



Agenda Item 3

<b>Meeting</b>	<b>SPA Complaints and Conduct Committee</b>
<b>Date</b>	<b>27 February 2024</b>
<b>Location</b>	<b>Video Conference</b>
<b>Title of Paper</b>	<b>Police Scotland Professional Standards Department Quarterly Performance Report (Q3)</b>
<b>Presented By</b>	<b>T/Deputy Chief Constable Alan Speirs, Professionalism, Strategy and Engagement</b>
<b>Recommendation to Members</b>	<b>For Discussion</b>
<b>Appendix Attached</b>	<b>Appendix A – Performance Report Q3</b>

**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 – 31 December 2023).

Members are invited to discuss the contents of this report.

## **1. BACKGROUND**

- 1.1 The attached performance report provides data relating to the period ending Quarter 3 (1 April 2023 – 31 December 2023).  
Data contained in this report is management information and is correct as at 18/01/2024, unless elsewhere specified.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 There are no further details on this report.

## **3. FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications in this report.

## **4. PERSONNEL IMPLICATIONS**

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

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications in this report.

## **6. REPUTATIONAL IMPLICATIONS**

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

## **7. SOCIAL IMPLICATIONS**

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

Police Scotland seeks to mitigate the negative impact of those cases reported.

**8. COMMUNITY IMPACT**

8.1 As per 7.1 above.

**9. EQUALITIES IMPLICATIONS**

9.1 As per 7.1 above.

**10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

**RECOMMENDATIONS**

Members are invited to discuss the content of this report.



# Professional Standards (PSD) SPA Performance Report - Quarter 3 of 2023/24

Meeting Date: 27 February 2024

## PSD - Summary of Preventions Activity

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### **PREVENTIONS AND PROFESSIONALISM PROGRAMME**

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

The Professional Standards Department (PSD) is working closely with Police Scotland's Strategy and Insight Team, Corporate Communications and Policing Together colleagues to consider an effective evaluation, focusing on learning and outcomes from the yearlong Values Campaign.

An internal video, presented by Deputy Chief Constable Alan Speirs and Acting Chief Superintendent Helen Harrison provided a roundup of the campaign, encouraging officers, staff and managers to reflect on the campaign and consider how they can adapt and influence behaviours to improve culture across the organisation.

### **THE STANDARD NEWSLETTER AND PUBLICATION OF MISCONDUCT OUTCOMES**

The fourth edition of The Standard was published internally on 30 January 2024 and a copy is attached at Appendix B. Focusing on 'The Year Ahead' this edition encourages officers and staff to consider any new associations, business interests or changes in circumstances which may affect their role as a member of Police Scotland. It also provides preventions advice in relation to off duty or overseas offending, ring doorbell cameras, time off requests and other matters being identified as a potential theme through complaint or conduct investigations.

A copy of the fourth publication of Misconduct Outcomes published internally in December 2023 is also attached at Appendix C for information.

Interest in these products continues to be extremely positive with over 50,000 internal views on the Misconduct Outcomes and circa 50,000 views/downloads of The Standard since inception (as at 19/01/24). Engagement with Line Managers and Senior Management Teams by PSD form part of business as usual and encourages the use of these products to generate discussion at team briefings to further reinforce preventions messaging and learning.

### **PIRC / PSD LIAISON EVENT**

On 17 January 2024, colleagues from PIRC, PSD, the Scottish Police Authority and the Crown Office and Procurator Fiscal Service came together to consider and review collaborative working practices, oversight and scrutiny arrangements whilst exploring potential joint efficiencies.

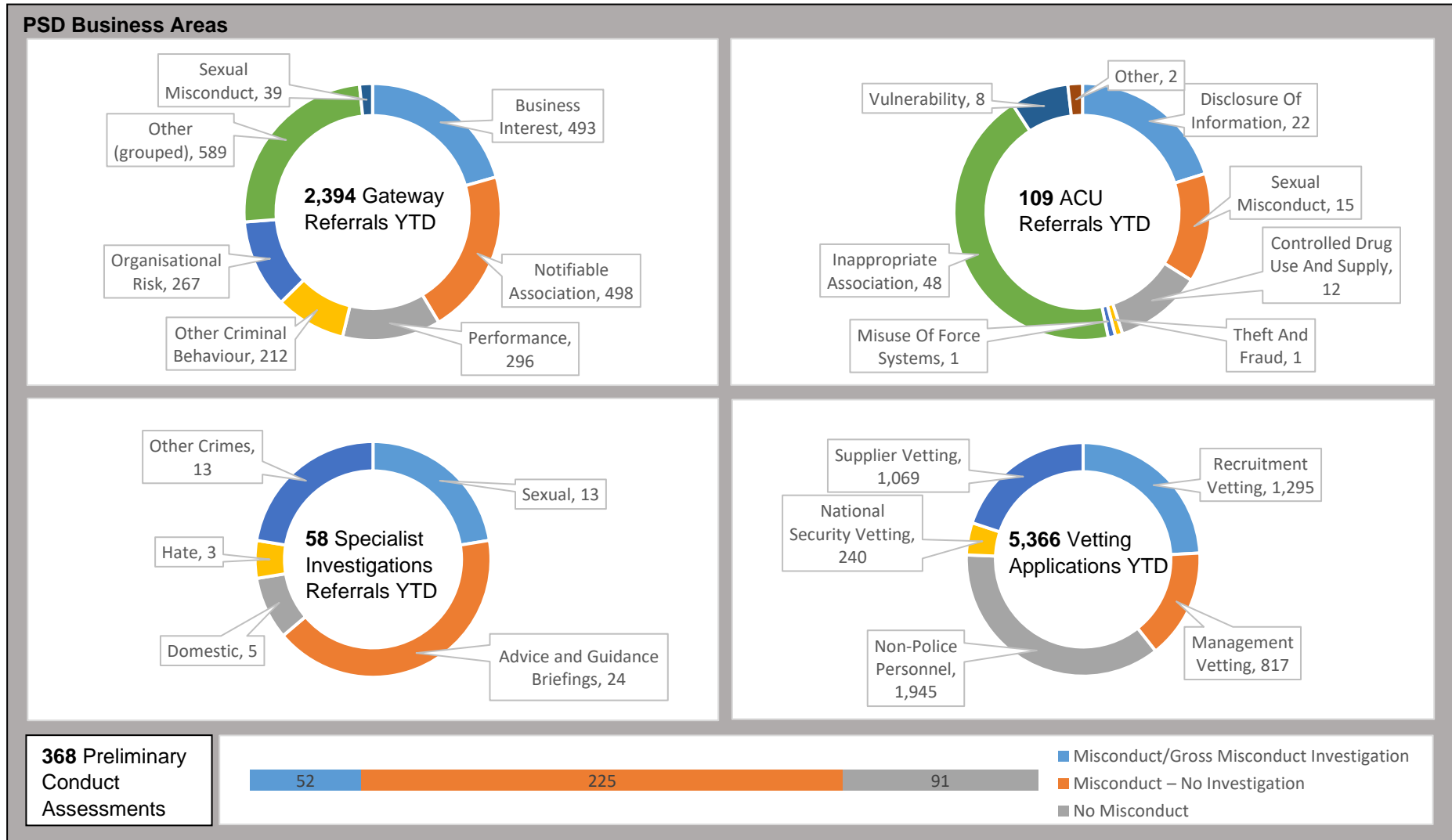
### **PIRC/PSD TRAINING**

A further joint PIRC/PSD training event will be held in April 2024 to build upon the success of the new 4 day complaint handling training delivered in October 2023. It is anticipated that this will become a bi-annual event, subject to regular evaluation and review, to ensure our complaint handlers are equipped to deal with the most basic to complex complaints and to positively impact on public trust and confidence.

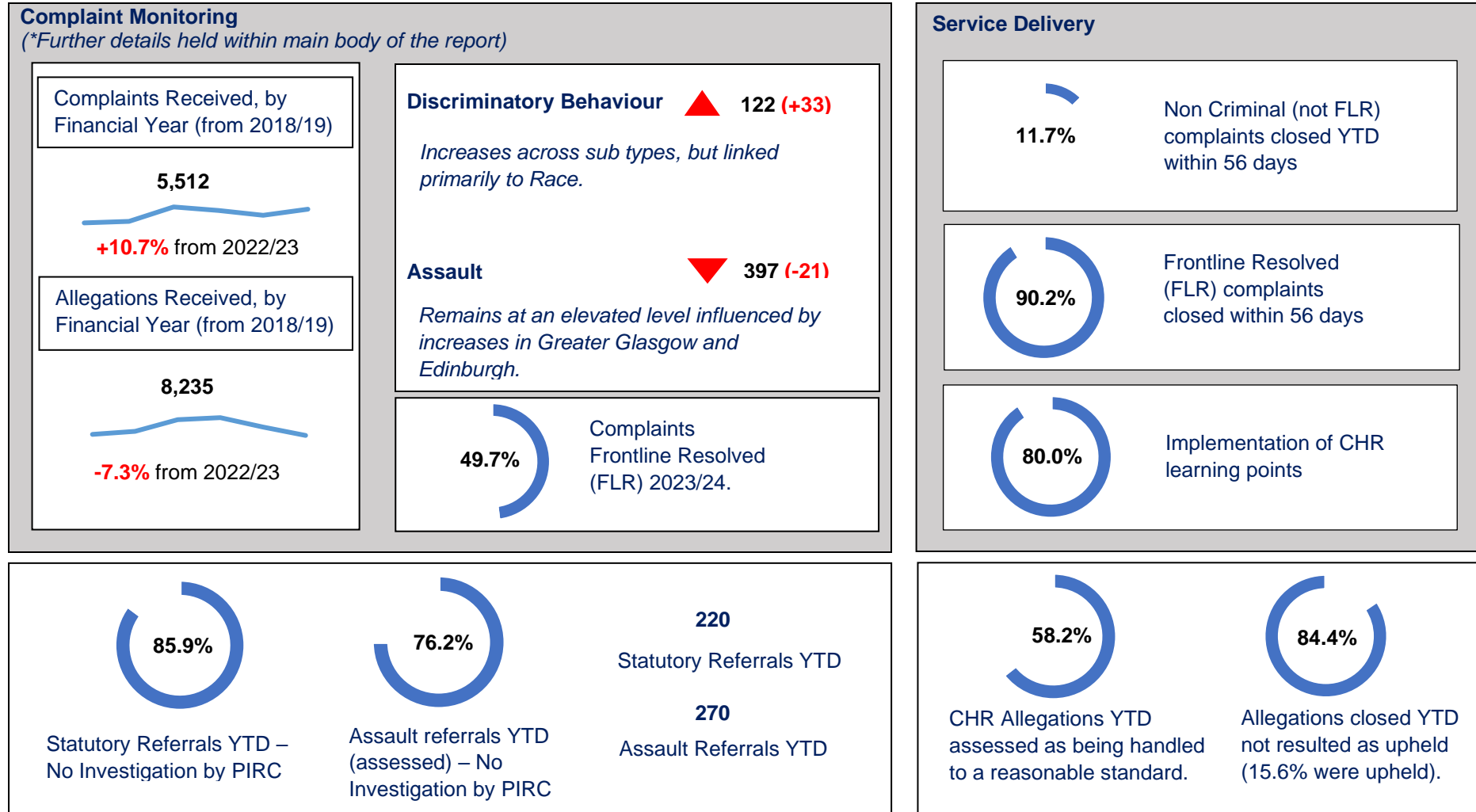
### **POLICE (ETHICS, CONDUCT AND SCRUTINY) (SCOTLAND) BILL**

The Police Scotland submission to the Bill was submitted to the Scottish Parliament on 08 December 2023 and a copy can be accessed [here](#). Police Scotland continues to work with stakeholders to contribute to the progress of the Bill, via forthcoming Parliamentary Sessions, through the Scottish Parliament.

## PSD Service Delivery Dashboards



## PSD Service Delivery Dashboards



## PSD Service Delivery Dashboards – Executive Summary

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- A total of **5,512** complaints were received during 2023/24 YTD (**+10.7%** increase from the PYTD and **+11.6%** increase against the five year average).
- **49.7%** were Frontline Resolved (FLR), an increase from the PYTD rate of **49.2%**.
- **112** CHRs were received YTD, with **58.2%** of allegations reviewed found to be handled to a reasonable standard (**-15.0%** from PYTD).
- Approximately **2.0%** of complaints reported are subject of CHR thereby indicating that the vast majority of complainers are satisfied with how their complaint was handled by Police Scotland.
- **220** statutory referrals were made to PIRC, a **7.2%** decrease from the PYTD. Of these, **85.9%** resulted in no investigation by PIRC.
- The main driver for the volume of referrals relates to Taser discharges by Specially Trained Officers (STO). The prevalence of mental health factors correlating with the possession of offensive weapons, the uplift in STOs and assaults against officers are influential factors in the increased volume of such referrals.
- A total of **69** Police officers were suspended and a further **92** subject to duty restrictions at the conclusion of Q3 YTD, with **13** members of Police staff also suspended at this time.
- **25** misconduct hearings in respect of Gross Misconduct were scheduled YTD with **3** dismissals and **19** formal warnings issued. A further **12** allegations were concluded with resignation prior to a hearing.



## Complaints Received

5,512 complaints were received YTD, +10.7% from the PYTD and a +11.6% increase from the five year average. Complaints YTD are at an elevated level, affirmed by this volume sitting above the upper and lower confidence limits (i.e. 95 times out of 100 the number of complaints YTD will range between 4,744 and 5,325), based on the current YTD and the prior five year-to-date periods.

- 2,739 complaints (49.7%) were Frontline Resolved (FLR), compared with 49.2% PYTD.
- 27.4% were Non-Criminal (1,513), 11.4% Abandoned (630), 4.5% Withdrawn (249), 0.6% Ongoing (33), 0.0% not relevant complaint (1) plus 6.3% Criminal (347).

### North Command

- 1,311 complaints received YTD, +13.3% from PYTD and +12.7% against the five year average.
- Each territorial division in the North has registered an increase against the PYTD and the five year average. The highest volume of those was Tayside (+75 from PYTD, +63 from the five year average). The volume in each division sits above confidence limits. No specific allegation types influence these increases from PYTD, however Service Delivery and Service Outcome allegations consistently influence the highest volume increases against the five year average.

### East Command

- 1,679 complaints received YTD, +11.3% on the PYTD and +7.6% against the five year average.
- Each territorial division in the East except Lothian and Borders has registered an increase against the PYTD and the five year average. The highest volume of those was Fife (+64 from PYTD, +76 from the five year average). Each of those sit above the confidence limits. Service Delivery allegations consistently influence the highest volume increases against the five year average across each division in the East. Furthermore, Assault allegations in Edinburgh are the highest volume category increase which influences the overall increase in that division compared to PYTD and the five year average.

Chart 1: Complaints Received, by YTD Period

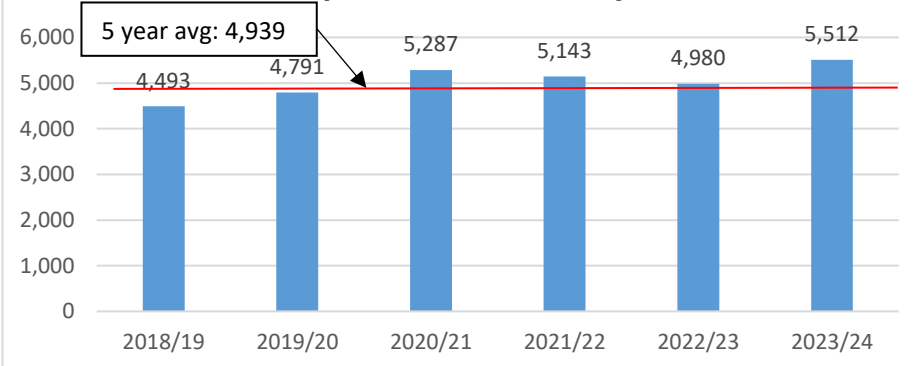
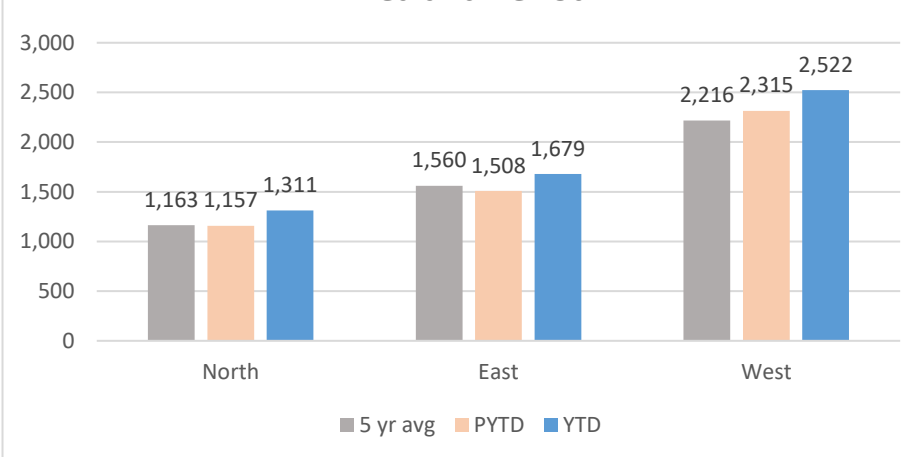


Chart 2: Complaints Received, by Command Area and Period



## Complaints Received (continued)

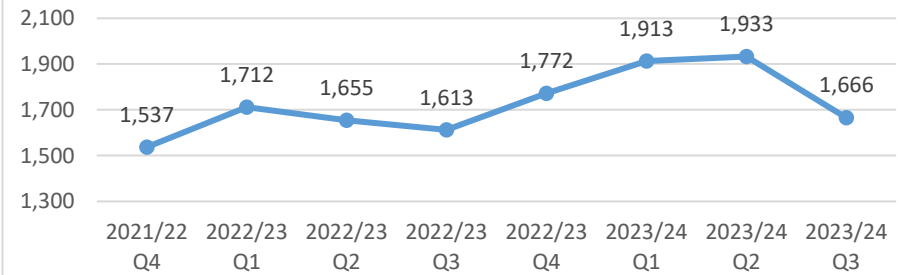
### West Command

- 2,522 complaints received YTD, +8.9% from PYTD and +13.8% against the five year average. This increase is spread across every territorial division in the West. Highest volume increase YTD was registered in Renfrewshire and Inverclyde (+55 from PYTD; +88 against the five year average). All of those sit above the confidence limits. Assault and Discriminatory Behaviour allegations are assessed to have influenced the Greater Glasgow increase, but no specific allegation types are assessed to have influenced the wider increases across the West.

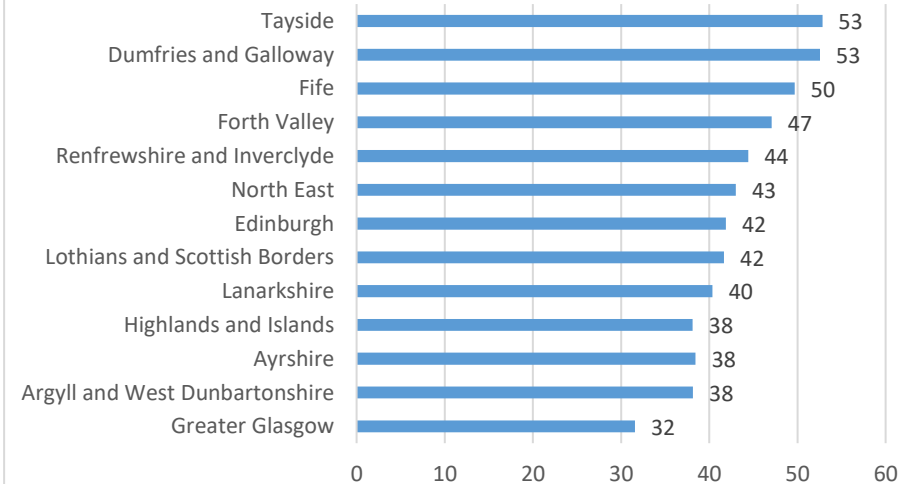
As seen in Chart 3, the YTD increase is influenced by a spike in complaints received during the first two quarters of 2023/24. No specific division is assessed to have influenced this, with increases identified across all divisions except PPCW. However, this has levelled during Q3 YTD – again using the five quarters prior to the spike in Q1/Q2 YTD as a baseline – with only Highlands and Islands (+19) registering the most notable further increase at this time.

- Further analysis comparing rates of complaint per employee headcount identified variance across territorial divisions, ranging from 32 to 53 complaints per 100 employees.
  - Due to the low volume of complaints received against specialist divisions, the rates for those divisions are particularly low by comparison (ranging from 12 per 100 employees in C3, to 1 per 100 employees in SCD and Corporate Services).
  - Each complaint may involve multiple subject officers and, where the complaint involves only Quality of Service allegations, there may be no subject officers attached to the complaint.

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

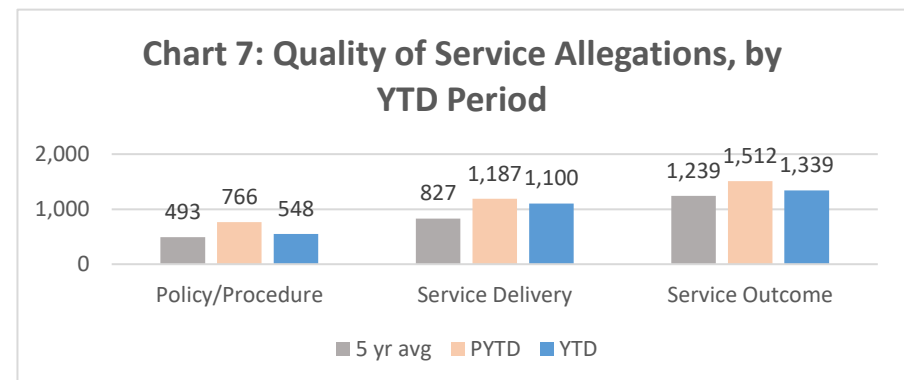
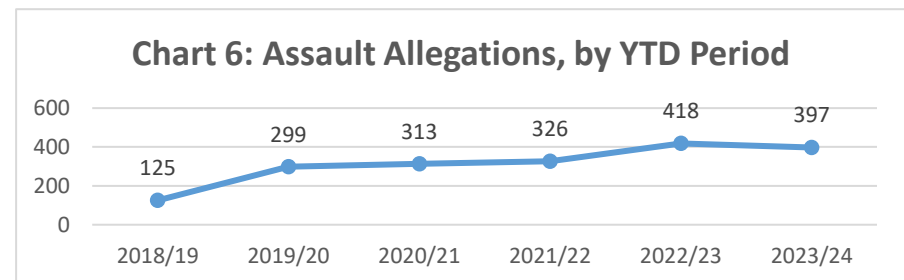
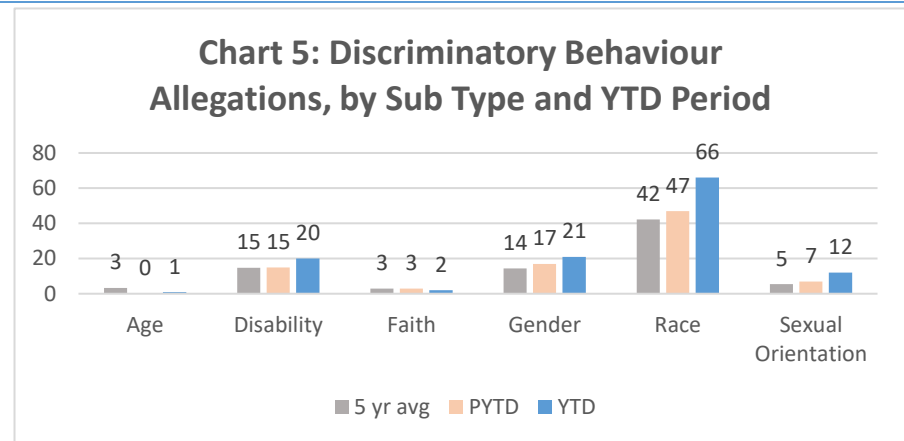


**Chart 4: Complaints per 100 employees, by Division**



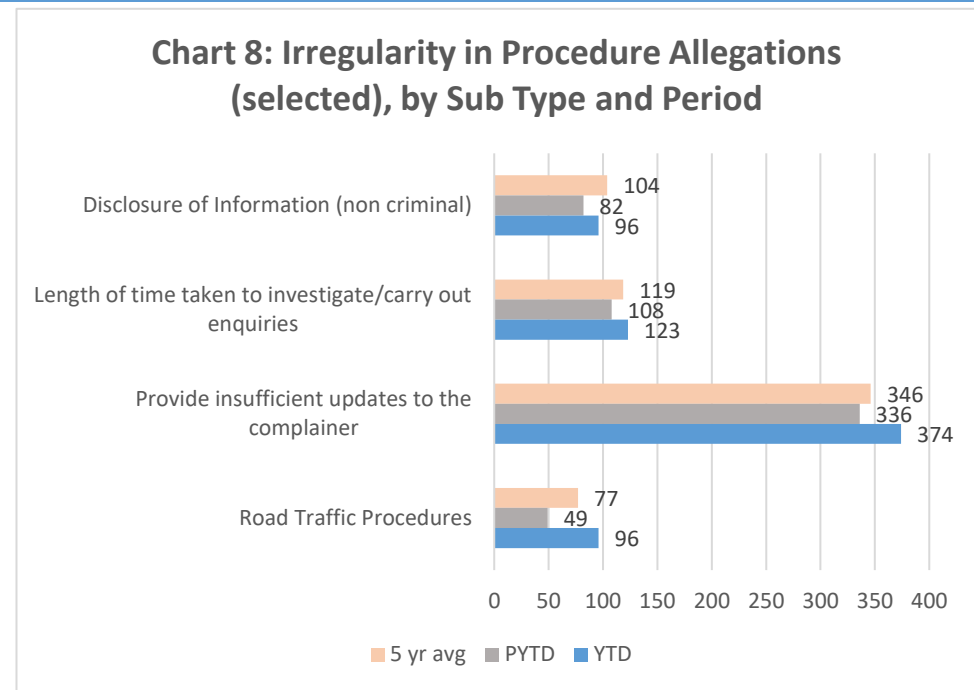
## Emerging Trends

- Discriminatory Behaviour allegations have increased from the PYTD (+33 allegations) and the five year average (+40 allegations), with 122 received YTD. Greater Glasgow (+13 from PYTD, +15 from five year average) and Tayside (+9 from PYTD, +9 from five year average) are assessed to be the primary drivers. An increase in the Race allegation sub type (+19 from PYTD, +24 from five year average) is a further notable driver here, with 66 such allegations received YTD. Low volume rises were also registered for Sexual Orientation, Gender and Disability.
- Although Assault allegations have decreased from the PYTD (-21), these remain at an elevated level compared to the five year average (+101). Notably, the PYTD involved the peak total over the latest six YTD periods. Greater Glasgow (+23 from PYTD, +40 from five year average) and Edinburgh (+24 from PYTD, +23 from five year average) are the highest volume contributors to this increase. Highlands and Islands (+12 from PYTD, +12 from five year average), plus Renfrewshire and Inverclyde (+12 from PYTD, +11 from five year average) also registered increases at lower volume.
- Quality of Service allegations also remain at an elevated level, despite each category having decreased from the PYTD. Those are Policy/Procedure (-218), Service Delivery (-87) and Service Outcome (-173). By contrast, all have increased from the five year average by +55, +273 and +100 respectively. Notably, the PYTD involved the peak total for each of these categories over the latest six YTD periods. Those assessed to have most influenced the increase across this period are:
  - Policy/Procedure – Lanarkshire (+15), Edinburgh (+13), Ayrshire (+12).
  - Service Delivery – Fife (+50), North East (+40), Tayside (+40).
  - Service Outcome – Tayside (+66), North East (+61).
  - Notwithstanding, these increases are supplemented by multiple lower volume increases across other divisions.



## Emerging Trends (continued)

- Irregularity in Procedure - Provide insufficient updates to the complainer allegations have increased from the PYTD (+38) and the five year average (+28), with 374 received YTD. This is primarily linked to Tayside (+27 from PYTD and +30 from the five year average).
- Irregularity in Procedure – Road Traffic Procedures have also increased from the PYTD (+47 allegations) and the five year average (+19 allegations), with 96 received YTD. This is primarily linked to Greater Glasgow Division (+21 from PYTD and +19 from the five year average).
- The sub types 'Length of time taken to investigate/carry out enquiries' (+15 allegations) and 'Disclosure of Information (non-criminal)' (+14 allegations) have also increased from the PYTD. However, neither display a notable increase within the wider context of the five year average (+4 and -8 respectively), therefore are not assessed as significant increases at this time.



## Emerging Trends (continued)

A breakdown of the 8,235 allegations received YTD, by type, are summarised here in Chart 9.

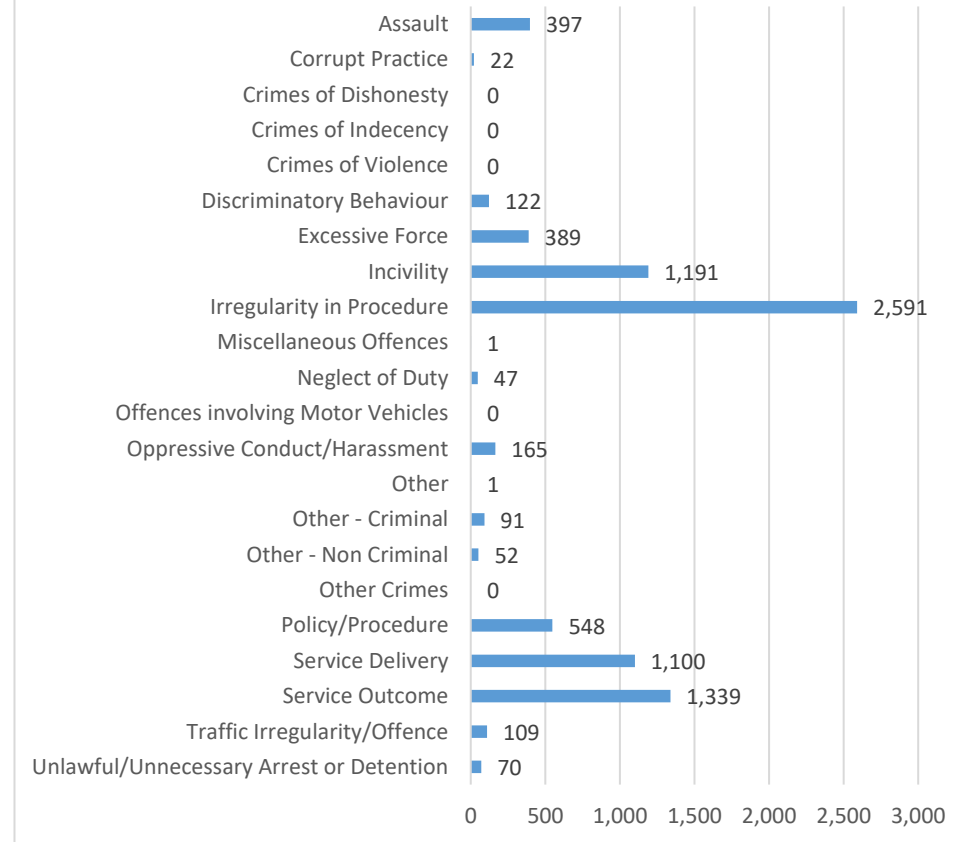
Moreover, the allegation type of Irregularity in Procedure involves a further nineteen sub types. The highest volume of those are detailed below:

- Insufficient Enquiry carried out (554).
- Other (459).
- Provide insufficient updates to the complainer (374).
- Custody Procedures/Care of Prisoners (238).

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

- Service Outcome – Lack of satisfaction with action taken (910).
- Service Delivery – Type of Response (633).
- Policy/Procedure – Policing Procedure (473).

**Chart 9: Allegations Received, by Type (YTD)**



## Service Delivery

- 3,263 allegations attached to completed complaint investigations (criminal and non-criminal) concluded YTD, with 15.6% upheld representing a decrease from PYTD (16.2%) and the five year average (17.2%).
  - The largest volume of the 509 allegations upheld YTD, were Irregularity in Procedure (171), Service Delivery (160) and Service Outcome (88).
  - Sub types were: Other (43), Time of Response (128) and Lack of Satisfaction With Action Taken (49).
- 11.7% of YTD 709 non-criminal (not FLR) complaints were closed within 56 days, a decrease on the PYTD rate of 18.1% (-6.4%) and against the five year average rate of 34.7% (-23.0%). The average closure time YTD was 225 days, an increase from the PYTD average of 191 days and the five year average of 129 days.
- 112 Complaint Handling Reviews (CHRs) were received YTD, down -22.2% from PYTD, with 58.2% of allegations reviewed found to have been handled to a reasonable standard (-15.0% from PYTD).
- The rate of allegations handled to a reasonable standard remains at a high level YTD and it should be noted that 2022/23 involved monthly rates from 62.1% upwards.
- 181 recommendations and 64 learning points were received YTD. The majority of recommendations received were categorised as requiring 'further enquiry' or a 'fuller/further response' (46.4% and 38.7% respectively). A further 7.7% were categorised as 'record/respond' and the remaining 7.2% as 'Other'.
- CHRs continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Chart 10: Allegations Upheld by YTD Period

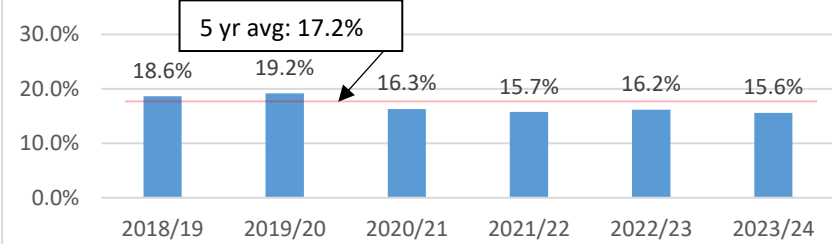


Chart 11: Non Criminal Timescales, by Days to Close (YTD)

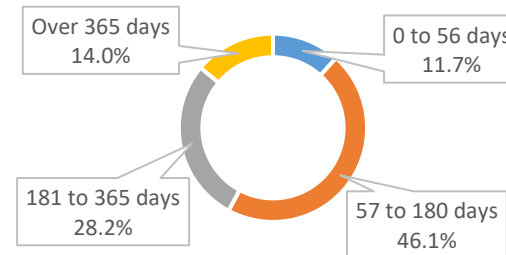
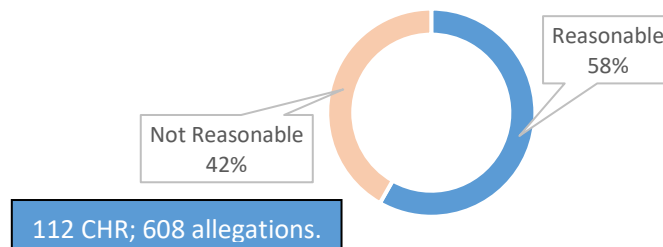


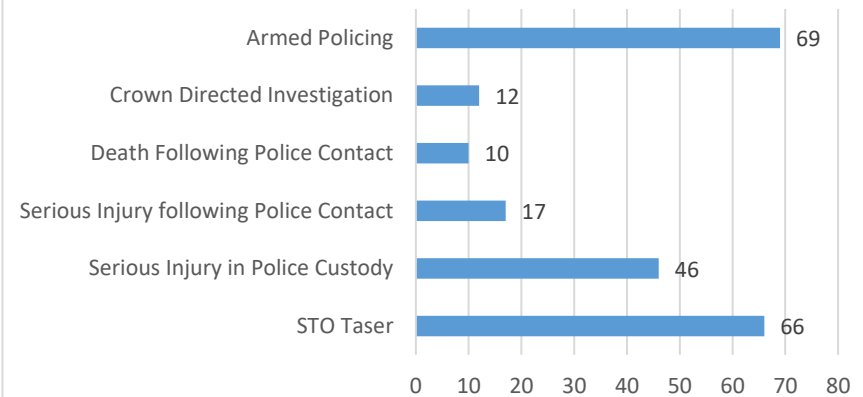
Chart 12: CHR Allegations YTD, by Outcome



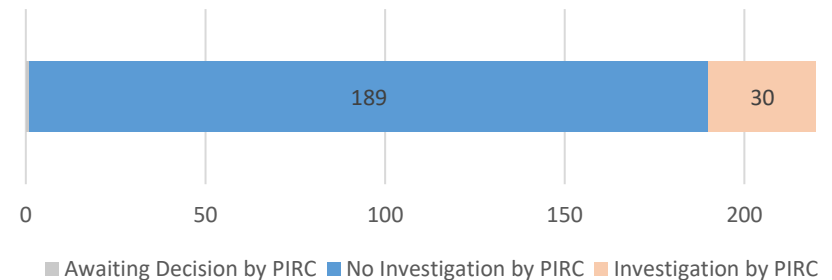
## PIRC Referrals

- 220 statutory referrals were made to PIRC during the YTD, a 7.2% decrease on the PYTD. However, STO Taser discharge related referrals have increased by 65.0% (66 in total, +26 from PYTD).
- As per the previous quarterly report, STO Taser referrals YTD have arisen largely from spontaneous incidents involving persons with a mental health concern and in possession of an offensive weapon (primarily bladed weapons or sharp objects). Where no weapon was involved, violent resistance directed towards officers was prevalent. No specific geographic area has influenced this increase.
  - The national uplift in STOs and high levels of assault directed towards Police Officers are relevant factors underpinning this increase.
  - The YTD total is influenced by 12 referrals in May 2023 and 14 in August 2023. The remaining months of the YTD 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.
- Of the 220 statutory referrals YTD, 30 are subject to PIRC investigation (13.6%). This is a reduction from the 18.9% of referrals PYTD which were subject to PIRC investigation.
- All allegations of On Duty Assault and any associated criminal allegations are also referred to PIRC for assessment and potential investigation. 270 such referrals were made to PIRC YTD, -4.3% on the 282 made during the PYTD. Of those assessed, 55 are subject to PIRC investigation (23.8%).

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



**Chart 14: Statutory Referrals to PIRC, by Decision Type (YTD)**



## Conduct Unit

At conclusion of Q3 YTD, 69 Police officers were suspended and 92 subject to duty restrictions. A further 13 members of Police Staff were suspended during this time.

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

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

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

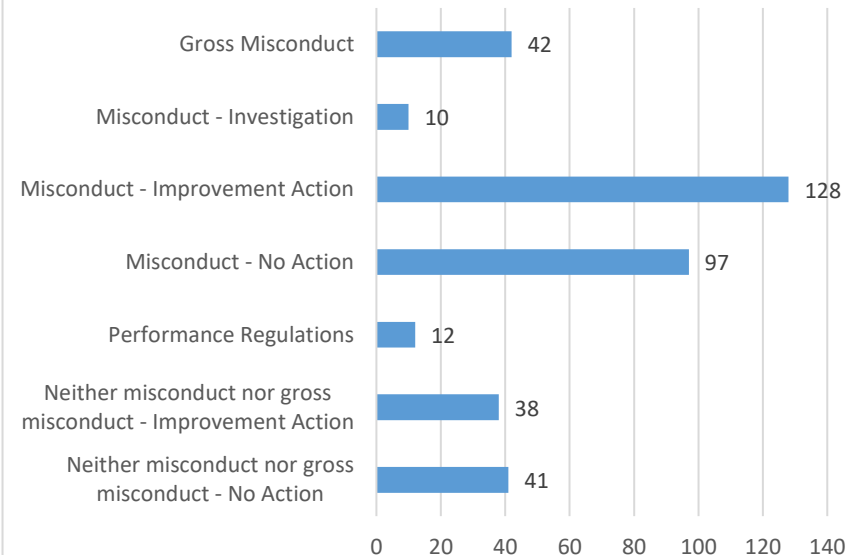
### Conduct Assessments

- 368 preliminary conduct assessments were undertaken YTD, +28.7% from the PYTD total of 286.
- YTD increase is primarily linked to assessments categorised as 'Misconduct – Improvement Action' (+32), 'Neither Misconduct nor Gross Misconduct – Improvement Action' (+23) and 'Misconduct – No Action' (+26).
- The increase in preliminary assessments is predominantly linked Edinburgh (+24) and the territorial divisions in the North i.e. Highlands and Islands (+18), Tayside (+17) and North East (+15). SCD also registered a similar but lower volume increase during this period (+13).

**Chart 15: Restrictions and Suspensions (as at 01/01/2024)**



**Chart 16: Conduct Assessments YTD**





## Conduct Unit (continued)

### Misconduct Hearing and Meetings

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

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

Date Reg 10 completed	Number of cases
Pre 01/04/2023	7 ( <i>investigations complete, waiting proceedings</i> )
Quarter 1 (01/04/23 – 30/06/23)	6
Quarter 2 (01/07/23 – 30/09/23)	18
Quarter 3 (01/10/23 – 31/12/23)	9

Average time duration for gross misconduct/misconduct investigations and proceedings that have concluded in 2023/24 (till Q3 end).

	Days
Average time under investigation	126
Average time for investigation and proceedings	253

Chart 17: Misconduct Hearing Disposals YTD

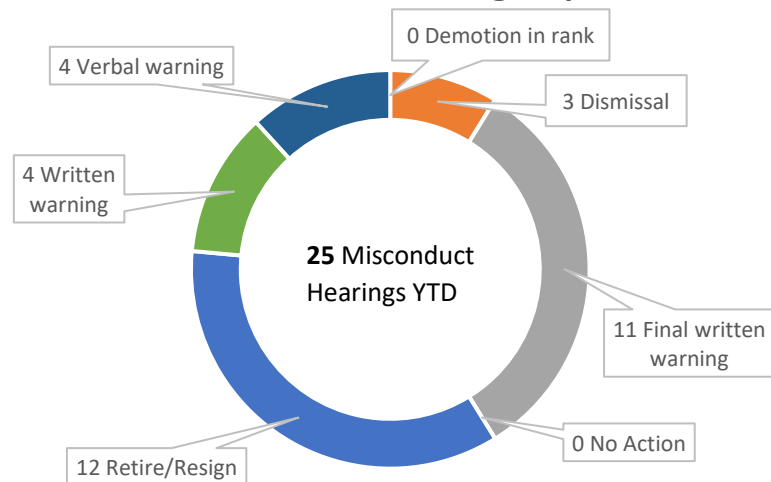
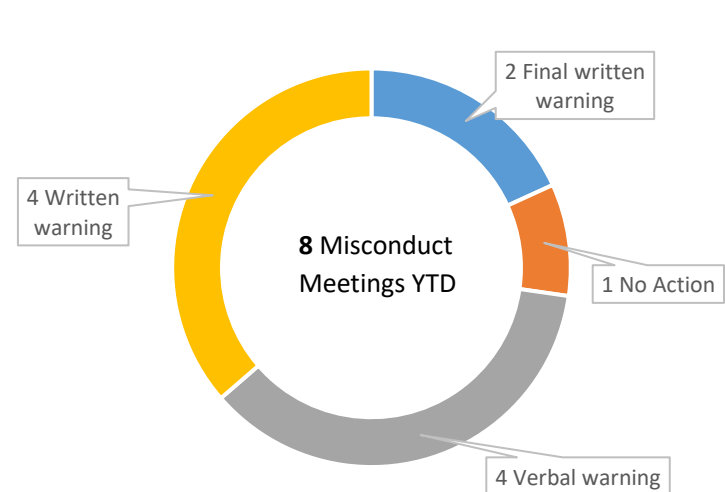


Chart 18: Misconduct Meeting Disposals YTD



## Organisational Learning

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

<p>Police Scotland should review the guidance contained in Section 4 of the Domestic Abuse SOP which outlines roles and responsibilities including those of Supervisory Officers. In instances where Police Scotland officers attend a domestic incident out with their sub-division or command area, the SOP is silent on oversight arrangements. It does not specify whether management responsibility sits with attending officers own line managers or the duty supervisor with geographical responsibility for the location of the incident. It is recommended that the SOP is revised to provide clarity to ensure effective management overview.</p> <ul style="list-style-type: none"> <li>• Work is on-going with the Domestic Abuse Coordination Unit who are amending the wording to reflect the recommendation made during this PIRC investigation. An updated SOP will be published in due course.</li> </ul>	<p>A complainer called Police to report a Road Traffic Complaint, assessed to be potentially a section 2 or section 3 of the Road Traffic Act 1988. The complainer was looking for advice at this time but was not notified of the statutory timescales in relation to Notices of Intended Prosecution or Section 1 warnings by the call handler. This had the potential to affect how the report could have been dealt with moving forward.</p> <ul style="list-style-type: none"> <li>• Learning has been circulated within Contact, Command and Control Division (C3) highlighting the need to be mindful of these legal requirements and to ensure that callers are notified of such when they call to ask for advice on / report Road Traffic Offences</li> </ul>
<p>Police Scotland should review the North East Division Body Worn Video Guidance Document in relation to officers wearing BWV and consider making it mandatory to wear when available and to activate the camera when responding to incidents.</p> <ul style="list-style-type: none"> <li>• The guidance document has been reviewed, amended and updated guidance circulated to all North East officers in response to this PIRC investigation.</li> </ul>	<p>A recent PIRC investigation report highlighted the benefits of Naloxone, concluding that: 'The fast-acting response of PC [name redacted] in administering Naloxone caused [name redacted] to stop convulsing and regain consciousness, allowing him to be conveyed to hospital for medical assessment. This incident shows the value of police officers routinely carrying Naloxone for such instances when it can be utilised to potentially save lives.'</p>
<p>Within the Q2 report we highlighted upheld quality of service allegations regarding persons in custody complaining about not receiving drinking water. This led to a review and engagement with Criminal Justice Services Division (CJSD) to consider current practice, identify learning and make improvements, aiming to reduce or stop future complaints of this type.</p> <ul style="list-style-type: none"> <li>• A short life working group has been set up in CJSD to discuss offering / providing water in custody, as well as washing facilities. Options will be considered and may include wall graphics, leaflets etc.</li> <li>• CJSD have 5 x engagement forums in February where they speak directly to custody staff. The National Custody System (NCS) will be</li> </ul>	<p>C3 staff are often the first point of contact to for public to ask questions about complaints, how to make new complaints, complaints under investigation and questions in relation to PIRC functions. It has been established that the guidance for C3 staff in handling these queries doesn't cover all potential questions and there is the opportunity to improve guidance and enhance understanding of the complaints process and PIRC functions.</p> <ul style="list-style-type: none"> <li>• Work will now be undertaken with C3 to review current guidance and identify improvements that can be made. In consultation with PIRC, work is being undertaken to produce accurate guidance in relation to PSD / Complaints against the Police and PIRC provisions</li> </ul>

## Organisational Learning (continued)

discussed at this forum, including updating the system when water is offered / provided.

- PSD staff will attend the engagement forums to emphasise the importance of recording on the NCS system when water is offered/provided, as well as enhancing engagement.

in order to support C3 staff and provide the best possible service to the public at an early stage.

## Appendix B – The Standard – Issue 4 – January 2024



### Issue 4 – January 2024

Welcome to the 4th edition of The Standard. We are taking this opportunity to remind our colleagues of our responsibilities as we enter the New Year.



#### Overseas Offences

Overseas holidays can be an exciting time, although, on occasion, colleagues may find themselves subject to fixed penalties or having committed an offence while abroad. Recent examples have included committing an offence while on holiday which resulted in a monetary fine.

The [Standards of Professional Behaviour](#) reflect the expectations of our officers, whether on or off duty, and they should also be followed while at home or overseas. Authority/Police Staff must adhere to the [Code of Conduct](#). Should you find yourself with something to declare, please speak to your supervisor.

#### Notifiable Associations

Have you formed new friendships or joined a new club or group? Are you confident this association poses no risk to either your integrity, that of Police Scotland or the public?

It is mandatory for all officers to comply with the [Notifiable Association Guidance](#), and whilst not mandatory, staff are also encouraged to engage with the process in order for associations to be appropriately risk assessed and the necessary support and guidance given.

Further details on the criteria of who may qualify for a notifiable association along with more details can be found in the [Notifiable Association Guidance](#).

#### Off-Duty Offences

Officers and staff are reminded of their responsibility to disclose off duty offences, including road traffic offences and offences committed while abroad.

Ensuring any offence is disclosed to a supervisor and PSD will enhance transparency and ensure you are provided with wellbeing support and advice.

Failure to disclose may result in a breach of our [Standards of Professional Behaviour](#) (officers) or the [Code of Conduct](#) (Authority/ Police Staff) as well as any other disposal you receive for the offence itself. Please speak to your supervisor if you are in any doubt.

## Appendix B – The Standard – Issue 4 – January 2024

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### Business Interests

Following the Christmas spend and general cost of living, January is often a time to review income and outgoings.

Are you considering a new business interest or receiving a secondary income?

All officers and staff are required to notify their line manager of such circumstances and submit the relevant details seeking permission for secondary employment.

Further details can be found within the [Business Interests and Secondary Employment Procedure](#).

### Supervisor Responsibility

Supervisors have a crucial role to play. Have you moved to a new team? Are you aware of the officers and staff within your team who have recorded a notifiable association, business interest or, for example, endorsements on a driving licence?

You must carry out a licence check for all officers and staff authorised to drive Police/SPA vehicles and ensure SCoPE is accurate. Guidance on how to do this is available here - [view or share your driving licence information](#).

### Time Off Requests

As we continue to work with competing demands, often with fewer colleagues than before, it can be frustrating when a request for time off is declined to meet operational demands, however, please do not let these frustrations lead to poor decision making and potential breaches of the [Standards of Professional Behaviour](#).

Where possible, plan your annual leave, TOIL, flexi-time and RRDs well in advance to avoid disappointment. Should you be feeling any strain or pressures at work or at home, please speak to a supervisor or colleague and seek assistance. You can find more information on your [benefits and entitlements](#) on the Policy Hub and [wellbeing support](#).

## Appendix B – The Standard – Issue 4 – January 2024

### Ring Doorbell

Officers and staff are reminded of the capabilities of Ring devices, or similar smart doorbells. While these are seen as an excellent crime prevention and security tool, the devices also have features which may leave officers and staff vulnerable to complaints being made. Please bear in mind the following capabilities of these devices when attending addresses:

- An internet-connected doorbell is fitted with microphone/camera. The device is often motion activated without the visitor's knowledge, allowing the homeowner real time footage of you approaching the address.
- The device allows the visitor to be heard (and often recorded) and the homeowner to communicate with the visitor.
- Footage is recorded and can be reviewed retrospectively. It can also be downloaded and/or posted online.

We often step away from members of the public to speak privately with the ACR, supervisors, or colleagues about operational or sensitive matters. These conversations may be captured on a smart doorbell and end up in the public domain.



Picture of a Ring doorbell

### Case Study

A complaint was received from a member of public who reported feeling harassed by police repeatedly attending at their address looking for their ex-partner who was wanted on warrant. On noting complaint details it was established that, on reviewing the Ring doorbell footage, officers were seen to attend at the door with one officer's conduct falling below the Standards of Professional Behaviour expected. The circumstances were discussed with the local Inspector and the complaint was resolved by way of explanation however, this matter could have resulted in a complaint investigation.

### Investigation Wellbeing Guidance

Being involved in a complaint which may ultimately lead to a grievance, complaint about the police, disciplinary proceedings or even an Employment Tribunal can be a difficult and emotional experience. Officers and staff are reminded of the existence of the [Investigation - Wellbeing Guidance](#). Key points for any officer or staff member under investigation are:

1. A Line Manager/Liaison Officer should be made available to any individual under investigation;
2. Consideration should be given to completing the [Individual Stress Assessment Risk Questionnaire](#). This can be done with support and will ensure your needs are met.
3. Should additional support be required, this can be facilitated via the [Your Wellbeing Assessment](#). This is accessed by emailing [email address redacted] where you will receive a unique numeric code and a link to the Optima Health Portal.
4. The [Wellbeing Hub](#) and Wellbeing Champions are also available for further support.

## Appendix B – The Standard – Issue 4 – January 2024

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We welcome feedback on your experience in responding to your welfare and wellbeing needs if you have been involved in an investigation. This can be provided via force form [037-061](#). Your feedback will allow the investigation wellbeing process to be continually assessed to ensure that we are providing a consistent and relevant wellbeing approach.

This is not a complaints/grievance process. Should you wish to raise a complaint or grievance this must be done through existing procedures.

### Conduct scenarios - Time Off

#### Example 1: Potential breach of [Honesty and Integrity](#)

An officer requested Annual Leave to attend a wedding. The leave was refused due to the shift being below operational base levels on that date. The officer called in absent and attended the wedding anyway. A picture appeared on social media of the officer dancing at the wedding. A colleague recognised him and faced the difficult decision of whether or not to report the matter to supervisors. Due to the officer's absence, the shift ran short making it more difficult for everyone else working. The matter was reported to supervisors and subsequently PSD.

#### Example 2: Potential breach of [Discreditable Conduct](#)

An officer was cited to attend court on what was a rostered rest day. The officer had plans for their day off and submitted a court excusal request. Despite chasing for a response a number of times, the officer heard nothing back and decided not to attend court. They referred to their previous experience when their rest day was cancelled and the case was not called as justification for not attending.

On this occasion, the case the officer was cited for did go ahead but had to be adjourned due to the officer not attending court. All other participants attended, including a number of civilian witnesses. The Procurator Fiscal contacted the officer's supervisor and the Sheriff threatened to issue an apprehension warrant for the officer. The matter was reported to PSD.

What would happen?

- Circumstances reported to PSD by the supervisor, using PSD National Gateway Assessment Unit – [Form 037-065](#)
- Submitted to PSD Gateway then to PSD Conduct for an assessment
- The options for disposal include: no further action (if evidence suggests untrue), improvement action (depending on circumstances), full investigation which may lead to a number of outcomes from no further action to dismissal, if deemed serious enough.

[Citations \(Police Officers and Staff\) National Guidance](#) provides further guidance

## Appendix C – Misconduct Outcomes Publication – December 2023



The [10 Standards of Professional Behaviour](#) set out the standards expected of police officers while on and off duty, as legislatively outlined in the [Police Service of Scotland \(Conduct\) Regulations 2014](#). The regulations govern all police conduct matters.

Officers who breach these standards risk finding themselves subject to misconduct proceedings, which may result in dismissal. These outcomes are being shared so you can see real cases which have resulted in the officer involved no longer serving with Police Scotland. In this publication, there is also information included about misconduct proceedings where other disposals have been given.

This is the fourth publication of gross misconduct outcomes where officers were either dismissed or resigned prior to a hearing.

In the third quarter of this year, four officers were scheduled to attend a gross misconduct hearing before an independent chairperson of the rank of Chief Superintendent. Two officers resigned in advance of their attendance at a gross misconduct hearing and two officers were dismissed.

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

- An officer was dismissed at a gross misconduct hearing for matters relating to a course of inappropriate conduct towards a colleague while on duty. The officer had touched their colleague physically and made inappropriate comments on a number of occasions, failing to treat their colleague with respect and courtesy.

Officers and staff must ensure their interactions and dialogue with colleagues is appropriate at all times and that they treat everyone with respect and courtesy. Physically touching colleagues in a way which may cause them distress is not acceptable. If you do something minor and accidentally cause offence, apologise and correct your behaviour, do not continue with this course of behaviour. If a colleague is behaving in an inappropriate way, please challenge it directly, or indirectly by speaking to your line manager or reporting the matter via one of the other means available to you. It takes courage to report a colleague but it is the right thing to do as it is not acceptable. Police Scotland will treat inappropriate behaviour towards a colleague in a robust manner.

- An officer was dismissed at a hearing for assaulting a colleague while on duty. The officers had also been found guilty at court for this offence.



## Appendix C – Misconduct Outcomes Publication – December 2023

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Violence against officers and staff is unacceptable in all contexts, in particular when the offence is committed by a colleague on duty. All officers and staff have the right to work within a positive environment, where they are respected and treated fairly. This case shows how seriously an assault on a colleague will be treated and the subsequent consequences.

- An officer resigned prior to their attendance at a gross misconduct hearing which related to a case of persistent, unwanted and excessive contact towards an ex-partner. This officer has also pled guilty to this offending at court.

Tackling domestic offending is a priority for Police Scotland, regardless of who the perpetrator is. It is evident the significant impact domestic offences have on those involved, and the harm caused by domestic offenders. The behaviour of officers and staff must reflect this and cases of domestic offending by Police Scotland officers and staff will be appropriately and robustly dealt with.

- An officer resigned prior to a gross misconduct hearing which related to sending a number of inappropriate and offensive messages to colleagues across a number of WhatsApp group conversations, and encouraging others to inappropriately participate.

Officers and staff must ensure all messages and communications shared via messaging apps and social media are appropriate, respectful and show courtesy to others (whether members of the group or not). Inappropriate, discriminatory and offensive comments will not be accepted. Officers and staff should ensure they report any behaviour of this manner and must not actively contribute, but should have the courage to appropriately challenge. This case also had consequences for a number of other officers who were part of the group conversations.

During the first six months of 2023, 11 officers appeared at either a gross misconduct hearing or a misconduct meeting and received warnings ranging from final written warnings to verbal warnings for matters such as:

- Causing a disturbance while off duty and use of offensive language;
- Inappropriate use of WhatsApp, including sharing policing information and sharing an inappropriate image;
- Viewing a police system without a policing purpose;
- Reporting unfit for duty to participate in a sporting event;
- Directing unwanted attention towards others during a night out;

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