

Meeting	Complaints & Conduct Meeting
Date	5 May 2020
Location	Teleconference
Title of Paper	Review of SPA Complaints
Presented By	SPA Complaints Team
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 of note over the past 5 years, 2015/16 to 2019/20.

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 bi-annual report which reviews long-term (5-year) trends in cases received by the SPA Complaints Team.

2. Further Detail on Report Topic

2.1.1 The statistics presented below reflect the position over the past 5 years, 2015/16 to 2019/20.

2.1.2 Table 1 shows the high level statistics for Cases received and Fig 1 shows this information in graphical form.

2.1.3 Tables 2 to 7 provide a further breakdown of Cases received.

2.1.6 Key Findings in relation to the report are included at the end of the report.

Table 1 Number and type of Cases received by the SPA

	2015/16	2016/17	2017/18	2018/19	2019/20
Cases received by SPA	237	133	145	169	127
Cases not within SPA remit	205	103	97	127	104
Cases within SPA remit	32	30	48	40	23
Allegations within SPA remit	102	63	155	82	24

Each complaint case may be made up of multiple allegations.

Fig 1

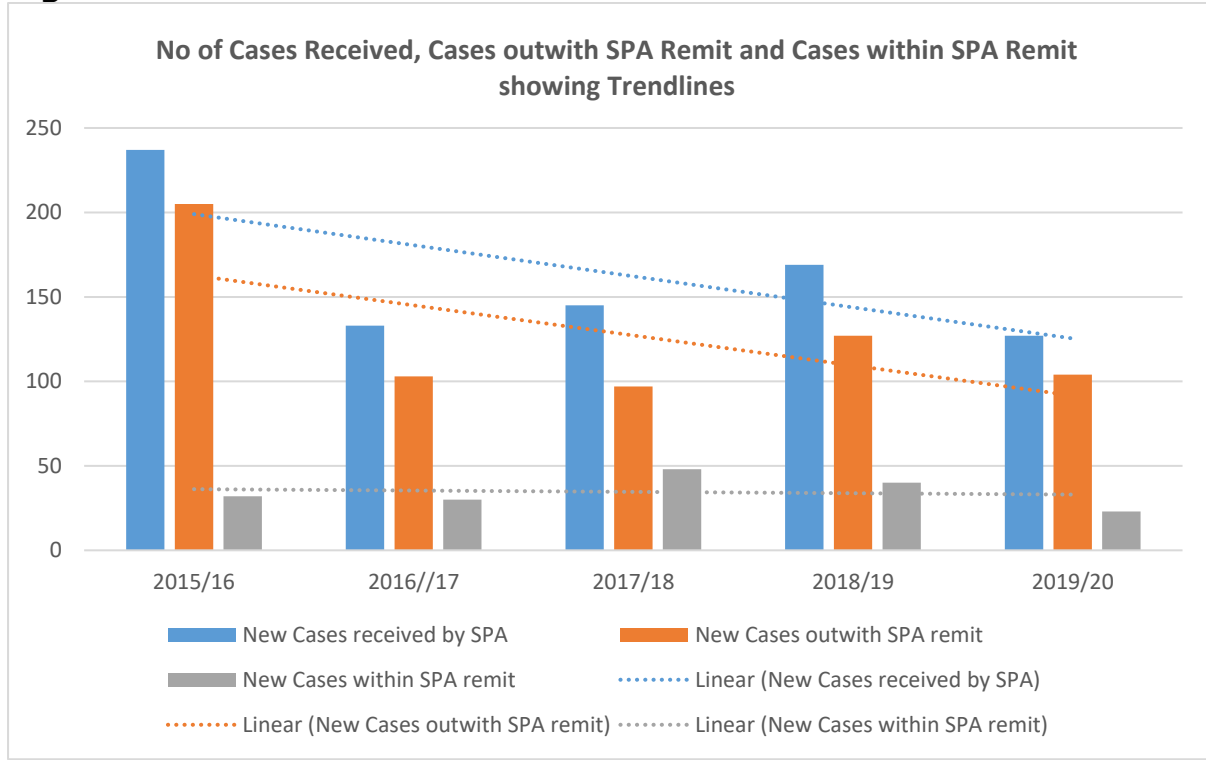


Table 2 Cases within SPA’s remit by origin of complaint

	2015/16	2016/17	2017/18	2018/19	2019/20
Member of the Public	16	19	16	27	20
Serving or former officer or staff*	16	11	28	13	3
Anonymous	0	0	4	0	0
Total	32	30	48	40	23

* 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”.

Table 3 Outcomes of complaint allegations made to the SPA

	2015/16	2016/17	2017/18	2018/19	2019/20
Allegations - Upheld (Across all categories)	2	4	1	3	2
Allegations - Not Upheld (Across all categories)	100	59	154	79	21
Ongoing at 31 Mar 2020	0	0	0	0	1
Total	102	63	155	82	24

Table 4 Disposals routes of Cases

	2015/16	2016/17	2017/18	2018/19	2019/20
No action (SPA / Senior Officers)*	25	24	45	37	21
Individual/ Organisational learning identified	7	6	3	3	1
Ongoing at 31 Mar 2020	0	0	0	0	1
Total	32	30	48	40	23

* The number of complaint cases recorded as "no action" includes those cases determined as "no action" under the Conduct regulations plus those cases handled as a complaint which resulted in no action being taken.

Timescales to close 'Relevant Complaints'

The following tables show the timescales for closure of 'relevant complaints' handled by the SPA, against the PIRC expectation that 'relevant complaints' will be dealt with within 40 working days:

Table 5 'Relevant Complaints' about the SPA

	2015/16	2016/17	2017/18	2018/19	2019/20
Number received	8	16	13	19	7
Number closed	8	16	13	19	6
Number closed after 40 working days	3	11	8	4	2
Ongoing at 31 March 2020	0	0	0	0	1
Average days to close	60.3	109.3	102.4	19.0	34.0

Table 6 'Relevant Complaints' about Senior Officers

	2015/16	2016/17	2017/18	2018/19	2019/20
Number received	1	1	9	8	9
Number closed	1	1	9	8	9
Number closed after 40 working days	0	0	7	1	1
Ongoing at 31 March 2020	0	0	0	0	0
Average days to close	38.0	1.0	64.4	19.0	11.1

Table 7 PIRC Conduct Investigations - Number of conduct cases referred to PIRC by SPA for assessment and possible investigation

	2015/16	2016/17	2017/18	2018/19	2019/20
Number of misconduct cases referred to PIRC	1	0	8	0	0
Number of misconduct cases investigated by PIRC	1	0	8	0	0
Number of misconduct cases referred to a misconduct hearing	0	0	0	0	0

Key Findings

The SPA receives significantly more complaints than it is responsible for within the legislative framework. Approximately 78% of cases received within the 5-year period are not within the remit of the SPA, but still have to be assessed and responded to. For the last year, 2019/20 the figure is 82%.

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).

There are no overall lessons for Police Scotland in relation to its senior officers.

No specific trends have been identified in relation to the number of complaints received by the SPA about Police Scotland.

There is a small but constant trend for individuals to raise complaints in relation to their dissatisfaction with HR-type issues, such as the Ill Health Retiral process or Injury on Duty Awards. Whilst the SPA decides the final outcome of these cases, much of the process is managed by Police Scotland.

There has been a small percentage of complaints upheld overall and it is recognised that the SPA has not used all available disposal routes in concluding complaints. A learning point was previously identified for the SPA to consider the use of alternative disposal routes, if appropriate, e.g. Improvement action under Conduct Regulations (Senior Officers), Action under Performance Regulations (Senior Officers), Action under Performance Management (SPA staff) and Disciplinary Proceedings (SPA staff).