



Agenda Item 3

Meeting	SPA Complaints and Conduct Committee
Date	22 August 2023
Location	Virtual – MS Teams
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q1)
Presented By	T/ACC Stuart Houston Chief Superintendent Catriona Henderson
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q1

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 2023 – 30 June 2023).

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 2023 – 30 June 2023).

Data contained in this report is management information and is correct as at 18/07/2023, 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

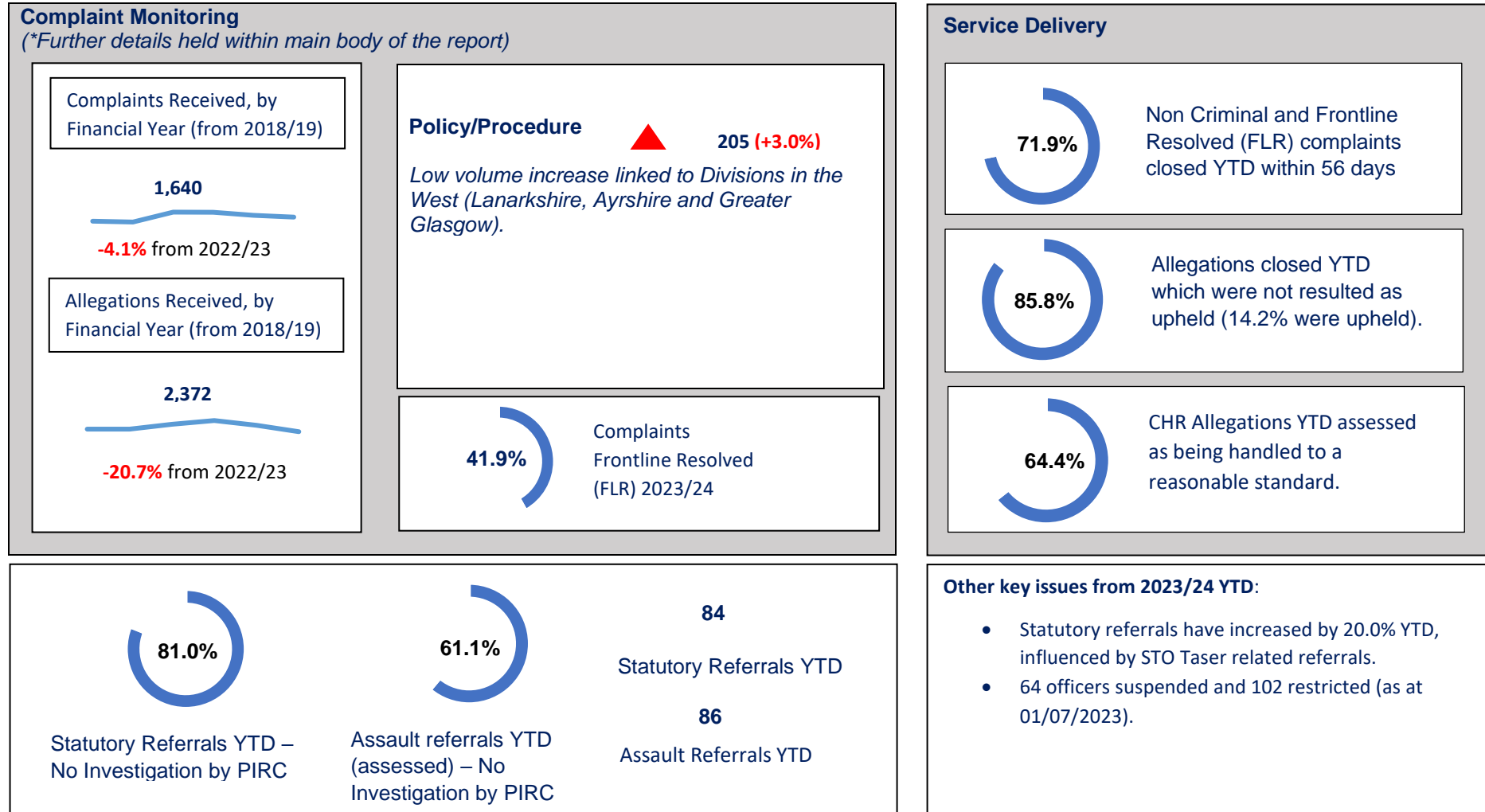
Members are invited to discuss the content of this report.



Professional Standards SPA Performance Report - Quarter 1 of 2023/24

Meeting Date: 22 August 2023

Professional Standards Department Dashboard



Service Delivery

- A total of **1,640** complaints were received during 2023/24 YTD (**-4.1%** decrease from the PYTD and **-1.4%** decrease against the five year average).
- **41.9%** were Frontline Resolved (FLR), a reduction from the PYTD rate of **51.3%**.
- **41** CHRs were received YTD, with **64.4%** of allegations reviewed found to be handled to a reasonable standard (**-12.2%** from PYTD).
- Approximately **2.5%** of complaints reported are subject of CHR.
- **84** statutory referrals were made to PIRC, an increase YTD by **20.0%**. Of these, **81.0%** resulted in no investigation by PIRC.
- The main driver for the volume of referrals relates to Taser discharges by Specially Trained Officers (STO). It is assessed that the prevalence of mental health factors correlating with the possession of offensive weapons has led to increased referrals for the presentation or discharge of Police firearms to conclude such incidents; recognising the increased volume of Armed Policing referrals noted during 2022/23 (which has since levelled). Also relevant is the uplift in STO's in recent years, along with assaults against officers widely recognised to be at a high level. All of these factors combined are influential in the increased volume of such referrals, which are assessed as likely to remain at an elevated level in the short, medium and long term. With a low proportion of STO Taser referrals YTD resulting in a PIRC investigation (**7.4%**), use of Taser in the vast majority of these instances have been assessed as proportionate and justified – with **2** referrals remaining subject to a live PIRC investigation.
- **8** misconduct hearings in respect of Gross Misconduct were scheduled YTD and resulted in **1** dismissal, **2** final written warnings, **2** written warnings, **1** verbal warning and **1** no action. A further **4** allegations were concluded with resignation prior to a hearing.

Complaints Received

- A total of 1,640 complaints received YTD, -4.1% from the PYTD and a -1.4% decrease from the five year average. Complaints YTD are at level comparable with an average year.
- Service Outcome allegations are assessed to be the key driver in this overall YTD decrease, alongside significant reductions for Irregularity in Procedure, Incivility and Service Delivery.
- A total of 687 complaints (41.9%) Frontline Resolved (FLR), compared with 51.3% PYTD.
- 33.8% were Non-Criminal (555), 9.1% Abandoned (149), 4.5% Withdrawn (74), 4.1% Ongoing (67), plus 6.6% Criminal (108).

North Command

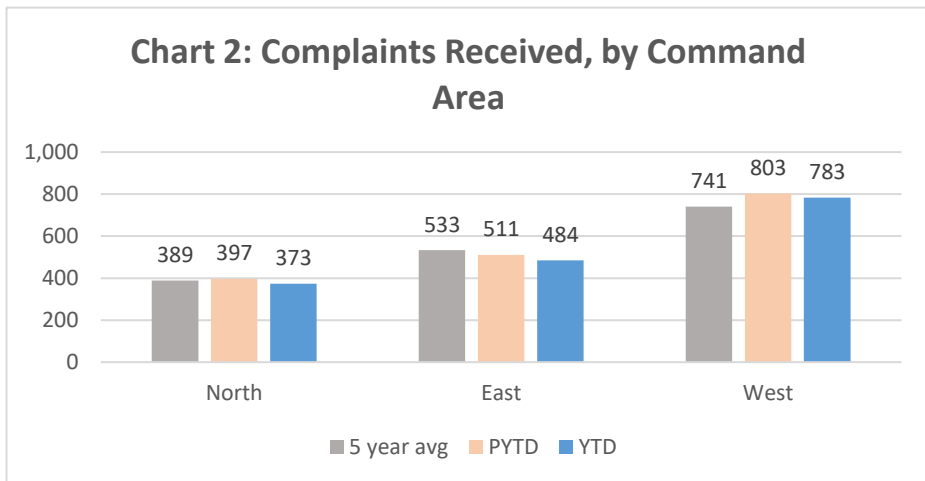
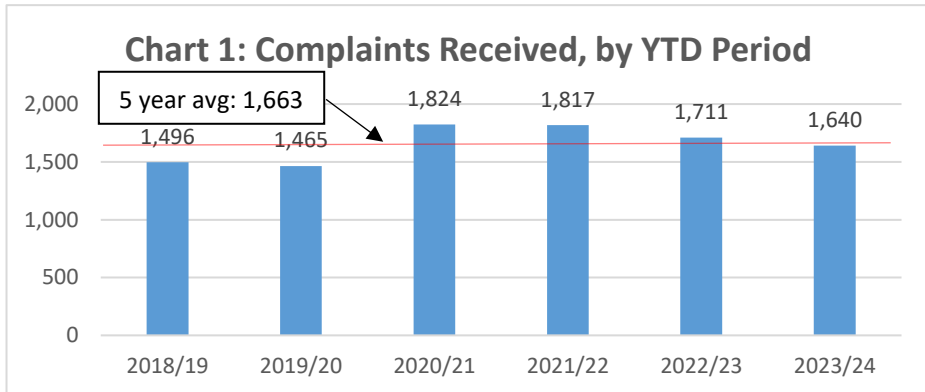
- 373 complaints received YTD, -6.0% from PYTD and -4.1% against the five year average.
- Although Tayside registered an 8.3% increase from PYTD, the volume is closely aligned to the five year average (-0.8%).
- Notably, North East Division registered a 27.1% decrease from PYTD, driving the overall decrease in the North Command.

East Command

- 484 complaints received YTD, -5.3% on the PYTD and -9.2% against the five year average.
- Although decrease from the PYTD is driven by reductions in Lothian and Borders (-48), increases of note were identified in Edinburgh (+19) and Forth Valley (+15). The primary factors are Policy/Procedure allegations, and Incivility respectively.

West Command

- 783 complaints received YTD, -2.5% from PYTD and +5.7% against the five year average. The primary driver of the latter increase is assessed to be Renfrewshire and Inverclyde (+19), however the divisional volume has remained almost static across the last three YTD periods (ranging from 83 to 84 complaints).

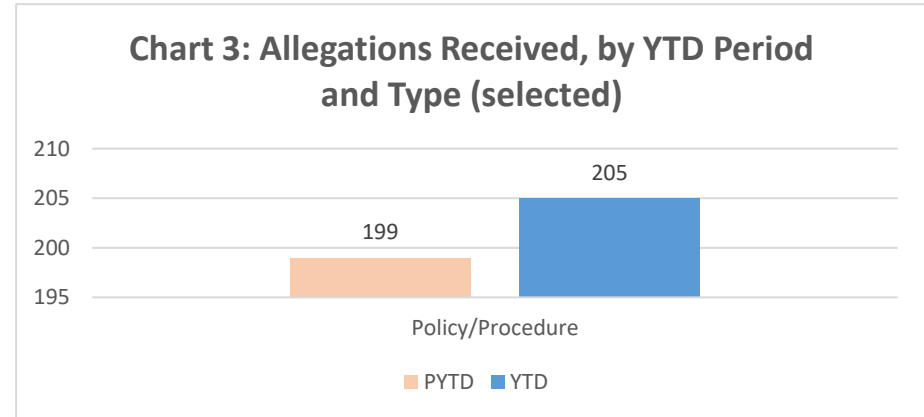


Emerging Trends

- Policy/Procedure allegations have also increased by 3.0% from the PYTD, with 205 received YTD.

Although a low volume increase nationally (+6 allegations), this is driven by increases in the West, specifically:

- Lanarkshire (+14)
- Ayrshire (+12)
- Greater Glasgow (+11).



Service Delivery

- 1,053 allegations attached to completed complaint investigations (criminal and non-criminal) concluded YTD, with 14.2% were upheld representing a decrease from PYTD (16.0%) and the five year average (15.3%).
 - Of those 149 allegations upheld YTD, the largest volume categories were linked to Irregularity in Procedure (58), Service Delivery (38) and Service Outcome (23).
 - Sub types involved were: Provide Insufficient Updates to Complainer (12), Time of Response (31) and Lack of Satisfaction With Action Taken (14).
- YTD 1,001 non-criminal and Frontline Resolved (FLR) complaints were closed. Of those, 71.9% were closed within the 56 day timescale, an increase on the PYTD rate of 67.8% (+4.1%). The average closure time YTD was 77 days, mirroring the PYTD average of 77 days.
- A total of 41 Complaint Handling Reviews (CHRs) were received YTD, down -10.9% from PYTD, with 64.4% of allegations reviewed found to have been handled to a reasonable standard (-12.2% from PYTD).
- Despite this decrease, the rate of allegations handled to a reasonable standard remains at a high level and it should be noted that 2022/23 involved monthly rates from 62.1% upwards.
- A total of 73 recommendations and 14 learning points were received YTD. The majority of recommendations received were categorised as requiring 'further enquiry' or a 'fuller/further response' (36.4% and 34.8% respectively). A further 19.7% were categorised as 'record/respond' and the remaining 9.1% as 'Other'.
- CHRs continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Chart 4: Allegations Upheld, by YTD Period

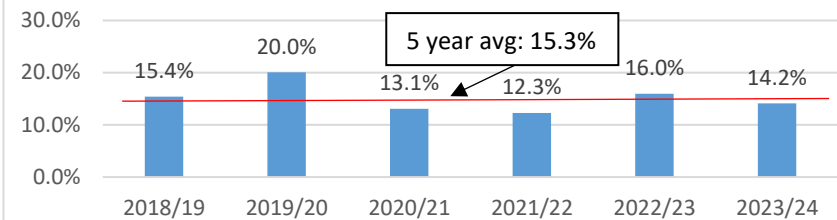


Chart 5: Non Criminal and FLR Timescales

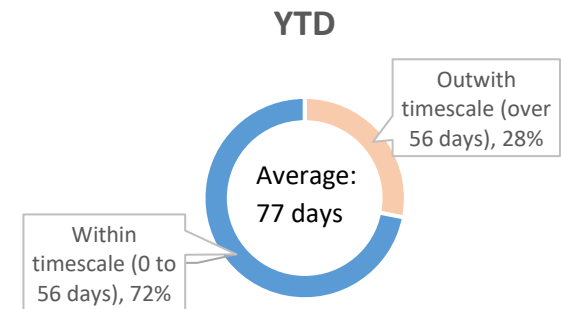
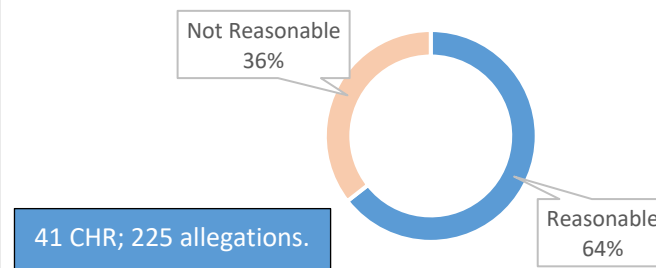


Chart 6: CHR Allegations YTD, by Outcome



PIRC Referrals

- A total of 84 statutory referrals were made to PIRC during the YTD, a 20.0% increase on the PYTD. The key driver in this increase are STO Taser discharge related referrals (27 in total, +16 from PYTD).
- STO Taser referrals YTD are assessed to have arisen largely from spontaneous incidents involving persons with a mental health concern (70.4% of the total) and in possession of an offensive weapon (primarily bladed weapons or sharp objects – 59.3% of the total). Where no weapon was involved, violent resistance directed towards officers was prevalent (22.2% of the total). No specific geographic area is assessed to have influenced this increase.
 - The national uplift in STO's and high levels of assault directed towards Police officers are further relevant factors underpinning this increase.
 - The YTD total is chiefly influenced by 12 such referrals in May 2023. The April and June totals of 7 and 8 respectively are closely aligned to the 2022/23 average of 6 STO Taser referrals per month.
 - 2 of these referrals are subject to PIRC investigation. With the remainder assessed and concluded with no PIRC investigations, this independent assurance suggests that the use of STO Taser resources in response to these events have been proportionate and justified.
- All allegations of On Duty Assault, plus any associated criminal allegations, are now also referred to the PIRC for assessment and potential investigation. This follows recommendations made in the Independent Review of Complaint Handling, Investigations and Misconduct Issues in Policing regarding alleged breaches of Article 3 and 5 of the European Convention of Human Rights (ECHR). A total of 86 such referrals were made to PIRC YTD, +3.6% on the 83 made during the PYTD. Of those, 21 are subject to PIRC investigation (24.4%).

Chart 7: Statutory Referrals to PIRC YTD, by Category

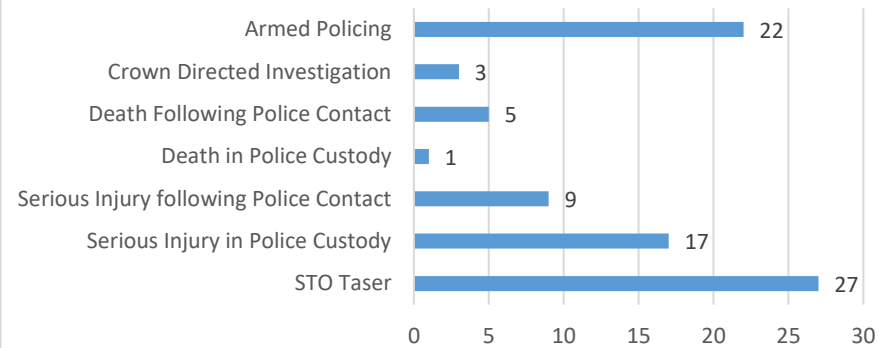
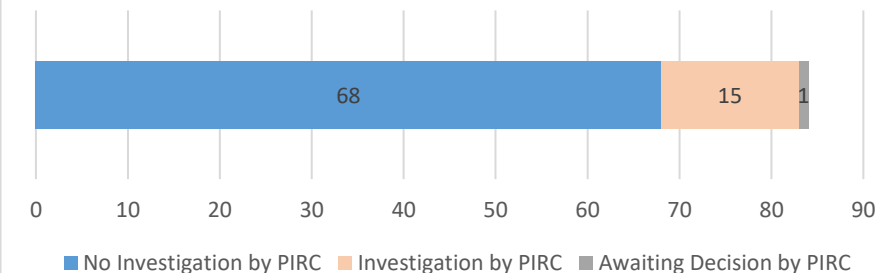


Chart 8: Statutory Referrals to PIRC YTD, by Decision Type



Conduct Unit

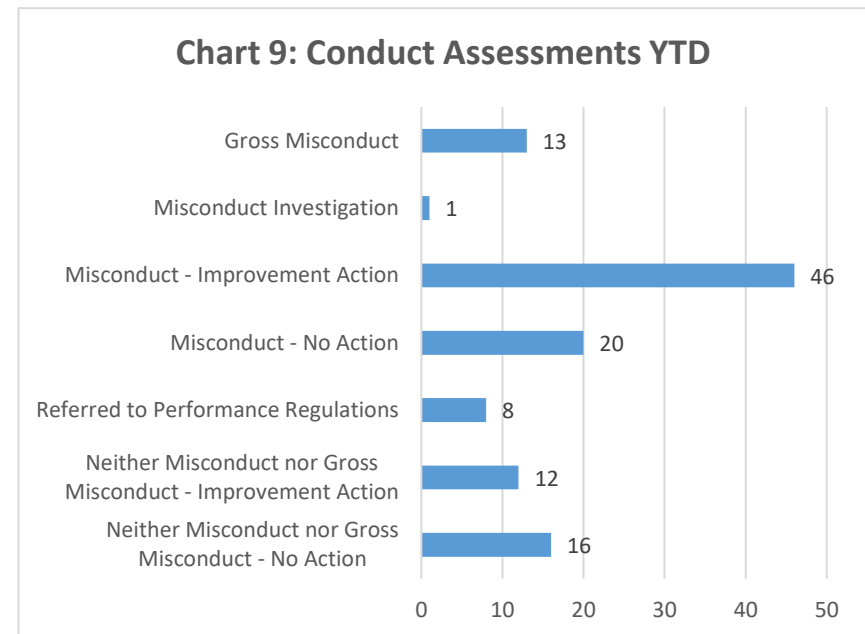
The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are supported by published guidance supported by staff associations, Scottish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

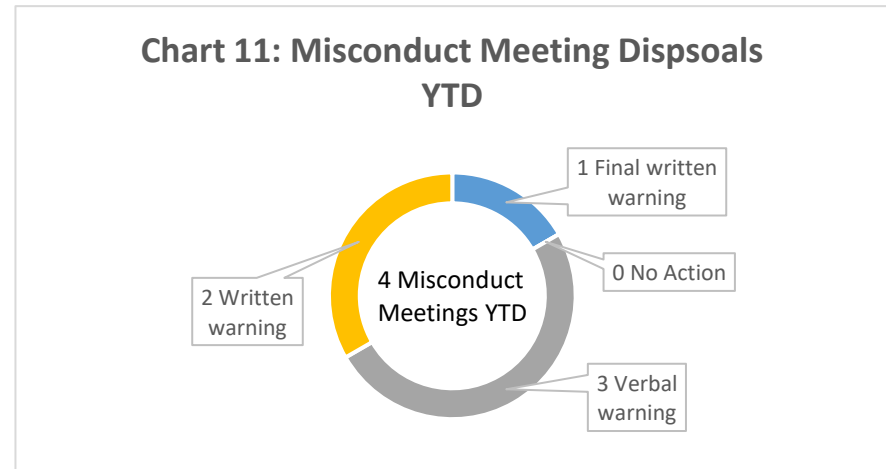
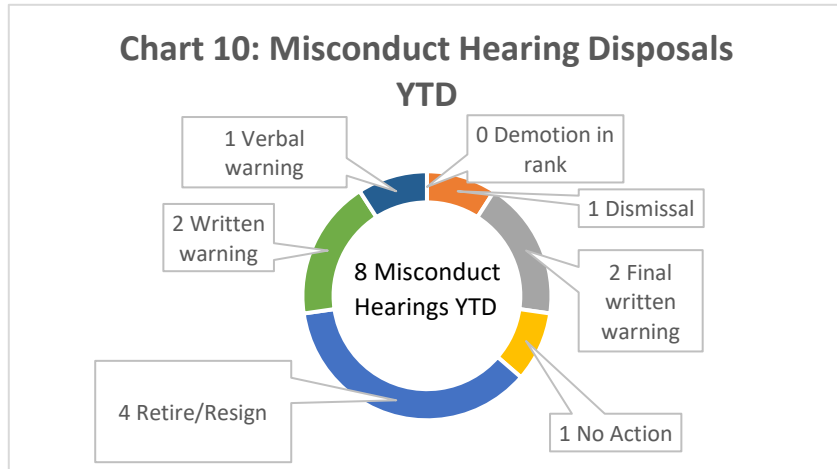
- A total of 116 preliminary conduct assessments were undertaken YTD, +36.5% from the PYTD total of 85.
- YTD increase is primarily linked to assessments categorised as 'Misconduct – Improvement Action' (+18). Assessments categorised as 'Neither Misconduct nor Gross Misconduct' with No Action or Improvement Action also contribute to this increase (+9 and +8 respectively).
- The increase in preliminary assessments is predominantly linked to the territorial divisions in the North – Highlands and Islands (+13), North East (+10) and Tayside (+10). Edinburgh also registered a similar volume increase in this period (+12).



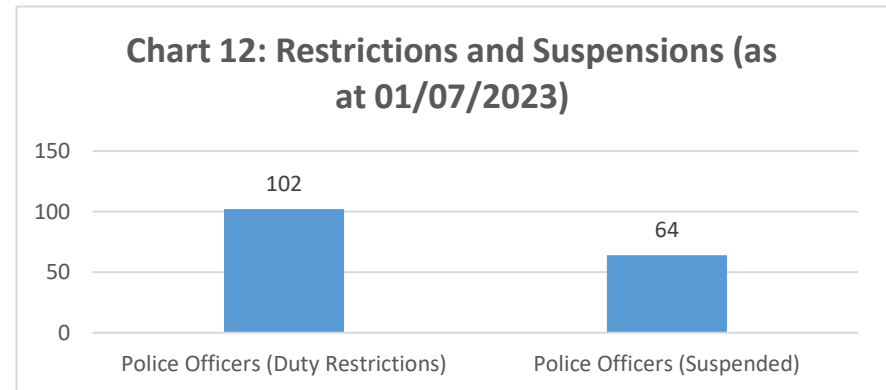
Misconduct Hearings and Meetings

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

Conduct Unit (continued)



- At the conclusion of Q1 YTD, 64 Police officers were suspended and 102 subject to duty restrictions. A further 14 members of Police staff were suspended at this time.



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>Any complaints made which involve an on-duty criminal allegation should be passed to PSD to assess and investigate at the outset.</p>	<p>Learning shared with Local Policing - relating to emerging theme, whereby Complainers involved in protracted neighbour disputes report dissatisfaction at being required to repeatedly provide details of the protracted nature of their dispute to numerous different officers. Best practice would be to allocate a SPOC where possible, providing continuity and who can address matters collectively and give consideration to the full circumstances.</p>
<p>Learning shared with Criminal Justice Service Division – Where any member of staff becomes aware of an incident where it would be reasonably assumed that the CCTV should be retained, they should notify the Custody Supervisor without delay. This will allow arrangements to be made for the footage to be retained ahead of the 31 day deadline for it to be deleted. Should there be any problems in downloading the footage, alternative methods should be considered to retain the footage i.e. engineer request. Any problems with downloading, attempts made to recover footage or decisions and rationale not to retain footage should be recorded on the relevant custody record, ensuring appropriate audit trail for scrutiny if required.</p>	<p>Learning shared with Local Policing - Increase in Quality of Service complaints relating to complainer dissatisfaction when an incident is closed as 'a civil matter'. In the event of a complaint being made, the lack of updates and/or rationale on STORM, mobile devices etc. hinders PSD's ability to either Frontline Resolve the matter or to provide a balanced determination on the outcome of a complaint. This could result in complaints being upheld when there is perhaps a reasonable explanation which has not been recorded appropriately. It is therefore suggested that officers/staff are reminded of the need to record full details of what is discussed/agreed with a reporter on the incident, consult with a supervisor where there is any dubiety. This will ensure there is a clear, timestamped record of what is communicated to the reporter.</p>
	<p>Learning identified in relation to arranging appropriate use of translation services when interacting with the public - Divisional Guidance states that we "recognise the rights of all persons in their contact with the police service to understand and to be understood". Officers and staff members have been reminded that they should consider the use of translation services in all occasions where they require to engage with a member of the public and there is difficulty in communicating with them. This should be considered regardless of the environment (on street, via telephone, within police office etc.).</p>

Continuous Improvement

PREVENTIONS AND PROFESSIONALISM PROGRAMME

A key strand of the Policing Together initiative is the PSD led Preventions & Professionalism programme, providing a governance structure which identifies and drives prevention and awareness activities intended to influence positive cultures, whilst empowering the workforce to appropriately challenge and report harmful behaviours. It also highlights the key role that leaders and bystanders play in robustly and proportionately addressing concerns at the earliest opportunity, and the support available to do this.

Essential to this programme is the Standards of Professional Behaviour campaign, a focussed yearlong initiative which launched in November 2023. Supported by Corporate Communications, Corporate Engagement Team and Learning, Training & Development, each month there is a spotlight on each of the 10 standards, providing relatable context of the behaviours expected of officers alongside examples of actions that do not align with policing values. To date 8 standards have been covered with awareness activity ongoing to focus on the remaining 2 standards; Honesty & Integrity and Challenging & reporting improper conduct, in addition to increased Code of Conduct awareness for police staff colleagues.

Next steps include continued prevention activity into 2024 which aims to consolidate awareness, with a particular focus on recurring issues alongside capturing insights that demonstrate enhanced awareness. This will be further achieved through direct engagement with senior leaders across divisions, seeking their support and commitment to improve local awareness whilst taking on board suggestions to maximise reach at every level.

TRAINING

Professional Standards Department (PSD) Learning and Improvement Team manage an extensive training calendar and, with the support of our PSD training cadre deliver a significant volume of inputs and awareness sessions across the country. These inputs include mandatory courses at the Scottish Police College, starting from Week 1 of a Probationary Constable's career to Operational Supervisors with a focus on promoting the statutory Standards of Professional Behaviour to challenging and reporting poor standards.

To ensure our officers and staff are equipped to handle complaints to the highest standard and improve our service to communities, PSD co-ordinated the delivery of bespoke complaint handling training to officers within our National Complaint Assessment and Resolution Unit (NCARU) and Investigations teams. This training was positively evaluated and is now confirmed to be forming part of a new style PSD Induction Programme, rolling out in November 2023.

UPGRADE TO PSD DATABASE

Police Scotland are currently working with relevant stakeholders to upgrade the bespoke database used to record and track Complaints and Conduct matters. The upgrade will bring many benefits including the ability to enhance our recording and analysis of diversity data, ensuring the organisation has an enhanced understanding of any emerging issues or trends affecting particular groups or communities.

'THE STANDARD' – INTERNAL NEWSLETTER

Continuous Improvement (continued)

PSD has published its second quarterly newsletter providing prevention messaging to officers and staff to help improve standards and conduct, this edition reinforced statutory duties and responsibilities in relation to Data Protection. This also complimented the “Confidentiality” aspect of our ongoing Standards of Professional Behaviour campaign. The newsletter is intended to raise awareness of key themes and trends arising from complaints and conduct investigations to prevent reoccurrence and enhance service delivery to the public.

PUBLICATION OF MISCONDUCT OUTCOMES

The onus is on Police Scotland to build upon public confidence and trust in policing, which includes providing an effective and efficient response to behaviours or actions which fall below standards. The service has now published its second internal edition of Gross Misconduct outcomes relating to officers, intended to enhance confidence in reporting these matters internally whilst driving values and standards across the service.