

Meeting	SPA Complaints and Conduct Committee
Date	27 August 2020
Location	Video-conference
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q1)
Presented By	Chief Superintendent Andy McDowall
Recommendation to Members	For Discussion
Appendix Attached	Yes Appendix A – Performance Report Q1

PURPOSE

To report to Members of the Complaints and Conduct Committee, for the purposes of noting, the statistical information relating to the investigation of complaints about members of Police Scotland for period (1 April 2020 – 30 June 2020).

Members are invited to discuss the content of this report.

1. BACKGROUND

- 1.1 The attached performance report provides data relating to the period ending Quarter 1 (1 April 2020 – 30 June 2020).
- 1.2 Note: Appendix 'A' contains "Complaints received by Division current quarter v previous 5 quarter average for East, North and West. These inform members on the complaint about the police allegation classifications per Division. Appendix 'B' provides detail provides details of allegations of Discriminatory Behaviour – sub categories.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 There are no further details on this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this paper.

4. PERSONNEL IMPLICATIONS

- 4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

- 6.1 There are no reputational implications associated with this paper.

7. SOCIAL IMPLICATIONS

- 7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

- 8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

- 9.1 There are no environmental implications associated with this paper

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members of the Scottish Police Authority are invited to discuss the content of this report.



Professional Standards SPA Performance Report Quarter 1 of 2020/21

Meeting Date: 27/08/2020

Reporting Period: April – June 2020

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Executive Summary

This Performance Report is provided by Police Scotland for the information of the Scottish Police Authority (SPA) and details Professional Standards activity from 1 April 2020 to 30 June 2020.

During this period, the 1,676 complaints received represents an increase, compared to the quarterly average (based on the previous five quarters). Complaints relating to COVID-19 are assessed to be the key driver of this increase, accounting for 440 of this quarterly total.

However, COVID-19 related complaints have now continued to decrease over time, as evidenced by month-on-month decreases within Quarter 1 of 2020/21. Quality of Service and Incivility have been identified as key components of those complaints made by members of the public against the Police.

Furthermore, the vast majority of COVID-19 related complaints (67%) were frontline resolved by the Professional Standards Department (PSD), whilst the rate for overall complaints was 58.4%. These figures indicate that most complaints received during this period were non-complex, non-criminal and non-serious in nature.

During this quarter, the most notable increases were observed in the East and West, and included Forth Valley, Lothian and Borders, Lanarkshire, Argyll and West Dunbartonshire. Contact, Command and Control also experienced a notable increase (particularly in the West). There was an overall decrease across the North, however complaints in the Highlands and Islands increased.

The residual impacts of COVID-19 saw decreases in the volume of Complaint Handling Reviews (CHR's), Misconduct outcomes and Anti-Corruption Unit referrals.

Despite this, referrals to the Gateway Assessment Unit (GWU) have increased by 32.6% and can be attributed to a process change, regarding referrals being received by the GWU.

Finally, allegations which were handled to a reasonable standard as result of PIRC CHR's during Quarter 1 of 2020/21 was 73.4%, which represents an improvement compared to the same period PYTD.

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COVID-19

During Quarter 1 of 2020/21, 440 complaint cases have been received in relation to COVID-19. The PSD National Complaint Assessment & Resolution Unit (NCARU) has resolved 67% of these by Frontline Resolution (FLR) through simple explanation, assurance or apology.

The volume of COVID-19 related complaints continues to decline, illustrated by month-on-month decreases. The 72 complaints received in June represented a 59.1% decrease from May, with the 176 complaints in May representing an 8.3% decrease from April.

Table 1: COVID-19 related Complaints Received (Q1 2020/21)

Month received	Number of COVID-19 related Complaints
Apr-20	192
May-20	176
Jun-20	72
Q1 2020/21 - TOTAL	440

PSD continue to identify the themes emanating from COVID-19 complaints and share these with Operation Talla, to inform the continual reinforcement of positive guidance and messaging, assisting operational officers in the discharge of their duties. Key themes identified:

- Quality of Service and Irregularity in Procedure allegations: Officers failing to social distance (from other officers or from the public), failing to enforce breaches of social distancing by the public and not wearing PPE.
- Allegations of incivility: Officers have attempted to engage with individuals regarding their presence in a public place.

The volume of allegations has continued to decrease broadly in line with the reduction in complaint cases described above. Incivility has however markedly decreased as a proportion of all COVID-19 related allegations month-on-month, accounting for just 11.1% of the June total (from 26.3% in April and 16% in May). It is assessed that the easing of 'lockdown' restrictions and broad decrease in COVID-19 related charges by Officers are key factors in this reduction.

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Taking account of the recently imposed local 'lockdown', all COVID-19 related complaints continue to be monitored, managed and recorded.

In August 2020, SPA, Complaints and Conduct commenced an audit of COVID-19 complaints resolved by FLR and upon completion will share the outcome(s).

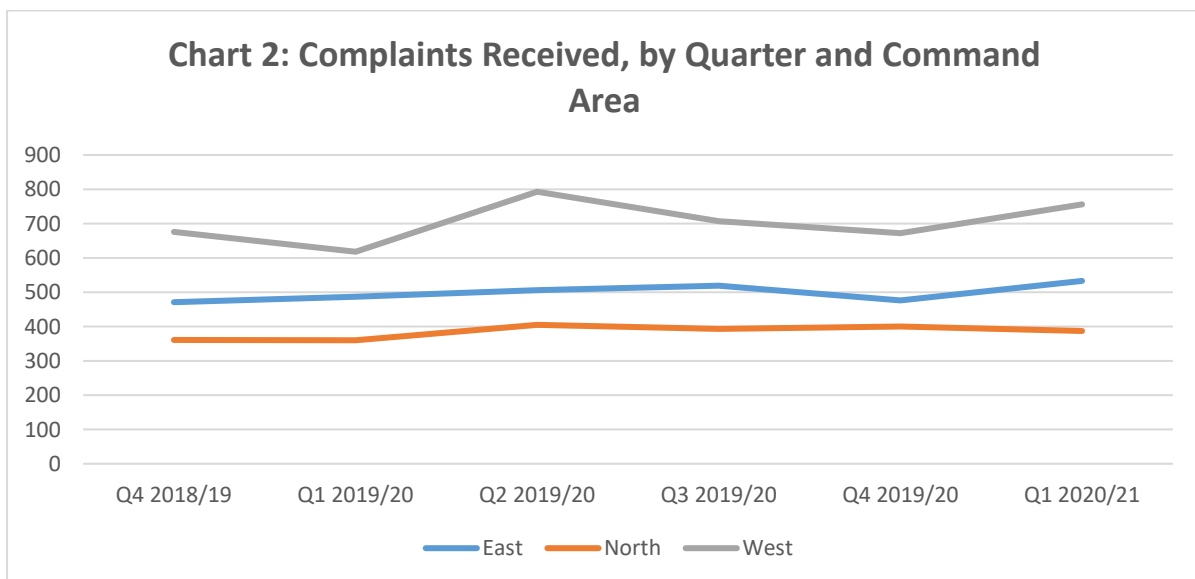
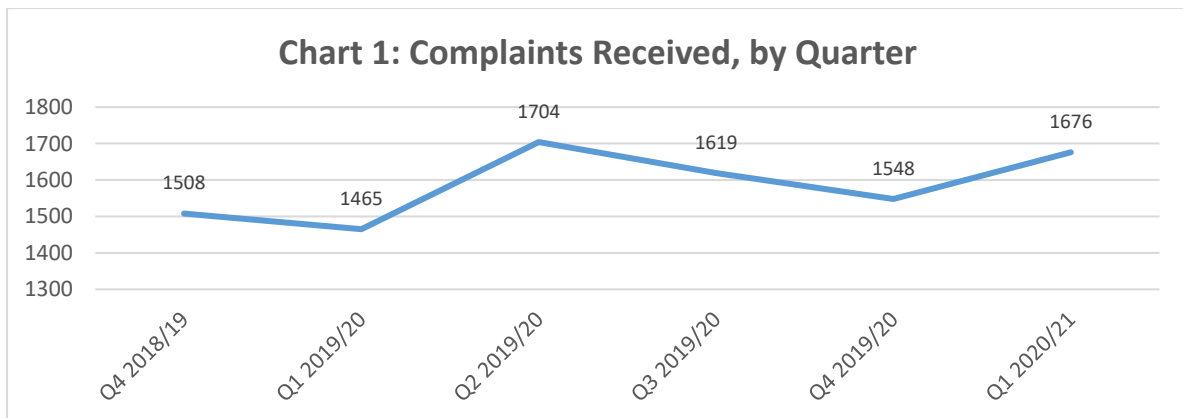
Complaints

Complaint Cases Received

What is a 'Complaint'?

A 'Complaint' relates to the overall expression of dissatisfaction provided by the complainer about an act or omission by the Police or Quality of Service received.

A total of 1,676 complaints were received from members of the public during Quarter 1 of 2020/21. This represents a 6.8% increase in comparison to the average of the previous five quarters ('five quarter average' hereafter), which equates to 1,569 complaints.



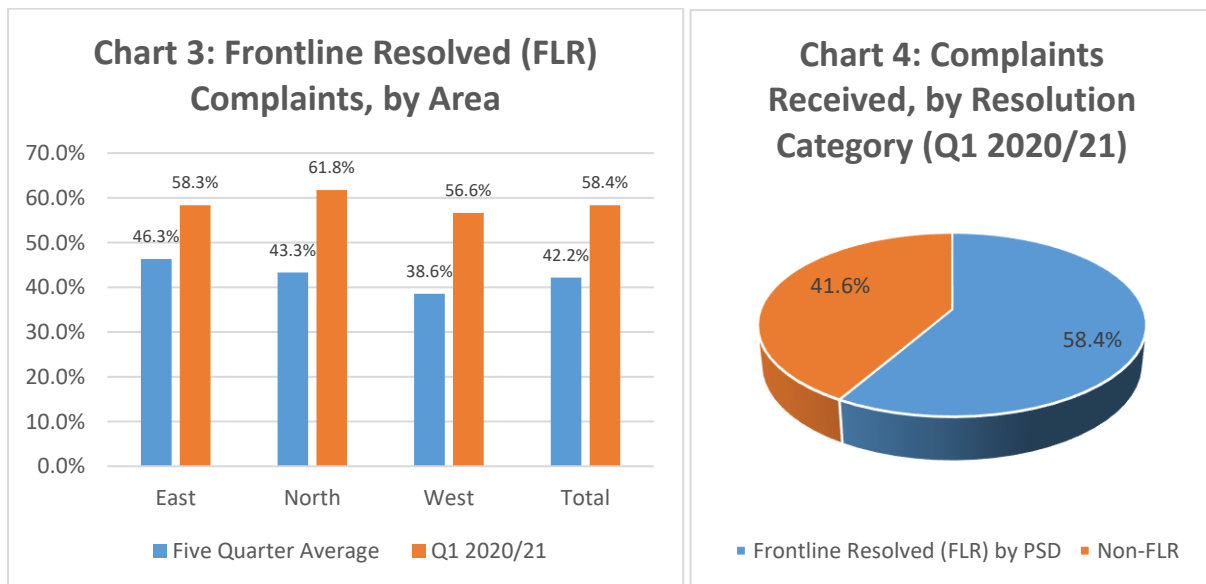
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A 9.1% increase was identified in the West during Quarter 1, against the five quarter average and is a key factor in the national increase. A total of 756 complaints were received during this period, following quarter-on-quarter decreases. Increases within Lanarkshire, Argyll and West Dunbartonshire, plus Contact, Command and Control are assessed to be key drivers of this overall increase.

Complaints increased within the East by 8.4% during Quarter 1, compared to the five quarter average. The 533 complaints received during Quarter 1 represents a continuation of a steady increase broadly sustained across the last six quarters. Increases within Forth Valley and Lothian and Borders are assessed to be key drivers in this.

There was also an increase of 0.8% in the North during Quarter 1, compared to the five quarter average. A total of 387 complaints were received, broadly in keeping with a steady volume of complaints across recent quarters presented here. Despite decreases across most Divisions in the North, a 21.3% increase in Highlands and Islands is assessed to be the key driver in the North's increase.

When population of each area is taken into account, there is very little regional variance in term of complaints. During Quarter 1 of 2020/21, East and West received 3.1 complaints per 10,000 population. The comparable rate in the North was 3.0.



The majority of complaint cases were Frontline Resolved (FLR) by PSD during Quarter 1 of 2020/21, representing a total of 58.4% and equating to a 16.2% increase against the five quarter average.

The North Command experienced an 18.5% increase against the five quarter average and has the highest FLR rate during Quarter 1 of 2020/21 (61.8%). The West increased by 18% up to 56.6%. The East also increased by 12% to 58.3%.

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This improved FLR rate, can be linked to COVID-19 related complaints. As described above, 67% of the 440 COVID-19 related complaints were concluded by FLR, generally being non-criminal and non-serious in nature.

Moreover, the improved FLR rate during this period can be seen as broadly reflective of the public confidence in policing during the COVID-19 pandemic and the unprecedented circumstances which accompany that.

However, as COVID-19 related complaints continue to decrease, it is expected that the FLR rate will decline going forward given the close correlation between these complaints and an FLR outcome.

Allegations Received

What is an 'Allegation'?

Allegations are the component parts of a Complaint, which categorise what has happened and are separated to those capable of being independently Upheld or Not Upheld. Each complaint case may include multiple allegations.

Key allegation type increases and regional variations

Despite the overall decrease, increases in allegation types were identified at a national level during Quarter 1 of 2020/21, compared to the five quarter average:

- Quality of Service – Service Outcome (422 allegations, a 51.5% increase).
 - Key factor: An increase of 40 allegations in the East and, in particular, 102 in the West.
 - Increases in Lothian and Borders plus Forth Valley most influential in the East. Increases across all territorial Divisions in the West.
 - COVID-19 related allegations account for much of this increase in the East and West. Key themes included: Officers challenging individuals regarding their presence in public places, failure to social distance from members of the public, failure to wear PPE and failure to enforce COVID-19 regulations.

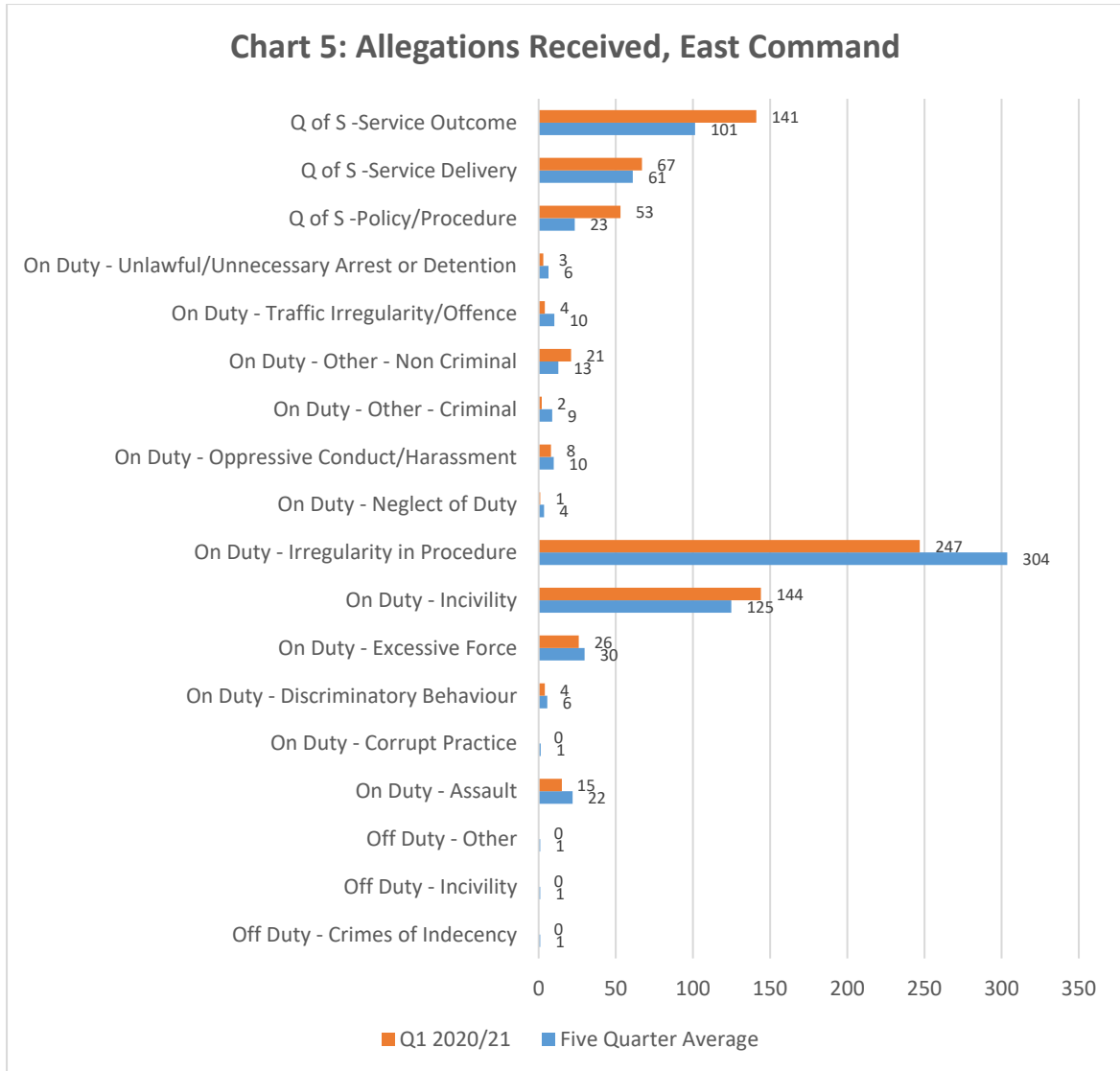
- On Duty – Other - Non-Criminal (109 allegations, a 154.7% increase).
 - Key factor: An increase of 57 allegations in the West (primarily within Greater Glasgow, Ayrshire and Lanarkshire).
 - Within these areas, COVID-19 accounts for part of the increase. Key themes among these allegations were officers' failure to social distance from members of the public and failure to wear PPE.
 - However, a larger volume fall under a variety of themes including: Information (providing incorrect information and not providing information requested, including failure to contact/update the reporter). Also, lack of Police action in relation to concerns reported by members of the public.

- On Duty - Incivility (471 allegations, a 12.6% increase).
 - Key factor: An increase of 19 in the East (primarily in Edinburgh and Contact, Command and Control) and 30 in the West (Contact Command and Control). To a lesser extent within the West: Argyll and West Dunbartonshire, Ayrshire and Greater Glasgow all registered notable increases.

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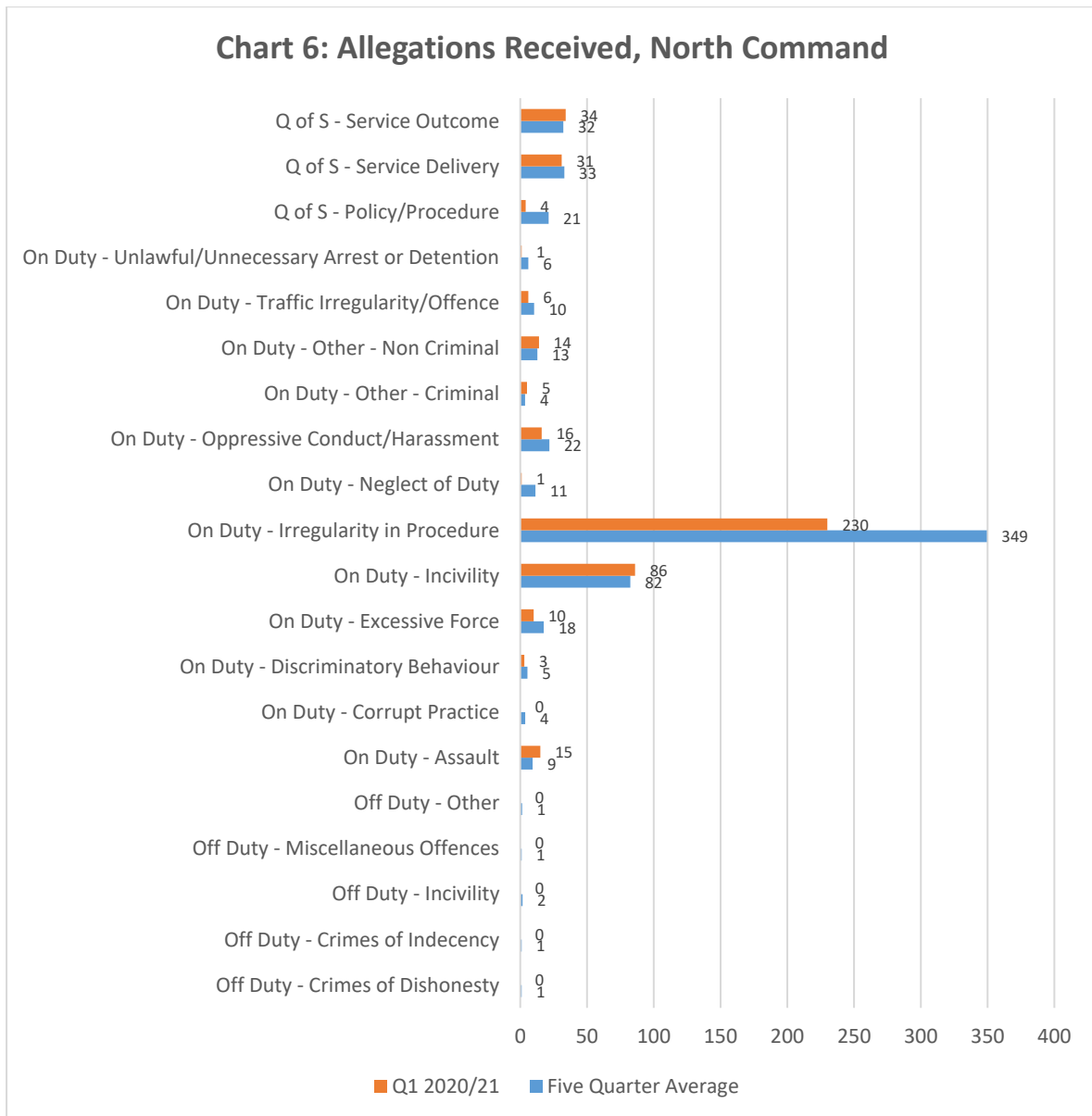
- Within the Contact, Command and Control allegations, key themes identified relate to the nature of communication with members of the public. Overall, the increase is not assessed as directly related to COVID-19.
- Within Edinburgh, Greater Glasgow and Ayrshire Divisions allegations related to COVID-19 account for the much of the Incivility increases in those areas. Predominantly these allegations resulted from officers challenging members of the public regarding their presence in a public place.
- Unlike other territorial areas listed, COVID-19 does not appear to account for the increase in Incivility allegations within Argyll and West Dunbartonshire. Further review of the relevant allegations indicates that these do reflect the categorisation and is assessed to be a genuine increase.

The following tables provide a breakdown of the allegation types in each individual Command Area during Quarter 1 of 2020/21, contrasting these against the five quarter average.



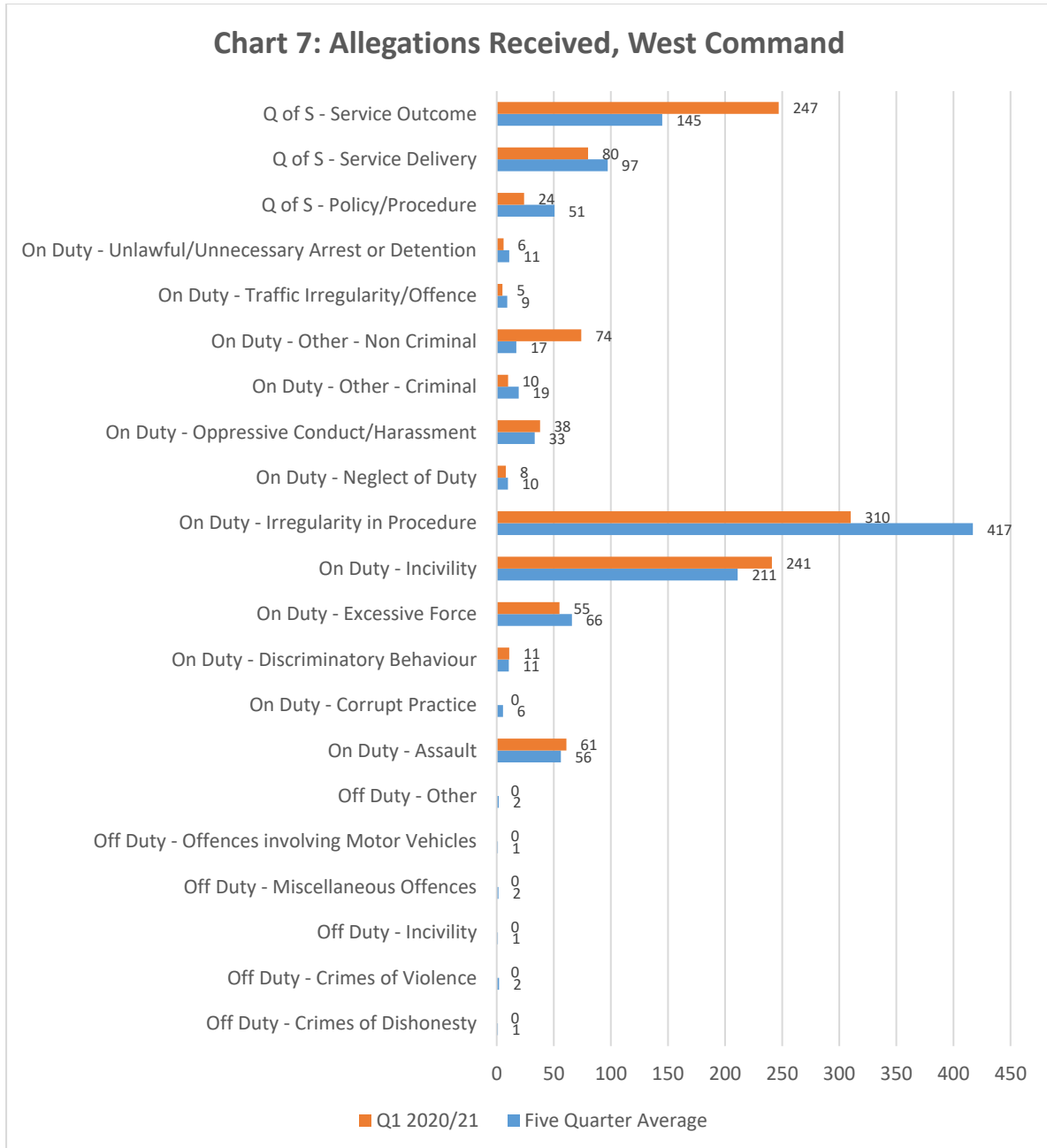
A total of 736 allegations were received in the East during Quarter 1, a 1.7% decrease on the five quarter average. Key increases against this average are identified as:

- Quality of Service – Policy/Procedure (up 126.5% to 53).
- Quality of Service – Service Outcome (up 39.1% to 141).
- On Duty - Incivility (up 15.4% to 144).



A total of 456 allegations were received in the North during Quarter 1, a 26.7% decrease on the five quarter average. Despite this decrease, some key increases – albeit low in volume - against this average were identified:

- On Duty – Assault (up 63% to 15 allegations).
- On Duty – Incivility (up 4.4% to 86).
- Quality of Service – Service Outcome (up 5.6% to 34).

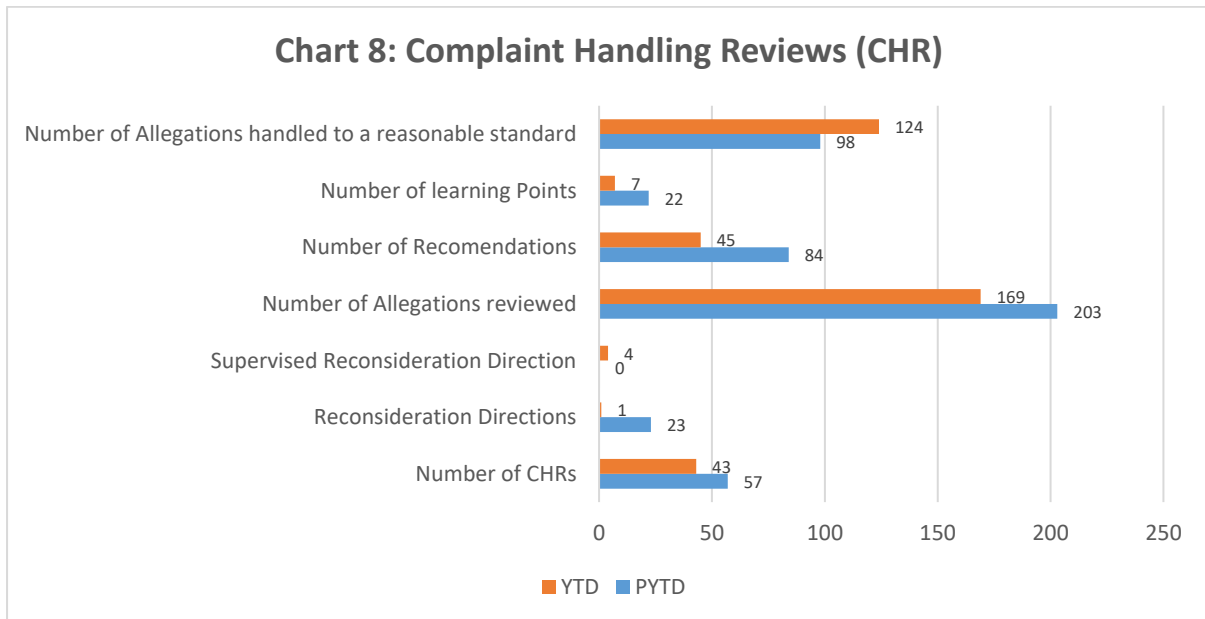


A total of 1,170 allegations were received in the West during Quarter 1, a 0.8% increase on the five quarter average. Key factors identified as contributing to the increase included:

- Quality of Service – Service Outcome (up 70.3% to 247 allegations).
- On Duty – Other Non-Criminal (up 330.2% to 74).
- On Duty – Incivility (up 14.2% to 241).
- On Duty – Assault (up 8.5% to 61).
- On Duty – Oppressive Conduct/Harassment (up 14.5% to 38).

PIRC Complaint Handling Reviews and Referrals

PIRC Complaint Handling Reviews



A total of 43 Complaint Handling Reviews (CHR's hereafter) were received during Quarter 1 of 2020/21, a 24.6% decrease on the PYTD, equating to a decrease of 14 CHR's.

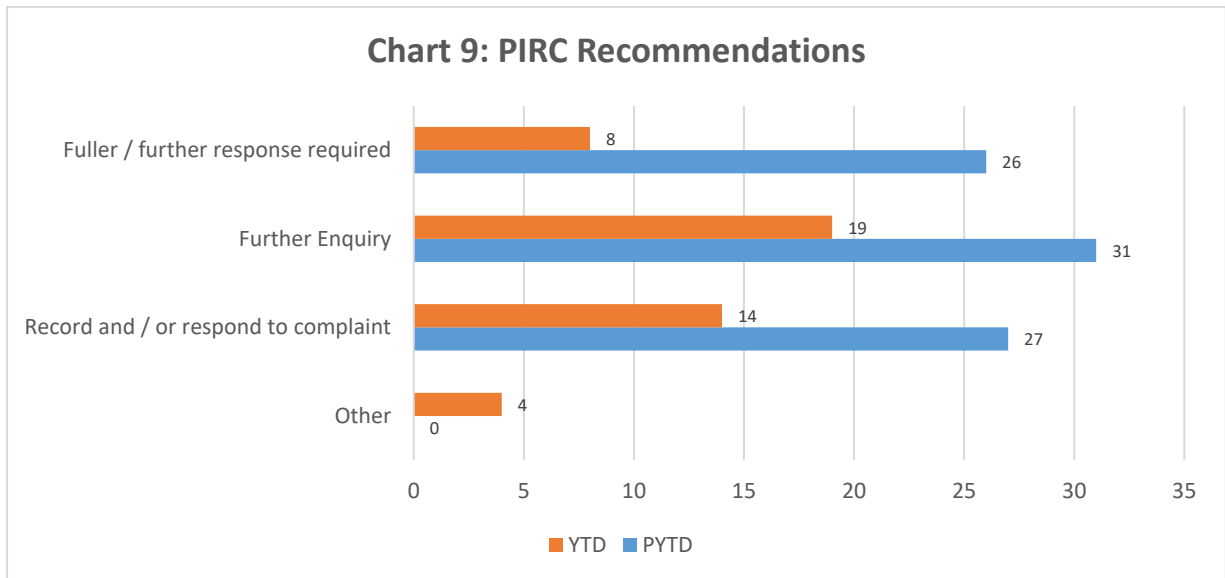
This decrease was partly influenced by PIRC taking cognisance of the operational pressures on Police Scotland owing to the COVID-19 pandemic, and temporarily minimised the impact of new workload where possible.

Of the 43 CHR's received, 169 allegations were reviewed and 73.4% were handled to a reasonable standard during Quarter 1 of 2020/21. This percentage has increased by 25.1% against the PYTD and reflects continued improvements in complaint handling by Police Scotland.

Furthermore, the decrease in CHR's received broadly links to decreases in associated categories:

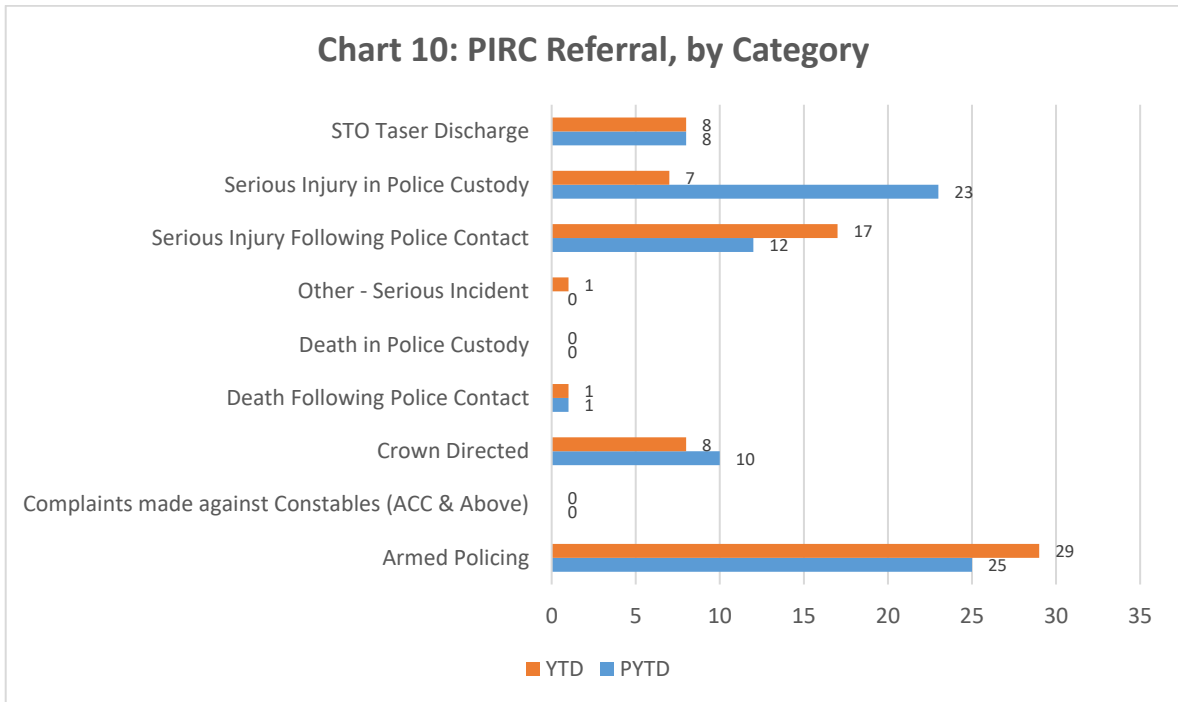
- Number of allegations reviewed (-16.7%)
- Number of recommendations (-46.4%)
- Number of learning points (-68.2%)
- Number of reconsideration direction (-95.7%)

In this context, the four supervised reconsideration directions during Quarter 1 of 2020/21 (zero in the PYTD) are noteworthy. All four are linked to one CHR.



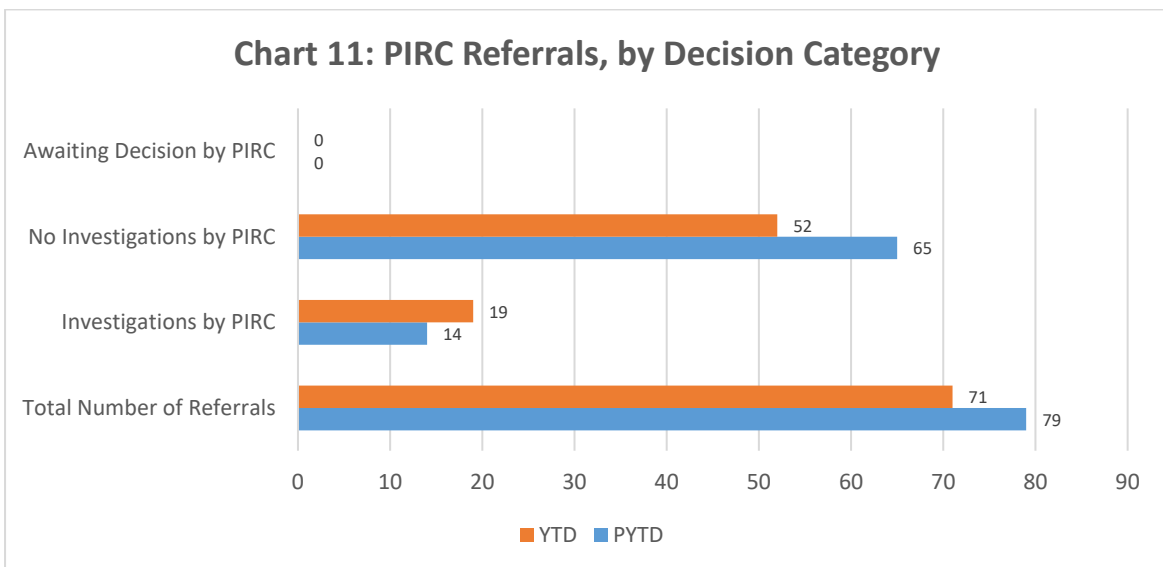
The vast majority of PIRC recommendations received during Quarter 1 of 2020/21 were in the ‘further enquiry’ or the ‘record and/or respond to complaint’ category (73.3% combined). However, all recommendation categories have reduced substantially owing to the overall reduction in CHR’s as described.

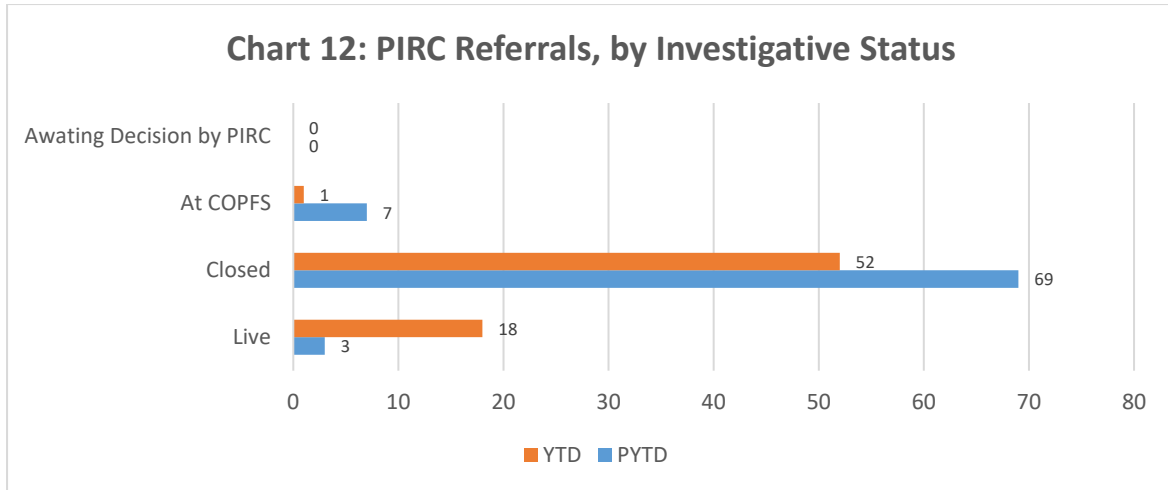
PIRC Referrals



A total of 71 referrals were received during Quarter 1 of 2020/21, a 10.1% decrease on the PYTD. The decrease is primarily driven by the 69.6% reduction for Serious Injury in Police Custody, accounting for 16 less referrals compared to the PYTD.

However, there are increases for Armed Policing (+16%) and Serious Injury Following Police Contact (+41.7%), accounting for an additional four and five referrals respectively compared to the PYTD.





The vast majority of referrals within Quarter 1 of 2020/21 were marked as no investigations by PIRC:

- A total of 73.2%, accounting for 52 of the 71 referrals.

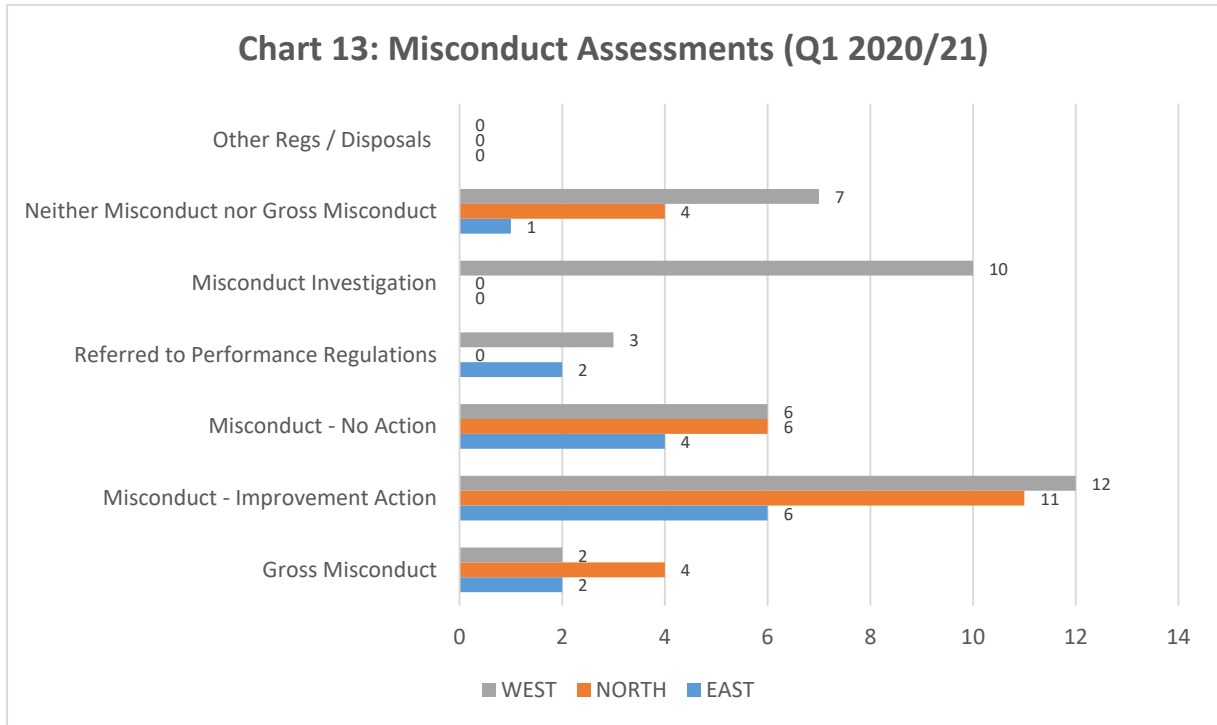
However, the percentage of referrals during Quarter 1 of 2020/21 that have led to a PIRC investigation have increased by 9.1% from the PYTD.

- This is driven by increased investigations into Serious Injury following Police Contact (up 500% to six YTD).

Moreover, the majority (73.2%) of these referrals are now closed, 52 in total. However, 18 of these remain live and one is with the Crown Office Procurator Fiscal Scotland (COPFS). None are awaiting a decision by PIRC.

Conduct Unit

Conduct Assessments



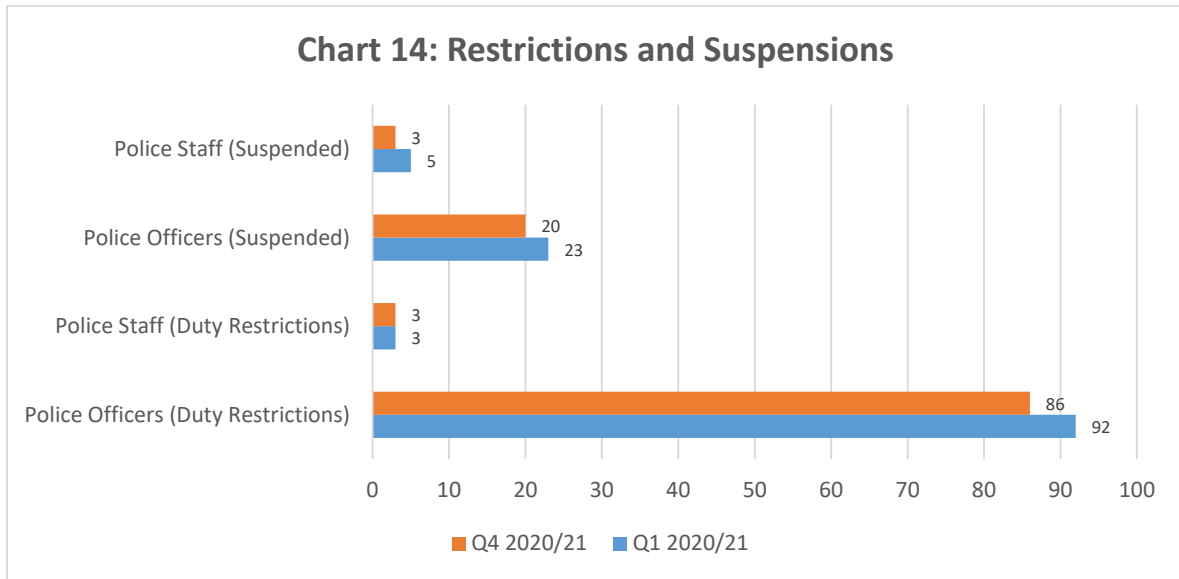
A total of 80 preliminary conduct assessments were undertaken by the Professional Standards Department during Quarter 1 of 2020/21. Of those, 50% were undertaken in the West, with 31.3% in the North and 18.8% in the East.

The majority of assessments during this period (56.3%) resulted in 'Misconduct - no action' or 'Misconduct - improvement action'.

During Quarter 1 of 2020/21, 1 conduct meeting and 2 conduct hearings have taken place. The one meeting resulted in a verbal warning being issued. One hearing resulted in a dismissal and the other resulted in the officer resigning prior to the hearing.

During Quarter 1 of 2020/21, one suspended officer resigned prior to a conduct hearing being undertaken. The Police conduct regulations only apply to serving officers, therefore on resignation or retiral conduct proceedings immediately cease.

Restrictions and Suspensions

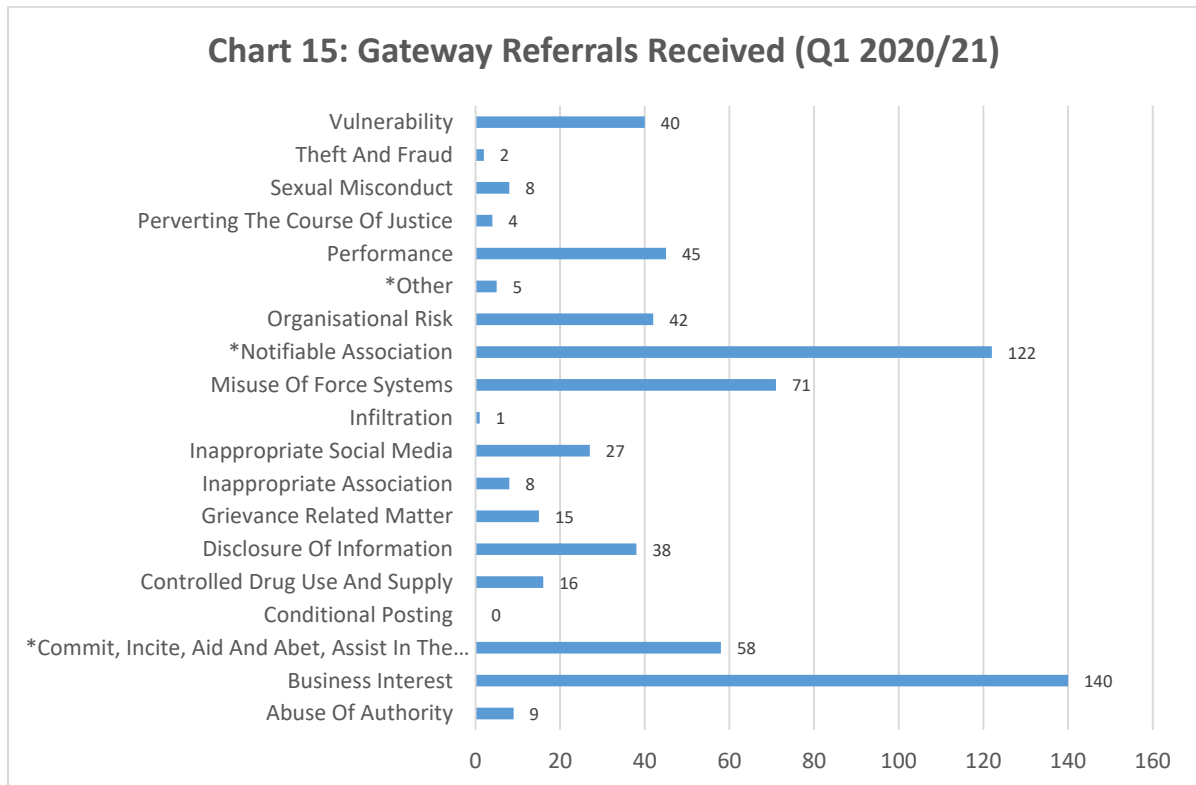


At the conclusion of Quarter 1 of 2020/21, there were 92 Police officers and 3 members of Police staff subject to duty restrictions. 23 Police officers and 5 members of Police staff are currently suspended from duty.

These figures are broadly comparable to the figures at the conclusion of Q4 2020/21. However, there are an additional six Police officers restricted at the conclusion of Q1 YTD compared to then, with an additional 3 Police officers suspended.

National Gateway Assessment Unit

Gateway Referrals



*Other (Audit Requests, NCA Finance Referrals etc.)

*Commit, Incite, Aid and Abet, assist an offender in commission of crime

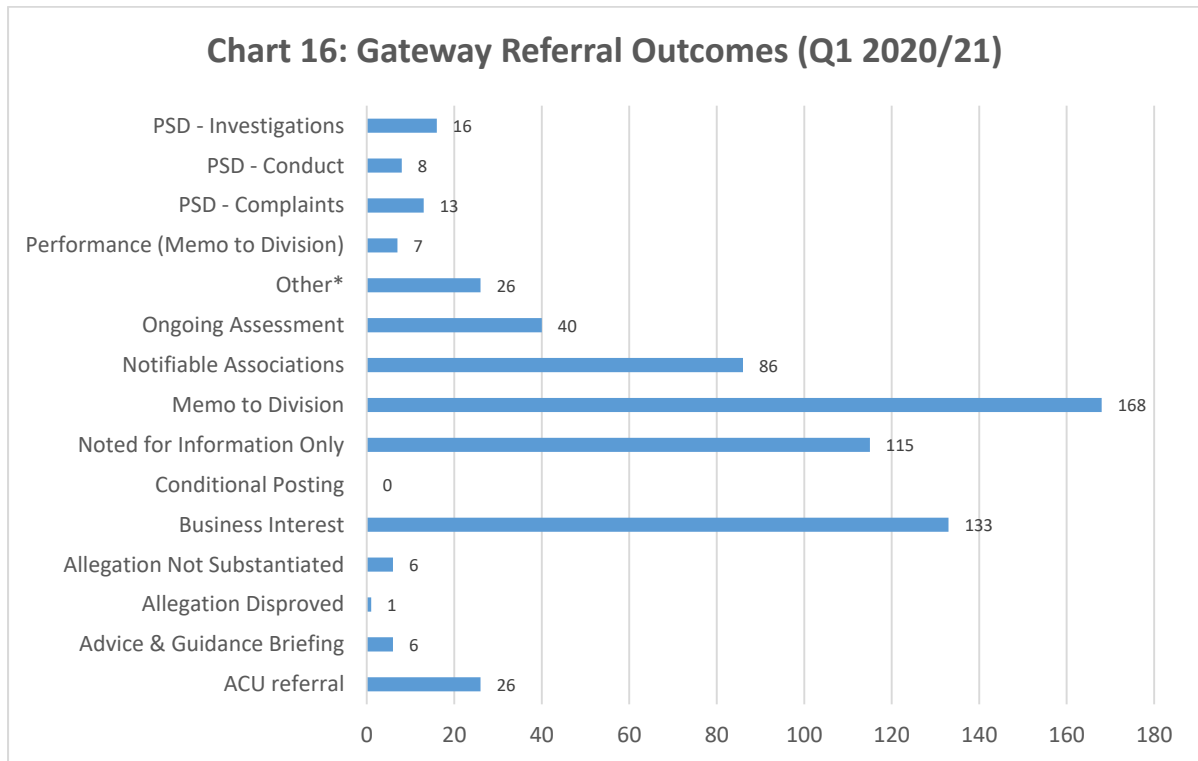
*Notifiable Association Sec 4 complete & returned to Division

The Gateway Assessment Unit (GWU) has assessed 651 referrals during Quarter 1 of 2020/21. This represents a 32.6% increase against the PYTD. It is assessed that this increase is primarily driven by an increase in Misuse of Force Systems referrals, of which there are 71 during Quarter 1 YTD, compared to only five PYTD (a 1320% increase). Of note is a change of process, regarding referrals being received by the GWU.

Other key increases noted within referrals, compared to the PYTD, were:

- Commit, Incite, Aid and Abet, Assist in the Commission of Crime (up 141.7% to 58 referrals YTD).
- Vulnerability (up 344.4% to 40 referrals YTD).
- Organisational Risk (up 90.9% to 42 referrals YTD).

Many of the referrals received (40.2% combined) continue to relate to Notifiable Association and Business Interests.

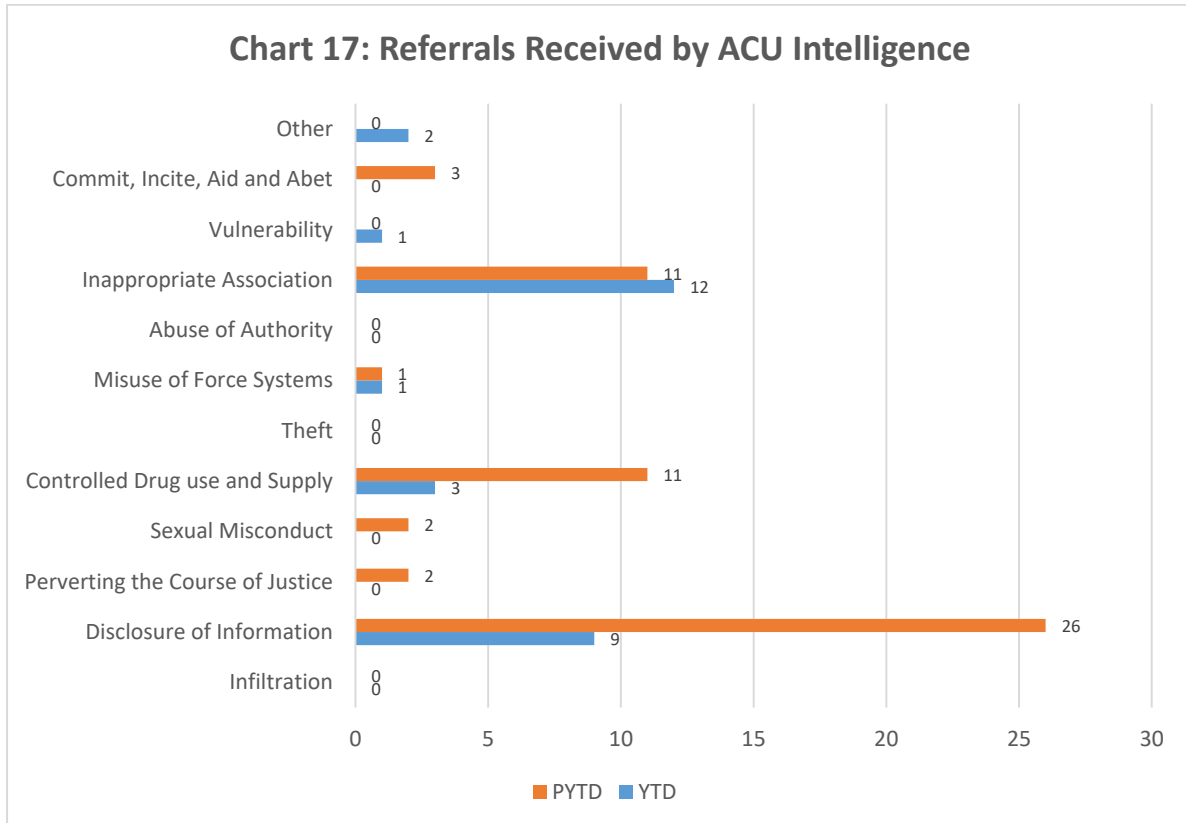


Of the 651 referrals received during Quarter 1 of 2020/21, only 9.7% resulted in a referral to PSD or ACU, a complaint or a conduct assessment. Despite the overall decrease in referrals received, a number of key increases against the PYTD were identified:

- Noted for Information Only – up 125.5% to 115 referral outcomes.
- Memo to Division – up 110% to 168 referral outcomes.

Anti-Corruption Unit (ACU)

ACU Referrals

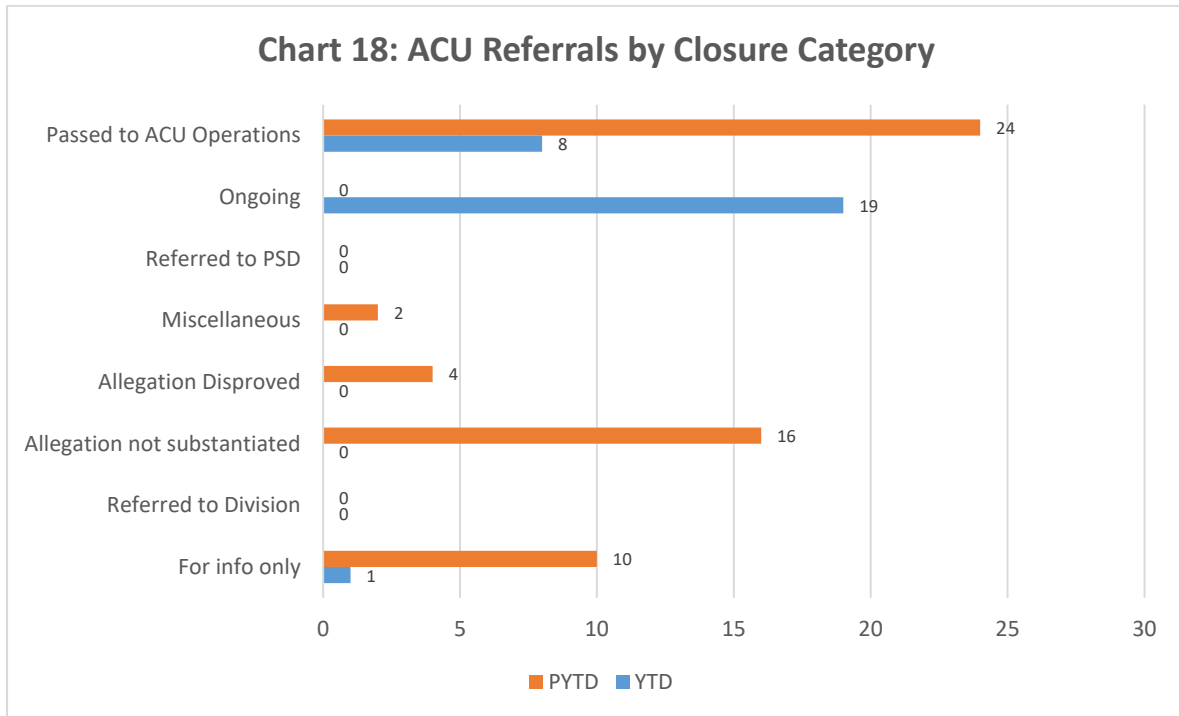


The Anti-Corruption Unit (ACU) has instigated 28 enquiries between 1 April 2020 and 30 June 2020, compared to 56 over the same period last year. The figures show a decrease of 50% and factors contributing to the decrease include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs. The COVID-19 pandemic must also be factored into this.

The predominant allegations reported to the ACU YTD relate to Disclosure of Information and Inappropriate Association.

YTD comparison does not show any great increase in any of the 12 nationally agreed NPCCAG Corruption Categories. There is a significant decrease in the category's Drug Use and Supply and Disclosure of Information, which is assessed as related to the earlier mentioned factors.

ACU Closure Categories



The majority of referrals received during Q1 YTD were classed as ‘ongoing’ (67.9%) at the conclusion of Q1 2020/21, with almost all of the remainder passed to ACU Ops (28.6%). This indicates that the quality of referrals YTD remain high, as what has been assessed and closed has largely been pursued through ACU Operations.

The unauthorised disclosure of sensitive information remains a significant concern to police Scotland both in terms of scale and risk. Unauthorised disclosure can compromise ongoing enquiries and investigations, resulting in a loss of confidence in the wider criminal justice system.

The use of corruption by Serious Organised Crime Groups (SOCGs) remains a key strategic priority for Police Scotland and at present the ACU currently monitor 12 SOCGs which hold markers for corruption. This is reviewed frequently by ACU who engage closely with Police Scotland divisions in the North, East and West.

ACU continues to progress Lawful Business Monitoring and are working alongside ICT in this regard.

Organisational Learning

The Professional Standards Department is committed to promoting a culture of organisational learning. Learning opportunities are generally identified through PIRC Complaint Handling Reviews (CHR's) or from internal feedback identified as part of the complaint handling process.

PSD continue to work closely with both PIRC and the SFIU to identify organisational learning and make improvements to the service, ensuring that we learn from complaints and investigations.

Examples identified during Quarter 1 of 2020/21 are presented below:

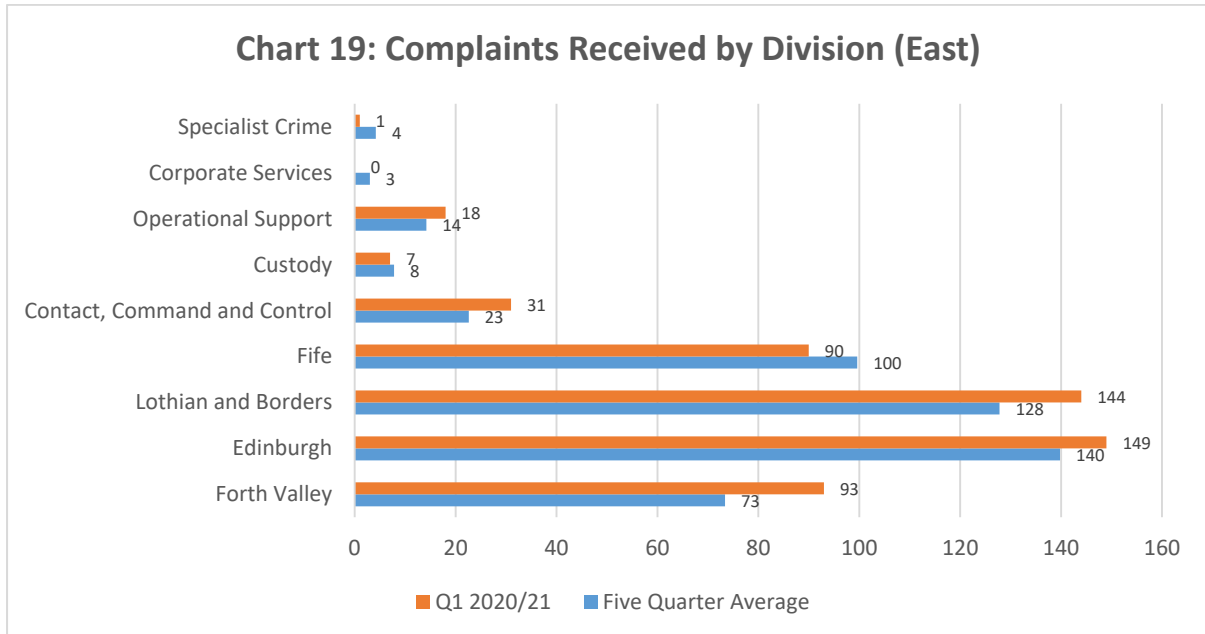
Recent learning and improvements include the trial of 'tablets' and PDA devices to improve the recording of custody visits, guidance shared throughout Custody Division regarding the importance of accurately recording custody visits, improved maintenance of CCTV within custody centres and improvements to facilities for the monitoring of custodies.

A standardised briefing process for officers undertaking custody supervision duties has been introduced with officers being provided a pro-forma briefing which details the expectations of these duties and also ensures that they are made aware of the circumstances of the observation and any particular risks.

A '7 minute briefing' has been circulated which provided guidance around vulnerable adults at risk of financial harm and the banking protocol. This reinforced the importance of identifying vulnerable adults at risk of financial harm and the importance of submitting intelligence logs and VPD submissions to ensure that the appropriate multi-agency response can be quickly instigated.

Appendix A – Complaints Received, by Division

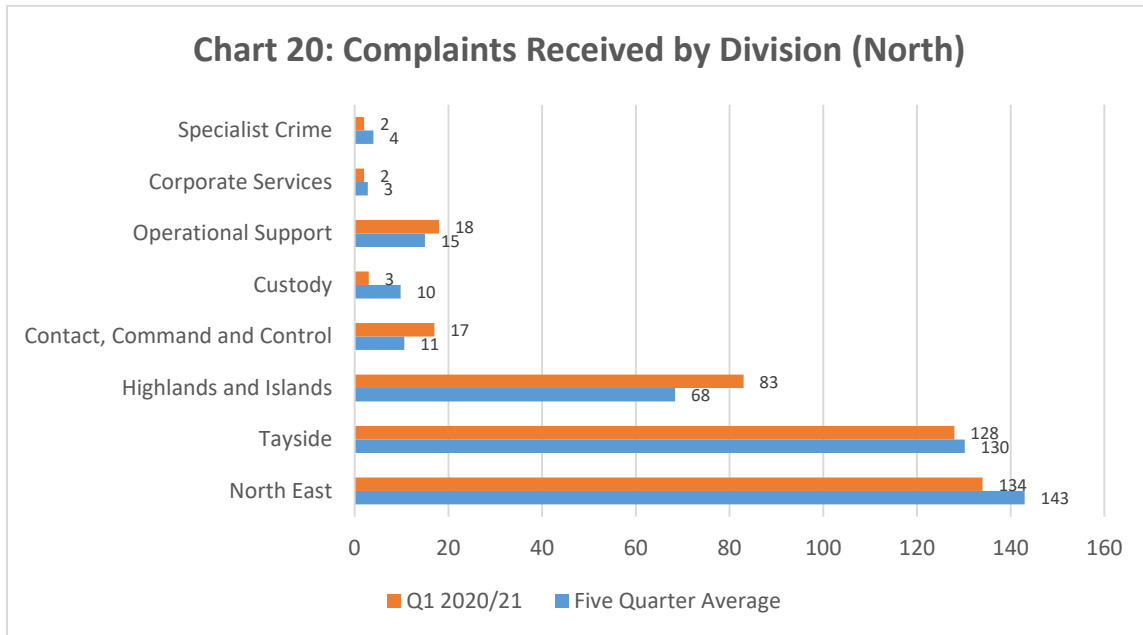
East Command



As previously detailed, the total number of complaints within the East has increased by 8.4%, in comparison to the five quarter average. The key divisional drivers for this were Forth Valley (up 26.7% to 93) and Lothian and Borders (up 12.7% to 144).

Contact, Command and Control notably also increased by 37.2%, although this is based on a relatively low volume of complaints. However, this will continue to be monitored and PSD continue to work closely with the division to address the situation.

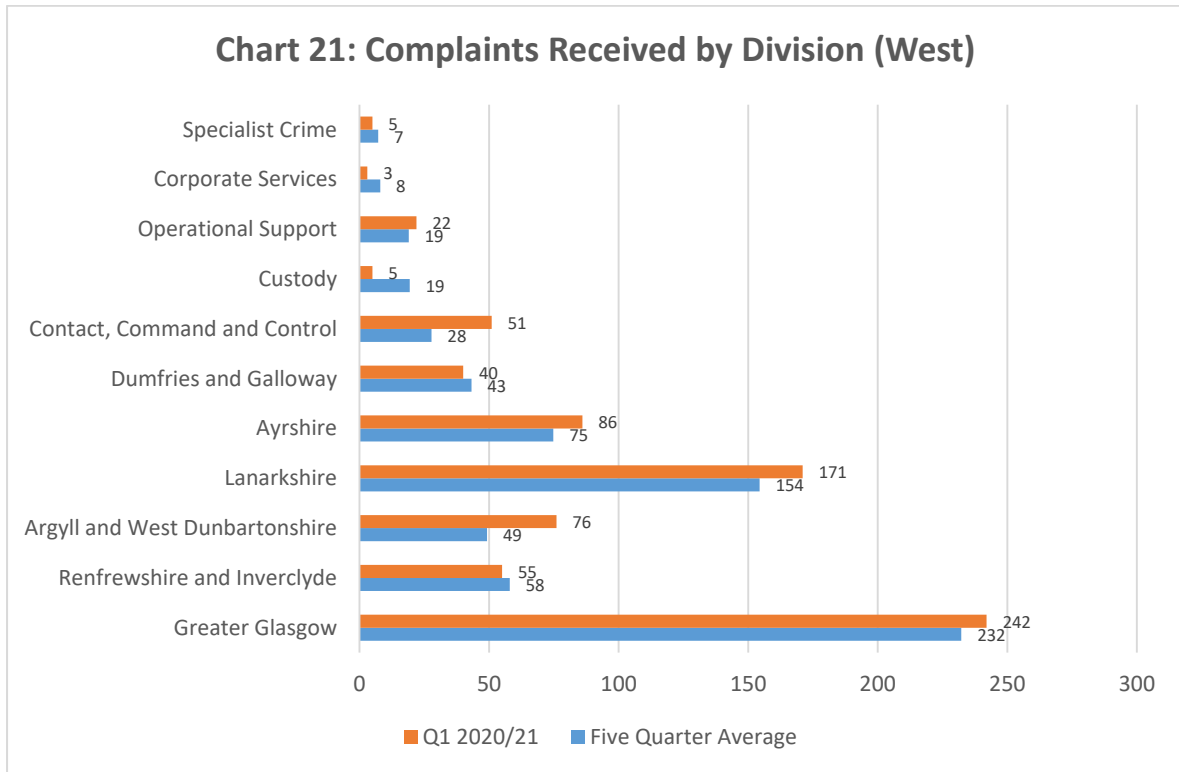
North Command



The North has seen a slight increase of 0.8% in complaints received during Quarter 1 of 2020/21, in comparison to the five quarter average.

Highlands and Islands was the key driver, as complaints increased by 21.3% to 83 in total. Lower volume increases were also identified in Operational Support (up 20% to 18) plus Contact, Command and Control (up 60.4% to 17). Every other Division in the North saw a reduction in the number of complaints received.

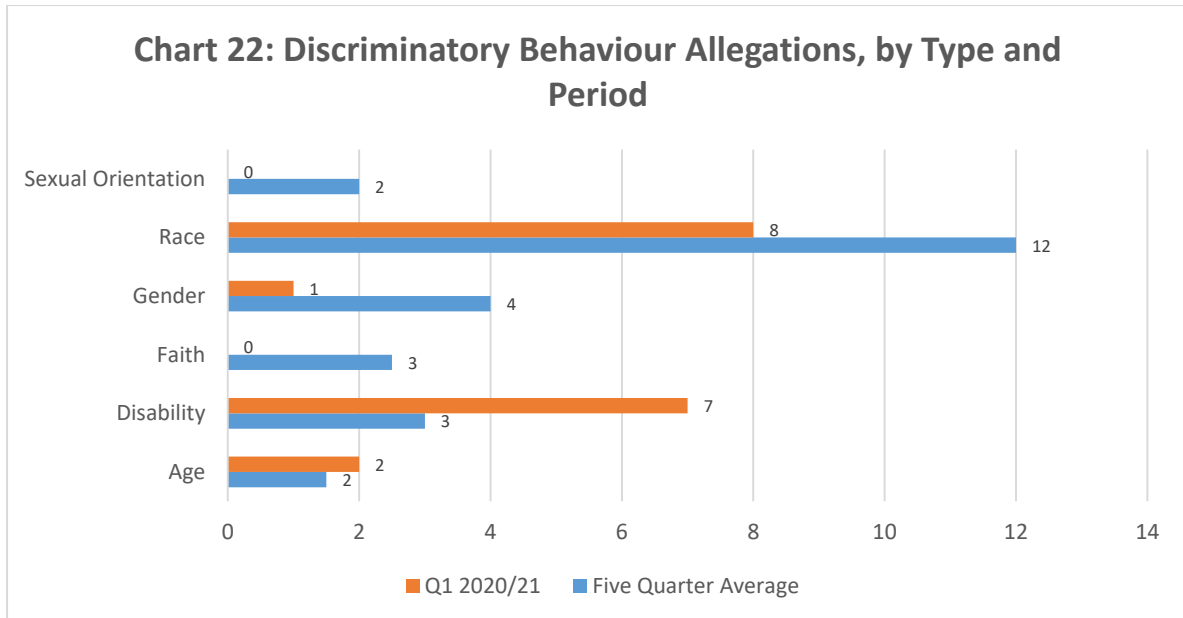
West Command



Complaints increased by 9.1% in the West, compared to the five quarter average. The most significant increases occurred in Argyll & West Dunbartonshire (up 54.5% to 76) and Contact, Command and Control (up 83.5% to 51).

Lanarkshire (up 10.8%), Ayrshire (15%) and Greater Glasgow (up 4.2%) also posted notable increases.

Appendix B – Allegations of Discriminatory Behaviour



A total of 18 allegations relating to Discriminatory Behaviour were received during Quarter 1 of 2020/21, a 16.7% decrease compared to the five quarter average.

The reduction is reflected in almost all categories – Faith, Gender, Race and Sexual Orientation. Age remains unchanged.

However, discrimination on the grounds of Disability has risen by 133.3% to a total of seven allegations. This represents an increase of four cases compared to the five quarter average.