



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

Complaints & Conduct Committee

**Annual
Report**



2022-23



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Committee Chair Foreword

This is the Authority's third Complaints and Conduct Committee annual report, which serves to highlight trends in complaints received during 2022-23; performance of complaints handling during that period and provide assurance on the Authority scrutiny in this important area, recognising its key link to public confidence in policing in Scotland.

Introduction of annual reporting in this regard was prompted by the [Final Report](#) on the '*Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing*', undertaken by Lady Elish Angiolini, which recommended that:

- the SPA Complaints and Conduct Committee's scrutiny function should be reported on in the SPA annual report, drawing out particular trends, highlighting improvements or concerns and using complaints data as an indicator of communities' satisfaction or dissatisfaction with policing services (Recommendation 31)
- in order to ensure public confidence in the police, the SPA should confirm each year in its annual report whether or not in its view, based on an informed assessment by the Complaints and Conduct Committee and evidence from the relevant audits, the Chief Constable has suitable complaint handling arrangements in place (Recommendation 59)

In respect of Recommendation 31, as with last year, a high-level summary has been included in the 2022-23 SPA Annual Report, this more detailed, Committee-specific report aiming to supplement this approach.

As previously noted, there will be opportunities to further develop future reports as work continues to be progressed by partners in implementing recommendations from the Angiolini Review.

In respect of Recommendation 59, whilst an initial joint audit by the Authority and the PIRC recently reported on its findings, there is ongoing engagement with Police Scotland in respect of the developing content of Committee assurance reports. As such, it is expected that the Authority will be able to provide a more informed assessment as to the suitability of Police Scotland complaints handling arrangements next year. Nevertheless, there is clear evidence of progress during 2022-23.

Throughout 2022-23, and into 2023-24, the Committee have continued to discuss, probe and challenge key themes and activities critical to the management of complaints and conduct issues. A strong focus was placed on enhancing the complaints data presented to the Committee, for example in relation to contextual factors, such as diversity data, to enable deeper insight and analysis.

The Committee also receives a range of reports which are providing greater insight into the prevalence and nature of all complaints raised about the police workforce. In addition, the Committee is seeking evidence of how this data is being used to identify themes, drive organisational learning and continuous improvement activity.

The Committee have sought assurances from a range of data sources, such as PIRC complaint handing reviews, the joint PIRC and SPA audit, and the reintroduction in 2023-24 of SPA dip sampling, on the quality and timeliness of complaint handling by Police Scotland.

The Committee have asked to see evidence of how complaints data is being used by the SPA and Police Scotland to identify key themes in order to drive organisational learning and continuous improvement activity.

With regard to conduct matters, the Committee have explored how a range of regular and targeted processes and practices in place in Police Scotland, such as recruitment, vetting and training, and the Prevention & Professionalism programme and Continuous Integrity Screening initiative, all work together to ensure that Police Scotland officers and staff are adhering to the highest standards of professional behaviour, and misconduct is identified and addressed in a timely and appropriate fashion.

The Committee has also strengthened its understanding and oversight of sexual misconduct within policing, with scrutiny taking place both publicly and, in much more detail, privately at Committee.

The Committee is grateful to Police Scotland for its efforts to improve the information and data being reported to the Committee over the last year. Due to the detail being reported, much of this oversight has taken place in private sessions in line with the Authority's Corporate Governance Framework (section 20). Going forward, to build confidence in this important area, a priority for the Committee is to enhance public visibility of the insights and assurance being reported to the Committee.



Katharina Kasper

Chair – Complaints and Conduct Committee

November 2023

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Introduction

The Authority has specific functions under the [Police, Public Order and Criminal Justice \(Scotland\) Act 2006](#) and the [Police & Fire Reform \(Scotland\) Act 2012](#) in respect of complaints. These are summarised below:

- it must deal with “relevant” complaints about the Authority, its staff (i.e. staff working within SPA Corporate & Forensic Services), and senior officers of Police Scotland (i.e. officers of the rank of Chief Constable, Deputy Chief Constable and Assistant Chief Constable)
- it must keep itself informed of the manner in which Police Scotland deals with relevant complaints, and be satisfied that Police Scotland has suitable arrangements in place

The Police Investigations & Review Commissioner (PIRC) has a similar statutory duty to the Authority in this regard. Under the Police, Public Order and Criminal Justice (Scotland) Act 2006, it must keep under review all arrangements maintained by both the Scottish Police Authority and Police Scotland for the handling of relevant complaints; and seek to secure that those arrangements are efficient and effective, contain and manifest an appropriate degree of independence, and are adhered to.

In the context of Police Scotland:

- it must deal with “relevant” complaints about Police Scotland, police officers at the rank of Chief Superintendent and below, and police staff

“Relevant” complaints are as defined in the 2006 Act, although a summary is provided in section 3 below.

The role of the Authority's [Complaints & Conduct Committee](#), specifically in relation to complaints, is:

- to monitor, oversee and scrutinise the handling by the Authority and Police Scotland of "relevant" complaints as defined in legislation

It fulfils this role by:

- considering and approving arrangements, including policies and procedures and guidance, relating to the handling of complaints by the Authority, seeking the views of other stakeholders as necessary
- considering and determining complaints against the Authority, its staff and senior officers of Police Scotland in accordance with the SPA Complaints Handling Procedures, provisions of the Police Public Order and Criminal Justice (Scotland) Act 2006 and the statutory guidance produced by the PIRC
- monitoring the handling of relevant complaints by the Authority and Police Scotland, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by the Authority and Police Scotland for the handling of relevant complaints are suitable
- critically examining reports from HMICS, PIRC, and any other information provided by Police Scotland in relation to complaints about the police, and ensuring that appropriate improvement plans are implemented or remedial action is taken within agreed timescales
- contributing to and considering the findings of official reviews of complaints matters, and ensuring that recommendations from such reviews are implemented as appropriate

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Committee Business during 2022-23

Current [Committee](#) members:

- Katharina Kasper - Chair (from Sep 2022)
- Dr Catriona Stewart OBE (from Jun 2022)
- Grant Macrae
- Fiona McQueen CBE
- Paul Edie

Former Committee member:

- Alasdair Hay - Chair (to Sep 2022)

The Committee met on eight occasions during the 2022-2023 financial year. During this period the Committee considered a number of standing, cyclical and ad hoc items as outlined below, in respect of complaints.

Further information on Committee membership, as well as copies of reports, minutes and Livestream recordings of public sessions of the Committee are available from the [SPA website](#).

Complaints Handling Performance Reports

As a standing agenda item, the Committee receive quarterly reports on complaints handling performance in respect of both the SPA and Police Scotland. The Committee also receives quarterly reports from the PIRC including updates on Complaint Handling Review (CHR) Applications; CHR Reports; and Outcomes including CHR Disposals and Recommendations.

A summary of annual complaints handling performance data, and resulting analysis and insights, is provided in section four below.

The Angiolini Review made a recommendation that the SPA Complaints and Conduct Committee should scrutinise Police Scotland performance in dealing with complaints and hold the service to account where targets are not being achieved.

It also recommended that the Committee should hold Police Scotland to account for delays in investigations into complaints and misconduct.

Prior to and during 2022-23, Members have sought enhanced assurance reporting around matters including:

- additional information on complaints categories and outcomes to enable a deeper insight (including diversity data; analysis by type of policing duties and geography; demographic profile of subject officers; categories of complaints upheld)
- enhanced reporting in respect of complaint handling timescales
- ongoing trend analysis
- analysis of key themes, organisational learning and audited impact of improvement activity

Engagement remains ongoing with Police Scotland with a view to ensuring that information provided to the Committee is of a sufficient level of detail, and has been subject to an appropriate level of analysis, to enable the Authority to more fully perform its oversight role and enabling greater public transparency in relation to this important area.

Whilst some significant changes and improvements have already been made, it is appreciated that more fundamental change is dependent to an extent on IT system development.

Independent Review of Complaints Handling, Investigations & Misconduct Issues in Relation to Policing

In June 2018, the Cabinet Secretary for Justice and the Lord Advocate invited Lady Elish Angiolini to conduct an independent review on complaints against the police in Scotland.

The 'Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: [Preliminary Report](#)' was published in June 2019. The 'Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing: [Final Report](#)' was published in November 2020.

Police Scotland are singly or jointly responsible for the majority of recommendations from the Review which are not dependent on legislative change. As at the end of 2022-23, 31 of 36 recommendations directly singly or jointly at Police Scotland had been discharged following initial assessment of evidence by HMICS and consideration via multi-agency national governance arrangements.

8 of 12 recommendations directed singly or jointly at the SPA have similarly been discharged. Alongside action taken to discharge recommendations directed at wider partners, significant progress has been made across themes of audit & review; efficiency & effectiveness; equality, diversity & inclusion; governance & accountability; rights & ethics; training & HR; and transparency & accessibility. Further detail is available via the Scottish Government website where thematic progress reports are being published (the [latest edition](#) dates to May 2023).

Recognising the above, in March 2023 the Committee agreed that future updates would be delivered by exception in respect of implementation of outstanding recommendations (rather than as a standing agenda item). Looking ahead, the Committee have sought future updates on desired impact of discharged recommendations and how this is being analysed.

In respect of recommendations from the Review requiring, or likely to require, legislative change or new legislation, following public consultation during 2021-22, the Scottish Government introduced its corresponding [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Bill](#) to Parliament in June 2023.

Monitoring of Handling of Complaints by the Chief Constable

The Angiolini Review Preliminary Report recommended that all audit arrangements, including regular dip sampling, designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public. The Final Report, furthermore, notes that the Committee should consider which areas should be the subject of audit, and do so in consultation with the PIRC, as well as outlining a number of specific recommendations in respect of audit more generally. The Final Report recommended that there should be regular audits of Police Scotland complaint handling procedures with a view to ensuring that they remain both efficient and effective, whilst identifying opportunities for learning and improvement.

In March 2021, the Committee were advised of the proposed introduction of a joint SPA/PIRC annual audit process, as a new method of auditing Police Scotland complaints which would serve to meet the respective obligations of both organisations in terms of oversight and review of Police Scotland complaint handling arrangements.

The Final Report specifically highlighted that the arrangements Police Scotland has in place for complaint triage/assessment need to withstand robust internal and external scrutiny and require regular and meaningful audit by Police Scotland, the SPA, and the PIRC.

Complaints triage is the process of assessing information in order to decide how serious the allegations are and how they should be dealt with. It is a critical stage in the complaints process, as it determines the route and processes that apply to each complaint. It includes the initial assessment on whether a complaint is a relevant complaint about the police and, if so, whether the complaint is a quality of service issue, or has arisen due to poor individual performance, or is a potential misconduct issue or a criminal allegation.

While the complaint triage is designed to ensure that Police Scotland's response to a complaint is proportionate to the nature of the complaint made, it is not without risk. If a complaint has been incorrectly assessed and, therefore, not progressed, processed or disposed of in the appropriate manner, it can serve to increase the level of dissatisfaction experienced by members of the public. This can have significant ramifications, not only for the member of the public making the complaint, but also the officer who is the subject of the complaint, as well as the organisation as a whole. Ultimately, if Police Scotland gets it wrong, it has the potential to undermine public confidence.

Correspondingly, an initial joint SPA/PIRC audit commenced in March 2022, seeking to examine the initial triage of complaints by Police Scotland. The aim of the audit was to examine complaint triage during the three month period prior to and following the introduction by Police Scotland, in May 2021, of a new national complaint handling operating model (whereby all non-criminal complaints are recorded, assessed and managed within the Professional Standards Department), providing a baseline against which the new model could be assessed and providing assurance of its effectiveness, with a view to identifying opportunities to strengthen and/or improve those new arrangements.

The Committee welcomed presentation of the resulting report on the audit findings and recommendations at its meeting in June 2023, the report identifying concerns around inappropriate attempts at frontline resolution, failure to correctly categorise matters as relevant complaints, and incomplete record keeping, and identifying a number of areas for improvement, including more specific training, clearer guidance on complaint classification and more accurate, streamlined recording processes. Police Scotland welcomed the report, accepting its findings and committing to taking on any relevant learning, but highlighted that significant improvements have been made following the period on which the audit focussed and that many of the recommendations have already been discharged. Whilst acknowledging this, the Committee have sought future assurance outlining action taken or planned in response to the report, and to understand when a repeat of the audit will be carried out in order to assess the impact of changes made.

At its June 2023 meeting, the Committee was advised of the commitment to adopt a prioritised and co-ordinated approach to a broad multi-agency audit plan, co-ordinated through the National Complaint Handling Development Group (NCHDG) which aligns with the recommendation in Lady Elish Angiolini's [preliminary report](#), that:

"All the audit arrangements, in relation to policing in Scotland, including regular dip sampling designed to identify poor practice, good practice and emerging trends should be prioritised and co-ordinated to support the common objective of improving standards and service to the public."

Aligned to the above, following engagement with Police Scotland and the PIRC and as reported to the June 2023 meeting of the Committee, the SPA Complaints Team will, in 2023-24, reintroduce its quarterly dip-sampling of Police Scotland complaints (a process previously paused during the COVID-19 pandemic). This will involve regularly assessing a sample of complaints, in line with recognised auditing techniques, for compliance with the Police Scotland 'Complaints about the Police' Standard Operating Procedure, and the underpinning PIRC Statutory Guidance, as well as undertaking a corresponding assessment in relation to any complaints which relate directly to the Police Scotland Professional Standards Department.

Professional Boundaries & Continuous Integrity Screening

As previously reported, Police Scotland recognise the imperative upon its workforce to act with integrity and professionalism at all times, given its privileged position and the vital importance of upholding public trust and confidence, and have reinforced that any inference that Standards of Professional Behaviour have been breached will be thoroughly investigated.

In 2021-22, following a number of high-profile matters, including the tragic murder of Sarah Everard by Wayne Couzens, a serving officer from the Metropolitan Police Service, there has been a push for UK police forces to look at their internal approach to professional boundaries. In October 2021, Police Scotland commissioned a review of all complaints and conduct matters which had been reported to or within the organisation since January 2017 and which contained a sexual circumstance.

In May 2022, the Committee considered a resulting report outlining findings and proposed next steps.

Whilst the review found no significant issues in terms of how these matters were investigated, opportunities were identified to enhance organisational learning and raise awareness of the Standards of Professional Behaviour (as set out in the Police Service of Scotland (Conduct) Regulations 2014 and which reflect the expectations of officers, whether on or off duty).

A number of recommendations were identified, including enhancement of vetting arrangements, and a range of actions and preventative activity to be progressed over the next twelve months. Police Scotland committed to providing updates to the Committee on the progression of recommendations and resulting impact on a biannual basis.

Members welcomed an initial progress update in November 2022, noting that it represented a firm change in the organisation, but seeking to understand how organisational learning was obtained in respect of the experience of individuals who raise concerns (whether internal to the workforce or members of the public).

Following a subsequent progress update in June 2023, Members sought clarity on how Police Scotland would evaluate the impact of action being taken, being advised that work was underway to develop a measurement framework, but that it was anticipated that feedback from staff associations would form a key element. Members also sought assurance Police Scotland had reflected on planned action in light of the statement made by the Chief Constable at the May 2023 Authority meeting in respect of institutional discrimination in policing.

In an update to the February 2023 Authority meeting on Continuous Integrity Screening (see below), and subsequently reported to the March 2023 Committee, Police Scotland confirmed its intention to refresh the above review, to cover the period from October 2021, and to extend its terms of reference to include all domestic abuse related matters (covering a 3 year period). It is anticipated that a resulting report on findings and proposed next steps will be presented to the Committee in 2023-24.

Following the conviction for serious sexual and domestic offences in early 2023 of David Carrick, a serving officer from the Metropolitan Police Service, the UK Home Office announced that all forces in England and Wales would undertake national police database checks on their existing workforce.

Whilst policing in Scotland is devolved, at the February 2023 Authority meeting Police Scotland committed to also undertaking this exercise (and reporting to the Committee on findings), as well as introducing a range of other improvements to vetting processes. A corresponding report was also presented to the Committee in March 2023, with a progress update provided in June 2023. A report on findings from the exercise is anticipated later in 2023-24. During discussions, the Committee recognised the limitations of vetting and the importance of other controls to address risk to ensure public confidence. Police Scotland acknowledge that it is not a single solution, and are taking forward wider action as part of its Preventions and Professionalism Programme (see below).

As part of its Organisational Culture Thematic Inspection, HMICS recently undertook an Assurance Review of the quality of vetting and renewals, and whether these effectively identify misconduct. The [report](#) on its findings was published in October 2023. The Committee will consider the report in November 2023, and will seek assurance in respect of Police Scotland progress in discharging resulting recommendations.

Private Committee Business

During 2022-23, a number of regular or ad hoc matters in respect of complaints were considered by the Committee in private session. In line with the SPA Corporate Governance Framework, matters may only be considered in private in prescribed circumstances. However, during the year, the Committee has actively sought to ensure that, wherever possible and as appropriate, matters are additionally reported and discussed in public.

Additionally, since May 2021, and in line with an earlier Angiolini Review recommendation, the Authority publishes a public minute of private sessions of the Committee.

Review of Committee Effectiveness

A review of Committee performance is a beneficial way to provide a constructive view of its work and to enhance its effectiveness. Each Committee of the Authority prepares an annual report on the discharge of its responsibilities based on its terms of reference and workplan.

The purpose of these reports is to provide evidence that the Authority, supported by its Committees, has satisfactorily met its responsibilities for the governance of policing through the application of its governance principles.

Members have considered an evaluation of Committee effectiveness for the period 2022-23, and agreed the content of a formal assurance report to be submitted by the Committee Chair.

In summary terms, the following were identified as areas of strength:

- improving communications and relationships with key partners
- development sessions with key partners to further enhance Committee knowledge and understanding of the complaints landscape

In summary, the following were identified as areas for further improvement:

- timescales in dealing with complaints
- more effective reporting to the Committee to enable it to fully discharge its responsibilities
- introduction of performance benchmarking
- setting of specific Committee objectives (and using its workplan as a means of delivery)

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Complaints Handling Performance

This section provides a summary of reports provided to the Committee in respect of 2022-23, with more detailed reports available via the [Committee](#) pages of the SPA website. It should be recognised that performance statistics are a snapshot in time, correct only at the time collated and differences may be seen in statistics previously reported.

Definitions

What is a 'Complaint'?

A 'Complaint' relates to the overall expression of dissatisfaction provided by the complainer about an act or omission by the Police or Quality of Service received.

What is a 'Relevant Complaint'?

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.

What is an 'Allegation'?

Allegations are the component parts of a Complaint, which

- categorise specifically what has happened
- are capable of being independently Upheld or Not Upheld

Each complaint case may include multiple allegations.

Police Scotland Complaints Performance

Whilst this report relates to handling of complaint matters in relation to dissatisfaction with policing, the Committee have sought clarity on processes in place to enable members of the public to submit expressions of satisfaction with their experience. Police Scotland advise that data is drawn from regular User Satisfaction and Confidence Surveys, which they plan to publicise on their website, and that they are currently engaging with other forces to identify any learning in respect of approaches to measuring public satisfaction.

Complaints

Table 1 below provides details of complaints received by Police Scotland during 2022-23, including comparison to the previous five years. Reference to five-year averages throughout this report is to the period covering 2017-18 to 2021-22 (inclusive). The impact of COVID-19 related complaints during 2020-21 and 2021-22 should be considered when drawing comparison to previous years.

Table 1:

Command Area	5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	% Change from 2021-22	% Change from 5-year average
East	2,090	2,211	1,942	1,990	2,172	2,133	1,996	-6.4%	-4.5%
North	1,512	1,369	1,397	1,561	1,687	1,547	1,539	-0.5%	+1.8%
West	2,889	2,869	2,661	2,794	3,124	2,999	3,086	+2.9%	+6.8%
Total	6,491	6,449	6,000	6,345	6,983	6,679	6,621	-0.9%	+2.0%

During 2022-23, 6,621 complaints from members of the public were received, a decrease of 58 (0.9%) from 2021-22. Police Scotland have stated that the key driver in this overall decrease relates to Service Outcome allegations, alongside significant reductions in allegations related to Incivility and Irregularity in Procedure (see below). This total represents a 2.0% increase from the five year average. Based on this wider context, complaints are at a level broadly comparable with an average year.

North Command

The North Command Area experienced a 0.5% decrease in complaints compared to 2021-22, but a 1.8% increase against the five year average.

Table 2 below identifies a notable trend within North East Division. It is noted that in 2021-22, whilst the Division experienced a 7.8% reduction against 2020-21, complaint volumes that year were nevertheless a 6.3% increase against the (then) five year average. When reporting on 2021-22 performance, Police Scotland committed to continuing to monitor complaint levels within the Division. In relation to the trend below, it confirmed that the primary influencers were [Service Delivery](#) and [Service Outcome](#) allegations, with lower volume increases in [Policy/Procedure](#) and [Assault](#) allegations. It has committed to undertaking further analysis in this regard.

Table 2:

Division	No. Complaints	% Change from 2021-22	% Change from 5-year average
North East	633	+7.8%	+11.8%

East Command

The East Command Area experienced a 6.4% decrease in complaints compared to 2021-22, alongside a 4.5% decrease against the five year average. No increases of note were identified within Divisions across the East.

West Command

The West Command Area registered a 2.9% increase in complaints compared to 2021-22, alongside a 6.8% increase against the five year average.

The key divisions influencing the increase are:

Table 3:

Division	No. Complaints	% Change from 2022-23	% Change from 5-year average
Ayrshire	389	+18.6%	+22.6%
Renfrewshire & Inverclyde	282	+12.8%	+15.3%
Dumfries & Galloway	234	+14.1%	+22.0%
Lanarkshire	672	+3.2%	+5.4%

The above is broadly linked to a rise in **Quality of Service** related allegations within these areas, alongside specific increases in **Assault** allegations within Ayrshire and Lanarkshire. Police Scotland have committed to undertaking further analysis in this regard.

Specifically in relation to Dumfries & Galloway, in 2021-22 the Division experienced a 3.6% increase in complaints against 2020-21, which amounted to an 8.9% increase against the (then) five year average. At the time, Police Scotland advised that complaints within the Division would continue to be monitored.

Complaint Categories

Overall, 47.1% (3,119) of all complaints received during 2022-23 were concluded via Frontline Resolution (FLR) (compared to 49.2% in 2021-22).

As outlined in the [PIRC Statutory Guidance on handling of complaints about the police in Scotland \(October 2022\)](#), the ability to resolve complaints promptly and simply is a key element of an efficient and effective police complaints system. FLR allows complaints to be resolved at an early stage by way of explanation, assurance or apology, usually over the phone or in person, and is intended to be a pragmatic and proportionate approach that benefits all parties involved in a complaint.

The Committee have previously heard that PIRC have not undertaken any significant analysis to date in respect of complaints addressed by Police Scotland through the informal FLR process, although noted that this should only be used in relation to low-level complaints. They have confirmed, however, an intention to undertake an audit of the FLR process in due course.

A further 1,629 complaints were categorised as Non-Criminal (not FLR), a 15.2% increase on 2021-22 (which was, in turn, a 31.4% decrease against 2020-21). Taken together, the vast majority of received complaints were either FLR at some stage, or resulted in Non-Criminal enquiry. This contrasts with the 448 complaints categorised as Criminal. Whilst representing a relatively low proportion compared to those which are Non-Criminal in nature, Criminal complaints nevertheless saw a 32.9% increase on the 2021-22 total of 337 cases (due to change in May 2021 in the way in which criminal complaints are recorded, it is not possible to provide comparison to prior years). The remainder of complaints received were either Abandoned (968), Withdrawn (336), Not Relevant Complaint (0) or were Ongoing with the PSD National Complaints Assessment & Resolution Unit (121).

Allegations

During the course of 2022-23, a total of 10,686 allegations were received, a reduction of 13.9% compared to the previous year. Reductions in the number of allegations were identified across all three Command Areas, as summarised in Table 4 below, although to a lesser extent in the North (which also saw a small increase against the five-year average).

Table 4:

Command Area	5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	% Change from 2021-22	% Change from 5-year average
East	3,421	3,297	3,190	3,176	3,613	3,831	3,169	-17.3%	-7.4%
North	2,710	2,366	2,620	2,740	2,893	2,931	2,735	-6.7%	+0.9%
West	5,208	4,696	4,436	5,056	6,194	5,656	4,782	-15.5%	-8.2%
Total	11,339	10,359	10,246	10,972	12,700	12,418	10,686	-13.9%	-5.8%

Members are advised that fluctuations in levels geographically are reflective of variations in the number of officers working within the 3 command areas, and have requested development of future reports to enable understanding of any disproportionality when controlling for workforce size.

Allegation Categories

There are three broad categories of police complaints:

- on-duty complaints
- off-duty complaints
- quality of service complaints

Table 5 (next page) provides a breakdown of allegations by category for each of the past six years. As with previous years, the majority of allegations received are in relation to the on-duty category, which accounted for 62% of allegations received by Police Scotland in 2022-23, although numbers in this category are the lowest seen over the reporting period.

Quality of Service accounts for 38% of allegations. Whilst a slight decrease against 2021-22, the previous year presented the peak of an earlier year-on-year increase over the reporting period. Off-duty allegations continue to be very small in number, 2022-23 continuing a year-on-year reduction in those received. In respect of those on or off duty allegations which allege criminality, 2022-23 saw continuation of largely increasing trend over the reporting period, albeit numbers account for just under 6% of all allegations received.

Table 5:

Allegations by Category	5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	% Change from 2021-22	% Change from 5-year average
On Duty	8,453	8,121	7,977	8,393	9,458	8,318	6,648	-20.1%	-21.4%
Off Duty	27	49	31	23	16	16	10	-37.5%	-63.0%
Quality of Service	2,859	2,189	2,238	2,556	3,226	4,084	4,028	-1.4%	+40.9%
Total	11,339	10,359	10,246	10,972	12,700	12,418	10,686	-13.9%	-5.8%
Of which No. of Criminal Allegations	446	265	309	533	570	555	640	+15.3%	+43.4%

Allegations are further broken down to a number of sub-categories, with Table 6 showing the ten sub-categories which generally receive the highest volume of allegations.

Over the past six years, the sub-categories with the highest number of allegations continue to be **Irregularity in Procedure**, the three **Quality of Service (QoS)** sub-categories of **Service Outcome**, **Service Delivery** and **Policy/Procedure**, and **Incivility**.

Taken together, these sub-categories accounted for 83% of all allegations received during 2022-23. This proportion has remained broadly steady over the reporting period. However, in 2022-23, as part of an overall reduction in allegations received, allegations across each of these sub-categories saw a reduction compared to 2021-22, with the exception of **Policy/Procedure**.

Table 6:

Allegation Sub-Category		5-year average	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	% Change from 2021-22	% Change from 5-year average
Quality of Service	Service Outcome	1,393	916	1,056	1,267	1,789	1,938	1,734	-10.5%	+24.5%
	Service Delivery	940	845	774	845	902	1,336	1,321	-1.1%	+40.5%
	Policy/ Procedure	525	428	408	444	535	810	973	+20.1%	+85.3%
On Duty	Irregularity in Procedure	4,568	4,463	4,429	4,716	5,025	4,208	3177	-24.5%	-30.5%
	Incivility*	1,845	1,758	1,618	1,766	2,083	2,001	1628	-18.6%	-11.8%
	Excessive Force	562	548	593	453	595	622	516	-17.0%	-8.2%
	Assault	323	155	185	390	438	449	505	+12.5%	+56.2%
	Oppressive Conduct	313	281	313	273	367	330	214	-35.2%	-31.6%
	Other – Non Criminal	261	319	267	211	350	156	83	-46.8%	-68.2%
	Discriminatory Behaviour	97	64	89	94	110	128	113	-11.7%	+16.5%

*The data reported for Incivility differs from that reported to Committee as it is limited here to the 'On Duty' category.

Police Scotland have highlighted the 20.1% increase in **Policy/Procedure** allegations compared to 2021-22, which they advise is primarily driven by Divisions in the West (with each registering an increase) in addition to the North East Division.

A 12.5% increase in **Assault** allegations was also identified continuing an earlier increasing trend over the reporting period, which Police Scotland advise is primarily driven by Lanarkshire (+30 allegations), alongside lower volume increases within Fife (+22 allegations), North East (+19 allegations) and Ayrshire (+18 allegations). Following Police Scotland's Quarter One report to Committee in August 2022, highlighting early indication of increases, Members sought to understand how action being taken forward to address increased allegations of **Assault** and **Excessive Force** within Fife were being rolled out more widely across the organisation and how impact would be monitored.

As of October 2021, all on-duty **Assault** allegations (plus any associated criminal allegations) received by Police Scotland must be referred to the PIRC for assessment and potential investigation, following recommendation made within the Angiolini Review in relation to alleged breaches of Article 3 of the European Convention on Human Rights. This ensures that these allegations are subject to independent scrutiny and investigation as required. Police Scotland note that 375 such referrals were made in 2022-23, with PIRC determining that 58.9% did not require further investigation. Members have sought to understand how long this process takes, cognisant of the impact on both the complainer and the subject officer whilst matters remain ongoing. It was confirmed that PIRC make a decision on whether or not a matter will be subject to investigation fairly quickly, with Police Scotland having 14 days thereafter to provide information required to inform investigations. However, it has been acknowledged that the overall process can take time, the PIRC advising that it is currently undertaking a review which it hopes will streamline the process going forward.

Police Scotland have committed to undertaking further analysis to identify factors which have influenced these increases.

Members have previously requested provision of further data analysis to allow the Committee to more fully understand changes in allegation levels, noting the need to gain a sense of the magnitude and complexities of complaints being received and to seek assurance around resulting organisational learning.

Key themes of Complaints

Following consideration of annual allegation sub-category trends at its meeting in May 2022, the Committee sought to understand changes in allegation levels in respect of quality of service more generally, Police Scotland advising that this was attributable to the ability of local policing to respond to demand in light of availability of resources. The Committee also sought to understand changes in allegation levels in relation to discriminatory behaviour, Police Scotland noting challenges in drawing direct comparison to the previous year in this regard given COVID lockdown rules in place at the time.

In response to the above, the Committee requested additional information to enable a deeper dive into allegations of Discriminatory Behaviour and Quality of Service (comprising Service Outcome, Service Delivery and Policy/Procedure sub-categories), covering a period of five years.

Discriminatory Behaviour

The report confirmed a sustained increase over the period, asserting that it may be reflective of an increased public confidence in this regard. Whilst breakdown was provided by Division, no individual area was identified in particular as influencing this increase.

Trend data was provided in respect of allegations by protected characteristic, showing that recent increases were related to gender, and that increases against the five-year average were driven by both gender and race (the latter accounting for the highest number of allegations in 2021/22).

In relation to race-related allegations in 2021/22, the majority were from individuals of a BAME background and involved complaints by individuals subject to police action (mainly in relation to road traffic matters). A sizeable minority involved complaints by individuals reporting an incident to the police.

In respect of allegations relating to gender in 2021/22, 55.2% were made by male complainers (half of which perceived discrimination by police following involvement in domestic incidents). 37.9% were from female complainers, where the majority related to a perceived lack of police action, and where in all instances the attitude of subject officers was referenced when communicating with them and their actions perceived to have been discriminatory on the basis of gender. A further 6.9% of allegations related to transgender complainers. The Committee asked whether any evaluation had been undertaken around the imbalance of reporting in relation to gender, particularly in light of recent awareness campaigns, to which Police Scotland confirmed that it would consider this further.

The report noted that 2.7% of discriminatory behaviour allegations were upheld in 2021/22, an increase from 2% in 2020/21, but a decrease against the five-year average of 5.8%. It noted that upheld complaints related to:

- failure of a service advisor to provide reasonable assistance or adjustments for a caller who declared that they were autistic
- a subject officer who referred to a complainer who self-identified as a female as 'Sir' when leaving a voicemail message
- a complainer who was asked to leave a public building when not wearing a face mask during the COVID-19 pandemic, but who cited autism as a reasonable exemption in line with the then-current guidance

The report emphasised that individual and organisational learning is cascaded in relation to upheld allegations, but also where investigations into matters subsequently not upheld nevertheless identifies opportunities to inform practice in interacting with the public.

Finally, analysis was undertaken in relation to subject officers linked to such allegations during 2021/22, which identified that there was no concentration of officers at specific stations or shifts implicated in the increase in allegations seen. Following Committee discussion around higher concentration of allegations in respect of subject officers within the 2-5 year service bracket, it was confirmed that this was due to officers with this level of service more likely to be in operational roles.

Quality of Service

The report provided comparison of quality of service allegations sub-type, between 2021/22 and the five-year average.

Service Outcome	<ul style="list-style-type: none">• Lack of satisfaction with action taken• Police failure to take action
Service Delivery	<ul style="list-style-type: none">• Policing presence• Time of response• Type of response
Policy/Procedure	<ul style="list-style-type: none">• Policing policy• Policing practice• Policing procedure

It noted that, due to the high number of allegations within this category, key themes were identified via dip sampling of those sub-types with the highest volumes:

Policing procedure

- Productions
 - dissatisfaction over the grounds for seizure, retention by Police Scotland, failure to return these in a timely manner, not issuing receipts, plus the destruction or disrepair of property seized
- Police attendance at properties
 - dissatisfaction over attendance in relation to reported incidents, forced entry, searches conducted without lawful authority, inaccurate information and attendance at unsociable hours

Type of Response

- Lack of updates
 - dissatisfaction expressed regarding inadequate communication and/or lack of contact from police. These vary from following incidents reported, death messages, active investigations and outcomes of enquiries
- Lack of Police action
 - dissatisfaction with regards to matters reported to Police which have resulted in no action taken. Perceived insufficient enquiry and the manner of how those reports were progressed were prevalent factors here. Neighbour related issues were also a common theme amongst those allegations
- Manner of attending officers
 - lack of empathy and dismissive as regards complainers concerns
- Non-attendance
 - failure of police officers to attend incidents reported. Road traffic matters, vandalism, noise complaints, threatening and abusive behaviour featured amongst the types of incidents subject to complaint

Lack of Satisfaction with Action Taken

- Lack of Police action
 - dissatisfaction from members of the public reporting offences and perceiving a lack of enforcement as a result. Primarily these revolve around officers not establishing criminality and suspects not being arrested/charged. Neighbour related concerns were identified to be a common feature amongst those

The Committee has sought clarity on whether there was any learning from this analysis and opportunity to aggregate the same, particularly in relation to lack of updates. Police Scotland advised that lack of update has been an ongoing concern raised via public engagement surveys.

Following the above report, Members discussed the importance of ongoing engagement on the areas presented for the purposes of learning and improvement. Noting the importance for follow-up, the Committee asked that Police Scotland provide update on management actions being taken in response to the identified themes.

Following on from the above, and considering trend data from 2022-23, Members have continued to seek to understand the circumstances surrounding Service Delivery allegations more broadly (and more specifically those relating to Time of Response), and any correlation with resourcing levels.

Following earlier discussion in May 2022, Members have continued to enquire around the drivers for allegations in relation to Irregularity in Procedure allegations. More recently Police Scotland have committed to reporting back on associated elements of procedure which are generating the largest number of allegations in this regard, and what they are doing in response.

Determinations

During 2022-23, a total of 11,395 allegations were closed. 4,659 of those allegations were attached to completed criminal and non-criminal complaint investigations and subject to formal determination (i.e. not subject to frontline resolution), with 16% being upheld.

Table 7 below provides trend information over the past three years in this regard, highlighting small year on year increases in the number of upheld allegations, as the number requiring formal determination has seen a corresponding decrease.

	2020-21	2021-22	2022-23
Number of allegations	6,126	5,479	4,659
% upheld	14.5%	14.1%	16.0%

Following request from the Committee, Police Scotland have additionally included information on the largest volume categories and sub-types surrounding allegations upheld during 2022-23, as follows:

On Duty Allegations

- Irregularity in Procedure (284), of which the highest volume sub-category was Insufficient Enquiry Carried Out (89)

Quality of Service Allegations

- Service Delivery (171), of which the highest volume sub-category was Time of Response (117)
- Service Outcome (159), of which the highest volume sub-category was Lack of Satisfaction with Action Taken (99)

It should be noted that, if complainers are dissatisfied with the handling of their complaint, they can request a review via the PIRC. Members have previously heard that the introduction in 2021 of a centralised national complaint handling model offers a further degree of independence in handling, alongside the independent role of PIRC/COPFS regarding criminal complaints.

Closure Timescales

In line with PIRC Statutory Guidance, policing bodies should aim to respond to complaints requiring investigation within 56 days of receipt (with the aim of FLR being to provide a quick, informed response within a much shorter timescale).

In 2022-23, Police Scotland changed its approach to reporting on timescales, providing data on non-criminal cases inclusive (rather than exclusive) of those closed via frontline resolution. Table 8 below provides trend information over the past three years in this regard, detailing average closure timescales, as well as the proportion closed within 56 days. It highlights that average closure timescales have seen a year on year increase over the period. Whilst there was slight improvement in the proportion of cases closed within 56 days compared to 2021-22, it is still 5% lower than in 2020-21.

Information on the proportion of complaints closed via frontline resolution is provided earlier in the report.

Table 8:

	2020-21	2021-22	2022-23
Average Closure Time (days)	57	72	78
% Closed within 56 Days	72.4%	64.4%	67.5%

Police Scotland have noted challenges around imbalance of demand against resource, and the impact on complaint handling timescales, but advise that they are looking to make improvements to increase the efficiency of the process. When asked about key opportunities for improvement, the PIRC have noted the need for improvements in relation to the timely communications with complainers. Linked to the above, Members have noted that, whilst all complaints are important, they are keen to further understand how complaints are triaged within Police Scotland, to ensure prioritisation of those of a more serious nature.

Police Investigations & Review Commissioner

Unless otherwise stated, data in this section of the report refers to all cases considered by the PIRC. Whilst the vast majority of cases relate to Police Scotland, figures include a small minority relating to complaints handled by other policing bodies operating in Scotland.

Complaint Handling Review (CHR) Applications

Complaints handled by Police Scotland (and by other policing bodies operating in Scotland, including the SPA) may be subjected to an independent Complaint Handling Review (CHR) by PIRC. Within three months of receiving a final response from Police Scotland, complainers have the opportunity to request an independent review by PIRC in respect of how their complaint was handled. The PIRC publish an anonymised Executive Summary version of complaint handling reviews on its website.

As outlined in Table 9 below, the PIRC received 254 applications requesting a complaint handling review during 2022-23, which is broadly comparable to previous years (data in relation to CHR applications specific to Police Scotland is only available from 2020-21, earlier data referring to applications received in relation to all policing bodies operating in Scotland).

Recognising that the number of CHR applications represents only a small percentage of the total number of complaints handled by Police Scotland, the PIRC have emphasised the importance of the CHR process being supplemented by ongoing dip-sampling and audit activity.

Table 9:

	2018-19	2019-20	2020-21	2021-22	2022-23
Applications Received	258	278	268	269	254

CHR Reports

Table 10 below provides details of CHRs which have been concluded during 2022-23. Following a peak in 2019-20, the number of CHR reports has reduced each year, although 2022-23 saw a notable increase in the number of heads of complaint reviewed, evidencing an increase in the complexity of cases considered (as with table 9, with the exception of overall number of cases, data specific to Police Scotland is only available from 2020-21).

Table 10:

	2018-19	2019-20	2020-21	2021-22	2022-23
No. of Cases	133	238	230	210	201
Heads of Complaint Reviewed	527	850	879	813	946
Average Heads of Complaint	3.8	3.5	3.8	3.9	4.7

CHR Outcomes

Table 11 below provides details of the proportion of Heads of Complaint (HoC) reviewed (and closed) by PIRC assessed as having been handled by Police Scotland to a reasonable standard, with 2022-23 seeing the highest recorded figure to date.

Table 11:

	2018-19	2019-20	2020-21	2021-22	2022-23
HoC Handled to Reasonable Standard	44%	62%	71%	68%	74%

While CHR outcomes are assessed as 'reasonable' or 'not reasonable', the PIRC are proactive in highlighting good complaint handling practice in feeding back to Police Scotland and will comment in instances where this has been particularly good.

This now includes instances where the PIRC exercise Discretionary Decisions in not pursuing a Complaint Handling Review, with letters to Police Scotland highlighting good complaint handling and application of the PIRC Statutory Guidance. PIRC advise that they hope that, by highlighting good practice and reinforcing positive learning, complaint handling standards will improve and build public trust and confidence.

Whilst it is appreciated that the number of CHRs undertaken by the PIRC account for a very small proportion of all complaints handled by Police Scotland, Members continue to note the proportion not considered to have been reasonably handled, and have previously sought clarity on the embedding of learning to prevent occurrence.

CHR Disposals

Table 12 below provides details in relation to CHR disposals that have been issued during 2022-23 (as with table 9, data specific to Police Scotland is only available from 2020-21). Reconsideration Directions are reserved for cases where serious shortcomings or concerns have been identified. It is noted that no Supervised Reconsideration Directions have been made in the last four years, and that 2022-23 saw a further reduction in the number of recommendations and unsupervised reconsideration directions issued to Police Scotland.

The Committee has previously noted that it would welcome more granular detail in respect of CHR disposals.

Members sought assurance around follow-up by PIRC of recommendations for reassessment of complaints and were assured that Police Scotland are asked to implement all learning points, recommendations and reconsideration directions within 56 days. These are tracked and there is ongoing dialogue between PSD and PIRC around progress. Members have previously heard from Police Scotland that its position is to embrace all recommendations that are returned from the PIRC following Complaint Handling Reviews (CHRs), and from the PIRC that any recommendations remain open until they are satisfied that they have been fully implemented.

The Committee has previously noted that it would welcome further assurance reporting in this regard.

Table 12:

	2018-19	2019-20	2020-21	2021-22	2022-23
Reconsideration Direction - Supervised	1	0	0	0	0
Reconsideration Direction - Unsupervised	54	39	17	12	4
Recommendations	217	303	268	264	225
Learning Points	49	74	51	108	44

Recommendations Made

Table 13 below provides details on the recommendations issued to Police Scotland by type in 2022-23. Whilst there have been year-on-year improvements in the number of CHR disposals issued, recommendations continue to consistently identify common themes in respect of recording of individual complaints, insufficient complaint enquiry and quality of final response letters sent to complainers.

Police Scotland provided Members with a detailed overview of training in place for complaint handlers, although the PIRC have noted that from their perspective this is a key area with scope for improvement. They advised that they were liaising with Police Scotland in this regard, confirming plans in place to take this forward.

The Committee and PIRC have noted that, whilst the new Complaint Handling Model was still bedding in during 2022-23, the continued identification of these themes may be partly attributable to the normal flow of officers into and out of the Professional Standards Department. However, Police Scotland have offered reassurance that this is not the case.

Table 13:

Recommendation Type	2021-22	2022-23
Reassess & Fresh Response	32%	32%
Conduct Further Enquiry	34%	36%
Provide Further Response	7%	11%
Record Complaint & Respond	3%	5%
Record as CAP	12%	12%
Apologise	3%	1%
Revisit policy/procedure	2%	0%
Other	7%	3%

Police Scotland Organisational Learning

Learning and improvement is a key focus across Police Scotland and, in particular, in respect of complaint handling and public confidence in the process. The Committee understands that Police Scotland is committed to promoting a culture of organisational learning, and that trying to reduce, appropriately, complaints is an organisational imperative.

Organisational learning is identified and derived through a variety of sources, including, but not restricted to, PIRC Complaint Handling Reviews (CHRs), PIRC Investigations, reports shared by the Crown Office and Procurator Fiscal Service (COPFS), audits by external agencies, internal reviews of particular incidents, conduct matters or processes, and from internal feedback identified as part of the complaint handling process.

There are various avenues for the dissemination of learning, review and the implementation of improvement of policies and procedures. The most appropriate route for dissemination is identified, whether through the governance structure instigated in respect of serious incidents, or through a communications strategy and via the monthly Divisional Commanders' report, e-briefings, memoranda, news articles on the internal website and SPA Complaints and Conduct Committee quarterly reports.

Complaint handling is a standing item on local scrutiny boards, in preparation for which PSD engage directly with Divisions. Each month, Divisional Commanders are provided with complaint data, highlighting both quantity and types of complaints in their specific areas, alongside comparative data and any identified themes and/or trends. This forum is also used to deliver organisational learning messages and instigate associated actions.

Compliance with recommendations and learning is monitored to ensure it has been successfully embedded in practice. The reports are supplemented by monthly meetings where learning opportunities can be identified and reinforced. Additional support can be provided by the learning and improvement team supported by the PSD training cadre.

In November 2021, Police Scotland committed to bringing forth future reporting focussed on learning, at both organisational and divisional levels, and how this is being progressed. The Committee previously noted that being a learning organisation, although the right thing to do, can be a challenge to achieve in practice. In November 2022, the Committee heard that Police Scotland was reviewing its approach to organisational learning (not limited to complaints), subsequently updating in March 2023 that processes were now being established to more effectively capture, implement and monitor the impact of learning. Police Scotland is also in the process of developing its first Learning and Development Strategy. As that work progresses, they have advised that they will consider internal governance structures across all functions, ensuring that the Professional Standards Department makes a positive contribution towards ensuring that Police Scotland becomes a thriving learning organisation. Police Scotland subsequently presented a report to the Committee in June 2023, which outlined current and planned improvements in respect of organisational learning in relation to complaints. The report acknowledged that they are keen to provide more substantive assurance reporting in this regard, and are committed to exploring how best to improve how the organisation captures, analyses and implements learning identified internally and not only as a result of formal recommendations from independent investigation or CHR, but noting that there are system challenges in being able to extract and analyse data to enable review of success of resulting improvement actions. Members encouraged Police Scotland to progress the continuous improvement element as much as possible and to assess the effectiveness of proactive steps being taken to reduce complaints.

Separate to the above, Police Scotland have, during 2022-23, enhanced the organisation learning section of its regular public report to reflect learning from analytical work identified following identification of particular complaint trends, and resulting action being taken in response, as well as more recently introducing content in relation to continuous improvement activity which seeks to prevent avoidable complaints arising in future. Police Scotland have also adopted a new IT system to improve its ability to track discharge of actions identified as a result of organisational learning more generally.

During 2022-23, Police Scotland introduced a Preventions and Professionalism programme, as part of a wider organisational values campaign, which is focussed on standards of professional behaviour, and which seeks to embed the desired organisational culture, and in turn prevent complaints arising in this regard. The programme, which has been informed using organisational learning identified from complaints, is being embedded across all stages of training within the organisation. Whilst Police Scotland advise that it will be difficult to quantify how many complaints are prevented as a result of this work, measures are in place for different parts of the programme which they hope will demonstrate impact in terms of improvements going forward. PSD have also developed a quarterly newsletter which aims to provide preventions messaging to mitigate the risk of officers and staff becoming the subject of a complaint or conduct investigation. Messaging is prioritised to raise awareness of the most common themes/trends arising from complaint or conduct investigations.

Members have sought clarity on steps being taken when individuals are identified across several complaint cases. Police Scotland confirmed that there is an Early Intervention process which is invoked by PSD if an individual is subject to four complaints in a rolling twelve-month period (regardless of whether or not upheld or individual shortcomings identified), and where the individual would be provided with corrective advice. They advised that, during 2022-23, the process was invoked in respect of 87 officers (18 of whom had previously been through the process on one or more occasions). In the vast majority of cases, this resulted in a notification being delivered by Divisional management, and involving discussion and reflection of complaints received, and addressing any influencing factors. The remainder of cases resulted in a Divisional Intervention meeting. Police Scotland advise that further assessment is required over a longer period of time to fully assess the effectiveness of the process, and whether this has resulted in a reduction in complaints. They also confirmed that a review is underway to consider further developing the early intervention process to consider information from a variety of other sources (not limited to complaints), with a focus on welfare, prevention and intervention to enable enhanced support to be provided to officers and staff.

Examples of learning identified during 2022-23 were as follows:

Learning in Respect of Complaint Handling

Much of the learning coming from 2022-23 Complaint Handling Reviews relate to compliance failings with the PIRC statutory guidance, and are broadly aligned to similar matters identified in 2021-22. Police Scotland have stated that many of these CHRs relate to investigations carried out prior to introduction of the new national complaint handling model in 2021. As learning from CHRs has become less relevant to non-PSD officers, an additional learning report was created in 2023 aimed at PSD complaint handlers only. Police Scotland hope that this targeted approach, within the new model, will result in improved standards and fewer learning points from CHRs arising in future.

- the importance of obtaining a statement of complaint from the applicant, taking account of their particular needs or circumstances, and ensuring a clear understanding regarding the matters to be investigated
- ensuring appropriate application of provisions within the PIRC statutory guidance in relation to FLR
- ensuring correct application of the non-investigation provision in relation to non-criminal complaints. This relates to cases where FLR is unsuccessful but it may not be necessary or proportionate to progress to a full investigation
- the importance of carrying out a thorough complaint enquiry, to enable a comprehensive response
- officers should be named in any response letters or their badge numbers referred to unless there is a specific officer safety reason for not doing so
- response letters should acknowledge any delay in the complaint handling processes (i.e. for those over 56 days), explain the reasons for any delay and provide the applicant with an apology
- timeous, accurate records should be kept, detailing all contact with an applicant and all enquiries carried out during the processing of complaints, enabling an audit trail of any decisions made and ensuring accuracy of final response letters

Learning in respect of Policing Practice

- Local management within individual Divisions have implemented a range of actions to address matters raised following analysis of recent complaint trends:
 - one-to-one or group briefings, training or reference to guidance in instances where a lack of understanding of process or procedure has been identified
 - training on customer care, including focus on dealing with members of the public who may be distressed, emotional or abusive
 - identified need for development of Officer Safety Training in light of allegations of excessive force or assault
 - reinforcing the importance of keeping members of the public updated where there are delays in responding
 - continuing to ensure supervisory-level scrutiny of action taken by officers when dealing with incidents, in light of allegations of a perceived lack of police action
- Officers are reminded that the welfare of pets in the care of people in custody falls to the arresting officer (as opposed to the Criminal Justice Services Division)
- Officers must ensure compliance with Scottish Crime Recording Standard guidelines and the Disclosure of Evidence Manual in respect of the submission of exculpatory evidence to the Crown Office & Procurator Fiscal Service
- Officers are reminded of the definition of a 'missing person' as set out in the Police Scotland Standard Operating Procedure
- Officers are reminded that Standard Prosecution Reports (SPR) must contain valid and factual information that accurately reflects events and the evidence gathered during an investigation
- Officers are reminded that statements must be based on an individual's own words (as opposed to copying SPR content)

Scottish Police Authority Complaints Performance

The following charts provide information regarding the handling of relevant complaints received by the Authority during 2022-23, and provide comparison to previous years. Due to prior arrangements for reporting to Committee, trend information is only available (except where otherwise stated) from 2019-20. Earlier data based on the previous reporting approach is outlined in previous annual reports.

In all instances, data below relates solely to cases received within the remit of the SPA. The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. The vast majority of these are matters which require to be brought to the attention of Police Scotland’s Professional Standards Department (PSD). Engagement has taken place with other policing oversight bodies, which has evidenced that the SPA is not unique in this regard and that activity to ensure appropriate signposting to complainants is consistent with that undertaken elsewhere.

Complaints

Figure 1, below, shows the number of relevant complaint cases received per year, as well as other cases within the remit of the SPA (see Introduction). ‘Other’ cases include grievances, whistleblowing, misconduct allegations, criminal allegations etc.). In the context of low case numbers received generally, volumes of relevant complaint cases (and allegations) show a gradual decline, with a more pronounced drop in 2022-23. Across the four-year period, 65% of cases received (within the SPA remit) were categorised as relevant complaints. There has been a steady increase in other cases not categorised as relevant complaints.

Figure 1:

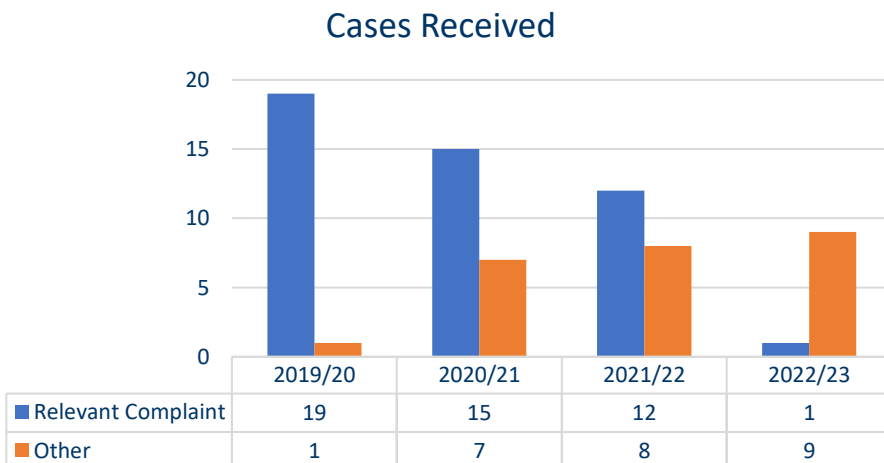
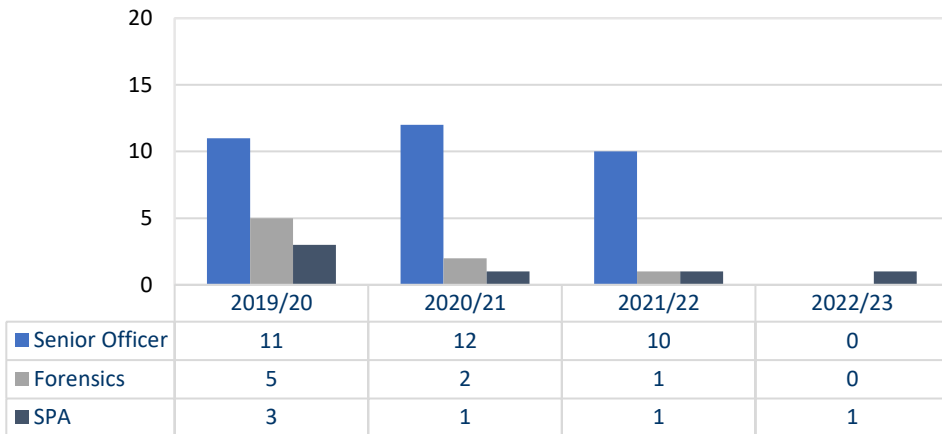


Figure 2, below, shows the number of relevant complaint cases received per year, broken down by subject of complaint. The majority of relevant complaints (70%) relate to senior officers of Police Scotland, although absolute volumes remain low. From 2019-20, the number of relevant complaints (and allegations) about senior officers was largely static, until 2022-23 when no cases were received. From a high in 2019-20, minimal numbers of relevant complaints (and allegations) have been received about the SPA (including Forensic Services).

Figure 2:

Subject of Complaints



Allegations

Figures 3 and 4, below, show the number of allegations contained in relevant complaints cases received by the SPA, broken down by both subject of complaint and allegation category.

The split of allegations by subject of complaint mirrors that of overall relevant complaint cases, with 61% (of 70 individual allegations over the four-year period) relating to senior officers of Police Scotland.

In respect of allegations by category, On Duty allegations were broadly similar in number from 2019-20, before a significant drop in 2022-23. The number of Quality of Service allegations shows a steady decline over the period, with no allegations received in 2022-23. No Off Duty allegations have been received over the reporting period.

Figure 3:

Allegations by Subject

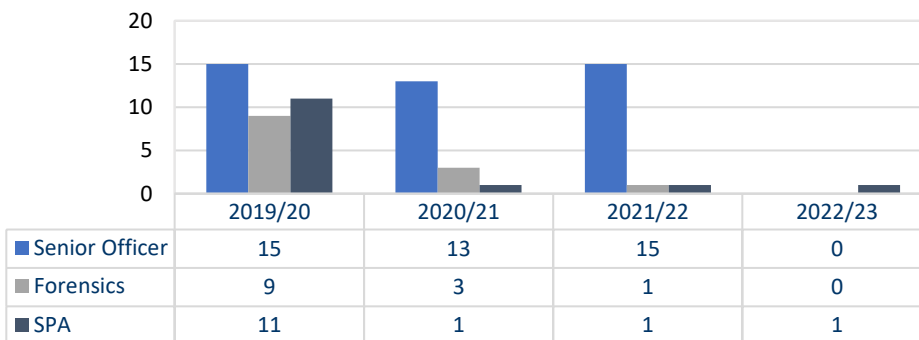
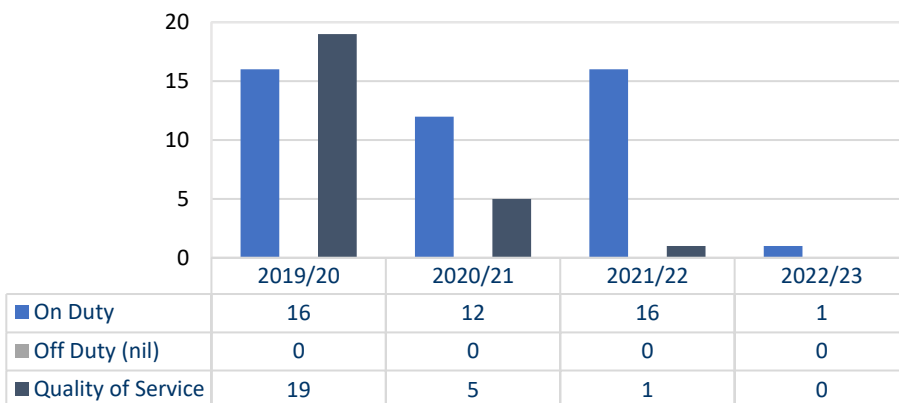


Figure 4:

Allegations by Category



Determinations

Table 14, below, shows the determination of 'relevant complaint' allegations. 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 is recorded in the table as 'Closed- UA'.

21% of cases within the remit of the SPA during the past four years were resolved through early stage resolution (which enables complaints to be resolved at an early stage by way of explanation, assurance or apology). Of those which did require a determination by the SPA, 56% of allegations were not upheld. In respect of complaints received (and subsequently closed) during this period, the PIRC completed one Complaint Handling Review, determining that the complaint had been handled to a reasonable standard by the SPA.

Table 14:

	2019-20	2020-21	2021-22	2022-23
Cases requiring formal determination - Upheld	3	0	0	0
Cases requiring formal determination - Not Upheld	17	9	13	0
ESR	4	6	4	1
Withdrawn	0	1	0	0
Abandoned	3	1	0	0
Closed UA	8	0	0	0
Total	35	17	17	1

Closure Timescales

As noted above (see Introduction), the handling of relevant complaints are subject to the oversight of the PIRC who have an expectation that such complaints should be completed within 56 days (or 40 working days). Table 15, below, shows the average timescales for the closure of 'relevant complaints' handled by the SPA. Following a high of 96 days in 2017-18, the average time to closed relevant complaints has broadly reduced to a low of 14 days in 2022-23.

Table 16 shows the number of cases which were completed outwith the 40 working day target (and the length of time taken, shown in bands). Following a high in 2018-19, the number closed over target has decreased, with 73% of cases completed within target over the reporting period.

A number of factors can affect the time taken to conclude relevant complaints. These may include the number of allegations made by the complainer, the complexity of the complaint and the availability of the information required to determine the complaint. However, regular contact is made with those who raise complaints and to ensure that they are advised at the earliest opportunity once a clear indication of the complaint outcome is known. In respect of cases completed outwith target during the reporting period, these include:

- complexity/seriousness of enquiries and investigations undertaken
- requirement for case reviews by Forensic Services
- large volumes of documentation provided by the complainer
- information required from outside the SPA which was not readily available
- multiple requests for complainer to submit information

Table 15:

	2018-19	2019-20	2020-21	2021-22	2022-23
No. Closed	27	19	15	12	1
Average working days to close	46	23	41	30	14

Table 16:

	2018-19	2019-20	2020-21	2021-22	2022-23
41-60 days	5	2	1	1	0
61-90 days	1	2	0	1	0
91-120 days	2	0	0	0	0
121-150 days	0	0	0	0	0
151-180 days	2	0	0	1	0
Over 180 days	0	0	2	0	0
Total Cases	10	4	3	3	0

Organisational Learning

The SPA is committed to promoting a culture of organisational learning, with opportunities identified through a variety of sources including complaint handling, via individual cases, either at point of determination or where subject to a CHR, or through benchmarking good practice.

In November 2022, the Committee considered a report which detailed the results of a review conducted by the SPA Complaints Team into themes and learning opportunities identified in relation to the handling of relevant complaints by the SPA over the period 2017-18 to 2021-22, building on a report containing key statistics of note over the same period presented to the Committee earlier in the year. The review followed a report presented to the Committee in 2018, covering the first five years of the SPA's inception, providing the opportunity to compare current trends and learning opportunities against earlier findings.

Given the low number of relevant complaints within its remit typically received by the SPA, and the breadth of possible complaint types, a small number of common themes were identified, as follows:

Complaints about senior officers not responding to correspondence from members of the public

- a process had previously been established within Police Scotland to address this issue. However, further measures are required, given that complaints of this nature continue to be received by the SPA

Quality of Service complaints

- whilst this overarching complaints category covers a broad range of activities, a number of learning points (see below) were identified

Categorisation of complaints

- a number of complaints received in 2017-18 and 2018-19 were initially recorded as relevant complaints, despite (upon investigation) being identified as instead relating to internal grievance or similar issues. This was a matter highlighted in the Angiolini Review Preliminary Report, with resulting amendments made to the SPA Complaint Handling Procedures, which have served to prevent recurrence

In terms of identified organisational learning:

- recommendations were made within CHR outcomes received during the review period identifying the need to conduct further enquiries into complaints or to provide further response to complainers. Following subsequent internal process improvements, the SPA has received no further CHR recommendations regarding its complaint handling
- the review identified a number of learning points which had arisen from individual cases surrounding the circumstances of the complaint (as opposed to complaint handling). In each instance, following action taken (covering data protection training; changes in procedure within Forensic Services and Police Scotland; and advice around Forensic Services communications with members of the public) no similar complaints have arisen

To support continuous improvement, officers from the Police Scotland Professional Standards Department were seconded to the SPA Complaints Team during the early part of 2022-23, resulting in a number of key improvements being made to internal team processes. This secondment additionally provided opportunities for two-way learning between the SPA and Police Scotland, serving to enhance mutual awareness and understanding of responsibilities.

In May 2022, the Committee heard that the SPA Complaint Handling Procedures had been benchmarked against Scottish and International standards. Whilst no major differences were identified, further opportunities to enhance internal team processes were identified, including processes for identifying and recording learning.

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Cross-Agency Joint Working

One of the recommendations arising from the Angiolini Review Preliminary Report was that there should be the immediate establishment of a senior cross-agency Working Group involving the SPA, Police Scotland and the PIRC to develop appropriate and up-to-date guidance drawing on the considerable knowledge and expertise that exists within, and outwith, those organisations, consulting other experts and external organisations as and when required.

The Report further recommended that this approach would benefit from Crown Office and Procurator Fiscal Service (COPFS) representation. In response, a cross-agency National Complaint Handling Development Group (NCHDG) and Strategic Oversight Group (SOG) were established. Regular updates on the work of both groups are provided to the Committee.

National Complaint Handling Development Group

The NCHDG was established in August 2019 to provide a forum for the SPA, Police Scotland and the PIRC to work collaboratively to consider all aspects of complaint handling in relation to policing in Scotland. Its original focus was on bringing practitioners from partner organisations together to address a number of practical issues, most of which have since been addressed. Whilst the group has since been highly successful in working collaboratively to deliver better complaint handling practice in Scottish policing and ultimately to improve public trust and confidence, it was recognised that it had since moved beyond its originally intended purpose.

At the time of establishment, it was also considered that the group would operate as a forum to consider the recommendations of the Angiolini Review and, where appropriate, to drive and deliver on relevant recommendations. Since then, separate national arrangements have been established in this regard, including the Practitioner Working Group on which all partner organisations are represented.

As a result, during 2022, and following discussion between partner organisations, it was agreed that it was appropriate to pause meetings of the group, to enable the opportunity reflect on and review its purpose and remit. The group met again on 8 June 2023, and agreed a refreshed focus on delivering better complaints handling via a peer group advisory forum format, with an opportunity to focus on areas of organisational learning and picking up on key matters being raised by the PIRC or the SPA Complaints & Conduct Committee; a vehicle to address issues, such as training, which arise due to officer rotation into and out of Police Scotland Professional Standards Department; and a means of prioritising and co-ordinating partner audit/dip-sampling plans. It is expected that a key early action of the group will be to engage with the Scottish Public Services Ombudsman (SPSO) to better understand support/resources available and how these might be utilised within complaints handling in policing in Scotland.

Strategic Oversight Group (SOG)

The SOG was formally established following publication of the Angiolini Review Preliminary Report in June 2019, and comprises representatives from Police Scotland, PIRC, SPA and COPFS, with the purpose of working together to achieve:

- increasing public confidence and satisfaction with service across all relevant bodies
- ensuring consistent practice in relation to complaints handling and investigations across the policing/justice sector
- dealing effectively and expeditiously with complaints to reduce delays
- increasing public awareness and understanding of the complaints handling and investigations process
- improving communication with the public around progress
- fostering proactive co-operation between organisations
- sharing relevant information in relation to all aspects of complaint handling and investigations

Following publication of the Angiolini Review Final Report, a new terms of reference was established for the SOG as part of the national governance structure established to oversee implementation of resulting recommendations, 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. During 2022-23, the focus of discussion in this regard has included the following:

- feedback following implementation in October 2021 of a new model for referral, assessment and investigation by PIRC of complaints against Police Scotland alleging a breach of Article 3/5 of the European Convention on Human Rights (ECHR)
- HM Inspectorate of Prosecution in Scotland [Inspection of the management of criminal allegations against the police by COPFS report](#)
- development of new on-call guidance

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Look Ahead to 2023-24

The Angiolini Review Final Report comments:

"I believe that the two functions below are the significant responsibilities that the Complaints & Conduct Committee should focus on in future:

"(iii) Monitor the handling of relevant complaints by SPA and PS, seeking information on themes or trends as appropriate, with a view to the Committee satisfying itself that the arrangements maintained by SPA and PS for the handling of relevant complaints are suitable."

"(ix) Critically examine reports from HMICS, PIRC, and any other information provided by PS in relation to complaints about the police, and ensure that appropriate improvement plans are implemented or remedial action is taken within agreed timescales."

Looking ahead to 2023-24, the Committee will seek to capitalise on earlier progress in respect of the collation and analysis of complaints handling statistics, with a view to seeking greater insights in respect of complaints handling performance through the quarterly reports provided by the SPA, Police Scotland and the PIRC.

As well as providing continued oversight in respect of the delivery of the remainder of actions being taken forward by the SPA and Police Scotland relating to recommendations from the Angiolini Review, it will seek evidence that completed actions successfully have the desired impact.

It will seek evidence of action taken in response to the findings of the recently published first joint SPA/PIRC annual audit of Police Scotland complaint handling arrangements, as well as seeking further assurance in respect of complaint handling arrangements via future planned audit/dip-sampling activity.

In carrying out the above, the Committee will seek to enhance its ability to assess the suitability of complaints handling arrangements, as well as to promote ongoing continuous improvement in this regard, extending beyond the complaints handling process itself, seeking assurance that resulting organisational learning is identified, shared and embedded with a view to preventing those circumstances which give rise to complaints recurring in the future, serving to deliver against the Scottish Police Authority vision of 'policing in the public interest'.