

Meeting	SPA Complaints & Conduct Committee
Date	19 May 2021
Location	Videoconference
Title of Paper	SPA Quarterly Report
Introduced By	Head of Workforce Governance
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 Q4, 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 4 (Q4) 2020/21, i.e. 31 March 2021.

2.1.2 The Tables, 1 to 7, show Quarterly Statistics from Quarter 3 2019/20, i.e October, November & December 2019 to the end of Q4 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 Corporate/Forensic staff and senior officers of Police Scotland i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable. This does not include staff working within Police Scotland.

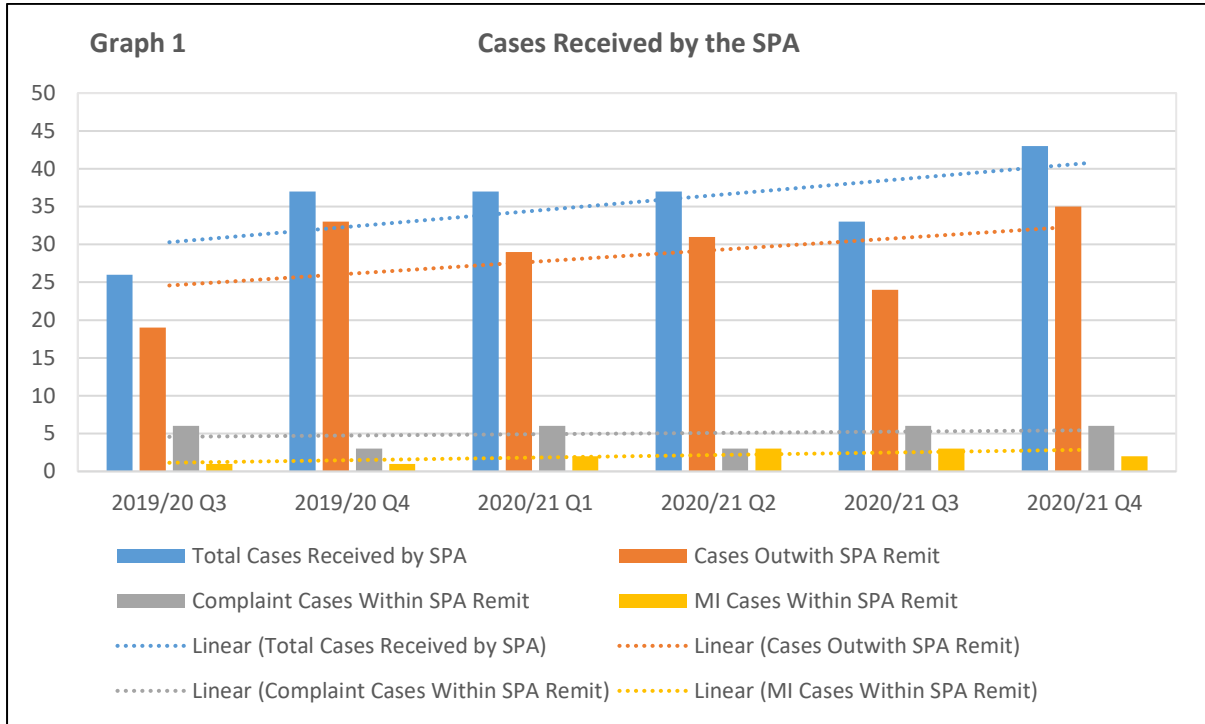
Enquiries or other correspondence received by the SPA Complaints Team are recorded under the heading 'Miscellaneous (MI)'.

Table 1 shows the number of Complaint & MI Cases received by the SPA, both for cases within and outwith its remit. For cases outwith the remit of the SPA, the numbers show those categorised as complaints and MI.

Table 1: Quarterly Statistics from Quarter 3 2019/20 to the end of Q4 2020/21

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

Cases Outwith SPA Remit	19	33	29	31	24	35
Total	26	37	37	37	33	43



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 shows a slight upward trend in Cases received which are outwith the remit of the SPA to deal.

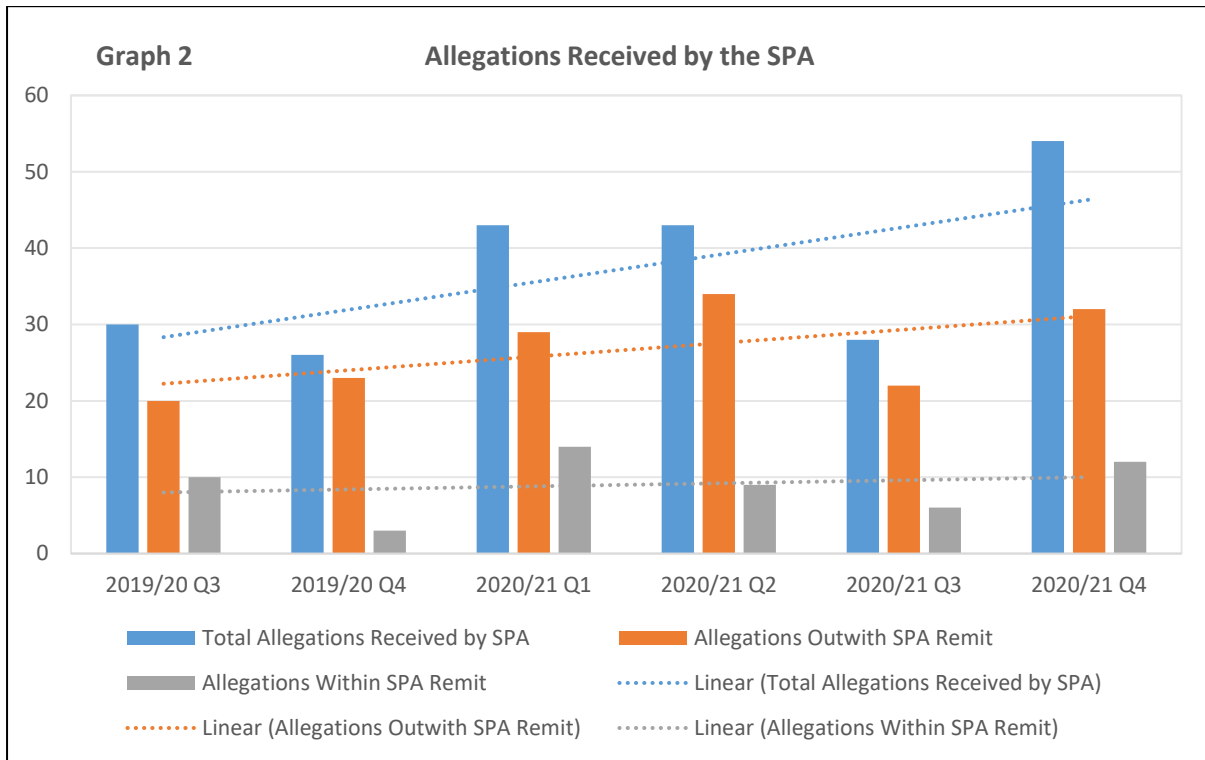
2.3 Allegations Received by the SPA

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 in the Cases received by the SPA both within and outwith its remit. MI cases do not contain allegations.

Table 2: Quarterly Statistics Quarter 3 2019/20 to the end of Q4 2020/21

	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
Allegations Within SPA Remit	10	3	14	9	6	12
Allegations Outwith SPA Remit	20	23	29	34	22	32
Total	30	26	43	43	28	34



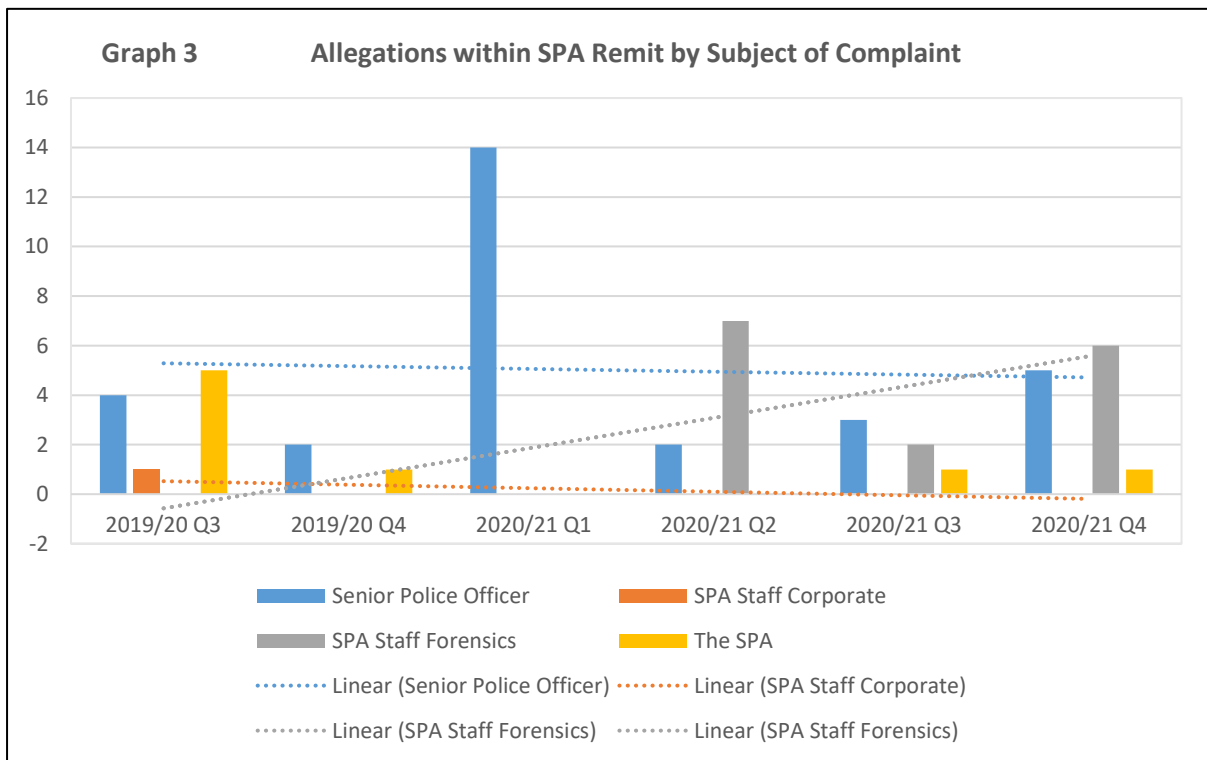
Graph 2 shows, that as with the number of Complaint cases within the remit of the SPA, the number of allegations within the SPA remit has also remained steady over the past 6 quarters.

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 3 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 3 2019/20 to the end of Q4 2020/21

	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
Senior Police Officer	4	2	14	2	3	5
SPA Staff Corporate	1	0	0	0	0	0
SPA Staff Forensics	0	0	0	7	2	6
SPA	5	1	0	0	1	1
Total	10	3	14	9	6	12



Graph 3 shows that, with the exception of Q1 2020/21, allegations over the past 6 Quarters about senior officers of Police Scotland has remained steady. However, over the last 3 Quarters, allegations against SPA Forensic Staff show an upward trend.

2.5 Complaint Cases within SPA Remit by Origin of Complaint

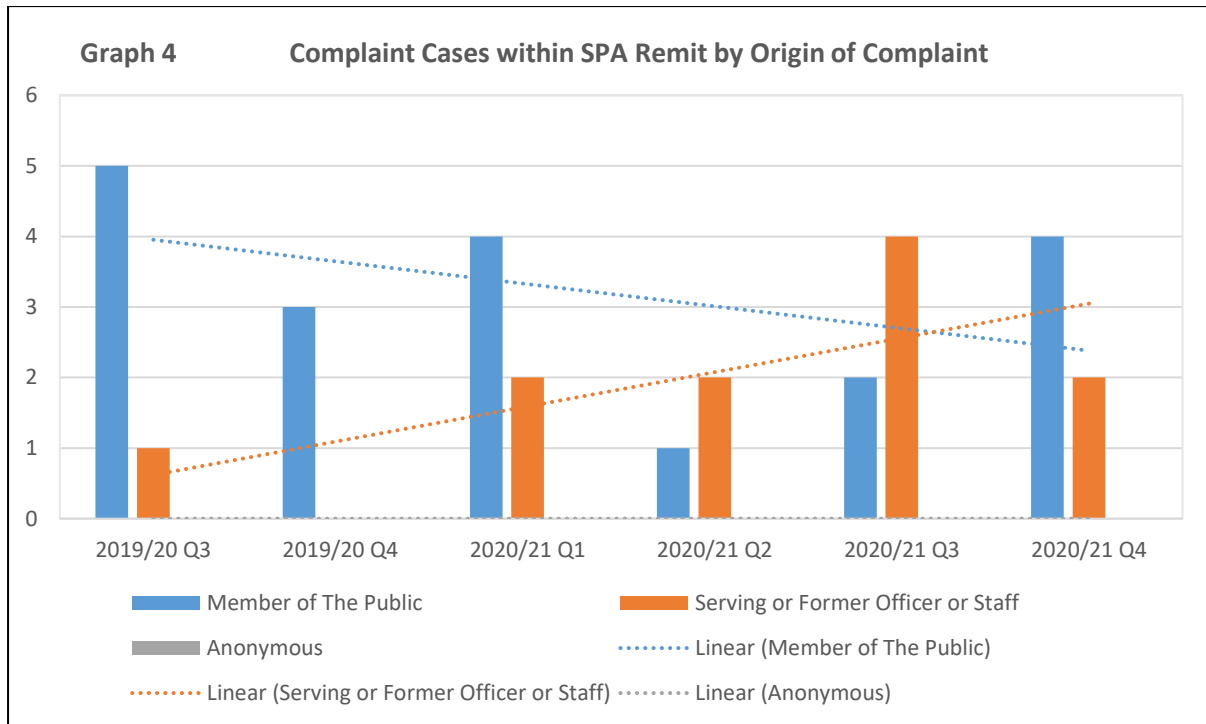
Table 4 shows the number of Complaint Cases within the remit of the SPA broken down by the origin of the complaint and shows that complaints may be; received from members of the public; received from serving or former police officers/ members of staff or; made anonymously.

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 3 2019/20 to the end of Q4 2020/21

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



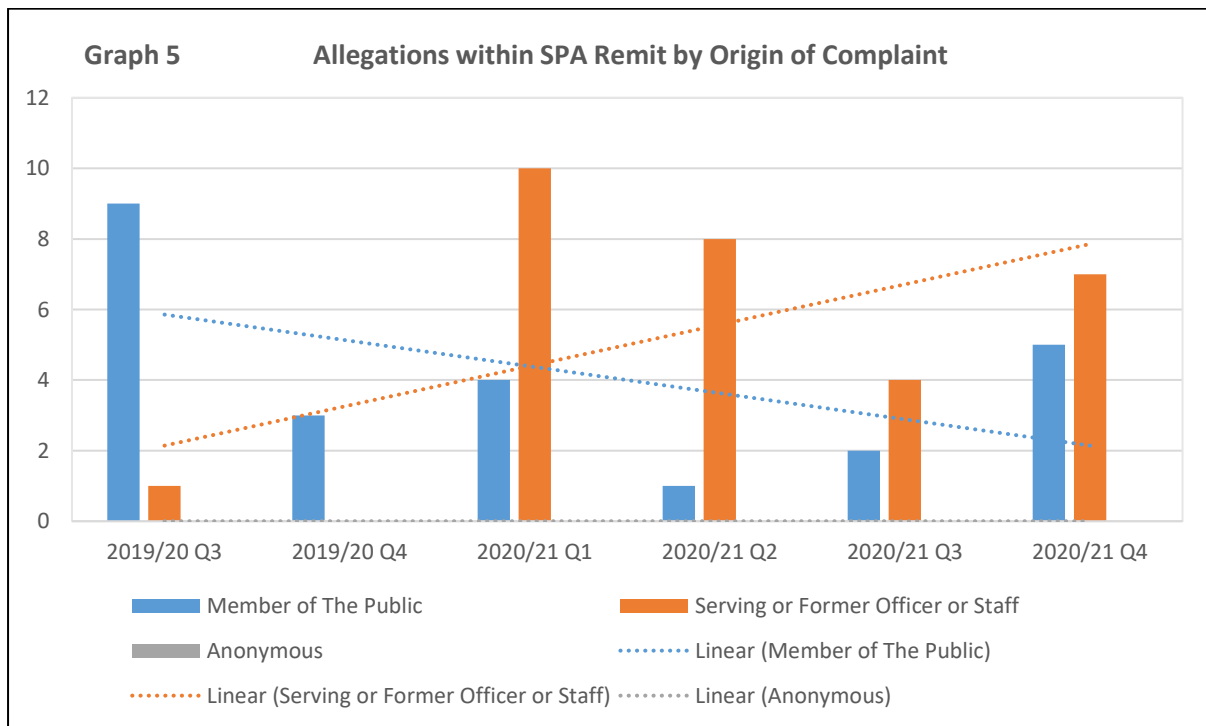
Graph 4 shows that in general the majority of complaints are received from members of the public, with the exception of Quarters 2 & 3 2020/21 showing more 'internal' complaints were received. The graph also shows a general decrease in the number of complaints received from members of the public while, 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 3 2019/20 to the end of Q4 2020/21

	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
Member of The Public	9	3	4	1	2	5
Serving or Former Officer or Staff	1	0	10	8	4	7
Anonymous	0	0	0	0	0	0
Total	10	3	14	9	6	12



Graph 5 shows that, in Q1 & Q2 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 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 3 2019/20 to the end of Q4 2020/21

	2019/20 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
Upheld	1	0	0	0	0	0
Not Upheld	9	2	3	2	4	5
Abandoned	0	1	0	0	0	1
Withdrawn	0	0	1	0	0	0
Closed- UA	0	0	0	0	0	0
Ongoing at 31/12/2020	0	0	10	7	2	5

Table 6 shows that the majority of allegations received by the SPA result in a finding of 'Not 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 Q3	2019/20 Q4	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4
No of Relevant Complaints Received	6	2	6	3	6	6

¹ The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.
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Ongoing at 31/03/2021	0	0	1	1	1	2
Average working days to close	35.17	10.50	49.40	30.00	22.60	7.5

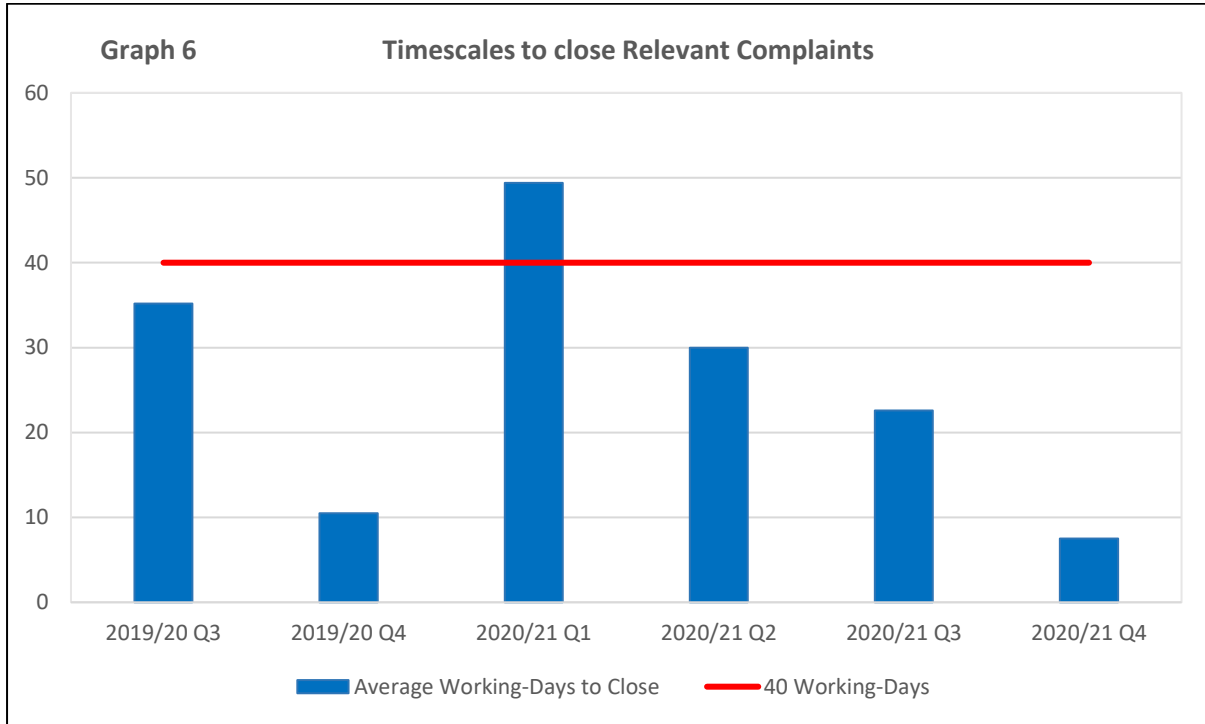


Table 7 and Graph 6 show that apart from Q1 2020/21 the average time to close relevant complaints is within the expected 40 working-day period.

2.9 Key Findings

- a) The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. Complaints received that are outwith the remit of the SPA account for 80% of all received over this recording period.
- b) The vast majority of 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 restructuring the SPA website to ensure that members of the public are signposted appropriately when making a complaint.

- d) Although complaints against SPA Forensic Staff has increased there is no identifiable trends in the type of complaint received, and no overall lessons to be learned.
- e) The majority of allegations within the remit of the SPA have not been upheld.
- f) The average time to conclude relevant complaints has shown a significant downward trend compared with the previous 5 year average of 66.46 days; all quarters, with the exception of Q1 2020/21, showing average closures under the 40 day working period.
- g) A number of factors can affect the time taken to conclude relevant complaints. These may include the number of allegations made by the complainer, the complexity of the complaint and the availability of the information required to determine the complaint.
- h) Future SPA Quarterly Reports will provide statistics on the number of complaints within and outside timescales, and the reasons for any significant delays.

3 Workload Management

- 3.1** Currently, at 05/05/2021, 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** Strategic Oversight Group (SOG) - As noted previously, from February 2021, 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 having a partitioned agenda to allow for discussion of ongoing shared operational matters, in line with the original terms of reference for the group. Update in respect of the former is provided under the report presented at item 5a. In respect of the partitioned agenda, since the last Committee

meeting, the Strategic Oversight Group (SOG) met on 23 April 2021. Darren Paterson and Robin Johnston attended on behalf of the SPA. Discussions covered development of new on-call guidance; diversity monitoring; the intention to develop a version of Memorandum of Understandings between partners demonstrating commitment to transparency (whilst protecting operationally sensitive matters); COP 26 planning arrangements and update on COPFS Criminal Allegations Against the Police Division inspection progress

- 5.2** The next National Complaint Handling Development Group (NCHDG) meeting is scheduled for 13 May 2021. As part of the NCHDG, a meeting has taken place between one member of the SPA Complaints Team and a representative from PIRC and PSD. This was an inaugural meeting to discuss the development of public communication and accessibility for complaint handling, cognisant of seldom heard from communities and sociological, cultural and diverse community background. And included a further discussion on developing joint effective systems of communication to support internal improvement and external confidence.

6 SPA Website - Complaints Pages

- 6.2** The SPA continues to undertake a project to review and renew its digital offer which includes a review of the Complaints pages of the SPA Website. The project will also be cognisant of discussions associated with the content of para 5.2.

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.