

<b>Meeting</b>	<b>SPA Complaints &amp; Conduct Committee</b>
<b>Date</b>	<b>19 August 2021</b>
<b>Location</b>	<b>Videoconference</b>
<b>Title of Paper</b>	<b>SPA Quarterly Report</b>
<b>Presented By</b>	<b>Head of Workforce Governance</b>
<b>Recommendation to Members</b>	<b>For Noting</b>
<b>Appendix Attached</b>	<b>No</b>

**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 Q1, 2021/22.

*The paper is presented in line with:*

- *Scottish Police Authority Committee Terms of Reference*

*The paper is submitted:*

- *For Noting*

## **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 The statistics presented below reflect the position at the end of Quarter 1 (Q1) 2021/22 (i.e. 30 June 2021), and provides comparison to the previous 4 quarters. Key findings in relation to this report are included at the end of this section.

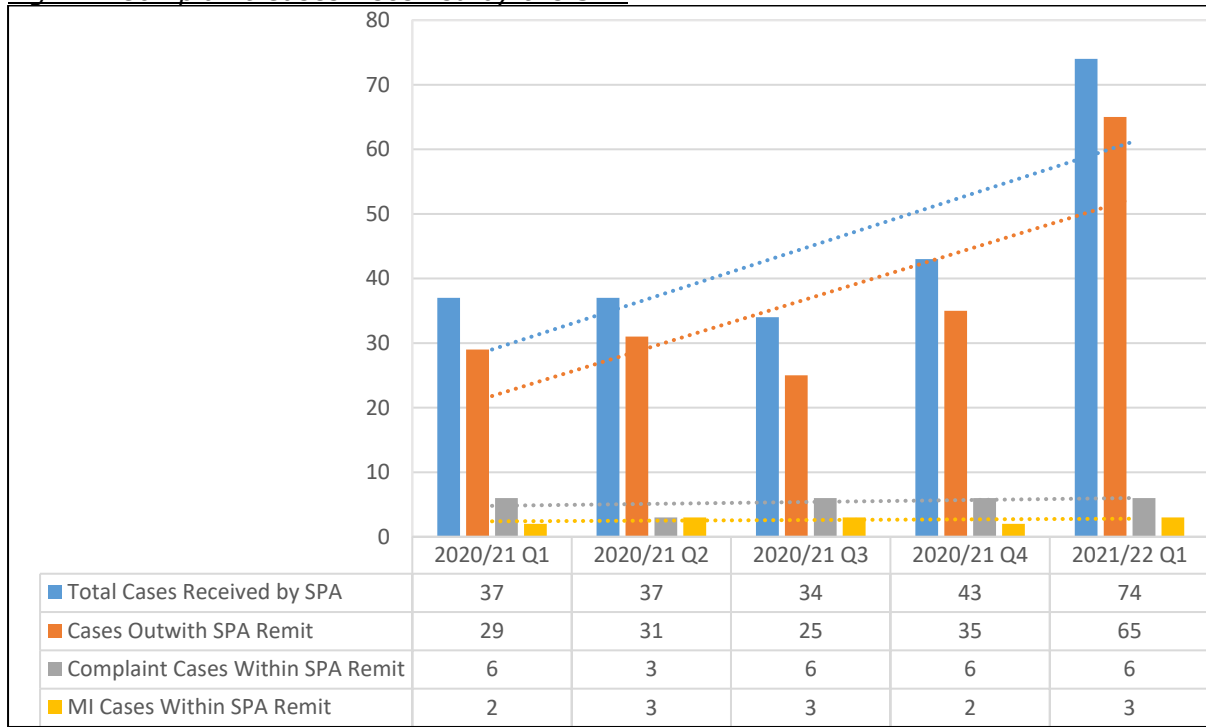
### **2.2 Cases Received by the SPA**

- 2.2.1 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.

- 2.2.2 Figure 1 shows the number of complaint and miscellaneous (MI) cases received by the SPA. Miscellaneous cases refer to enquiries or other correspondence received by the SPA Complaints Team. For cases outwith the remit of the SPA, figures comprise both cases categorised as complaints and miscellaneous combined.

- 2.2.3 The number of complaint cases received that are within the remit of the SPA has remained fairly steady. However, there has been a considerable increase in cases received in Q1 2021/22 which are outwith the remit of the SPA.

*Fig. 1 – Complaint Cases Received by the SPA*



2.2.4 Figure 2 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, from serving or former police officers/members of staff or made anonymously. ‘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 that they are ‘internal’.

2.2.5 In general, the majority of complaints are received from members of the public, with the exception of Q2 2020/21 (where more ‘internal’ complaints were received). A steady number of complaints were received each quarter from members of the public and ‘internal’ complaints with the exception of the Q1 2021/22. No anonymous complaints were received by the SPA throughout this period.

*Fig. 2 – Complaint Cases within SPA Remit by Origin of Complaint*



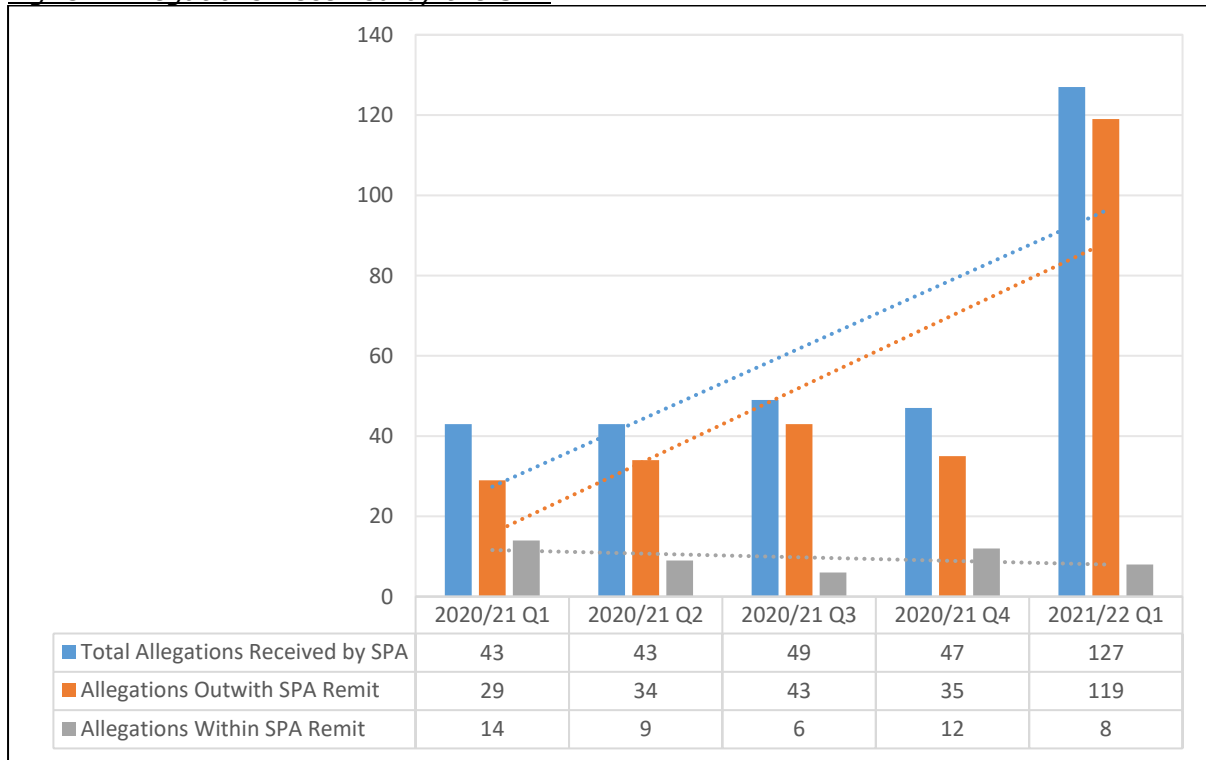
## 2.3 Allegations Received by the SPA

2.3.1 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.

2.3.2 Figure 3 shows the number of allegations contained in the cases received by the SPA, both within and outwith its remit. Miscellaneous cases do not contain allegations.

2.3.3 As with the number of complaint cases within the remit of the SPA, the number of allegations within its remit has also remained steady over the past 5 quarters. The large number of allegations received that are outwith the remit of the SPA is reflected in the increase of cases received that are not for the SPA.

*Fig. 3 – Allegations Received by the SPA*



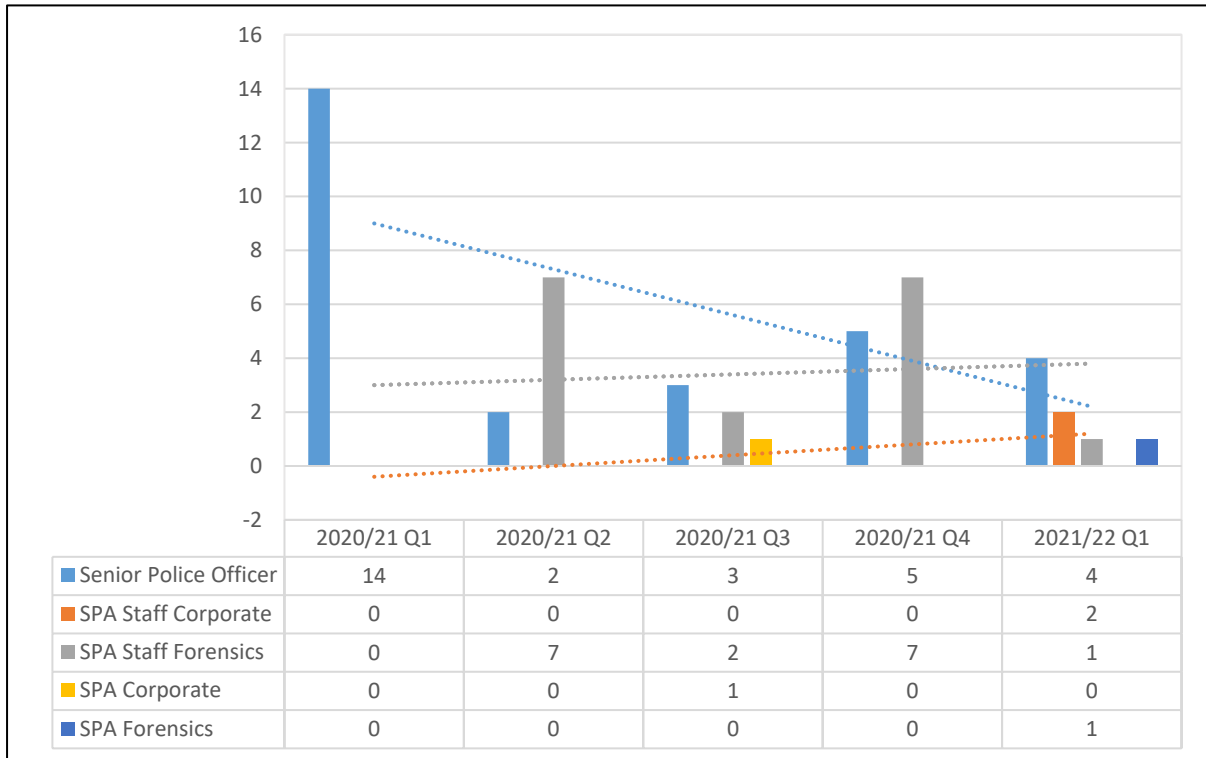
2.3.4 Figure 4 shows the number of allegations within the remit of the SPA broken down by the origin of the complaint. Whilst more complaint cases were received from members of the public, more allegations were received from serving or former police officers/members of staff.

*Fig. 4 – Allegations within SPA Remit by Origin of Complaint*



2.3.5 Figure 5 shows a breakdown of allegations by the subject of the complaint. With the exception of Q1 2020/21, allegations over previous quarters about senior officers of Police Scotland have remained steady.

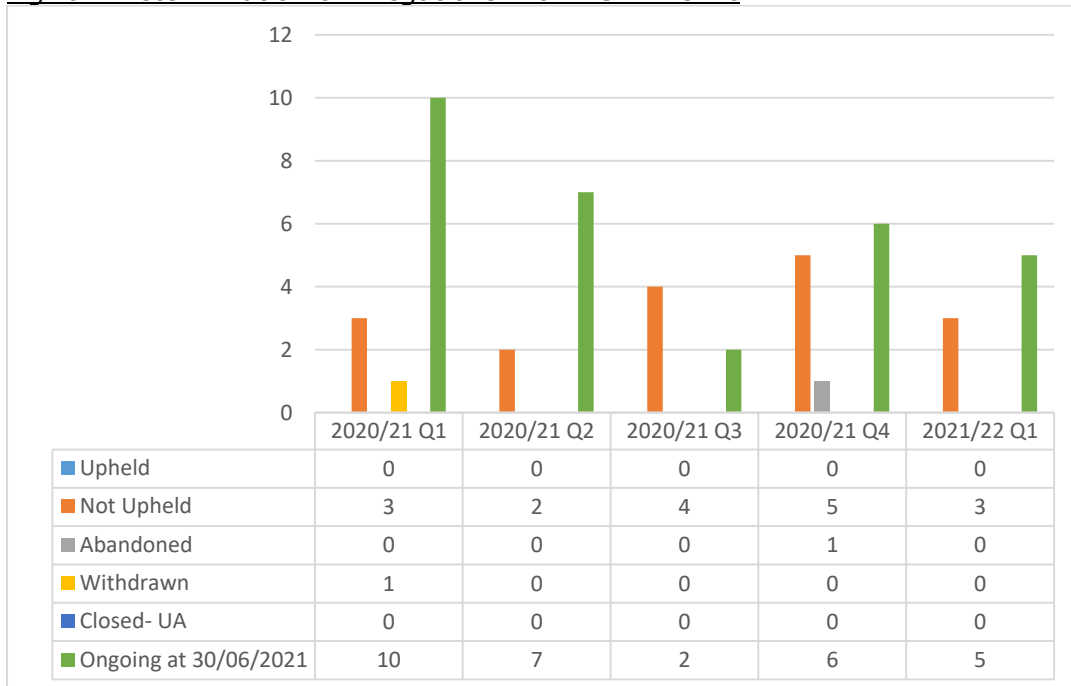
*Fig. 5 – Allegations within SPA Remit by Subject of Complaint*



## 2.4 Determination of Allegations within SPA Remit

2.4.1 Figure 6 shows the determination of allegations within the remit of the SPA, and identifies that the majority of allegations received by the SPA result in a finding of 'Not upheld'. 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 Unacceptable, Persistent or Unreasonable Actions by Complainers Policy, this is recorded below as 'Closed- UA'.

*Fig. 6 – Determination of Allegations within SPA Remit*



## 2.5 Timescales to Close Relevant Complaints

2.5.1 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.<sup>1</sup>

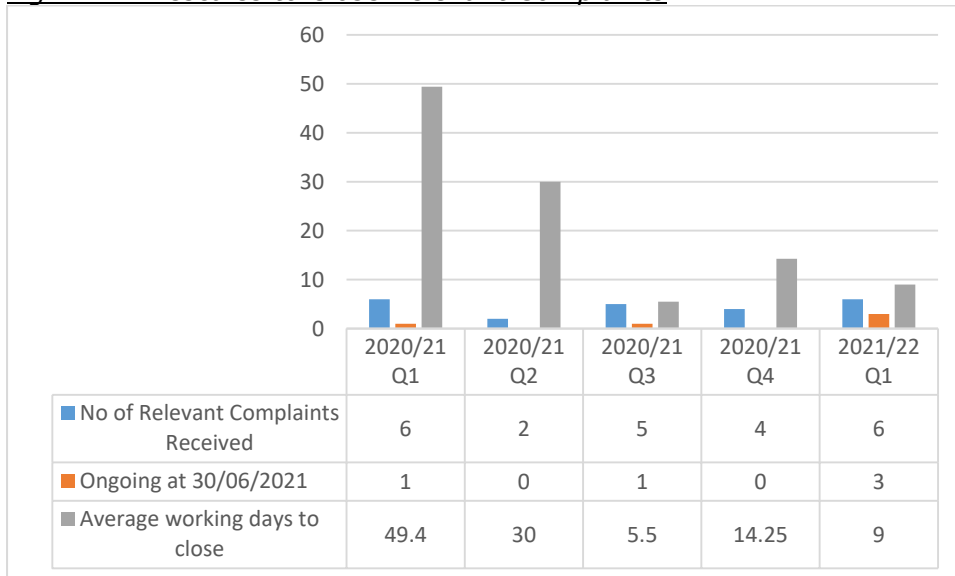
2.5.2 The handling of relevant complaints are subject to the oversight of the PIRC, who have an expectation that such complaints should be completed within 40 working days. A number of factors can affect the time taken to conclude relevant complaints. These may include the number of allegations made by the complainer, the complexity of the complaint and the availability of the information required to determine the complaint.

2.5.3 Figure 7 shows the timescales for the closure of 'relevant complaints' handled by the SPA, and demonstrate that (with the exception of Q1 2020/21) the average time to close relevant complaints is within the expected 40 working-day period.

2.5.4 Following a commitment to provide statistics on the number of complaints within and outside timescales, and the reasons for any significant delays, it is noted that, in Q1 2021/22, all cases were closed within the 40 working day timescale.

<sup>1</sup> The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.  
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*Fig. 7 – Timescales to Close Relevant Complaints*



## 2.6 Key Findings

2.6.1 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 82% of all received over this recording period.

2.6.2 Q1 2021/22 shows a marked increase in the number of cases received by the SPA Complaints Team. Whilst the number within the remit of the SPA remains steady there was no identifiable trend or reason for the considerable increase in overall number of cases received.

2.6.3 The vast majority of cases not within the SPA remit are matters which required to be brought to the attention of Police Scotland’s Professional Standards Department (PSD).

2.6.4 The SPA Complaints Team continue to monitor this issue and are in the process of restructuring the SPA website complaints pages to ensure that members of the public are signposted appropriately when making a complaint.

2.6.5 The majority of allegations within the remit of the SPA have not been upheld.

2.6.6 For the last 4 consecutive quarters, the average time to conclude relevant complaints is under the 40 working day period.



## **2.7 Workload Management**

2.7.1 Currently, at 05/08/2021, 5 active cases are being progressed by the SPA Complaints Team. Further detail on ongoing workload is being presented at the private session of the Committee.

## **2.8 Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing**

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

## **2.9 Stakeholder Meetings**

2.9.1 As noted previously, from February 2021 a new terms of reference was established for the Strategic Oversight Group (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. In respect of the latter, since the last Committee meeting, the SOG met on 4 June 2021, with discussions covering development of new on-call guidance; diversity monitoring; development of a version of Memorandum of Understandings between partners demonstrating commitment to transparency (whilst protecting operationally sensitive matters); and COP 26 planning arrangements.

2.9.2 Since the last Committee meeting, there has also been one meeting of the National Complaint Handling Development Group (NCHDG), with discussions covering the Dame Elish Angiolini Review report; communication and accessibility; training and development; inter-agency audit; conduct regulations; and Police Scotland Complaints about the Police Standard Operating Procedure.

2.9.3 A separate meeting between SPA Complaints and PIRC is scheduled to take place before the Complaints & Conduct Committee meeting of 19 August 2021 in respect of the planned inter-agency audit. It is envisaged that timescales will be discussed to collect the information required to conduct an audit; analyse the information collected; and prepare and submit a report.

## **2.10 SPA Website - Complaints Pages**

2.10.1 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

between Police Scotland and PIRC associated with communication and accessibility. Whilst the SPA's overall digital offer project is progressed, in the interim the SPA Complaints Team, along with the SPA External Relations Department, have modified the SPA Complaints page with a view to reducing the number of misdirected complaints received. A change to the SPA Complaints Form, which will also assist in the signposting of complaints, is nearing completion.

### **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 equality implications associated with this paper.

### **10 ENVIRONMENT IMPLICATIONS**

10.1 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.