

Meeting	SPA Complaints & Conduct Committee
Date	25 November 2021
Location	MS Teams
Title of Paper	SPA Quarterly Report
Presented By	Head of Workforce Governance
Recommendation to Members	For Noting
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 Q2, 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 2 (Q2) 2021/22 (i.e. 30 September 2021), and provides comparison to the previous 5 quarters. Key findings in relation to this report are included at the end of this section.

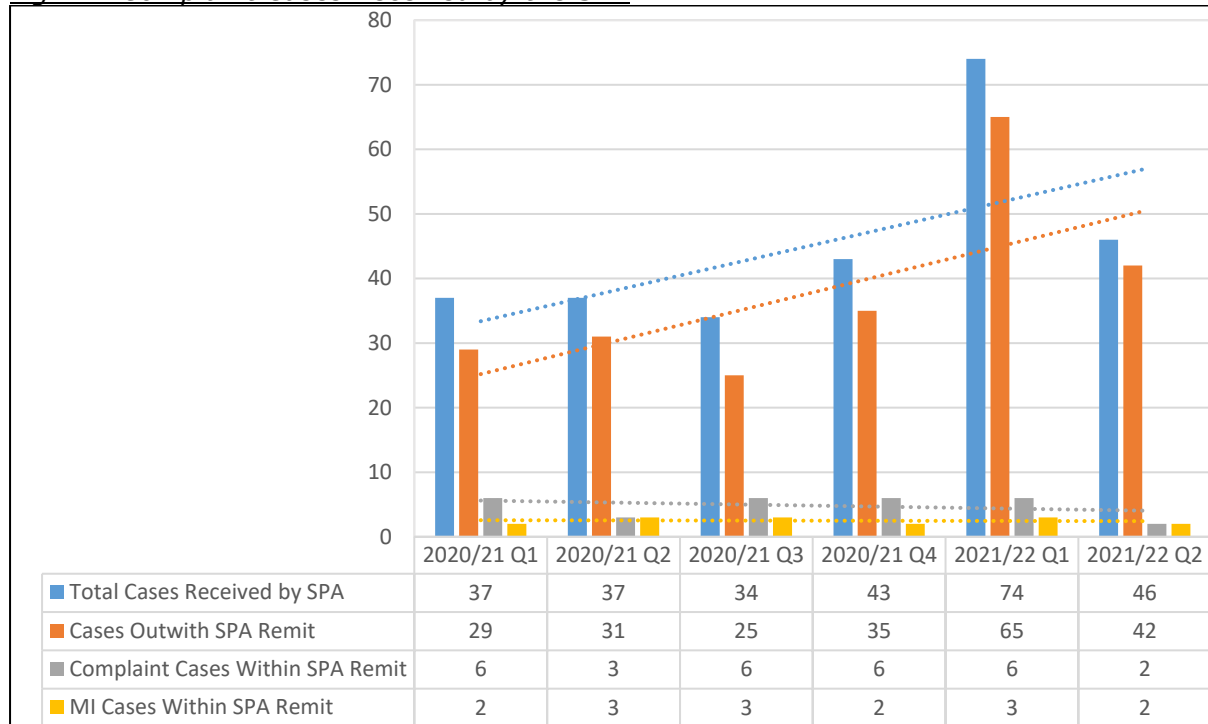
2.2 Cases Received by the SPA

- 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.

The number of complaint cases received that are within the remit of the SPA has remained fairly steady. Following a spike in cases outwith the remit of the SPA in Q1 2021/22, figures have now returned to the level typically seen during 2020/21.

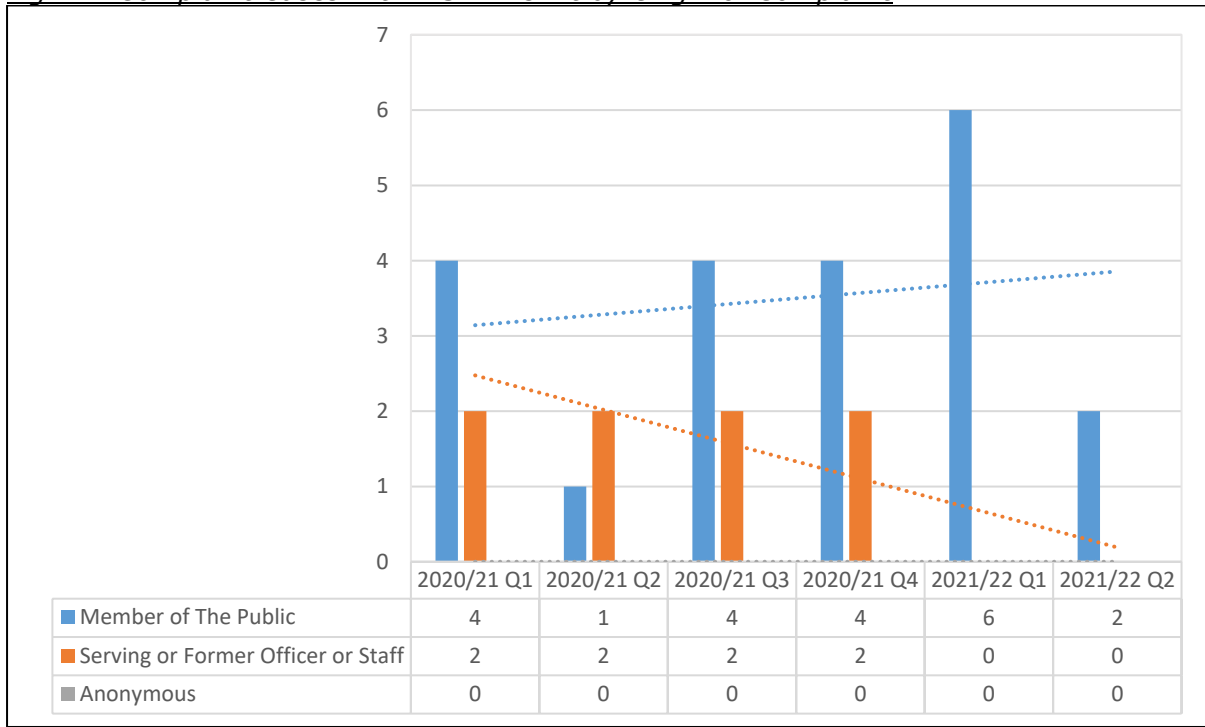
Fig. 1 – Complaint Cases Received by the SPA



2.2.3 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’.

2.2.4 In general, the majority of complaints are received from members of the public, with numbers remaining broadly steady. No ‘internal’ complaints have been received over the last two quarters. No anonymous complaints were received by the SPA throughout this period.

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



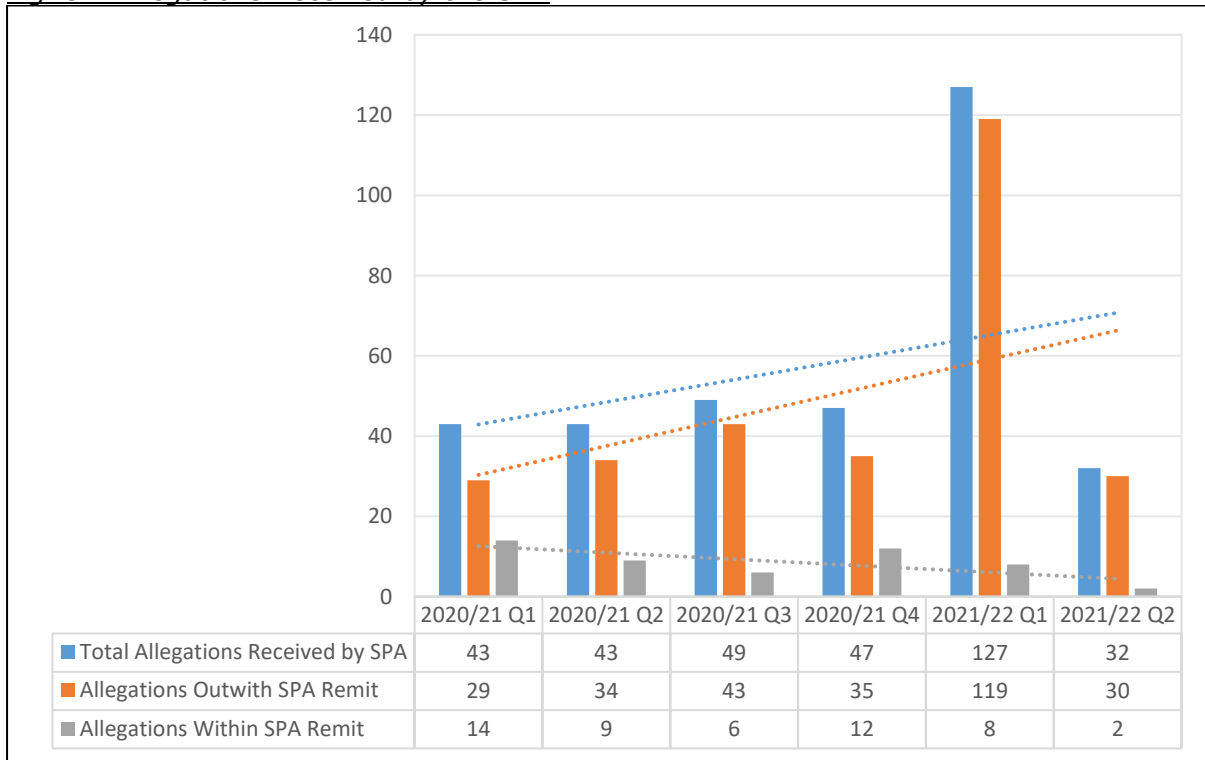
2.3 Allegations Received by the SPA

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 In overall terms, following a spike in complaint cases outwith the remit of the SPA in Q1 2021/22, allegation numbers have now returned to the level typically seen during 2020/21. As with the number of complaint cases within the remit of the SPA, the number of allegations within its remit has remained steady over the past 6 quarters.

Fig. 3 – Allegations Received by the SPA



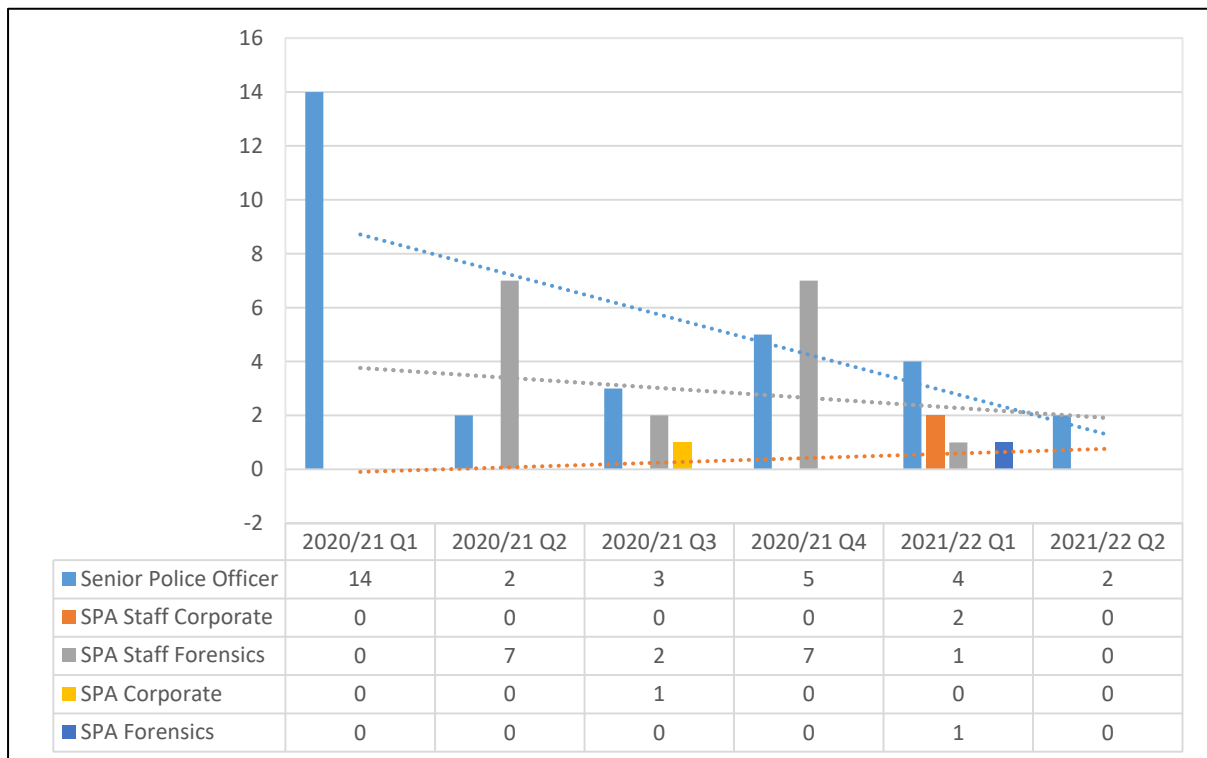
2.3.4 Figure 4 shows the number of allegations within the remit of the SPA broken down by the origin of the complaint. During 2020/21, whilst more complaint cases were received from members of the public, more allegations were received from serving or former police officers/members of staff. However, during 2021/22 to date, all allegations (and complaint cases) have been from members of the public.

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.

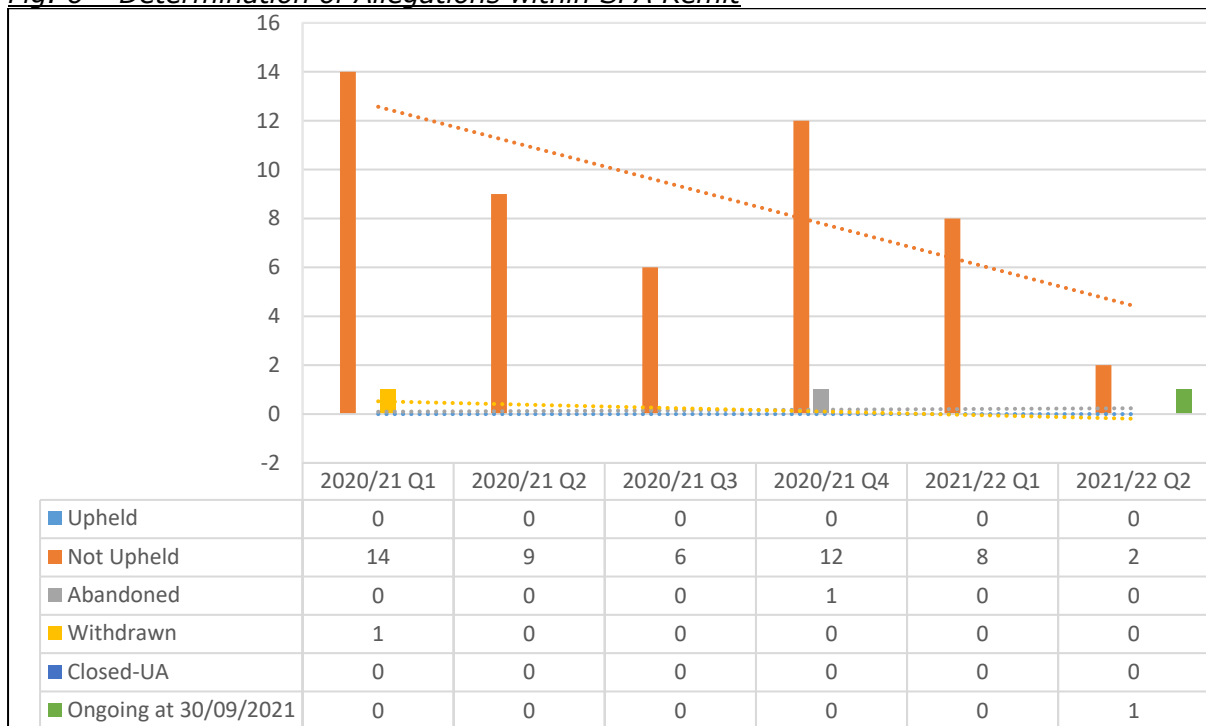
Fig. 5 – Allegations within SPA Remit by Subject of Complaint



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 over the period have resulted 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.¹

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

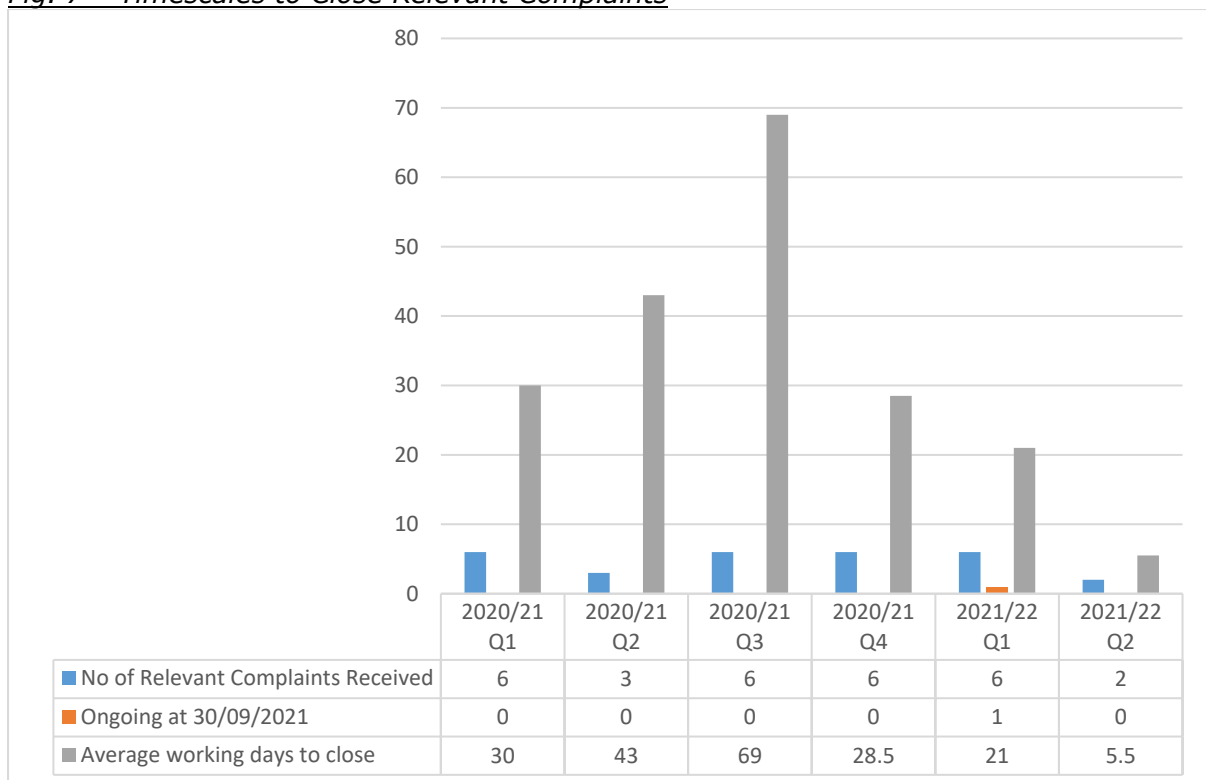
¹ The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.
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of the complaint and the availability of the information required to determine the complaint.

2.5.3 Figure 7 shows the timescales for the closure of ‘relevant complaints’ handled by the SPA². The last report to the Committee on the timescales showed a downward trend on average closure times. Since that report, a number of cases which were still ongoing at that time have since been closed, and therefore the timescales have now been revised.

2.5.4 Cases closed during this reporting period were more complex and serious than previous cases and as such required a more indepth examination of the matters reported, causing the time to close to exceed the PIRC’s expected completion time of 40 working days.

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 84% of all received over this recording period (i.e. Q1 2020/21 to end of Q2 2021/22).

² Fig. 7 shows no. complaints received per quarter, and resulting average time to close, and will be updated following subsequent closure of any complaints which remain ongoing at the time of reporting.

- 2.6.2 Following a spike in cases outwith the remit of the SPA in Q1 2021/22, figures have now returned to the level typically seen during 2020/21.
- 2.6.3 The vast majority of cases not within the SPA's 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 have restructured the SPA website complaints pages to ensure that members of the public are signposted appropriately when making a complaint (further details are contained in para 2.10).
- 2.6.5 The majority of allegations within the remit of the SPA have not been upheld.
- 2.6.6 Since the last report on timescales to close relevant complaints, a number of cases which were still ongoing at that time have been closed and therefore the timescales have been revised.
- 2.6.7 The complexity and seriousness of the cases closed during this reporting period have caused the time to close to exceed the PIRC's recommended time for completion of 40 working days in a small number of instances (impacting reported average timescales).

2.7 Workload Management

- 2.7.1 Currently, at 03/11/2021, there are no active cases being progressed by the SPA Complaints Team.
- 2.7.2 During Q2 2021/22 PIRC closed off a Complaint Handling Review Reconsideration Direction. This is only the second one received by the SPA since the inception of the Authority in 2013.

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 29 September 2021, with discussions covering development of new on-call guidance; diversity monitoring; development of a version of a Memorandum of Understandings between partners demonstrating commitment to transparency (whilst protecting operationally sensitive matters); implementation of new arrangements for referring complaints alleging a breach of Article 3/5 of the European Convention on Human Rights (ECHR) to PIRC for investigation; and COP 26 planning arrangements.

2.9.2 Since the last Committee meeting, there has been no meeting of the National Complaint Handling Development Group (NCHDG), COP26 preparations having taken precedence. However, a meeting is scheduled for 8 December 2021.

2.9.3 Planning discussions have continued with regard to the joint audit by the SPA and PIRC of Police Scotland's complaints, and an update will be provided by PIRC at Item 5.

2.10 **SPA Website - Complaints Pages**

2.10.1 The SPA Complaints Team, along with the SPA External Relations Department, have reviewed the content of the SPA website Complaints page with a view to improving understanding of complaints within its remit and its complaints handling process, and to assist in signposting of complaints to the appropriate authority (where this is not the SPA). The updates webpage can be accessed via <https://www.spa.police.uk/about-us/complaints/>.

2.10.2 A new online SPA Complaints Form has been developed, which it is intended will further improve access, whilst also minimising scope for complaints outwith the SPA remit, which is expected to 'go live' on the webpage on 24 November. The form also includes an equality and diversity monitoring form, based on current Scottish Government guidance.

2.10.3 These developments are intended to enable closure of the following recommendations from the Dame Elish Angiolini Report (as they relate to the SPA):

- Recommendation 5 – *Police Scotland and SPA should consider expanding the collection of diversity data and the publication of information in order to enhance their*

understanding, and public understanding, of attitudes and concerns in different communities.

- Preliminary Report Recommendation 8 – *Police Scotland should simplify and streamline systems to make it as straightforward as possible for members of the public to navigate this rather opaque landscape and as easy as possible for them to access and understand information on how to make a complaint. In particular the online complaints form on the Police Scotland website should be made more prominent.*

2.10.4 The SPA continues to undertake a project to review and renew its overall digital offer, and user testing of the revised complaints webpage will be undertaken as part of this exercise. SPA officers continue to collaborate with Police Scotland and PIRC in discussions about communications and accessibility, enabling opportunities to identify further opportunities for improvement.

2.10.5 Future Quarterly Reports will report on the impact these changes make to the overall number of contacts that are not within the remit of the SPA to deal with.

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 reputational implications associated with this paper. The report (alongside corresponding reports from Police Scotland and the PIRC) serves to highlight trends in respect of complaints received and performance in respect of complaints handling, enabling the Committee to seek assurance in this important area, recognising its key link to public confidence in policing in Scotland.

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 equality implications associated with this paper. The development of a new equality and diversity monitoring form, will assist the SPA in further understanding the diversity of those making complaints.

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.