to 7, show Quarterly Statistics from Quarter 2 2019/20, i.e July, August, and September 2019 to the end of Q3 2020/21.

2.1.3 The Graphs, 1 to 6, show the above data in graph form.

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

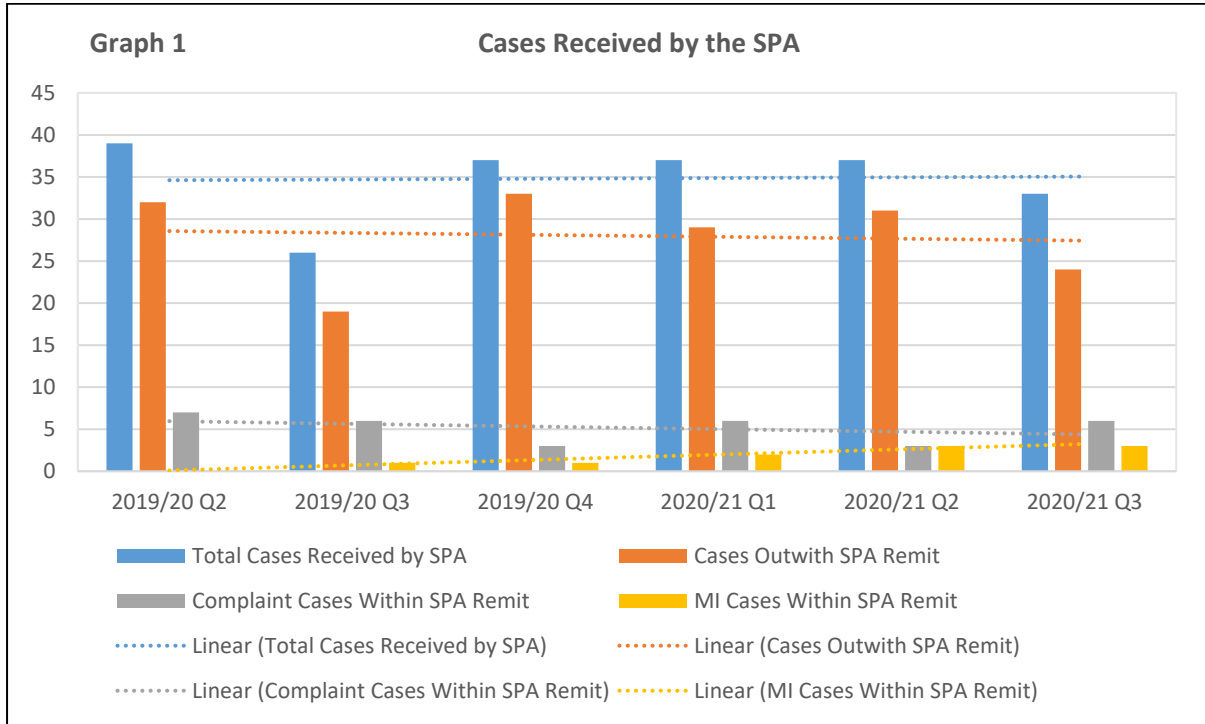
A complaint is an expression of dissatisfaction and the SPA is responsible for handling complaints about the SPA itself, members of SPA staff and senior officers of Police Scotland i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable.

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

Table 1 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 from Quarter 2 2019/20 to the end of Q3 2020/21

| | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 | 2020/21 Q1 | 2020/21 Q2 | 2020/21 Q3 |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Complaint Cases Within SPA Remit | 7 | 6 | 3 | 6 | 3 | 6 |
| MI Cases Within SPA Remit | 0 | 1 | 1 | 2 | 3 | 3 |
| Cases Outwith SPA Remit | 32 | 19 | 33 | 29 | 31 | 24 |
| Total | 39 | 26 | 37 | 37 | 37 | 33 |



Graph 1 shows that the number of Complaint Cases received that are within the remit of the SPA has remained fairly steady. However, Graph 1 also shows that Cases received which are outwith the remit of the SPA to deal has also remained steady.

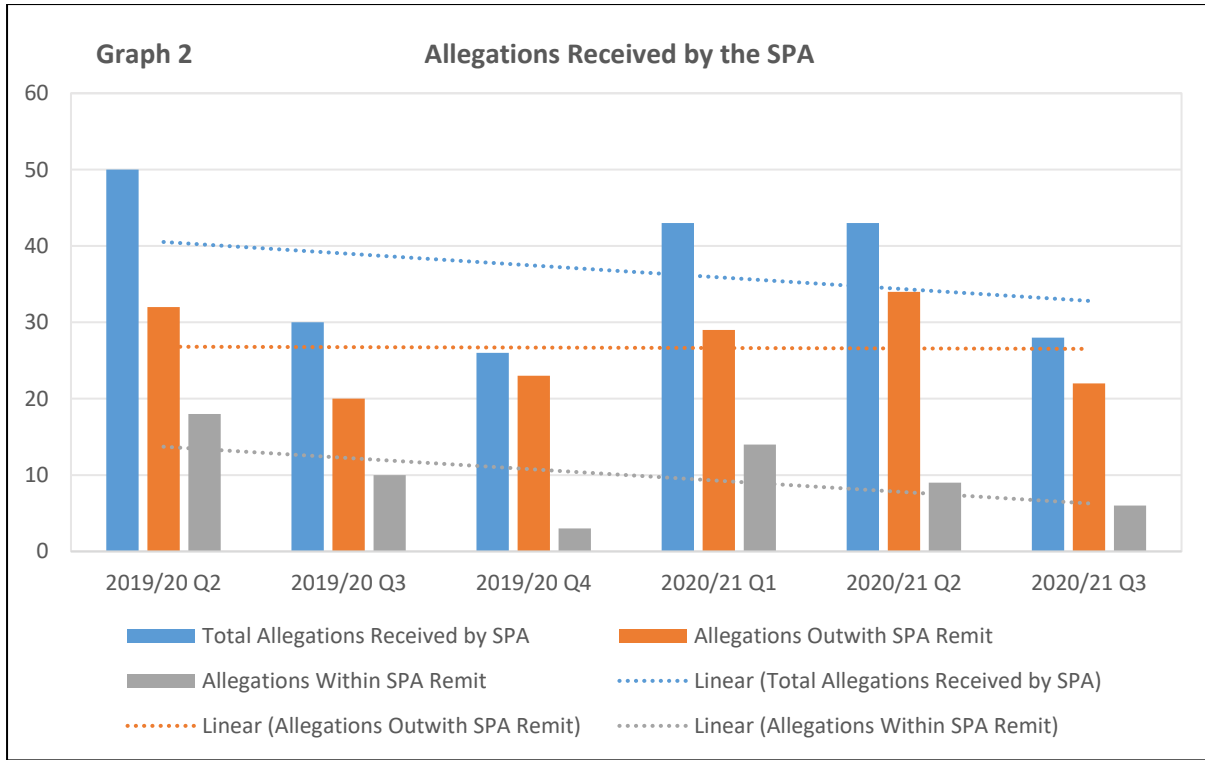
2.3 Allegations Received by the SPA

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.

Table 2 shows the number of Allegations contained within the Complaint Cases received by the SPA, both for cases within and outwith its remit.

Table 2: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

| | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 | 2020/21 Q1 | 2020/21 Q2 | 2020/21 Q3 |
|-------------------------------|------------|------------|------------|------------|------------|------------|
| Allegations Within SPA Remit | 18 | 10 | 3 | 14 | 9 | 6 |
| Allegations Outwith SPA Remit | 32 | 20 | 23 | 29 | 34 | 22 |
| Total | 50 | 30 | 26 | 43 | 43 | 28 |



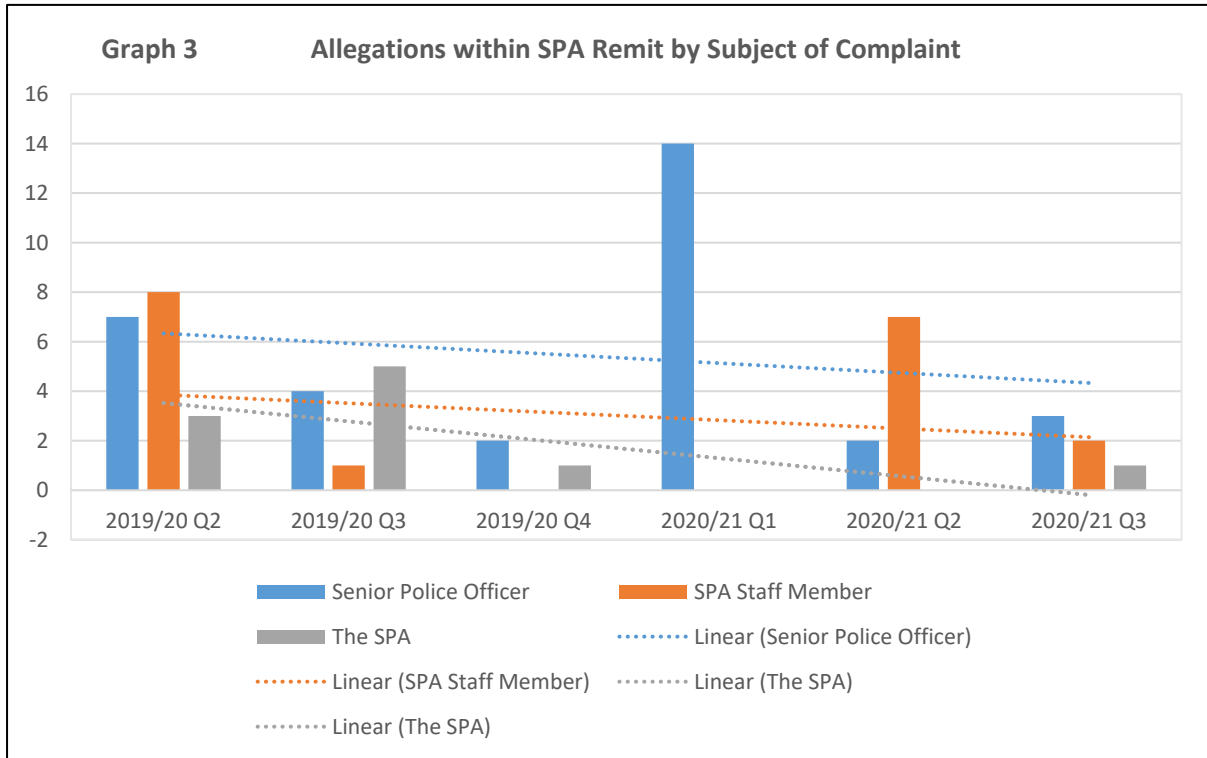
Graph 2 shows that the number of Allegations within the SPA remit has shown a general downward trend over the past 6 quarters. This suggests that, while the number of Complaint Cases has remained fairly steady, the Cases generally contain fewer Allegations.

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. Table 5 shows a breakdown of Allegations by the subject of the complaint. As stated in Para 2.3, above, each Complaint Case may consist of multiple Allegations.

Table 3: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

| | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 | 2020/21 Q1 | 2020/21 Q2 | 2020/21 Q3 |
|-----------------------|------------|------------|------------|------------|------------|------------|
| Senior Police Officer | 7 | 4 | 2 | 14 | 2 | 3 |
| SPA Staff Member | 8 | 1 | 0 | 0 | 7 | 2 |
| SPA | 3 | 5 | 1 | 0 | 0 | 1 |
| Total | 18 | 10 | 3 | 14 | 9 | 6 |



Graph 3 shows that the majority of Allegations within the remit of the SPA over the past 6 Quarters are about senior officers of Police Scotland.

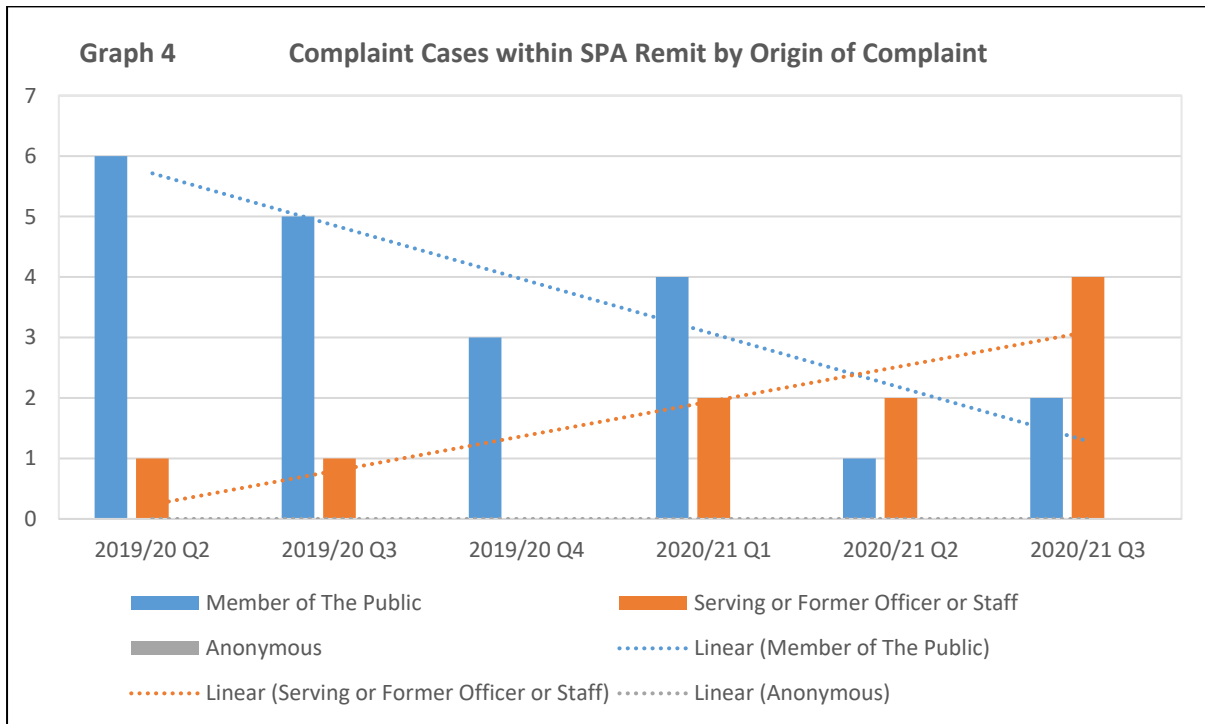
2.5 Complaint Cases within SPA Remit by Origin of Complaint

Table 4 shows the number of Complaint Cases within the remit of the SPA broken down by the origin of the complaint and shows 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 4: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

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



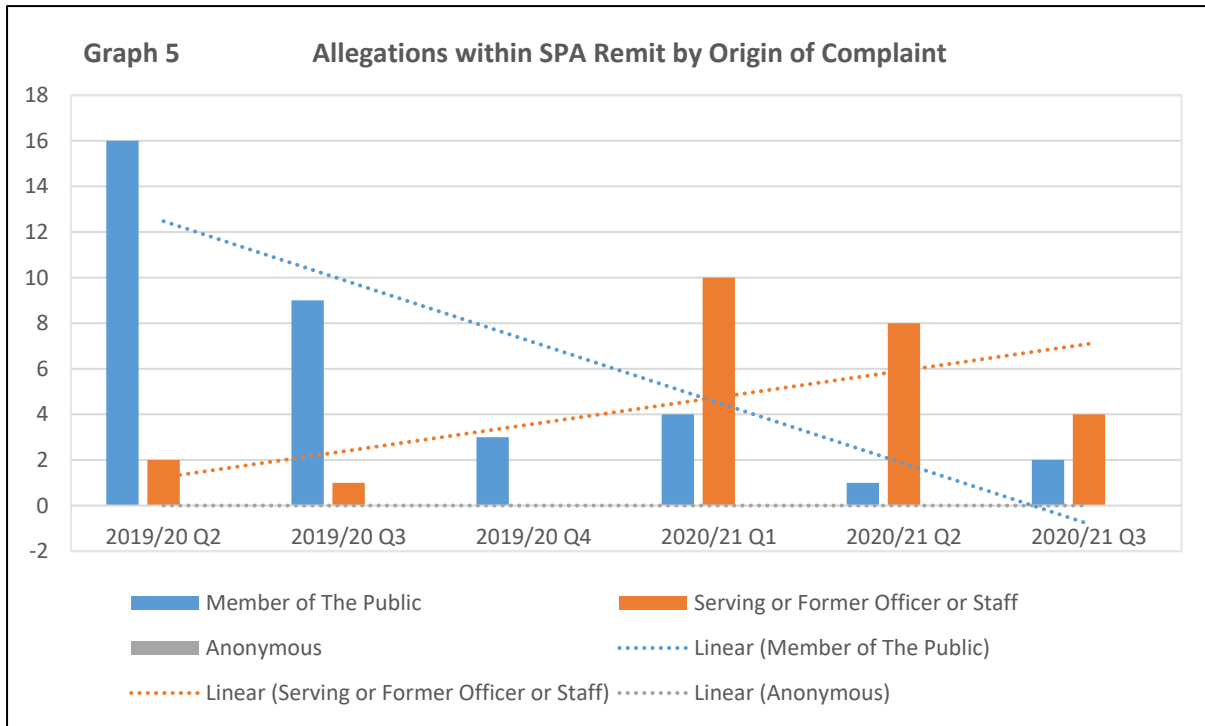
Graph 4 shows that in general the majority of complaints are received from members of the public, with the exception of Quarters 2 & 3 showing more 'internal' complaints were received. The graph also shows a general decrease in the number of complaints received from members of the public while, conversely, the number of 'internal' complaints has shown a slight upward trend. No Anonymous Complaints were received by the SPA throughout this period.

2.6 Allegations within SPA Remit by Origin of Complaint

Table 5 shows the number of Allegations within the remit of the SPA broken down by the origin of the complaint.

Table 5: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

| | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 | 2020/21 Q1 | 2020/21 Q2 | 2020/21 Q3 |
|------------------------------------|------------|------------|------------|------------|------------|------------|
| Member of The Public | 16 | 9 | 3 | 4 | 1 | 2 |
| Serving or Former Officer or Staff | 2 | 1 | 0 | 10 | 8 | 4 |
| Anonymous | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 18 | 10 | 3 | 14 | 9 | 6 |



Graph 5 shows that, in Quarter 1 & Quarter 2 of 2020/21, 'spikes' were seen in the number of Allegations received from serving or former police officers/ members of staff, whilst the number of Allegations received by Members of the Public has shown a significant downward trend.

2.7 Determination of Allegations within SPA Remit

Table 6 shows 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 6 as 'Closed- UA'.

Table 6: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

| | 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 |
| Abandoned | 2 | 0 | 0 | 1 | 0 | 0 |
| Withdrawn | 0 | 0 | 0 | 0 | 1 | 0 |
| Closed- UA | 0 | 8 | 0 | 0 | 0 | 0 |
| Ongoing at 31/12/2020 | 0 | 0 | 0 | 0 | 10 | 7 |

| | | | | | | |
|--------------|----------|-----------|-----------|----------|-----------|----------|
| Total | 5 | 18 | 10 | 3 | 14 | 9 |
|--------------|----------|-----------|-----------|----------|-----------|----------|

Table 6 shows 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. Table 7 and Graph 6 show the timescales for the closure of 'relevant complaints' handled by the SPA.

Table 7: Quarterly Statistics Quarter 2 2019/20 to the end of Q3 2020/21

| | 2019/20 Q2 | 2019/20 Q3 | 2019/20 Q4 | 2020/21 Q1 | 2020/21 Q2 | 2020/21 Q3 |
|------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| No of Relevant Complaints Received | 7 | 6 | 2 | 6 | 2 | 6 |
| Ongoing at 31/12/2020 | 0 | 0 | 0 | 2 | 0 | 3 |
| Average working days to close | 15.00 | 35.17 | 10.50 | 14.75 | 30.00 | 4.75 |

¹ The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.
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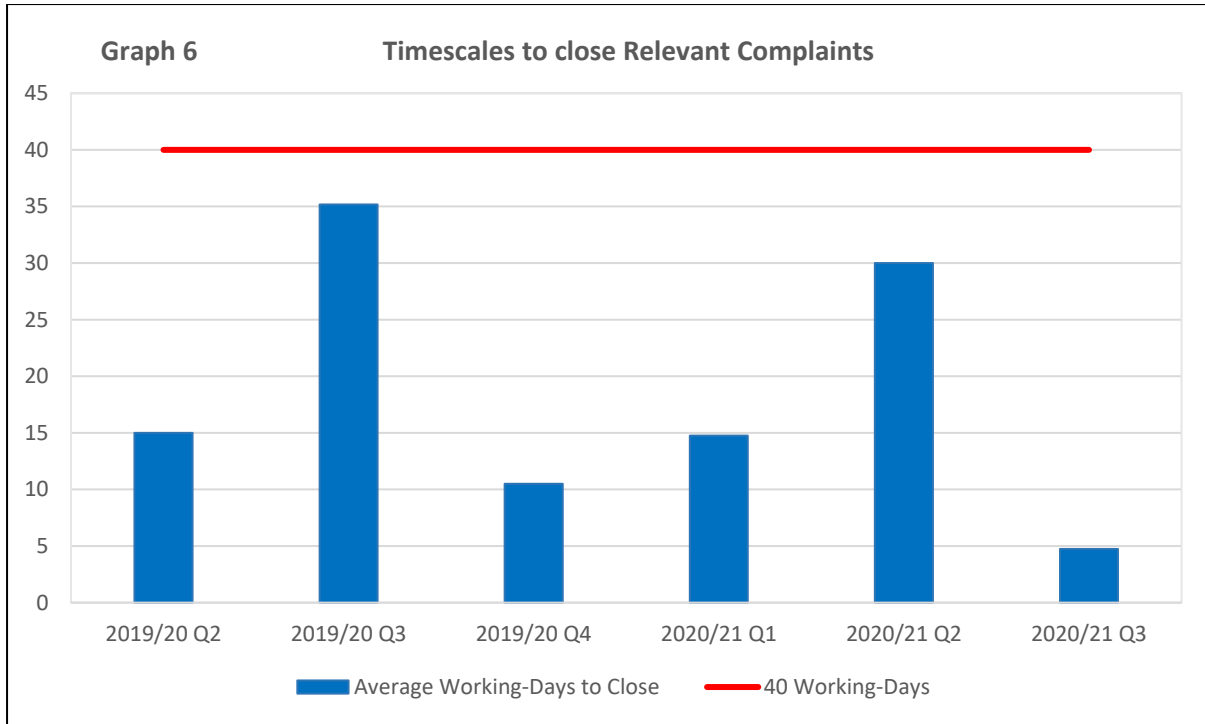


Table 7 and Graph 6 show that the average time to close relevant complaints is within the expected 40 working-day period.

2.9 Key Findings

- a) The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. 15% of all complaints received are for the SPA to deal with 80% outwith the SPA remit.
- 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 continue to monitor this issue and are working towards a completion date of the end of May 2021 to improve the SPA website 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 (53%), 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 (68%).
- f) The majority of Allegations within the remit of the SPA are not upheld.

- g) The average time to conclude relevant complaints has shown a significant downward trend compared with the previous 5 year average of 66.46 days; with all quarters showing average closures under the 40 day working period.

3 Workload Management

- 3.1** Currently, at 18/02/2021, 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, the Strategic Oversight Group (SOG) has met on 4 December 2020 and 17 February 2021. Robin Johnston attended both meetings on behalf of the SPA, Darren Paterson additionally attending the most recent meeting. Discussions have covered the Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing; capture of any learning or good practice between agencies in supporting the significant demand for information and data requested from each organisation by the Sheku Bayoh Public Inquiry Team; statutory guidance on complaints handling; cross-jurisdictional post-incident procedures update; diversity monitoring; and Police Scotland Complaint Handling model. As noted on the report under agenda item 4, a new terms of reference has been established for the SOG as part of the national governance structure established to oversee implementation of recommendations from the Dame Elish Angiolini report, but with meetings will have a partitioned agenda to allow for discussion of ongoing shared operational matters, in line with the original terms of reference for the group.
- 5.2** Since the last Committee meeting, there has also been one meeting of the National Complaint Handling Development Group (NCHDG). Two members of the SPA Complaints Team attended the meeting and discussions included; Independent Review of Complaint Handling, Investigation & Misconduct issues in Relation to Policing; Training & Development; Inter-agency audit; PIRC Statutory Guidance; Conduct Regulations; Police Scotland's Complaints about the Police Standard Operating Procedure (CAP SOP); Unacceptable Complainers Policy.

6 SPA Website - Complaints Pages

6.2 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

7.2 There are no financial implications associated with this paper.

8 PERSONNEL IMPLICATIONS

8.2 There are no personnel implications associated with this paper.

9 LEGAL IMPLICATIONS

9.2 There are no legal implications associated with this paper.

10 REPUTATIONAL IMPLICATIONS

10.2 There are no reputational implications associated with this paper.

11 SOCIAL IMPLICATIONS

11.2 There are no social implications associated with this paper.

12 COMMUNITY IMPACT

12.2 There are no community implications associated with this paper.

13 EQUALITIES IMPLICATIONS

13.2 There are no equality implications associated with this paper.

14 ENVIRONMENT IMPLICATIONS

14.2 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.