

Meeting	Complaints & Conduct Committee
Date	27 August 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 of note reflecting the position at the end of Q1, 2020/21.

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 1 (Q1) 2020/21, i.e. June 2020.

2.1.2 Tables 1 and 2 show the number of Cases and Allegations received by the SPA for the last full year plus the current Year to Date. Figs 1 and 2 show this information in graphical form.

2.1.3 Tables 3 to 8 provide a further breakdown of Cases and Allegations received for the last full year plus the current Year to Date.

2.1.4 In a change to previous SPA Complaints Performance Reports, the terminology used in this report has been amended to reflect that Enquiries received by SPA Complaints are now recorded separately under the heading "Miscellaneous" (MI) to mirror Police Scotland's recording terminology.

2.1.5 Work is ongoing within the National Complaint Handling Development Group (NCHDG) to agree a standardised approach to the reporting of statistics for the SPA, PS and the PIRC.

2.1.6 Key Findings in relation to the Quarterly Performance Report are included at the end of this section.

Table 1: Cases Received by the SPA

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1
Complaint Cases Within SPA Remit	4	7	6	3	6
MI Cases Within SPA Remit	2	0	1	1	2
Cases Outwith SPA Remit	19	32	19	33	29
Total	25	39	26	37	37

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Table 2: Allegations Received by the SPA

Each complaint case may comprise a number of allegations.

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

Fig 1

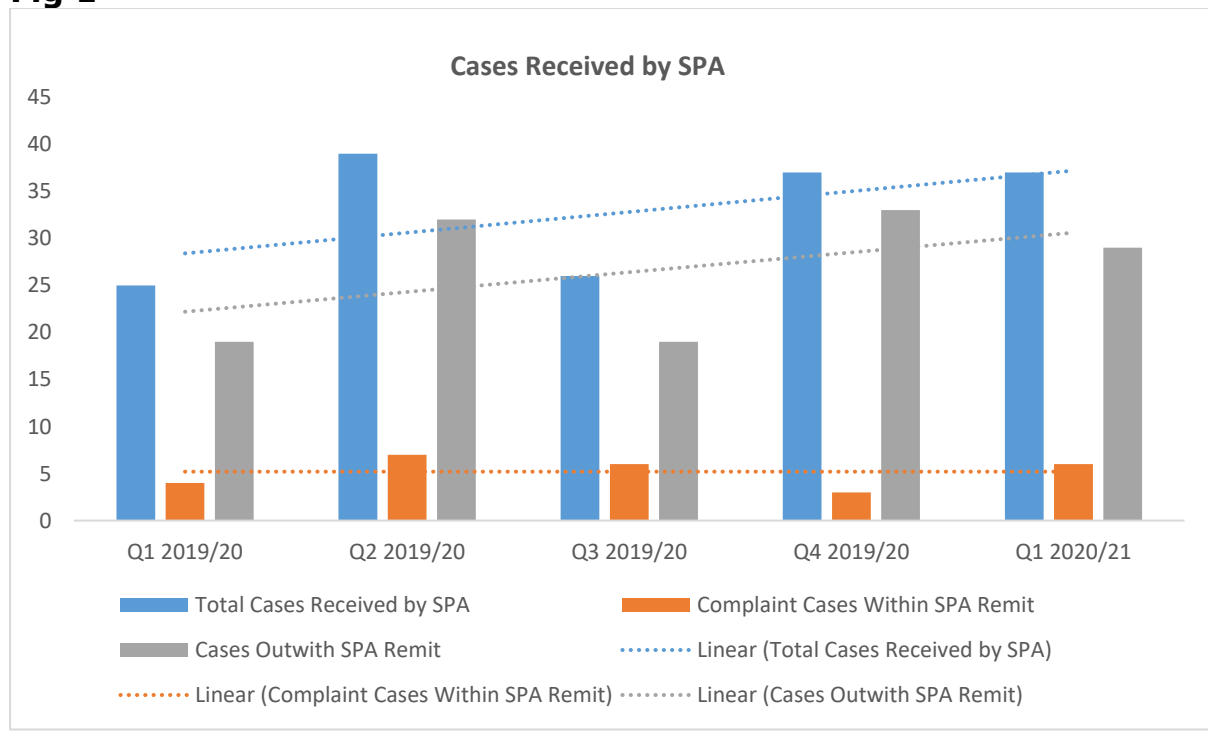


Fig 2

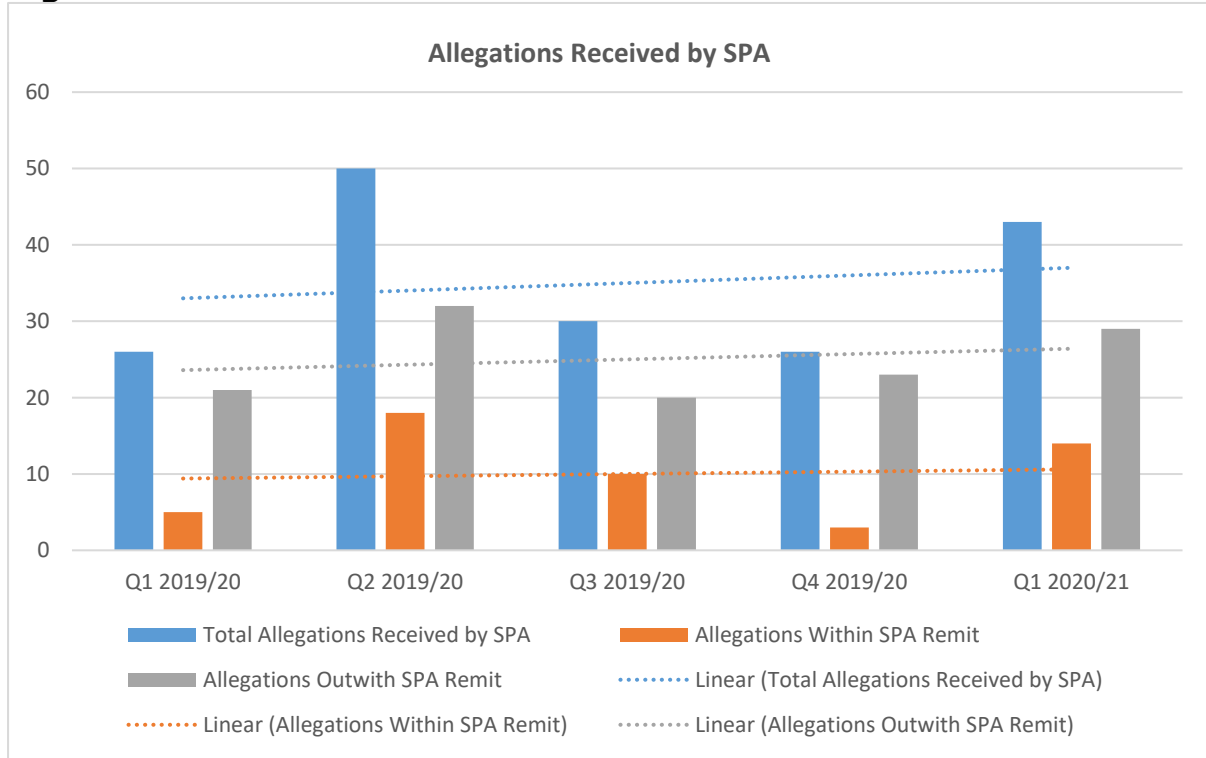


Table 3: Breakdown of Complaint Cases Within SPA Remit

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. Tables 3 and 4 show a breakdown of the type of complaints received by the SPA for the last full year plus the current Year to Date.

	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/21 Q1
Senior Police Officer	2	4	3	2	6
SPA Staff Member	1	1	1	0	0
SPA	1	2	2	1	0
Total	4	7	6	3	6

Table 4: Breakdown of Allegations Within SPA Remit

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

Table 5: Complaint Cases Within SPA Remit by Origin of Complaint

Complaints may be received from serving or former police officers and members of police staff. These 'internal' complaints 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'.

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

Table 6: Determination of Complaint Cases Within SPA Remit

Each complaint case may comprise a number of allegations. If all allegations within a case are either upheld or not upheld, Table 6 will show that as one case either upheld or not upheld. If some allegations within a case are upheld and others are not upheld, Table 6 will show that as one case partially 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's 'Unacceptable, Persistent or Unreasonable Actions by Complainers Policy', this will be recorded in Table 6 as 'Closed-UA'.

	2019/20 0 Q1	2019/20 0 Q2	2019/20 0 Q3	2019/20 0 Q4	2020/20 1 Q1
Upheld	1	1	0	0	0
Partially Upheld	0	0	1	0	0
Not Upheld	2	5	5	2	3
Abandoned	1	0	0	1	0
Withdrawn	0	0	0	0	1
Closed- UA	0	1	0	0	0
Ongoing at 30/06/2020	0	0	0	0	2

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	2019/20 Q1	2019/20 Q2	2019/20 Q3	2019/20 Q4	2020/20 Q1
Total	4	7	6	3	6

Table 7: Determination of Allegations Within SPA Remit

	2019/20 0 Q1	2019/20 0 Q2	2019/20 0 Q3	2019/20 0 Q4	2020/21 1 Q1
Upheld	1	1	1	0	0
Not Upheld	2	9	9	2	3
Abandoned	2	0	0	1	0
Withdrawn	0	0	0	0	1
Closed- UA	0	8	0	0	0
Ongoing at 30/06/2020	0	0	0	0	10
Total	5	18	10	3	14

Table 8: Timescales for Closure of Relevant Complaints

Table 8 shows the timescales for the closure of 'relevant complaints' handled by the SPA against the PIRC expectation that such complaints should be completed within 40 working days.

	2019/20 0 Q1	2019/20 0 Q2	2019/20 0 Q3	2019/20 0 Q4	2020/21 1 Q1
No of Relevant Complaints Received	4	7	6	2	6
No of Relevant Complaints Closed	4	7	6	2	4
No Closed After 40 Days	1	1	2	0	0
Ongoing at 30/06/2020	0	0	0	0	2
Average days to close	22.25	15.00	35.17	10.50	14.75

Key Findings

- a) The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. During the full year 2019/20, approximately 81% of new cases received by the SPA were not within its remit to deal. For Q1 of 2020/21, the figure is approximately 78%.

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- b) Most cases not within the SPA's remit were matters which required 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) Over the last full year plus the current Year to Date, the number of cases has shown a general upward trend, although the number within the remit of the SPA remained fairly constant.
- e) The majority of complaint cases within the remit of the SPA are about senior officers of Police Scotland. Approximately 65% of cases received over the last full year plus the current Year to Date contained allegations about senior officers.
- f) The majority of complaint cases within the remit of the SPA are received from members of the public. Approximately 85% of cases received over the last full year plus the current Year to Date were from members of the public.
- g) The majority of complaints within the remit of the SPA are not upheld. Over the last full year plus the current Year to Date, approximately 9% of cases and 6% of allegations were upheld.
- h) The majority of relevant complaints are concluded within the 40 working days that the PIRC expect such complaints to be completed. Over the last full year plus the current Year to Date, approximately 83% of relevant complaints were concluded within 40 working days.

3 Workload Management

- 3.1 Currently, at 17/08/2020, 3 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; a revised Memorandum of Understanding (MoU) between the PIRC, Police Scotland and the SPA; a revised PIRC statutory guidance on complaints handling; and diversity monitoring forms.
- 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; COVID-19 Complaints handled by Police Scotland; complaint processes and conduct regulations; Officer Safety Training; amendments to Police Scotland's Complaints About The Police Standard Operating Procedure; development of a revised Front Line Resolution (FLR) process and new 6-stage Process Form within Police Scotland; a review of "Unreasonable Actions by Complainers' Policies"; and a proposal for an annual multi-agency audit of Police Scotland's complaint handling.

6 SPA Website - Complaints Pages

- 6.1 The SPA's public facing website was moved onto a more modern and stable content management system on 6 August 2020. At the same time, some further changes were made to the SPA Complaints page to provide more clarity in terms of the type of complaint for which the SPA is responsible and those complaints which are outwith the SPA's legislative remit.
- 6.2 The SPA Complaints Team have contacted a small number of complainers who had directed their initial complaints to the SPA rather than Police Scotland. The complainers were asked how/where they found the SPA Complaints Email address that was used in their initial contact with the SPA. Responses indicated that complainers found the SPA Complaints email address by searching online via Google or other search engine.

The SPA Complaints Team will continue to monitor this issue, survey complainers and provide appropriate updates in its regular reports to the Committee.

7 SPA Complaints - Proposals for Planned Improvements

- 7.1 At the Complaints & Conduct meeting held on 3 July 2019, Members were presented with proposals for planned improvements within the

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SPA Complaints team. The proposals were accepted with an acknowledgement that work would require to be phased in according to resource availability. The proposals were also included in the Committee Chair's Report to the Authority meeting held on 21 August 2019. The SPA Complaints Team resources were depleted last year due to unplanned absence which impacted upon progressing some of this work. The following paragraphs provide an update on those proposals.

- 7.1.1 Proposal - SPA Complaints Team improve the dip sampling process by visiting different police offices in all local policing command areas to ensure that officers and staff are aware of the procedure to follow if they receive a complaint from a member of the public.

Update - This proposal has not been progressed as yet due to resource availability and restrictions due to COVID-19.

- 7.1.2 Proposal - SPA to introduce a customer satisfaction survey in order to seek views on their experience of the complaints process.

Update - This proposal has not been progressed as yet due to resource availability.

- 7.1.3 Proposal - SPA Complaints Team to attend and review the complaint handling training offered by Police Scotland.

Update - This proposal has been superseded by work underway within the NCHDG to review Police Scotland's complaint handling training.

- 7.1.4 Proposal - SPA (multi-teams) to carry out more in-depth analysis of Police Scotland's complaints reporting, with a brief narrative being provided to the Complaints and Conduct Committee members.

Update - This proposal has not been progressed as yet due to resource availability.

- 7.1.5 Proposal - Continuation of analysis of PIRC's Complaint Handling Review (CHR) recommendations in order to identify trends and offer feedback to Police Scotland.

Update - This proposal is now incorporated as a "business as usual" activity within the SPA Complaints Team. An analysis of the full year 2019/20 CHR recommendations will be provided to the November meeting of the Committee.

- 7.1.6 Proposal - Greater visibility of SPA within Police Scotland in order to give ongoing assurances on a range of operational practices to the Committee.

Update - It was proposed that SPA staff may work occasionally from Police Scotland premises, however this proposal was not progressed for reasons of practicality.

- 7.1.7 Proposal - Improved articulation of SPA complaints data through accessing internal SPA resource / knowledge / expertise in performance reporting.

Update - This proposal is now incorporated as a "business as usual" activity within the SPA Complaints Team. The current recording and reporting system used by the SPA Complaints Team was devised in collaboration with an SPA Performance Analyst.

- 7.1.8 Proposal - Improved public reporting by SPA, with greater number of written reports being issued alongside Police Scotland's quarterly performance reports.

Update - This proposal is now incorporated as a "business as usual" activity within the SPA Complaints Team. The format of the SPA Quarterly Report is reviewed on an ongoing basis and now provides more in-depth information. The terminology used to report certain performance measures has been amended to mirror that used in Police Scotland's performance reports. Additional written reports are presented to the Committee as appropriate.

- 7.1.9 Proposal - Review ability to improve SPA complaints accessibility with online integrated complaints form, potentially linked to new website development.

Update - This proposal is now incorporated as a "business as usual" activity within the SPA Complaints Team. The SPA's public facing website was moved onto a more modern and stable content management system on 6 August 2020. ICT have advised that the new software does support an option to provide an online form. Work to further improve the Authority's website and its accessibility and content is ongoing and the SPA Communications Team will liaise with ICT to progress this matter as part of that work in the period ahead.

8 FINANCIAL IMPLICATIONS

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

9 PERSONNEL IMPLICATIONS

9.1 There are no personnel implications associated with this paper.

10 LEGAL IMPLICATIONS

10.1 There are no legal implications associated with this paper.

11 REPUTATIONAL IMPLICATIONS

11.1 There are no reputational implications associated with this paper.

12 SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

13 COMMUNITY IMPACT

13.1 There are no community implications associated with this paper.

14 EQUALITIES IMPLICATIONS

14.1 There are no equality implications associated with this paper.

15 ENVIRONMENT IMPLICATIONS

15.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

Members are requested to discuss the content of this paper.