



Meeting	SPA Complaints and Conduct Committee
Date	05 September 2024
Location	Video Conference
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q1)
Presented By	Chief Superintendent Helen Harrison
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q1 Appendix B – The Standard Appendix C – Misconduct Outcomes Appendix D – Definitions of Categories of Complaint

PURPOSE

To report to Members of the Complaints and Conduct Committee, for the purposes of noting, statistical information on the overarching performance activity in relation to complaints and conduct matters about members of Police Scotland for period (1 April 2024 – 30 June 2024).

Members are invited to discuss the content of this report.

1. BACKGROUND

- 1.1 The attached performance report provides data relating to the period ending Quarter 1 (1 April 2024 – 30 June 2024).

Data contained in this report is management information and is correct as at 19/07/2024, unless elsewhere specified.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 There are no further details on this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications in this report.

4. PERSONNEL IMPLICATIONS

- 4.1 The nature of the matters reported inevitably leads to implications for both individual and wider personnel matters. These are considered on a case-by-case basis to ensure welfare, conduct and both individual and organisational learning opportunities are identified and addressed.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications in this report.

6. REPUTATIONAL IMPLICATIONS

- 6.1 As per Item 4.1, each case is assessed for individual and organisational reputational risks and implications and appropriate action taken.

7. SOCIAL IMPLICATIONS

- 7.1 The nature of the data reported in this paper is related to complaints about the police and conduct matters. By its very nature, the subject matter implies a level of negative social, community and equalities impact. By addressing the individual matters and thereafter considering holistically that which has been reported, Police Scotland seeks to mitigate the negative impact of those cases reported.

8. COMMUNITY IMPACT

8.1 As per 7.1 above.

9. EQUALITIES IMPLICATIONS

9.1 As per 7.1 above.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the content of this report.



Professional Standards (PSD) SPA Performance Report - Quarter 1 of 2024/25

Meeting Date: 05 September 2024

PSD - Summary of Preventions Activity

PREVENTIONS AND PROFESSIONALISM PROGRAMME

The Preventions and Professionalism Tactical and Operational Groups continue to meet on a bi-monthly basis to drive preventions activities aligned to the themes and trends identified through complaint and conduct investigations.

Planning for further prevention engagement in the form of bi-monthly sessions with first and second line managers is in final stages. A force wide survey is currently running which includes questions relating to organisational culture and values and precedes a more focussed evaluation of the Values Campaign and its impact upon reporting of sexual and domestic incidents.

A number of ethical dilemmas are being presented at Ethics Advisory Panels including the Youth Advisory Panel which is made up of elected members to the Scottish Youth Parliament and an Independent Advisory Panel. Discussions and feedback from these panels will be used to inform policy and decision making going forward. Police Scotland have been invited to join the committee for a UK wide Public Sector Ethics Network which will bring together a range of public sector organisations and academics to share learning, expertise, emerging trends and preventions work.

THE STANDARD NEWSLETTER AND PUBLICATION OF MISCONDUCT OUTCOMES

The sixth edition of The Standard newsletter (copy attached at Appendix B) raises awareness about the methods of internal reporting, with a focus on building confidence through an explanation of protected disclosure. This aligns with the publication of misconduct outcomes and the launch of the new Grievance and Resolving Workplace Issues Guidance which encourages early intervention with a focus on mediation.

A copy of the sixth publication of Misconduct Outcomes was published internally in July 2024 and is also attached at Appendix C for information. Engagement with Line Managers and Senior Management Teams by PSD form part of business as usual and encourages the use of these products to generate discussion at team briefings to further reinforce preventions messaging and learning.

PIRC/PSD TRAINING EVENT

Unconscious bias awareness and Investigation Wellbeing Guidance have been embedded in the 4-day PSD induction training delivered bi-annually. A standalone complaint handling training day with PIRC and PSD will take place on 12th August 2024 to ensure regional teams are fully aware and equipped to respond to any issues or themes arising out of Complaint Handling Reviews and any changes arising from the implementation of audit recommendations.

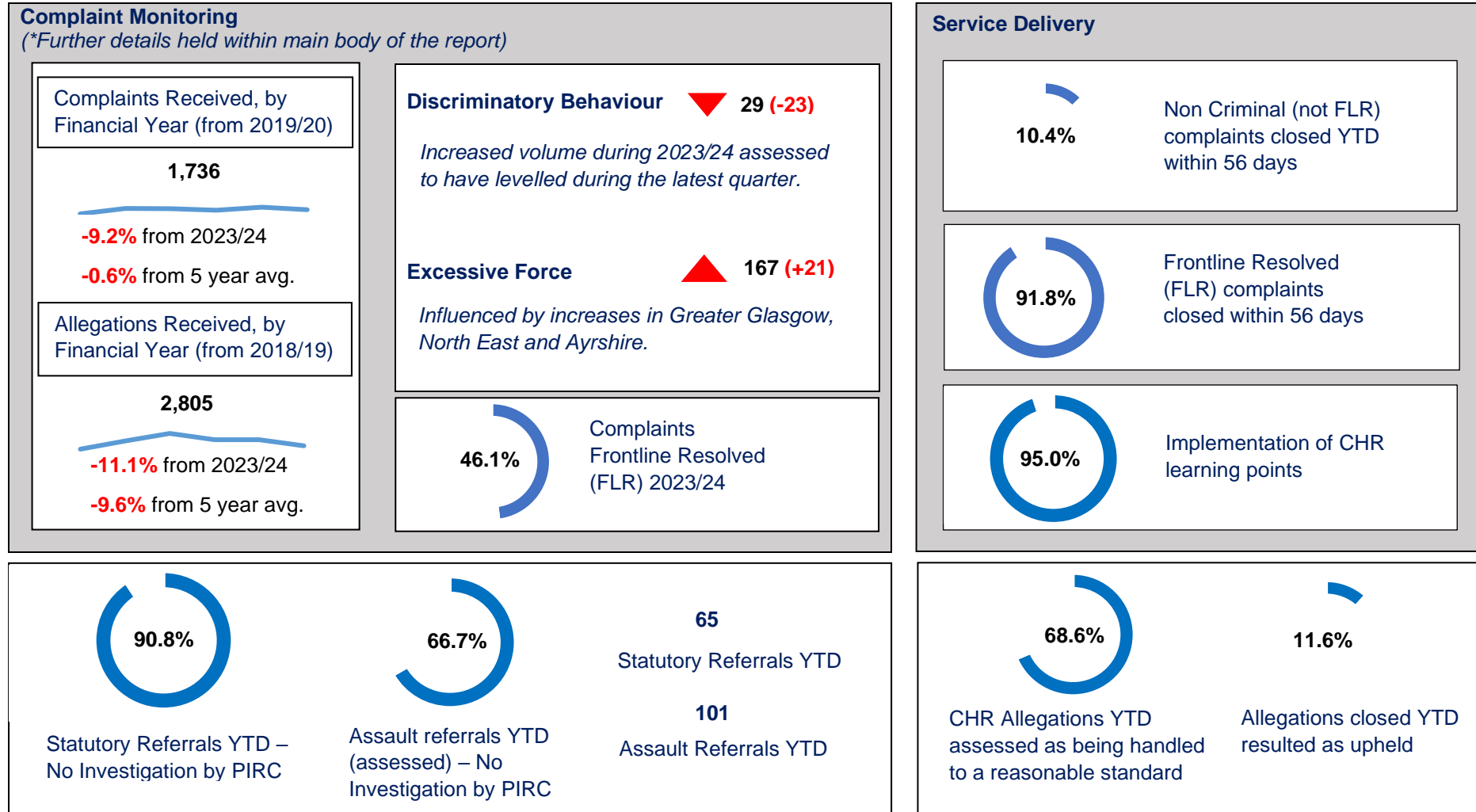
POLICE (ETHICS, CONDUCT AND SCRUTINY) (SCOTLAND) BILL

Police Scotland continues to work closely with stakeholders to contribute to the progress of the Bill which will soon be entering stage 2 of the parliamentary process. The stage 1 report has now been published and Police Scotland are preparing a response to the stage 1 report. A stage 1 debate will take place in parliament following summer recess. A project team has been approved to ensure changes relative to the Bill are implemented in compliance with incoming legislation.

PSD Service Delivery Dashboards



PSD Service Delivery Dashboards



PSD Service Delivery Dashboards – Executive Summary

- A total of **1,736** complaints were received during 2024/25 YTD (-**9.2%** decrease from the PYTD and -**0.6%** decrease against the five year average). Complaint volumes have returned to a relatively stable level, following a spike during 2023/24.
- **46.1%** were Frontline Resolved (FLR), a decrease from the PYTD rate of **48.8%**.
- **27** CHRs were received YTD, with **68.6%** of allegations reviewed found to be handled to a reasonable standard (**+4.8%** from PYTD).
- Approximately **1.6%** of complaints reported are subject of CHR.
- **65** statutory referrals were made to PIRC, a **22.6%** decrease from the PYTD. Of these, **90.8%** resulted in no investigation by PIRC.
- A total of **78** Police officers were suspended and a further **104** subject to duty restrictions at the conclusion of Q1 YTD, with **14** members of Police staff also suspended at this time.
- **11** misconduct hearings in respect of Gross Misconduct were scheduled YTD with **5** dismissals and **1** formal warning issued. A further **4** allegations were concluded with resignation prior to a hearing. The remaining **1** hearing was concluded as no misconduct.

Complaints Received

1,736 complaints were received YTD, -9.2% from the PYTD and -0.6% decrease from the five year average. Complaints YTD are at a stable level, affirmed by this volume sitting within the upper and lower confidence limits (i.e. 95 times out of 100 the number of complaints YTD will range between 1,621 and 1,868), based on the current YTD and the prior five year-to-date periods.

- 801 complaints (46.1%) were Frontline Resolved (FLR), compared with 48.8% PYTD.
- 31.2% were Non-Criminal (541), 7.1% Abandoned (123), 4.0% Withdrawn (70), 4.3% Ongoing (75), 0.1% not relevant complaint (1) plus 7.2% Criminal (125).

North Command

- 416 complaints received YTD, -3.9% from PYTD and +3.3% against the five year average.
- An increase within North East Division has been identified, with 171 complaints received YTD (+10 from PYTD, +19 from the five year average). This volume sits above confidence limits. Policy/Procedure (+19) and Service Outcome (+18) allegations are the primary driver in the increases against the five year average.

East Command

- 542 complaints received YTD, -6.1% on the PYTD and -0.6% against the five year average.
- Increase have been identified in Edinburgh (+2 from PYTD, +24 from the five year average) and Corporate Services Division (+6 from PYTD, +6 from the five year average), with 173 and 8 allegations received respectively. Both sit above the confidence limits. Policy/Procedure (+6) allegations influence the Edinburgh increase against the five year average, with Irregularity in Procedure allegations (+2) influencing the Corporate Services Division increase – albeit both represent relatively low volumes in the context of the overall complaints increase. Furthermore, an increase from the PYTD was identified in Lothians and Scottish Borders (+27), however the volume received (140) is closely aligned to the five year average (137) and sits within the confidence limits.

Chart 1: Complaints Received, by YTD Period

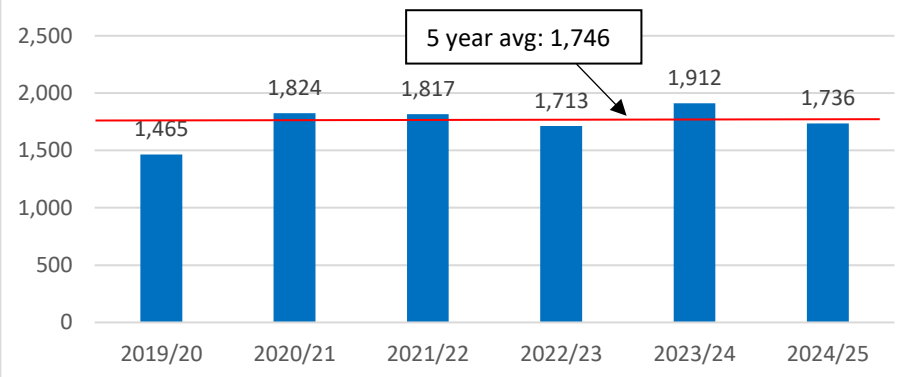
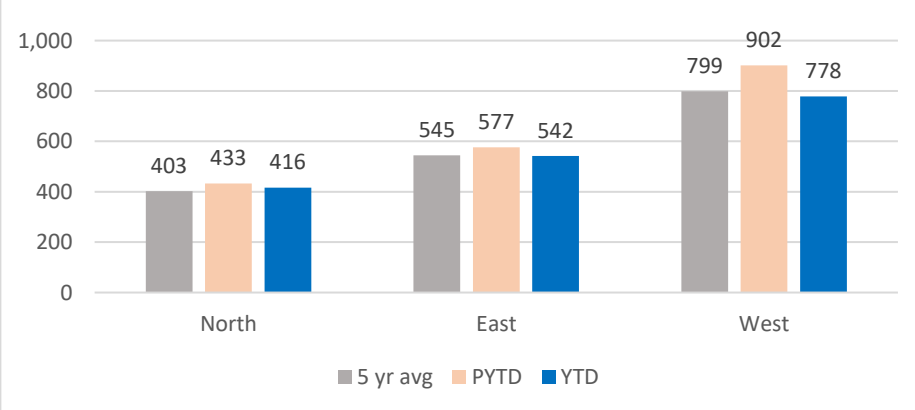


Chart 2: Complaints Received, by Command Area and Period



Complaints Received (continued)

West Command

- 778 complaints received YTD, -13.7% from PYTD and -2.6% against the five year average. Each territorial division has experienced decrease from PYTD, but Greater Glasgow (+21) plus Dumfries and Galloway (+6) have increased against the five year average. Both of those however sit within the confidence limits. The increase in Greater Glasgow is primarily linked to Irregularity in Procedure allegations (+49 from PYTD, +24 from five year average). Assault (+4 from PYTD, +13 from five year average) and Excessive Force (+12 from PYTD, +10 from five year average) allegations also have impacted on this increase. In Dumfries and Galloway, Irregularity in Procedure (+9 from PYTD, +5 from five year average) and Excessive Force (-4 from PYTD, +4 from five year average) allegations influence the divisional increase.

As seen in Chart 3, the YTD increase is influenced by a spike in complaints received during the first two quarters of 2023/24. No specific division was assessed to have influenced this rise.

- Further analysis comparing YTD rates of complaint per employee headcount identified variance across territorial divisions, ranging from 10 to 16 complaints per 100 employees.
 - Due to the low volume of complaints received against specialist divisions, the rates for those divisions are particularly low by comparison (ranging from 0 per 100 employees in PPCW and SCD, to 4 per 100 employees in C3).
 - Each complaint may involve multiple subject officers and, where the complaint involves only Quality of Service allegations, there may be no subject officers attached.

Chart 3: Complaints Received, by Quarter (latest eight quarters)

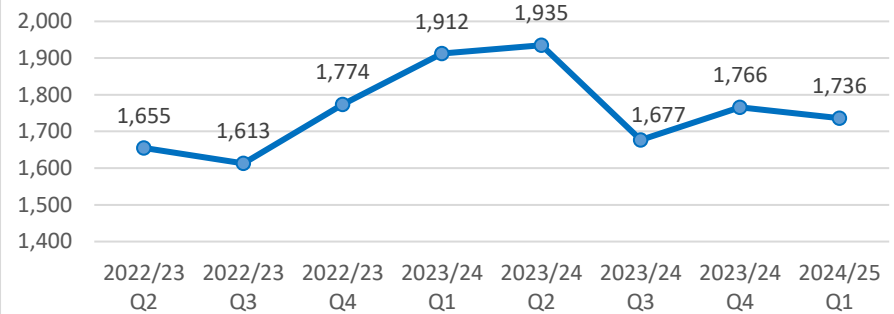
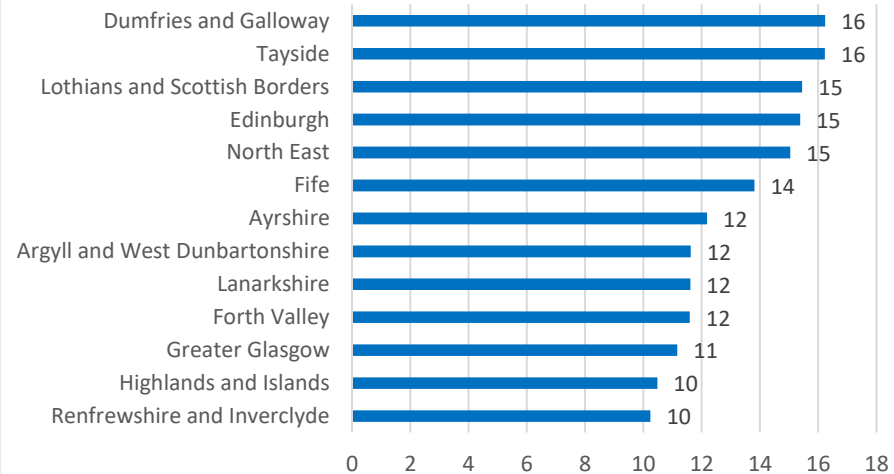


Chart 4: Complaints per 100 employees, by Division



Emerging Trends

- Discriminatory Behaviour allegations have decreased from the PYTD (-23 allegations) and the five year average (-5 allegations), with 29 received YTD. It is assessed that the increased volume during 2023/24 has levelled, with volumes now closely aligned with the five year average across all allegation sub types. The decrease in allegations is primarily linked to a reduction within the Gender sub type (-11 from PYTD, -4 from the five year average).
- Notable decreases have also been identified within Quality of Service allegations, having remained at an elevated level during 2023/24. Service Delivery (-205 from PYTD, -72 from five year average) and Service Outcome (-90 from PYTD, -36 from five year average) are the categories most impacted in this regard. Policy/Procedure allegations however have increased from the five year average (+36), which is primarily driven by an increase in the North East (+19).
- Excessive Force allegations have increased from the PYTD (+21) and the five year average (+20), with 167 received YTD. This is primarily driven by an increase in Greater Glasgow (+12 from PYTD, +10 from five year average). At lower volume, increases within North East (+5 from PYTD, +8 from five year average) and Ayrshire (+6 from PYTD, +6 from five year average) also influence this rise.
- Although Assault allegations have decreased from the PYTD (-21), these remain at an elevated level compared to the five year average (+13). Notably, the PYTD involved the peak total over the latest six YTD periods. Greater Glasgow (+4 from PYTD, +13 from five year average) are the highest volume contributor to this increase. Five other divisions also registered increases at lower volume against the PYTD and five year average – Lothians and Borders, North East, Tayside, Renfrewshire and Inverclyde, plus SCD.
- Unlawful/Unnecessary Arrest or Detention allegations have also increased (+10 from PYTD, +13 from five year average), with 37 received YTD. This is impacted by low volume increases across five divisions – Lanarkshire, Renfrewshire and Inverclyde, SCD, Greater Glasgow, plus Lothians and Scottish Borders.

Chart 5: Discriminatory Behaviour Allegations, by Sub Type and YTD Period

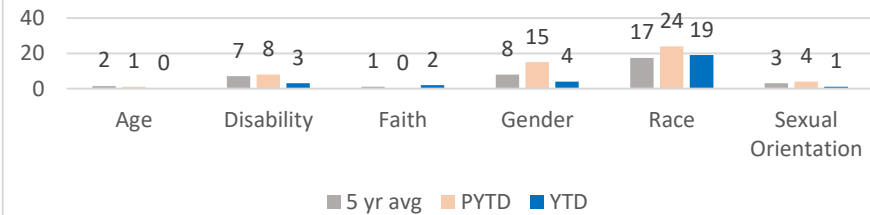
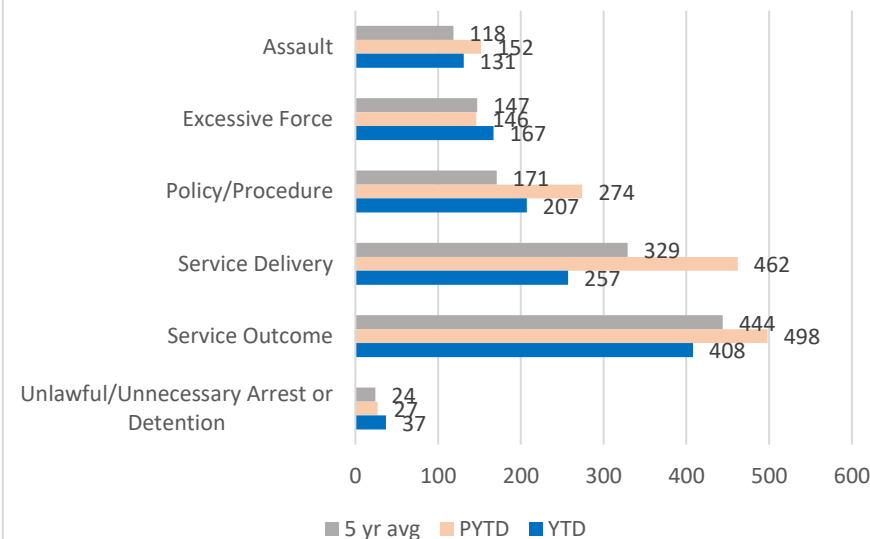


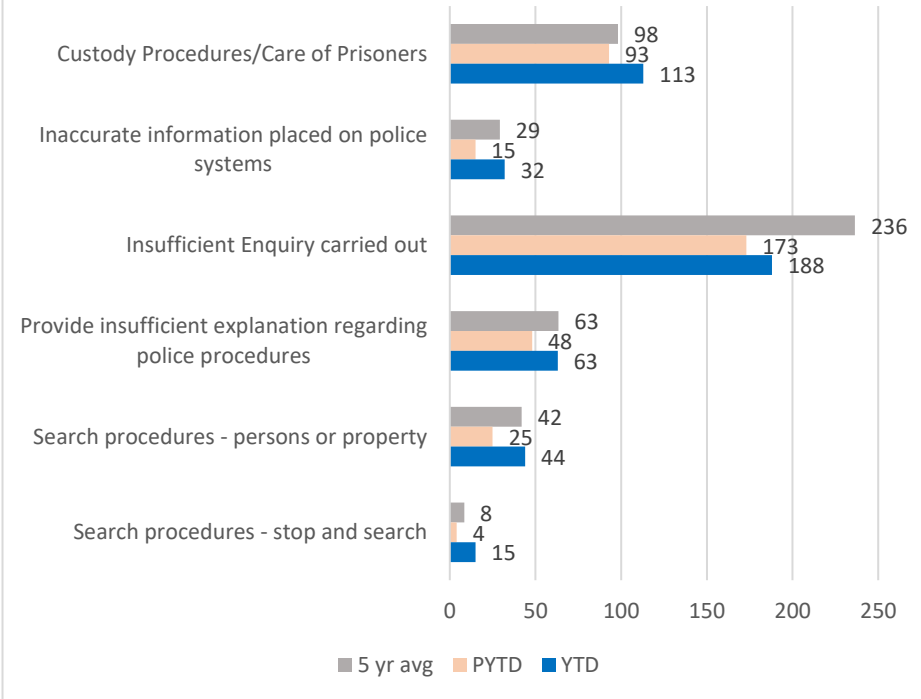
Chart 6: Allegations Received, by Type (selected) and YTD Period



Emerging Trends (continued)

- Irregularity in Procedure - Custody Procedures/Care of Prisoners allegations have increased from the PYTD (+20) and the five year average (+15), with 113 received YTD. This is primarily linked to North East (+7 from PYTD and +5 from five year average), Ayrshire (+4 from PYTD, +4 from five year average) and Greater Glasgow (+4 from PYTD, +4 from five year average).
- Irregularity in Procedure – Search procedures - stop and search allegations have also increased from the PYTD (+11) and the five year average (+7), with 15 received YTD. This is primarily linked to Greater Glasgow Division (+6 from PYTD and +4 from the five year average).
- The following sub types have also increased from the PYTD, however either closely align with the five year average or show decrease from this average. As a consequence, these categories are not assessed as significant increases at this time:
 - Search procedures - persons or property (+19 from PYTD, +2 from five year average).
 - Inaccurate information placed on police systems (+17 from PYTD, +3 from five year average).
 - Insufficient Enquiry carried out (+15 from PYTD, -48 from five year average).
 - Provide insufficient explanation regarding police procedures (+15 from PYTD, no change from the five year average).

Chart 7: Irregularity in Procedure Allegations (selected), by Sub Type and Period



- A total of 34 allegations attached to 21 separate complaints related to the use of Stop and Search by Police Scotland officers were received during Q1 YTD. These represent a low volume in the context of the overall number of Stop and Search incidents recorded (33,020 noted at year-end 2023/24, therefore averaging around 8,255 per quarter). Relevant statistics are routinely included the Quarterly Policing Performance Report (latest copy for 2023/24 year-end can be found [here](#)). These are also reported monthly to the Violence, Disorder & Anti-Social Behaviour Strategic Meeting and bi-annually to the Stop Search Mainstreaming and Assurance Group.

Emerging Trends (continued)

A breakdown of the 2,805 allegations received YTD, by type, are summarised here in Chart 8.

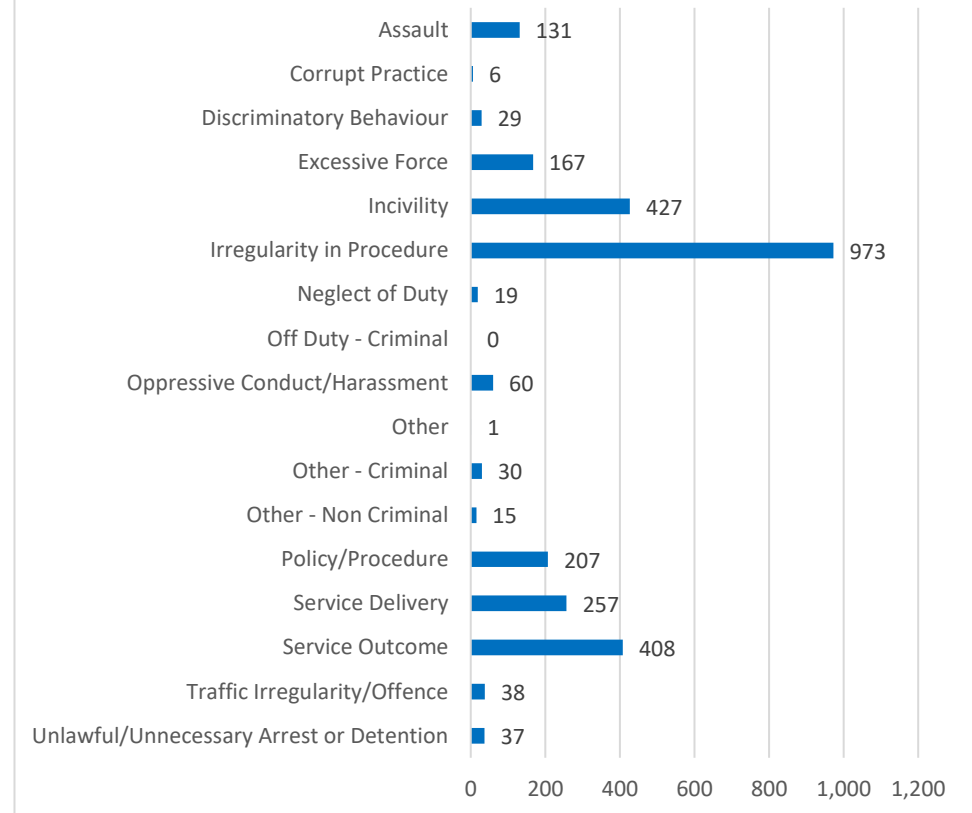
Moreover, the allegation type of Irregularity in Procedure involves a further nineteen sub types. The highest volume of those are detailed below:

- Other (206).
- Insufficient Enquiry carried out (188).
- Custody Procedures/Care of Prisoners (113).
- Provide insufficient updates to the complainer (104).

Quality of Service allegations also involve several sub types, with the highest volume of those listed below:

- Service Outcome – Lack of satisfaction with action taken (278).
- Policy/Procedure – Policing Procedure (158).
- Service Delivery – Type of Response (139).

Chart 8: Allegations Received, by Type (YTD)



Service Delivery

- 844 allegations attached to completed complaint investigations (criminal and non-criminal) concluded YTD, with 11.6% upheld representing a decrease from PYTD (14.8%) and the five year average (15.2%).
 - The largest volume of the 98 allegations upheld YTD were Irregularity in Procedure (31), Service Delivery (30) and Service Outcome (18).
 - Sub types were: Provide insufficient updates to the complainer (7), Time of Response (22) and Lack of Satisfaction With Action Taken (10).
- 10.4% of the 134 non-criminal (not FLR) complaints concluded YTD were closed within 56 days, a decrease on the PYTD rate of 14.0% (-3.6%) and against the five year average rate of 32.5% (-22.1%). The average closure time YTD was 300 days, an increase from the PYTD average of 231 days and the five year average of 155 days.
- Of the 42 non-criminal complaints which took over 365 days to close YTD (31%), various factors impacted on the time taken to conclude investigations. Those include: the number of allegations involved, the complexity of the complaint, the number and availability of subject and witness officers involved, willingness/ability of complainer to engage and volume of correspondence submitted by complainers, challenge in meeting complainer expectations and those which relate to complaints about investigations which are more specialist in nature.
- 27 Complaint Handling Reviews (CHRs) were received YTD, down - 37.2% from PYTD, with 68.6% of allegations reviewed found to have been handled to a reasonable standard (+4.8% from PYTD).
- This rate of allegations handled to a reasonable standard exceeds any quarter within the 2023/24 financial year (which ranged between 50.0% during quarter 3 and 63.8% during quarter 1).
- Discretionary decisions from PIRC also impact on the rate handled to a reasonable standard, as those are considered to have been handled to a standard whereby a full review is not required.
- 28 recommendations and 20 learning points were received YTD. The majority of recommendations received were categorised as requiring

Chart 9: Allegations Upheld, by YTD Period

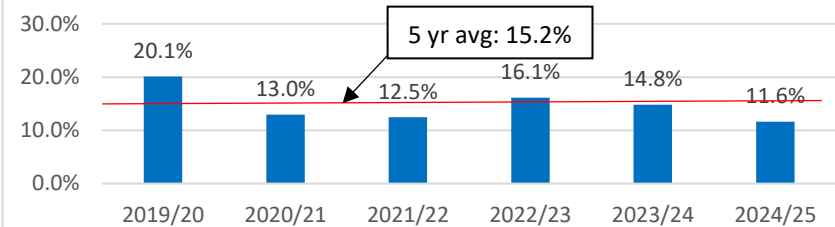


Chart 10: Non-Criminal (not FLR) Complaint Timescales, by Days to Close (YTD)

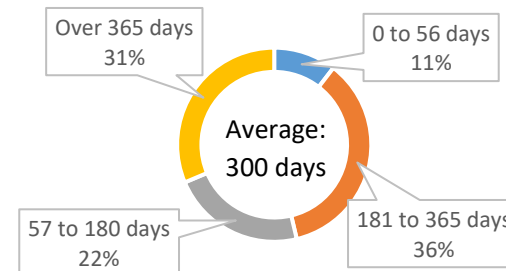
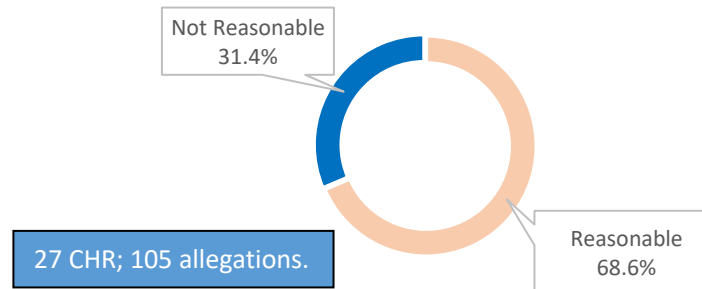


Chart 11: CHR Allegations YTD, by Outcome

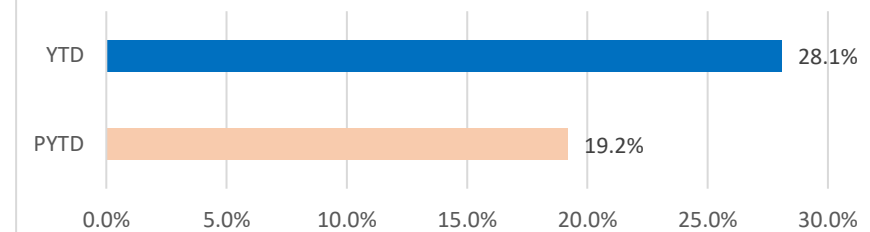


Service Delivery (continued)

'fuller/further response' or 'further enquiry' (42.9% and 35.7% respectively). A further 3.6% were categorised as 'record/respond' and the remaining 17.9% as 'Other'.

- A total of 210 user experience survey responses were received YTD from 987 complainers contacted (21.3%). Of those, 28.1% responded that they were satisfied or very satisfied with the response received from the Professional Standards Department regarding their complaint (+8.9% points from PYTD).

Chart 12: Complainers satisfied or very satisfied with response received from PSD, by Period



PIRC Referrals

- 65 statutory referrals were made to PIRC during the YTD, a 22.6% decrease on the PYTD.
 - This is reflected across all referral categories, except Armed Policing (no change), with low volume decreases visible within each of those.
 - Armed Policing and STO Taser referrals remain the highest volume categories.
- Of the 65 statutory referrals YTD, 4 are subject to PIRC investigation (6.2%). This is a reduction from the 17.9% of referrals PYTD which were subject to PIRC investigation.
- All allegations of On Duty Assault and any associated criminal allegations are also referred to PIRC for assessment and potential investigation. 101 such referrals were made to PIRC YTD, +17.4% on the 86 made during the PYTD. Of those assessed, 23 are subject to PIRC investigation (33.3%), a reduction from the 25 such referrals subject to PIRC investigation PYTD.

Chart 13: Statutory Referrals to PIRC, by Category (YTD)

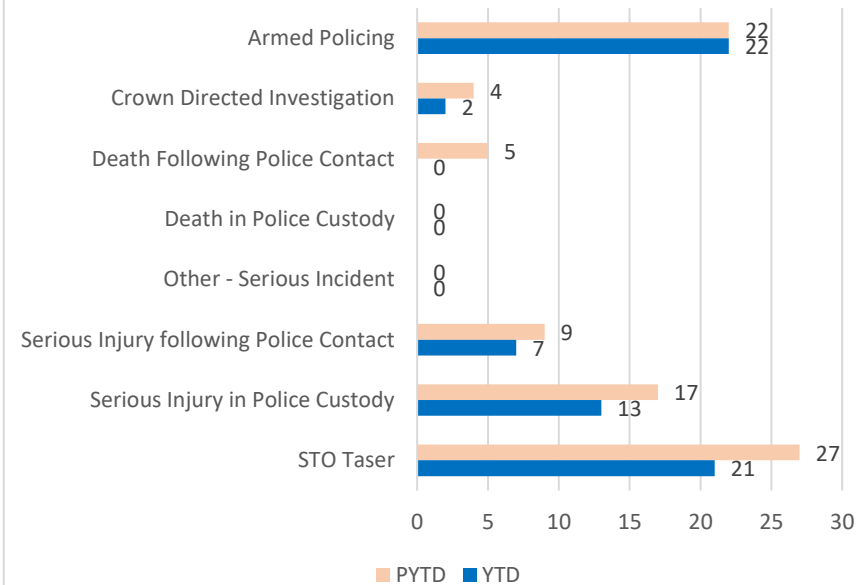
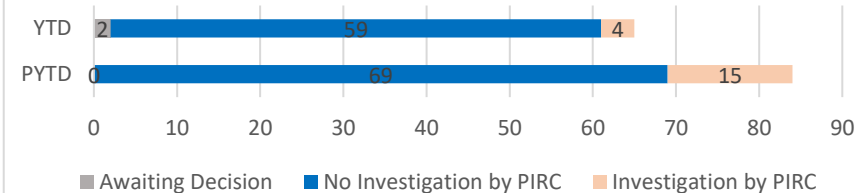


Chart 14: Statutory Referrals to PIRC, by Decision Type and Period



Conduct Unit

At the conclusion of Q1 YTD, 78 Police officers were suspended and 104 subject to duty restrictions. A further 14 members of Police Staff were suspended at this time.

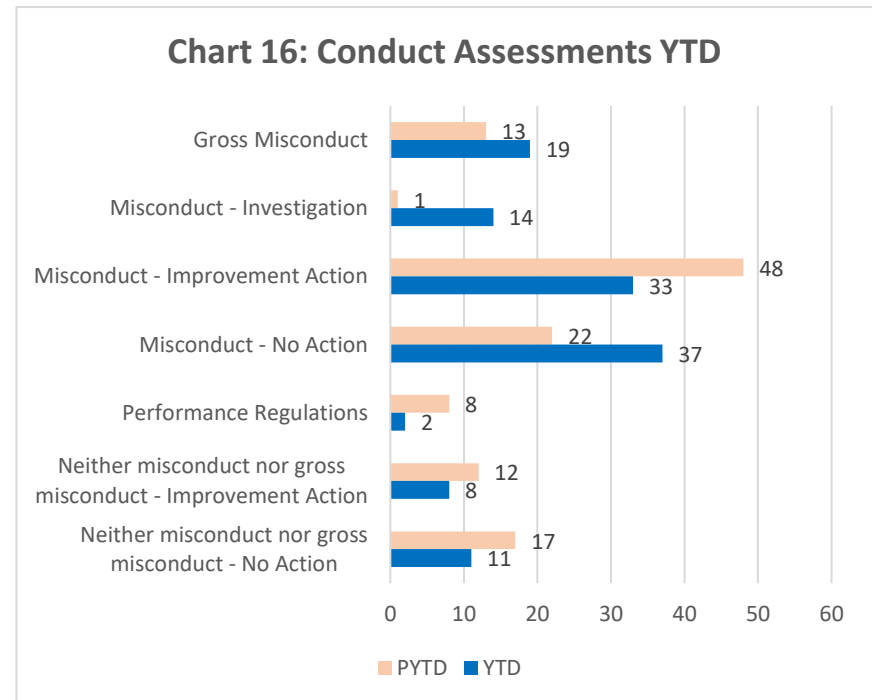
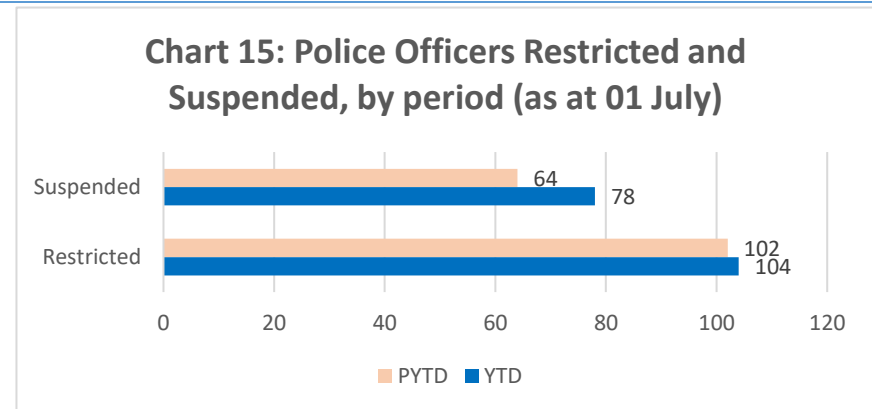
The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are underpinned by Scottish Government guidance and supported by Staff Associations, Scottish Government and Police Scotland.

The misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct while recognising that police officers have a special status as holders of the Office of Constable.

The procedures are intended to encourage a culture of learning and development for individuals and the organisation. Disciplinary action has a part, when circumstances require this, but improvement will always be an integral dimension of any outcome.

Conduct Assessments

- 124 preliminary conduct assessments were undertaken YTD, +2.5% from the PYTD total of 121.
- YTD increase is primarily linked to assessments categorised as 'Misconduct – No Action' (+15) and 'Misconduct – Investigation' (+13). Assessments of 'Gross Misconduct' have also increased (+6).
- The increase in preliminary assessments is predominantly linked to Greater Glasgow (+13), and to a lesser degree Fife (+8) and OSD (+7). This is supplemented by lower volume increases across 6 other divisions.



Conduct Unit (continued)

Misconduct Hearing and Meetings

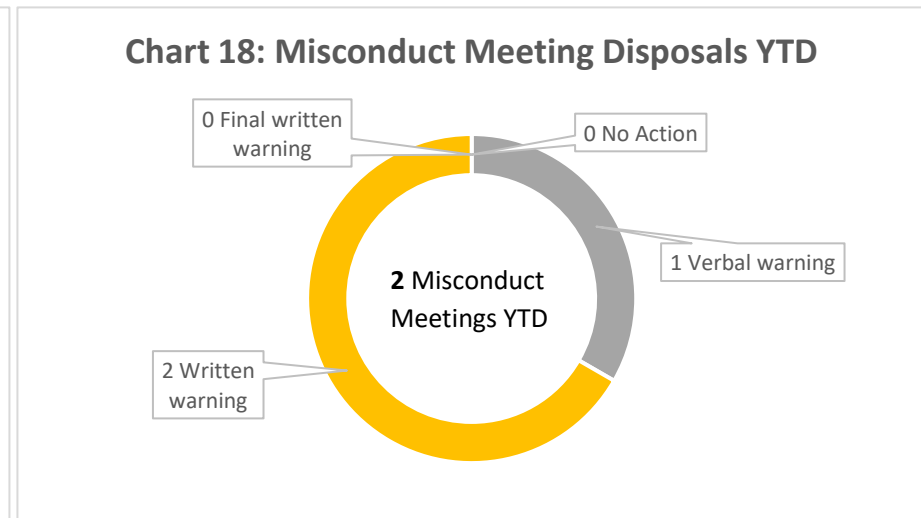
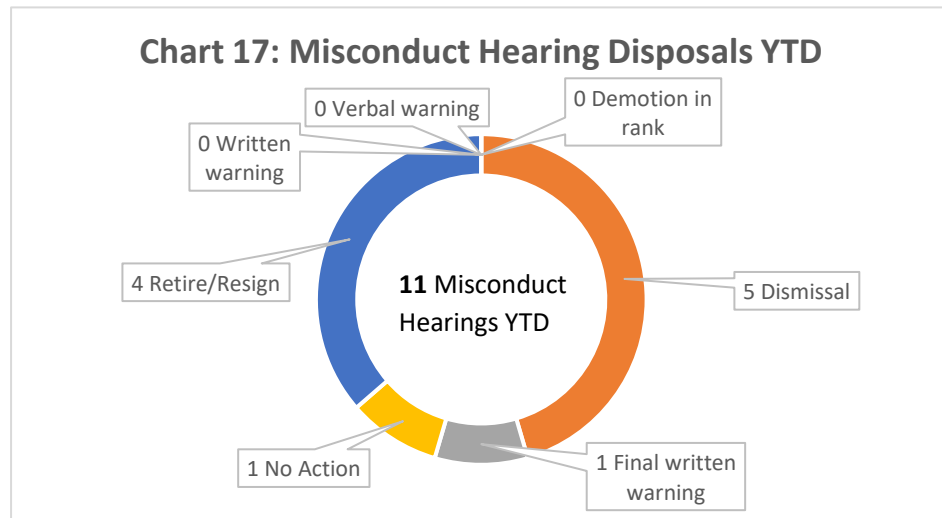
- Please note that each meeting or hearing may involve multiple subject officers and multiple allegations, with a disposal attached to each allegation.

Time period for when the Regulation 10 (assessment) was completed for live investigations and proceedings.

Average time duration for gross misconduct/misconduct investigations and proceedings that have concluded in 2024/25 (till Q1 end).

Date Reg 10 completed	Number of cases
Prior to 2023/24	3
Quarter 1 of 2023/24	4
Quarter 2 of 2023/24	2
Quarter 3 of 2023/24	6
Quarter 4 of 2023/24	13
Quarter 1 of 2024/25	27

	Days
Average time under investigation	63
Average time for investigation and proceedings	217



Organisational Learning

Learning from PIRC investigations, CHRs, PSD investigations and other sources are disseminated through bulletins, individual feedback and used to inform training packages. In the last quarter, PSD has disseminated learning from a variety of incidents. The following learning outcomes are of particular note:

<p>Police Scotland should consider supervisory oversight (ACR and Response) for disturbance calls, where individuals involved are identified as having been involved in previous domestic incidents. Police Scotland should remind officers that in relation to calls involving reported violence in domestic settings or private premises, the requirement for officers to personally engage with all present to ensure their wellbeing and safety, in order to understand and mitigate any ongoing risk.</p> <ul style="list-style-type: none">• Work is on-going with the Criminal Justice Services Division to consider implementation of this learning from the PIRC Investigation.	<p>Police Scotland review the guidance contained in Section 4 of the Domestic Abuse SOP which outlines roles and responsibilities including those of Supervisory Officers. In instances where Police Scotland officers attend a domestic incident outwith their sub-division or command area, the SOP is silent on oversight arrangements. It does not specify whether management responsibility sits with attending officers own line managers or the duty supervisor with geographical responsibility for the location of the incident. It is recommended that the SOP is revised to provide clarity to ensure effective management overview.</p> <ul style="list-style-type: none">• The Domestic Abuse SOP has been reviewed and proposed amendments to reflect the recommendation shared with PIRC. The revised SOP is due to be published and PIRC have confirmed confirmation of closure.
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Appendix B – The Standard – August 2024

The Standard Issue 6

In Issue 6 of The Standard we focus on the different reporting mechanisms available to officers and staff.
Do you know what options are available to make a complaint?
Do you know where to obtain support?
There are several options available.

When should you report concerns?

When you have a genuine honest belief something isn't right, you should report it. You do not need to investigate or evidence it and it may turn out to be nothing, a vulnerability, a conduct matter or corruption but if something isn't right report it.

You are raising a concern not accusing someone.

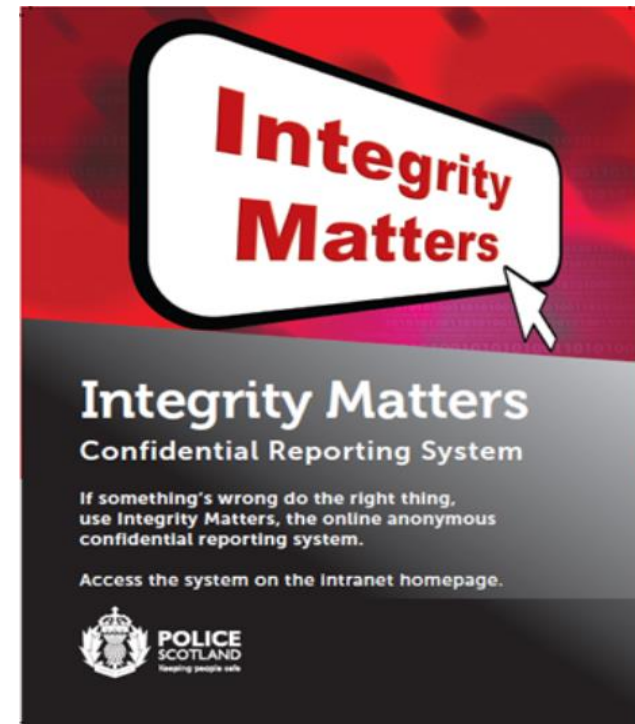
“Where there is doubt, there is no doubt it should be reported”

It is recognised the prospect of reporting behaviour can cause concern and worry, it is often difficult to decide the best way to raise concerns. There are no strict rules on how matters should be reported.

The main thing is that the matter is reported to enable any issues to be assessed, investigated and resolved.

General things to consider

- What am I reporting
- What is my assessment regarding the severity of the matter, potential risks etc
- Is there any reason this cannot be reported to someone within my line management structure, or a trusted supervisor in my division



Appendix B – The Standard – August 2024

How can you report it?

Via Your Line Manager...

Where possible, an approach should be made to your Line Manager for initial direction. Thereafter, your Line Manager can look at the options available including reporting via a briefing paper to the Gateway Unit. This approach allows the initial assessment of the circumstances and maximises investigative opportunities. The option to remain anonymous following on from this initial discussion, is possible.

Via Integrity Matters...

Integrity Matters (IM) is an anonymous reporting mechanism. [The system can be accessed via the Intranet](#). When reporting via IM, it is important to include as many details as possible as there will be no option to recontact you.

You should consider:

- What am I reporting (details of specific incident or incidents)
- What is the severity of the matter? Potential risks and to who?
- Details of enquiries that could be undertaken to substantiate the complaint,
- Any witnesses/victims. Provide full details where known
- Provide details of the barriers/reason for not reporting to your Line Manager.

Following your submission, this is assessed by the Gateway Unit who will look into the complaint with the following available outcomes.

- Closure
- Referral to division
- Referral to ACU/PSD

Crimestoppers/SID...

Consideration can be given to reporting any concerns via SID.

Crimestoppers can be contacted 24/7 on 0800 555 111 or via the [website](#).

Staff Associations...

Police Scotland and the SPA work with a number of staff associations and trade unions. These should also be considered when looking for support or advice when making a complaint. Full details on these can be found [here](#).

These include: The Scottish Police Federation, The Association of Police Scotland Superintendents, The Christian Police Association, Disability and Carers Association, Police Scotland Sikh Association, Scottish LGBTI Police Association, Scottish Police Muslim Association, Scottish Women's Development Forum (SWDF), SEMPER Scotland, UNISON, Unite.

Whistleblowing...

Whistleblowing allows an individual to feel confident to raise concerns when they reasonably believe that wrongdoing is being or has been done. This allows colleagues to raise serious concerns about malpractice or serious risk. This confidential service affords an opportunity for all officers and staff to report concerns regarding unethical, unacceptable, unprofessional or illegal behaviour with complete anonymity should they choose to do so.

Further advice on this topic can be found at

[Police Officer guidance](#)

[SPA guidance](#)

Wellbeing Guidance...

All officers and staff should familiarise themselves with the [Investigative Wellbeing Guidance](#). This document contains useful advice and signposting for individuals who are involved in a complaints investigation. Also included within are tools that could be used out with an investigation, including an [Individual Stress Assessment](#) and a [Wellbeing Assessment](#).

Appendix B – The Standard – August 2024

Wellbeing Hub and Wellbeing Champions...

The Wellbeing Hub is another source of assistance for officers and staff. The [site](#) contains a range of services including the Employee Assistance Programme, Occupational Health and TRiM.

Wellbeing Champions, can be found within the [Wellbeing Hub](#). There is the flexibility to select a Champion by division; by officer/police staff and by male or female. The role of a Wellbeing Champion is to provide Health and Wellbeing peer to peer support, as an alternative to a line manager.

Whilst making the decision to seek support or advice regarding a complaint can be daunting, hopefully this version of The Standard, will provide some reassurance and practical information on the options available.

Appendix C – Misconduct Outcomes – July 2024



The [10 Standards of Professional Behaviour](#) set out the legislative standards expected of police officers whilst on and off duty as outlined in the [Police Service of Scotland \(Conduct\) Regulations 2014](#). These regulations govern all police conduct matters. Officers who breach these standards risk finding themselves subject to misconduct proceedings, which may result in dismissal or demotion.

Officers and staff will be aware that police misconduct is subject to greater public and professional scrutiny than ever. The Standards of Professional Behaviour are designed to reflect the values and ethics of Police Scotland, of integrity, fairness and respect, and a commitment to upholding human rights. They also ensure we maintain public confidence in policing and are part of a Service in which we can be truly proud.

This is the sixth publication of [gross misconduct outcomes](#) where officers were either dismissed or resigned prior to a hearing.

In the first quarter of 2024, January to March 2024, eight officers were scheduled to attend a gross misconduct hearing before an independent chairperson of the rank of Chief Superintendent.

Three officers were dismissed, one officer was demoted, two were given final written warnings and two officers resigned in advance of their attendance at a gross misconduct hearing.

Below are summaries of the circumstances which led to gross misconduct proceedings being instigated:

1. An officer resigned prior to a gross misconduct hearing which related to a report of them instigating sexualised physical contact, which was unwanted, towards a member of the public. The officer had come into contact with the member of the public while within licensed premises off duty.

Police officers must conduct themselves in an appropriate manner at all times, whether on or off duty. Behaviour of this manner falls significantly short of the standards expected of, and by, Police Scotland and there is no place in policing for inappropriate physical behaviour towards any member of the public.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

Appendix C – Misconduct Outcomes – July 2024

2. An officer received final written warnings which related to verbally abusing a member of the public regarding a road traffic incident while the officer was off duty. The officer was found guilty at court and convicted of threatening and abusive behaviour.

Police officers must not use language or behave in a manner which is offensive or likely to cause offense, whether on or off duty. Behaviour of this manner falls significantly short of the standards expected of, and by, Police Scotland. This impacts on the trust and confidence of the public in the police service, and as such discredits the organisation.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

3. An officer was dismissed in relation to carrying out a course of conduct towards their ex-partner, including sending persistent unwanted social media and text messages, leaving voicemail messages containing inappropriate remarks, and monitoring their ex-partner's movements. The officer was found guilty at court of domestic stalking and other offences.

Tackling domestic offending is a priority for Police Scotland, and police officers who are reported as perpetrators will be subject to the same level of thorough investigation as any other members of the public. The significant impact domestic offences have on victims, their families and children, and the associated trauma, is undeniable. The behaviour of officers and staff must reflect this and cases of domestic offending by Police Scotland officers and staff will be dealt with appropriately and robustly.

Standard of Professional Behaviour - [Authority, Respect and Courtesy](#); officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy in line with our values.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

4. An officer was dismissed in relation to acting in an improper manner by engaging in sexual activity in the presence of others, including a young person. This incident occurred at a private residence during a social gathering of police colleagues.

Police officers must conduct themselves to the highest standards and in an appropriate manner which reflects the values of the organisation, both on and off duty. Behaviour of this manner falls significantly short of the standards expected within Police Scotland and discredits the organisation.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

Appendix C – Misconduct Outcomes – July 2024

5. An officer resigned prior to their attendance at a gross misconduct hearing which related to reports of them engaging in sexual activity with, and sending unsolicited messages of a sexualised nature to, members of the public met during the course of their duties, while on and off duty. This officer was also reported to have been repeatedly engaging in conversations and introducing unsolicited sexualised language and innuendo with members of the public, while off duty. The officer resigned before their misconduct hearing.

Police officers are placed in an extraordinary position of trust. Any officer identified as abusing this position of trust for a sexual purpose will be dealt with robustly. This behaviour will not be tolerated by the organisation and our message is clear - those who can't or won't live our values and standards don't belong in policing.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

6. An officer was dismissed in relation to inappropriate sexual behaviour towards a child. The matter was taken to trial in court, and the charge was found not proven.

Police Scotland has clear responsibilities for safeguarding children and young people and there is no justification for causing harm to those who are the most vulnerable in our society. This behaviour will not be tolerated by the organisation and any police officers or members of police staff committing offences against children or young persons will be dealt with swiftly and robustly.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

7. An officer received two final written warnings which related to them assaulting a colleague. The officer had consumed a significant quantity of alcohol before assaulting their colleague while socialising off duty together. The officer was reported to COPFS as a result of their actions and was subject to court disposal.

Police officers must act with self-control and tolerance, treating all members of the public and colleagues with respect and courtesy, both on and off duty. Violent behaviour has the potential to seriously undermine public confidence and will not be tolerated by the organisation.

Standard of Professional Behaviour - [Discreditable Conduct](#); officers behave in a manner which does not discredit the police service or undermine public confidence, whether on or off duty.

8. An officer was demoted in relation to them sending inappropriate and offensive WhatsApp messages to a colleague, which also included discriminatory homophobic language.

Officers must always treat colleagues with respect and courtesy. Misogynistic or discriminatory behaviour is not acceptable in any form. Communications shared via

Appendix C – Misconduct Outcomes – July 2024

messaging apps and social media should always be appropriate and respectful. Officers and staff should be confident in challenging and/or reporting any behaviour of this kind.

Standard of Professional Behaviour - [Authority, Respect and Courtesy](#); officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy in line with our values.

Update on a previously reported case;

An officer who previously resigned in 2023 prior to a Misconduct Hearing relating to serious sexual predatory behaviour has now been subject to pension forfeiture.

Sexualised predatory behaviour will not be tolerated in policing and will be dealt with as swiftly and robustly as possible, and, as seen in this case may merit a review of accrued pension.

We continue to urge all officers and staff to report inappropriate sexual behaviour to allow matters to be addressed. Additionally, these sanctions highlights to anyone acting in this way that your behaviour is completely unacceptable and will put your future in policing and your pension at risk.

The National Conduct Unit remains committed to working with officers and the Scottish Police Federation to ensure a fair, transparent, and accountable investigation is conducted, to establish the truth. The welfare of all involved is of paramount importance and is continually monitored.

Additionally, the National Conduct Unit remains committed to identifying learning for officers and the organisation and continue to improve their handling of cases from start to finish, striving to increase proactivity and education, favouring prevention over investigation.

The determination and outcome for each case is made by an independent chair based on the circumstances of the case. This includes consideration of the evidence in support of the allegation(s), any exculpatory evidence, and the response of the subject officer. There are varied and unique circumstances in every case and outcomes cannot be compared across cases as the severity of the outcome will be dependent on the circumstances.

Appendix D – Definitions of Categories of Complaint

Definitions of Categories of Complaint

On Duty Allegations

An allegation should be recorded as “**on duty**” when an officer is operating during working hours, or on certain occasions when an officer, off duty, clearly identifies themselves as a police officer and utilises police powers in an effort to deal with a situation where it may be inferred they would be in neglect of their duty had they not acted. Effectively in such a situation an officer has signed back on duty by declaring that they are a police officer and by acting in an official capacity.

On duty allegations are categorised under 12 headings as listed below. Two of the allegation categories, irregularity in procedure and discriminatory behaviour, have a list of sub-categories, which are used to further define the nature of an allegation.

Assault

An allegation that a member of the police service was responsible for a criminal attack on another person as defined by the common law crime of assault:

“Every attack directed to take effect physically on the person of another is assault, whether or not actual injury is inflicted. There must be **criminal intent**: an accidental injury, even although caused by a mischievous act, does not amount to assault.”

In order for a complaint about the police to be recorded as an allegation of assault the same standard of evidence in the complainer’s version of events which is required under Scottish Criminal Recording Standards (SCRS) is required i.e. the allegation being made by complainer should be such that it would justify recording and investigating the event as the crime of assault in circumstances where the perpetrator is not in the police service. Even though a complainer may use the word “assault” in their allegation, careful consideration should be given to the context in which they are claiming assault. Where there is no inference from the complainer or from the circumstances described that there has been criminal intent the category of “excessive force” is more appropriate.

Excessive Force

An allegation that a member of PSoS has used excessive force in circumstances where they are exercising police powers to control a prisoner, or to control persons in a crowd, or the use of defensive tactics to prevent a person from interfering with officers in the execution of their duty. In general, this classification should be used where officer safety techniques have been utilised and the complainer perceives them to have been excessive for the circumstances. One of the deciding factors in distinguishing this allegation type from assault is “intent”. Where a complainer infers, or the circumstances appear to infer that there was “criminal intent” to injure then the allegation would be recorded as assault. In cases where a person complains that they have been “assaulted” purely because they claim they have been wrongly arrested the allegation should be recorded as Unlawful/Unnecessary arrest.

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Incivility

Incivility should be recorded when a member of the public perceives a member of a police service to have been rude in a manner of speech, language or action. This definition includes allegations where the complainant alleges the member of staff has spoken to them in an unnecessarily loud, harsh, inappropriate or impolite manner. It may include swearing which does not amount to a breach of the peace. It also includes circumstances where the complainant states that a member of staff did not seem to care, or gave the impression that they were not interested or didn't listen to them. Other examples include abruptness, lack of sympathy or adopting an aggressive tone. Incivility can often be about a complainant's perceptions about their interaction with a member staff.

Neglect of Duty

An allegation of Neglect of Duty is one where it is alleged a member of the police service has **failed** to perform a duty set out by law or under Service procedures. Where a complaint amounts to an officer having not done something which the complainant expects the police should do and there is no defined policy covering the issue an allegation should be recorded under Quality of Service and may provide a learning outcome for the Service to amend Service procedures. The distinction between neglect of duty and irregularity in procedure is that with neglect of duty the member of staff has **failed** to do something which was required, or reasonably expected by law or procedures. Examples would be:

- Failing to breath test of a driver involved in a reportable road accident when procedure states that all drivers involved in reportable road accidents should be tested;
- Failing to record a production in the production register;
- Failing to secure found monies in a safe;
- Failing to follow up enquiries; or
- Failing to provide any updates to a complainant.

Irregularity in Procedure

Irregularity in Procedure relates to instances where it is alleged a member of staff has carried out procedures, or an activity, which is incorrect, incomplete, unreasonable in the circumstances, or not in accordance with the legislation or standard operating procedures. In this category the member of staff will have been carrying out procedures, but did not carry them out correctly or in accordance with the rules. It is distinct from neglect of duty, which relates to an omission to carry out an act at all. There are a number of sub-categories which should be used to ensure that the procedures which regularly feature in

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complaints are monitored and where learning opportunities exist they are identified at an early stage whether through the complaint handling process or by requiring a review of procedures. Examples are:

- Where updates have been given to a complainer but they are insufficient, infrequent or don't meet the expectations of the complainer;
- A police officer carried out breath test procedures but they were not carried out according to the guidance; or
- A person complains he was arrested at his/her home address and was taken to the police van without being given the opportunity to put on his/her shoes.

Traffic Irregularity/Offence

Complaints involving the conduct of officers while driving fall into this category. Common complaints such as allegations of speeding, parking on double yellow lines, dangerous driving, use of mobile phone when driving should be included under this heading.

Oppressive Conduct/Harassment

This category should be used where it is claimed the member of staff acted in a manner that was oppressive and unnecessarily forceful or they pursued a course of conduct, which could be considered as harassment towards a member of the public. Allegations where an officer has bullied, intimidated, threatened or displayed overly aggressive behaviour fall into this category. It does not include situations where the complainer perceives an officer's tone was aggressive (see incivility). Where harassment is alleged to be based on discrimination, then the allegation should be recorded under discriminatory behaviour, not under Oppressive Conduct/Harassment. Examples of oppressive conduct/harassment allegations include:

- A member of the public reports that she has been stopped and searched over twelve times within the last month and officers have had no grounds for doing so;
- An allegation is received from a parent that her 15 year old son was told that if he did not tell officers who had sold him alcohol he could be locked up;
- A suspect alleges that during the course of a police interview the officer adopted an intimidating attitude and threatened her that if she did not provide an explanation she could end up in jail;
- A driver reports that he has been stopped in excess of five times over the preceding two weeks because he drives an old car. He believes that officers are victimising him; or
- A search for stolen property was conducted in a dwelling house using the authority of a warrant. The householder later complained that the number of officers within his/her house was intimidating, unnecessary and oppressive.

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Unlawful/Unnecessary Arrest or Detention

This category includes two distinct types of allegations. Firstly unlawful arrest or detention is where there is an allegation that an officer did not have power to arrest or detain an individual because there was no provision for the arrest or detention under common law or within statute. It should be noted that there is no criminal offence of “unlawful arrest” contained in common law or statute. Secondly there is **unnecessary** arrest or detention where there are relevant powers but the complainer believes that an officer should not have arrested them, on the grounds of necessity or proportionality.

Discriminatory Behaviour

An allegation that a police officer or member of police staff either engaged in a course of action or behaved in a manner which was discriminatory towards an individual or group on the basis of their race, sexual orientation, faith, age, gender or disability. Some examples where discriminatory behaviour should be recorded are as follows:

- Officers attend a neighbour dispute. One neighbour is charged with a breach of the peace and the other is not charged. The neighbour who is charged complains that the only reason that police have not charged his/her neighbour is because his/her neighbour is of a different ethnicity. He believes he has been treated differently.
- A male complains to police that he has been sexually assaulted by his ex-partner. He believes that officers did not treat his complaint seriously because he is male and that had he been female the matter would have been more thoroughly investigated.
- Officers stop a vehicle for a routine road check. The female driving the vehicle later complains that she is transgender and the officer who approached her vehicle to speak to her continued to refer to her as “sir,” after she had corrected him.

Corrupt Practice

There is no authoritative single legal definition of the word “corruption”, however included under this allegation should be any allegation that a police officer or member of police staff has abused their position as a member of the police service for personal gain or for gain for others. The motive for gain is irrelevant and need not be for financial advantage. Any allegation that an officer or a member of staff has acted in contravention of the Bribery Act 2010 should also be recorded under this allegation category. Some other examples of corrupt practice are:

- Following a disturbance in licensed premises two men are arrested for breach of the peace. One was kept in custody and the other was charged and liberated to be cited. The male who was kept in custody alleges that the other male was liberated because his sister is a senior officer who arranged for his release.

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- A member of staff leaked police information to the media for monetary advantage.
- An officer assisted in securing employment for his/her friend's daughter with the police service, circumventing the normal application process.

Other (Criminal)

Any allegation that an on duty police officer or member of police staff has committed a crime under common law or statute which is not contained in any of the other headings. There are a number of sub-headings for recording criminal allegations.

Other – (Non-Criminal)

Any non-criminal allegation, which is not covered under the other headings

Off Duty Allegations

An off-duty allegation of criminality should be recorded when a member of the public uses the complaint process to make a complaint about an officer, which if proved, would amount to a crime or offence. If the allegation would not ordinarily be recorded under SCRS and investigated as a crime or offence it should be recorded as an off-duty complaint under the category of "incivility" or "other". It must be borne in mind that police officers and police staff have the right to a private life away from work therefore the complaint must be assessed as objectively as possible and where no link exists between the officer's/member of staff's role it should not be recorded as a complaint about the police.

Quality of Service Allegations

Quality of Service - Policy / Procedure

This type of complaint relates to a complaint about policing policy, practice or procedure rather than how a member of staff delivered the particular service. Often Quality of Service Policy/Procedure complaints are resolved by explanation to the complainer, however some of these complaints will result in changes to policy or procedure and these changes would be recordable for the Service as a Learning Outcome. Examples of this type of complaint are:

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- A member of the public writes in to complain that when she contacted the police after a minor non-injury road accident no officers were dispatched to the scene. The police service involved has a policy whereby if it is a minor non-injury road accident, the vehicles are drivable and there is no obstruction of the road, drivers are advised to exchange details and officers are not dispatched. If the officers have followed the Service policy, then the complaint is about the policy and is a Quality of Service complaint. If, however, a member of staff had not followed the policy and officers should have been dispatched, then this would be an “On Duty” complaint because it was the actions of a staff member, rather than the policy which has resulted in the complaint.

Quality of Service – Service delivery

This type of complaint relates to an expression of dissatisfaction about policing in general, or in a specific geographic area or in relation to a specific incident or event. It may also be about policing capacity, or ability to provide some form of specific service to the public. Examples are:

- A complaint that insufficient officers were deployed to an incident or an event.
- A complaint that officers, in general, take too long to attend calls in a specific geographical area
- A complaint of lack of police presence in a particular area.
- A complaint that the police take too long to investigate fraud.

Quality of Service – Service Outcome

Service outcome complaints relate to the outcome of policing action and include instances where a complainer was expecting a particular outcome and the outcome was different or where a policing response has not effectively dealt with a situation. Examples are:

- A member of the public is involved in a dispute with a neighbour and expected a charge to be preferred against their neighbour. The outcome was that both parties were issued warning letters about their behaviour. The complainer believes the police should not have used warning letters on this occasion.
- Numerous calls have been made to the police about anti-social behaviour in a particular location, and despite police attendance the anti-social behaviour is still going on.
- A member of the public reports that they have been assaulted. A full investigation was carried out and there is insufficient evidence to report to the Procurator Fiscal. The complainer believes that if further resources had been used there would have been sufficient evidence to have the assailant charged. The complainer is dissatisfied that the crime remains undetected.