

<b>Meeting</b>	<b>SPA Complaints &amp; Conduct Committee</b>
<b>Date</b>	<b>31 May 2022</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	<b>SPA Quarterly Report</b>
<b>Presented By</b>	<b>Head of Workforce Governance</b>
<b>Recommendation to Members</b>	<b>For Noting</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

This is a report to the Complaints and Conduct Committee containing information and updates on complaints and conduct matters. The report includes key statistics reflecting the position at the year end of Q4, 2021/22. The report also includes key statistics of note over the past 5 years, 2017/18 to 2021/22.

*The paper is presented in line with:*

- *Scottish Police Authority Committee Terms of Reference*

*The paper is submitted:*

- *For Noting*

## **1 BACKGROUND**

- 1.1 This is a regular agenda item, containing updates on complaints and conduct matters within the SPA.
- 1.2 The 5-year Report is an annual review of longer-term trends in cases received by the SPA.

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

### **2.1 SPA Complaints Team Quarterly Report**

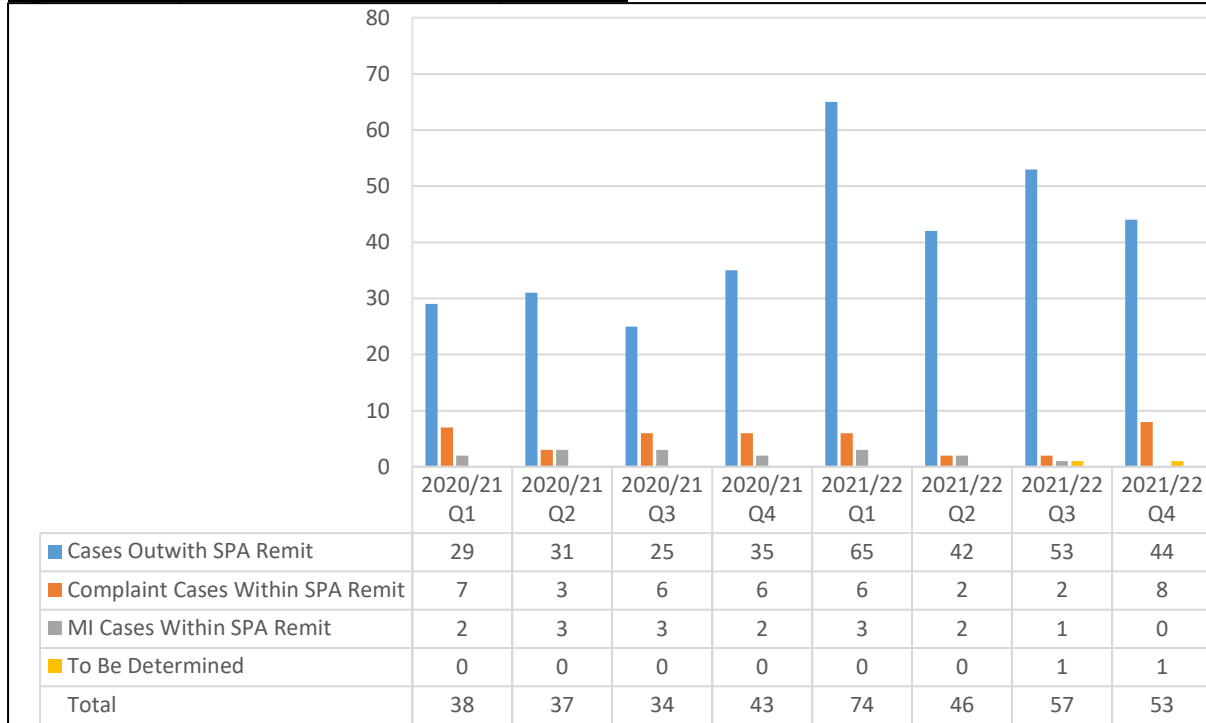
- 2.1.1 The statistics presented below reflect the position at the end of Quarter 4 (Q4), 2021/22 (i.e. 31 March 2022), and provides comparison to the previous 7 quarters. Key findings in relation to this report are included at the end of this section.

### **2.2 Cases Received by the SPA**

- 2.2.1 A complaint is an expression of dissatisfaction and the SPA is responsible for handling complaints about the SPA itself, members of SPA Corporate/Forensic staff and senior officers of Police Scotland (i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable). This does not include staff working within Police Scotland.
- 2.2.2 Figure 1 shows the number of complaint and miscellaneous (MI) cases received by the SPA. Miscellaneous cases refer to enquiries or other correspondence received by the SPA Complaints Team. For cases outwith the remit of the SPA, figures comprise both cases categorised as complaints and miscellaneous combined.
- 2.2.3 Cases marked 'To Be Determined' are those for which further information is required to determine whether or not they are within the remit of the SPA.
- 2.2.4 The number of complaint cases received that are within the remit of the SPA has remained fairly steady over the reporting period.
- 2.2.5 Following a spike in cases outwith the remit of the SPA in Q1 2021/22, the figures over the past 3 Quarters, whilst lower, remain slightly higher than typically seen during 2020/21. No discernible reasons have been identified to explain this increase.
- 2.2.6 The introduction of a new interactive online Complaints Form in November 2021 was intended to ensure that members of the public are signposted appropriately when making a complaint. Whilst too

early to draw precise conclusions around its effect, the SPA Complaints Team will continue to monitor this issue and report in future Quarterly Reports once more data is available.

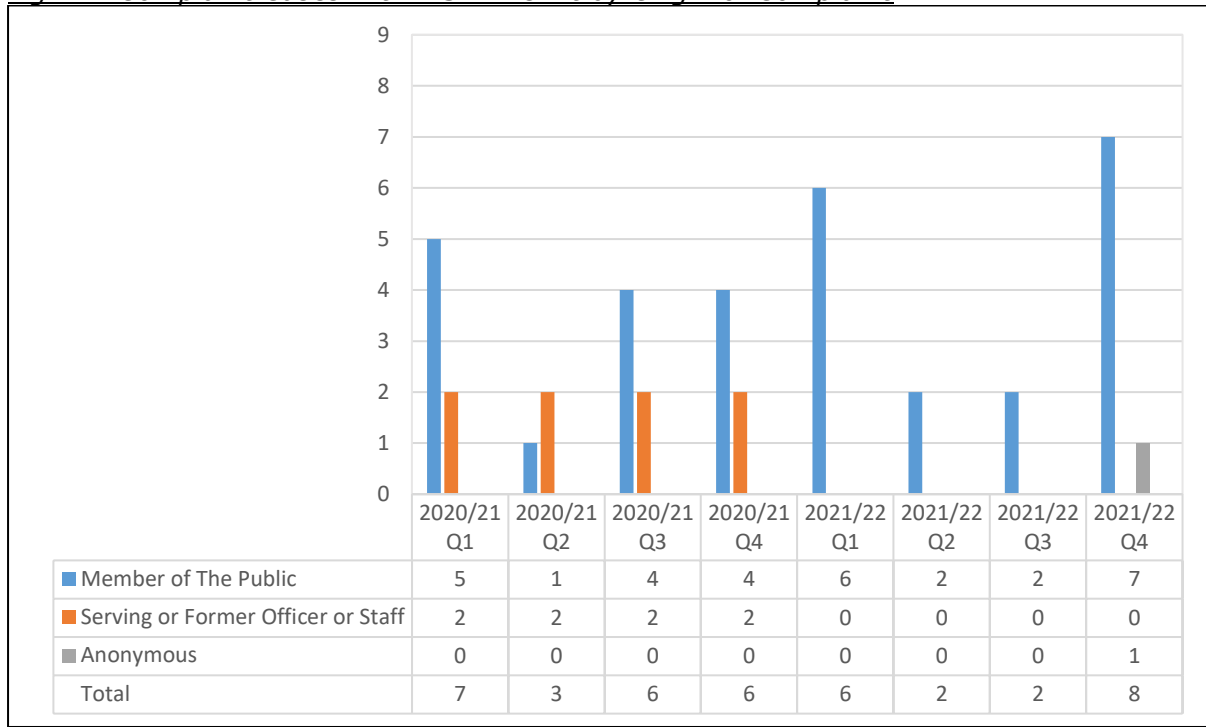
*Fig. 1 – Complaint Cases Received by the SPA*



2.2.7 Figure 2 shows the number of complaint cases within the remit of the SPA broken down by the origin of the complaint and shows that complaints may be received from members of the public, from serving or former police officers/members of staff or made anonymously. ‘Internal’ complaints made by serving or former police officers/members of staff include those received through ‘Integrity Matters’ which is a confidential reporting system for all Police Scotland officers/staff. Although Integrity Matters provides the option to report matters anonymously, the nature of the complaints are such that it is possible to identify that they are ‘internal’.

2.2.8 The majority of complaints are received from members of the public, with numbers remaining broadly steady. During 2021/22, no complaints were made by serving or former police officers/members of staff. Throughout the 2-year reporting period, one anonymous complaint was received by the SPA.

*Fig. 2 – Complaint Cases within SPA Remit by Origin of Complaint*



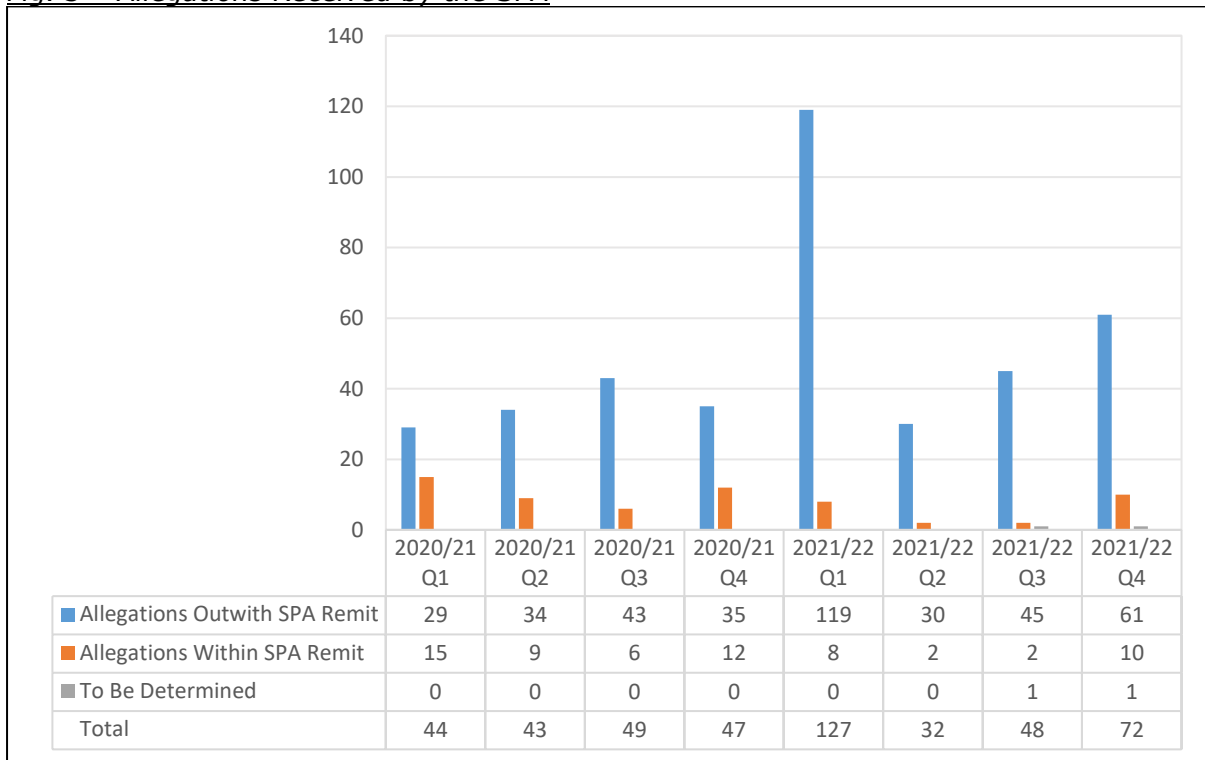
## 2.3 Allegations Received by the SPA

2.3.1 A single Complaint Case may consist of a number of component parts that can be determined separately. For the purposes of this report, the component parts of a complaint case are referred to as ‘allegations’. Accordingly, each complaint case may consist of multiple allegations.

2.3.2 Figure 3 shows the number of allegations contained in the cases received by the SPA, both within and outwith its remit. Miscellaneous cases do not contain allegations.

2.3.3 In overall terms, following a spike in the number of complaint cases and allegations outwith the remit of the SPA in Q1 2021/22, allegation numbers have returned to the level typically seen during 2020/21 (albeit with a slight increase in Q4). As with the number of complaint cases within the remit of the SPA, the number of allegations within its remit has remained steady over the reporting period.

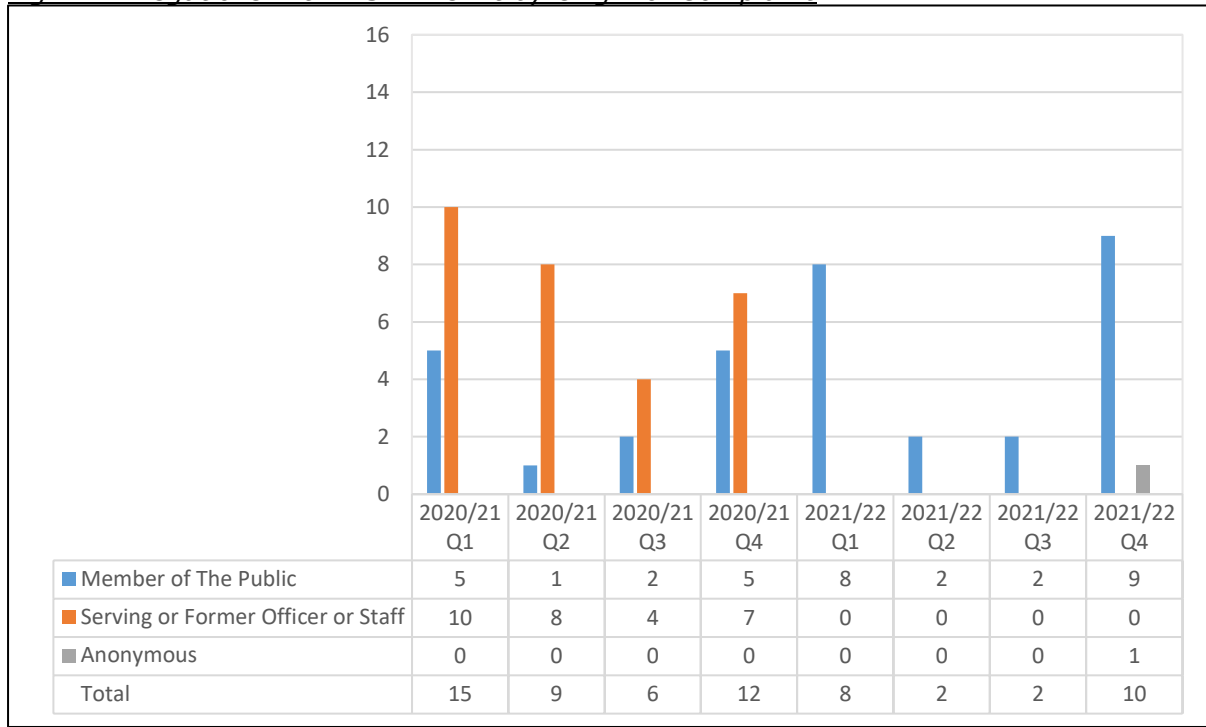
*Fig. 3 – Allegations Received by the SPA*



2.3.4 Figure 4 shows the number of allegations within the remit of the SPA broken down by the origin of the complaint.

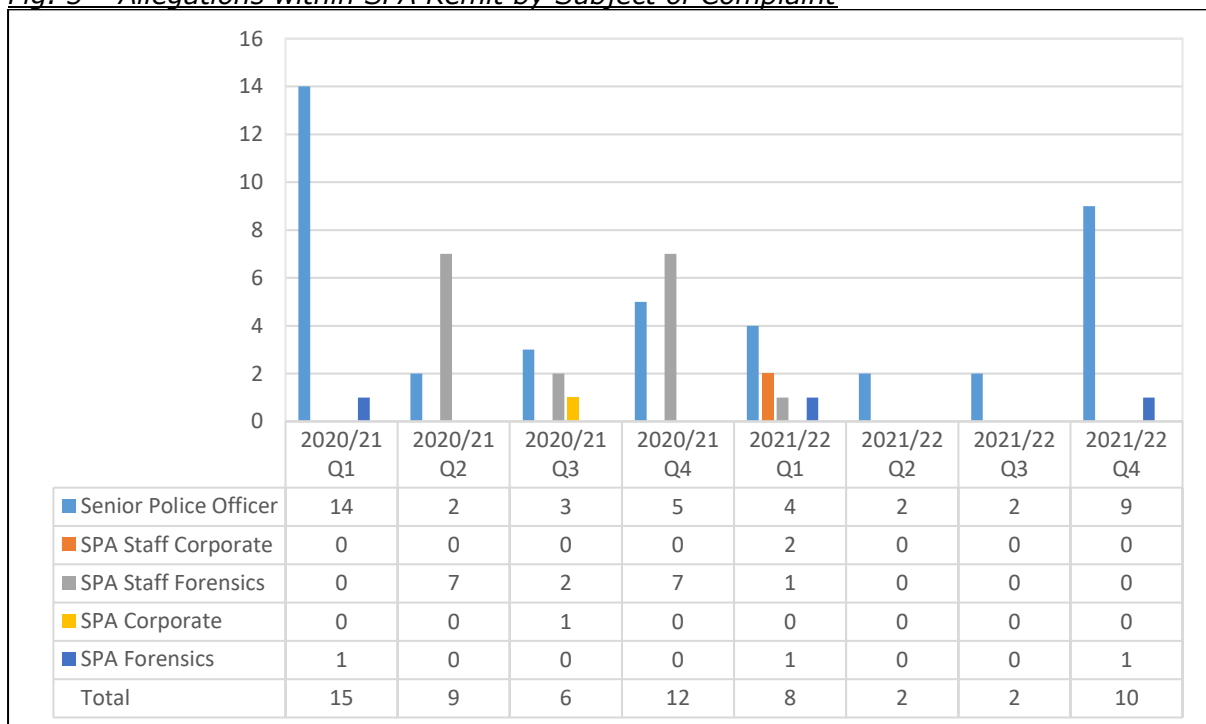
2.3.5 Over the past 4 Quarters, no allegations were received from serving or former police officers/members of staff, 1 anonymous allegation was received and all other allegations were received from members of the public.

*Fig. 4 – Allegations within SPA Remit by Origin of Complaint*



2.3.6 Figure 5 shows a breakdown of allegations by the subject of the complaint. With the exception of Q1 2020/21 and Q4 2021/22, the number of allegations about senior officers of Police Scotland have remained fairly steady over the reporting period.

*Fig. 5 – Allegations within SPA Remit by Subject of Complaint*

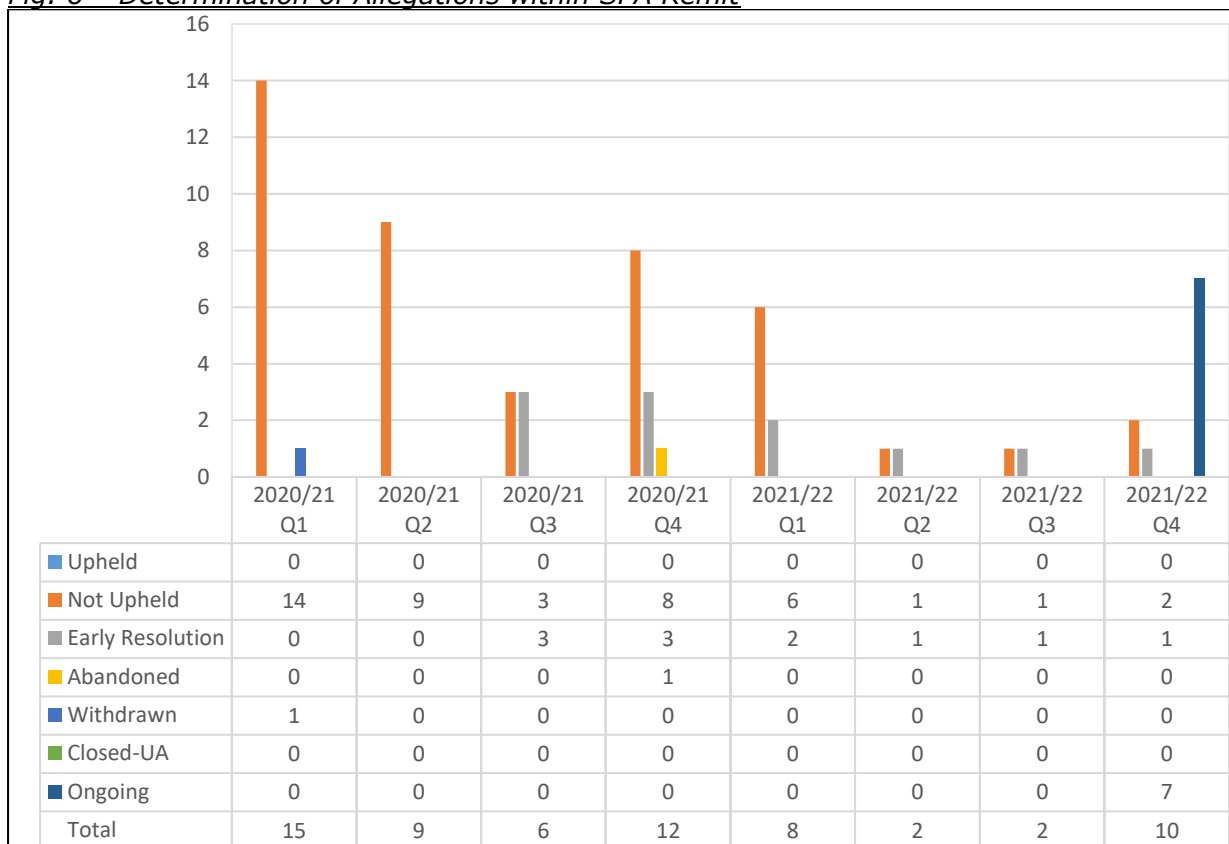


## 2.4 Determination of Allegations within SPA Remit

2.4.1 Figure 6 shows the determination of allegations within the remit of the SPA. 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 Unacceptable, Persistent or Unreasonable Actions by Complainers Policy, this is recorded below as ‘Closed- UA’.

2.4.2 The revised SPA Complaints Handling Procedures, approved by the Committee in August 2021, clarified the early stage resolution process for resolving complaints at an early stage by way of explanation, assurance or apology. Such cases do not require a determination on whether or not to uphold the complaint. In previous reports, the number of allegations recorded as Not Upheld also incorporated cases resolved by early stage resolution. This data has now been separated within Figure 6, showing that a significant proportion of cases were resolved through early stage resolution. Of those which did require a determination by the SPA, the majority of allegations over the period resulted in a finding of ‘Not upheld’.

*Fig. 6 – Determination of Allegations within SPA Remit*



## **2.5 Timescales to Close Relevant Complaints**

2.5.1 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.<sup>1</sup>

2.5.2 The handling of relevant complaints are subject to the oversight of the PIRC, who have an expectation that such complaints should be completed within 40 working days. 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.

2.5.3 Figure 7<sup>2</sup> shows the timescales for the closure of 'relevant complaints' handled by the SPA<sup>3</sup>. The average time taken to close such complaints has shown an overall reduction over this reporting period.

2.5.4 Figure 8 identifies that, over the past 3 Quarters, no relevant complaints were completed outwith the PIRC's expected completion time of 40 working days.

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<sup>1</sup> The Police Public Order and Criminal Justice (Scotland) Act 2006, as amended.

<sup>2</sup> Fig. 7 shows no. complaints received per quarter, and resulting average time to close, and will be updated following subsequent closure of any complaints which remain ongoing at the time of reporting.

<sup>3</sup> A new method of calculating this data has been introduced and a 'data cleanse' exercise undertaken for the reporting period with amendments included in Fig 7.



*Fig. 7 – Timescales to Close Relevant Complaints*



*Fig. 8 – Cases Closed Over 40 Working Days*

	2020/21 Q1	2020/21 Q2	2020/21 Q3	2020/21 Q4	2021/22 Q1	2021/22 Q2	2021/22 Q3	2021/22 Q4
Number closed over 40 days	1	1	1	0	1	0	0	0
Days to close	188	44	232		74			

## 2.6 Key Findings

2.6.1 The number of complaint cases within the remit of the SPA has remained fairly steady over the past two years.

2.6.2 The SPA continues to receive significantly more complaints than it is responsible for within the legislative framework. Complaints received that are outwith the remit of the SPA account for approximately 84% of all received over this recording period (i.e. Q1 2020/21 to end of Q4 2021/22).

2.6.3 Following a spike in cases outwith the remit of the SPA in Q1 2021/22, the figures over the past 3 Quarters, whilst lower, remain slightly higher than typically seen during 2020/21.

- 2.6.4 The vast majority of cases not within the SPA's remit are matters which required to be brought to the attention of Police Scotland's Professional Standards Department (PSD).
- 2.6.5 Whilst the SPA Complaints Team will continue to monitor this issue, the restructuring of the SPA website complaints pages in November 2021 was intended to ensure that members of the public are signposted appropriately when making a complaint. The Team are exploring various options to address this issue, including dip-sampling of complainers to understand their rationale for contacting the SPA. This matter will be reported in future Quarterly Reports once more data is available.
- 2.6.6 A significant proportion of cases within the remit of the SPA were resolved through early resolution during the reporting period. Of those which did require a determination by the SPA, the majority of allegations were not upheld.
- 2.6.7 Whilst the complexity and seriousness of the cases closed during this reporting period have caused the time to close to exceed the PIRC's recommended time for completion of 40 working days in a small number of instances, the average time taken to close 'relevant complaints' has, in overall terms reduced over the reporting period (i.e. Q1 2020/21 to end of Q4 2021/22).

## 2.7 SPA Complaints 5-Year Report

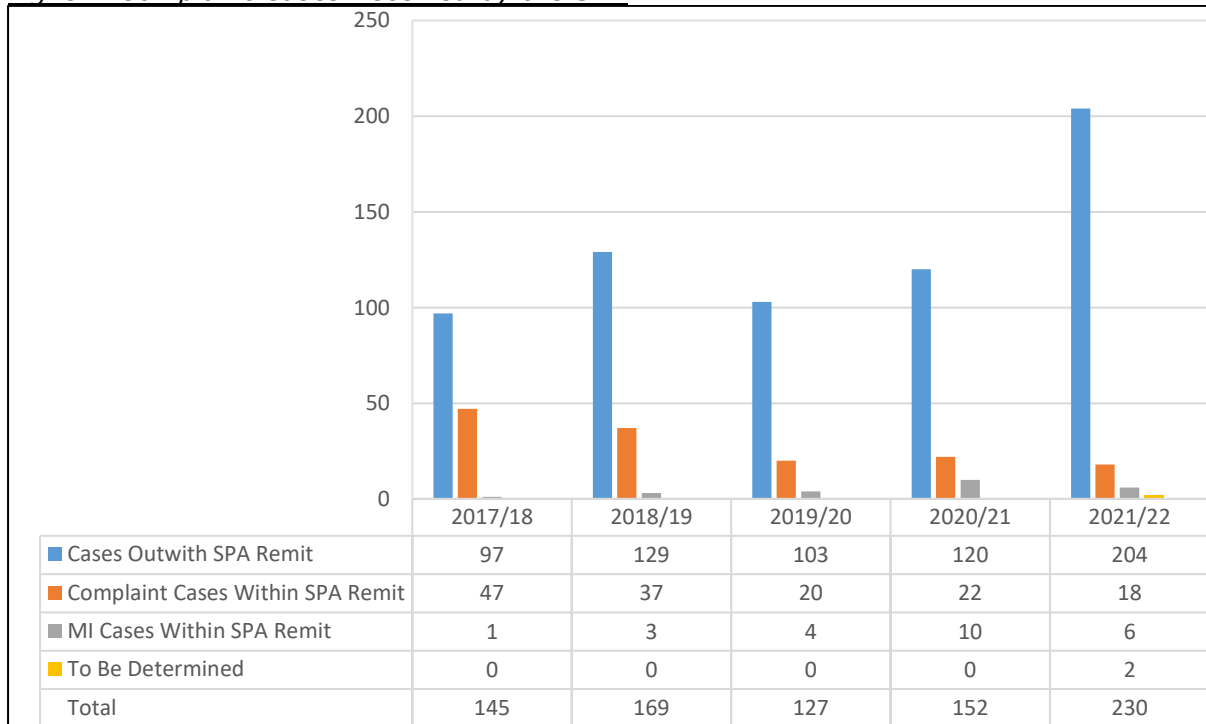
2.7.1 The statistics presented below reflect the position at the end of 2021/22 and provide comparison to the previous 4 years. Key findings in relation to this report are included at the end of this section.

## 2.8 Cases Received by the SPA

2.8.1 Figure 9 shows the number of complaint and miscellaneous (MI) cases received by the SPA.

2.8.2 The number of complaint cases received that are within the remit of the SPA has reduced over the past 5 years, while the number outwith its remit remained broadly steady before increasing in 2021/22.

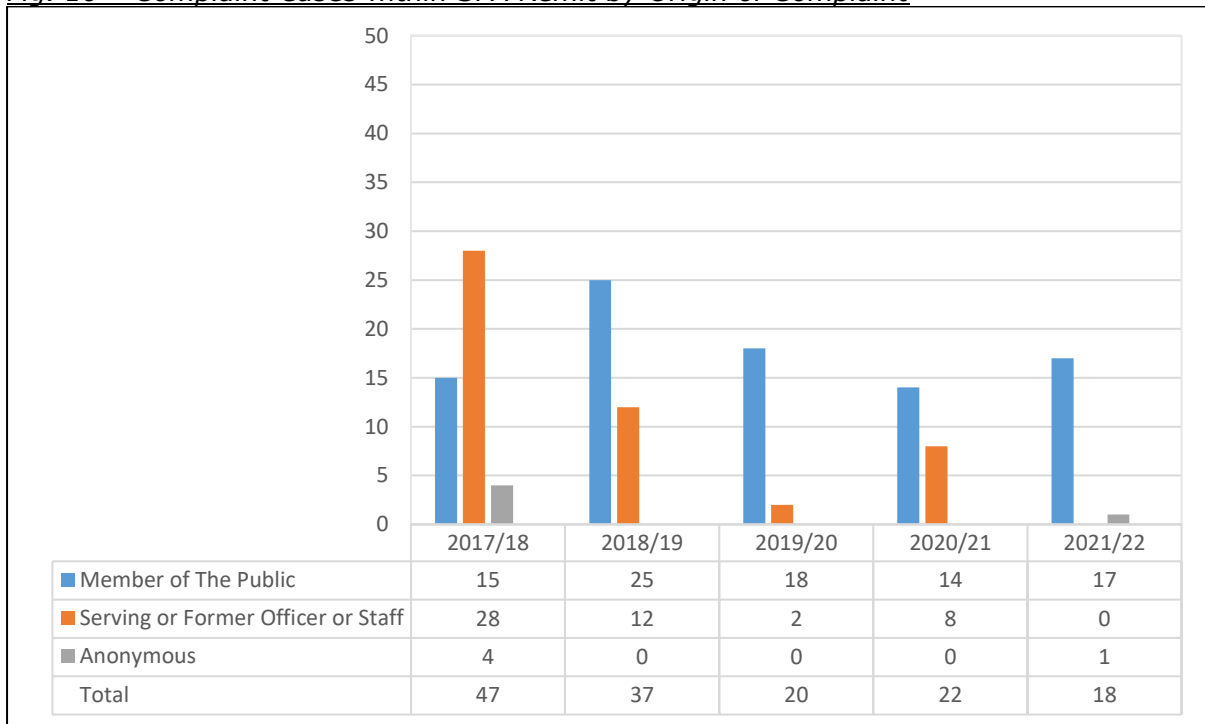
*Fig. 9 – Complaint Cases Received by the SPA*



2.8.3 Figure 10 shows the number of complaint cases within the remit of the SPA broken down by the origin of the complaint.

2.8.4 The number of complaints received from members of the public has remained broadly steady, while the number received from serving or former police officers/members of staff has shown an overall reduction over the past 5 years.

*Fig. 10 – Complaint Cases within SPA Remit by Origin of Complaint*

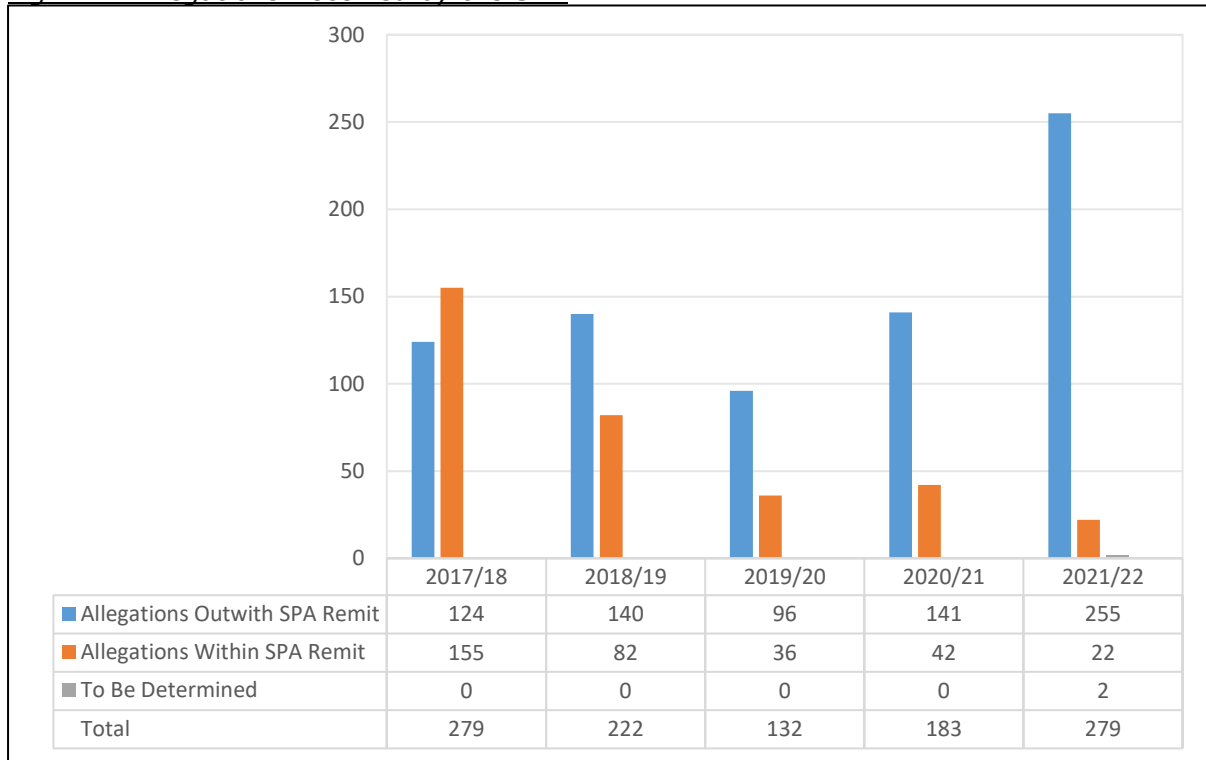


## 2.9 Allegations Received by the SPA

2.9.1 Figure 11 shows the number of allegations contained in the cases received by the SPA, both within and outwith its remit.

2.9.2 The number of allegations received that are within the remit of the SPA has reduced over the past 5 years, while the number outwith its remit remained broadly steady before increasing in 2021/22.

*Fig. 11 – Allegations Received by the SPA*

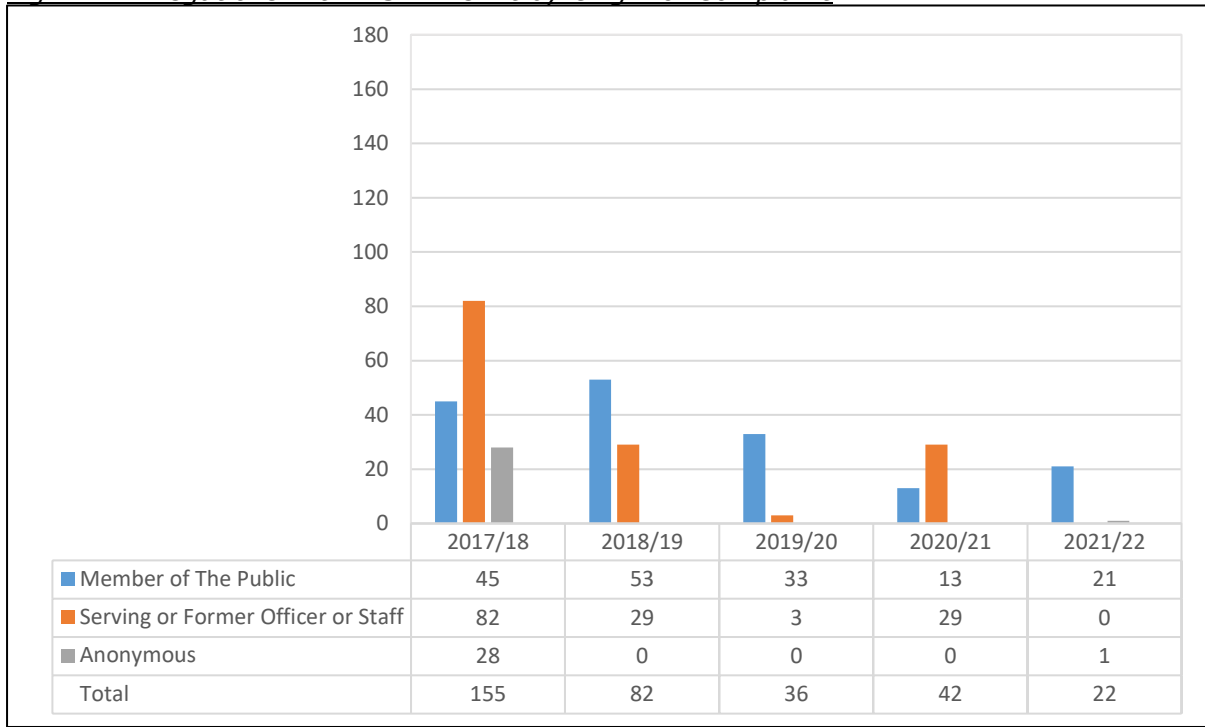


2.9.3 Figure 12 shows the number of allegations within the remit of the SPA broken down by the origin of the complaint.

2.9.4 The number of allegations received from members of the public and those received from serving or former police officers/members of staff has reduced in overall terms over the past 5 years.

2.9.5 2017/18 saw a large number of anonymous allegations received, following which only 1 was received in the subsequent 4 years.

Fig. 12 – Allegations within SPA Remit by Origin of Complaint

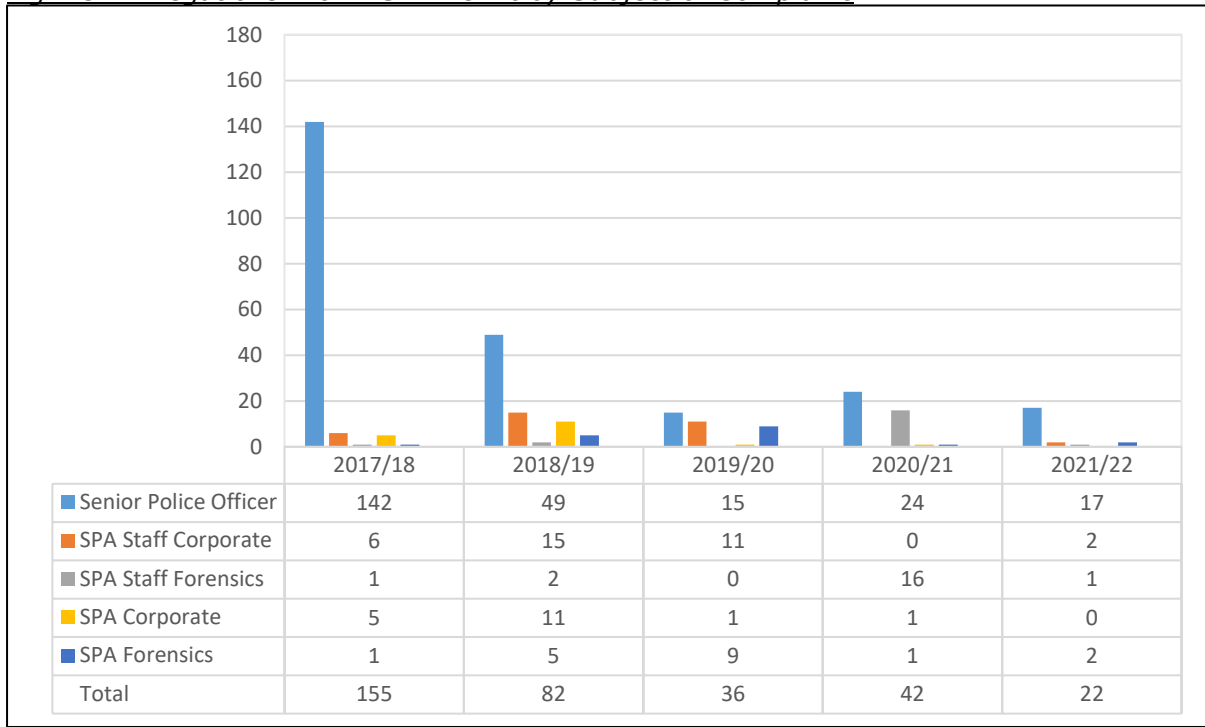


2.9.6 Figure 13 shows a breakdown of allegations by the subject of the complaint.

2.9.7 2017/18 saw a large number of allegations received about senior officers, with data showing a reduction in these numbers over the next 4 years.

2.9.8 While allegations received about the SPA or its staff saw a spike in numbers during 2018/19, the subsequent 3 years has seen a steady reduction in the number of such allegations received.

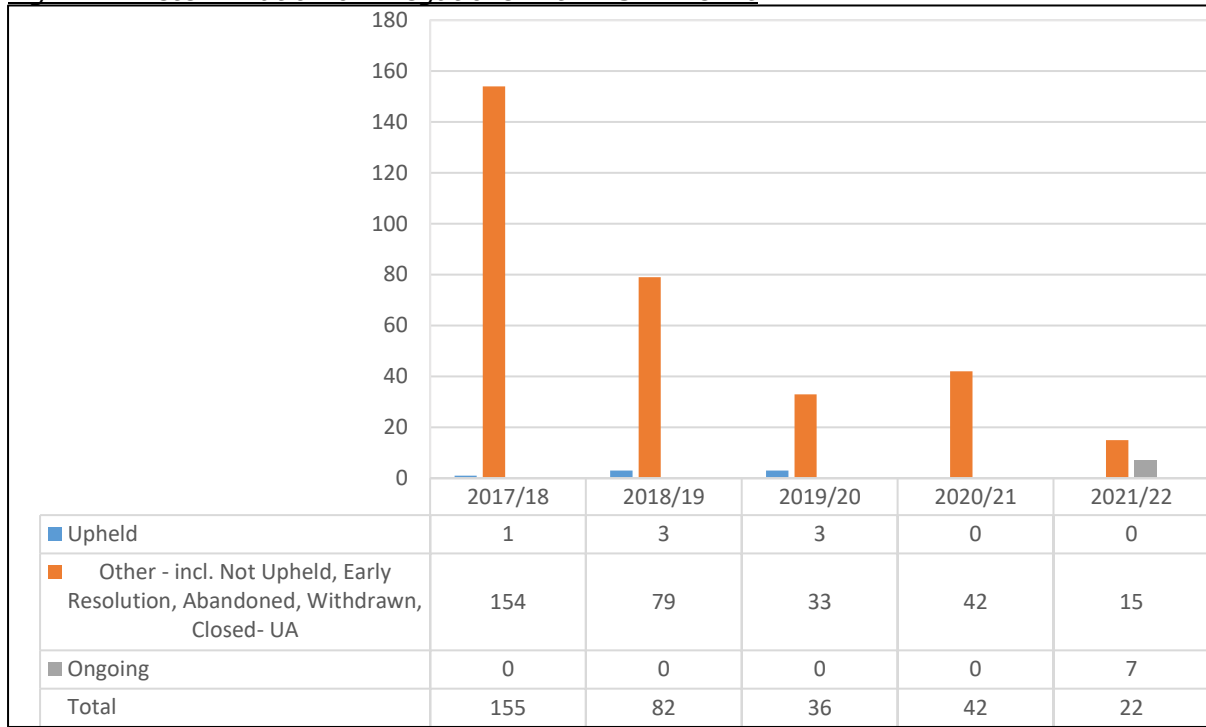
*Fig. 13 – Allegations within SPA Remit by Subject of Complaint*



## 2.10 Determination of Allegations within SPA Remit

2.10.1 Figure 14 shows the determination of allegations within the remit of the SPA. Changes to the SPA’s recording process over the 5 year period mean it is not possible to provide a further breakdown of the allegations determined as ‘Other’ in respect of 2017/18 to 2019/20. However, the majority of allegations received over the past 5 years, and which required formal determination, resulted in a finding of ‘Not upheld’.

*Fig. 14 – Determination of Allegations within SPA Remit*



## 2.11 Timescales to Close Relevant Complaints

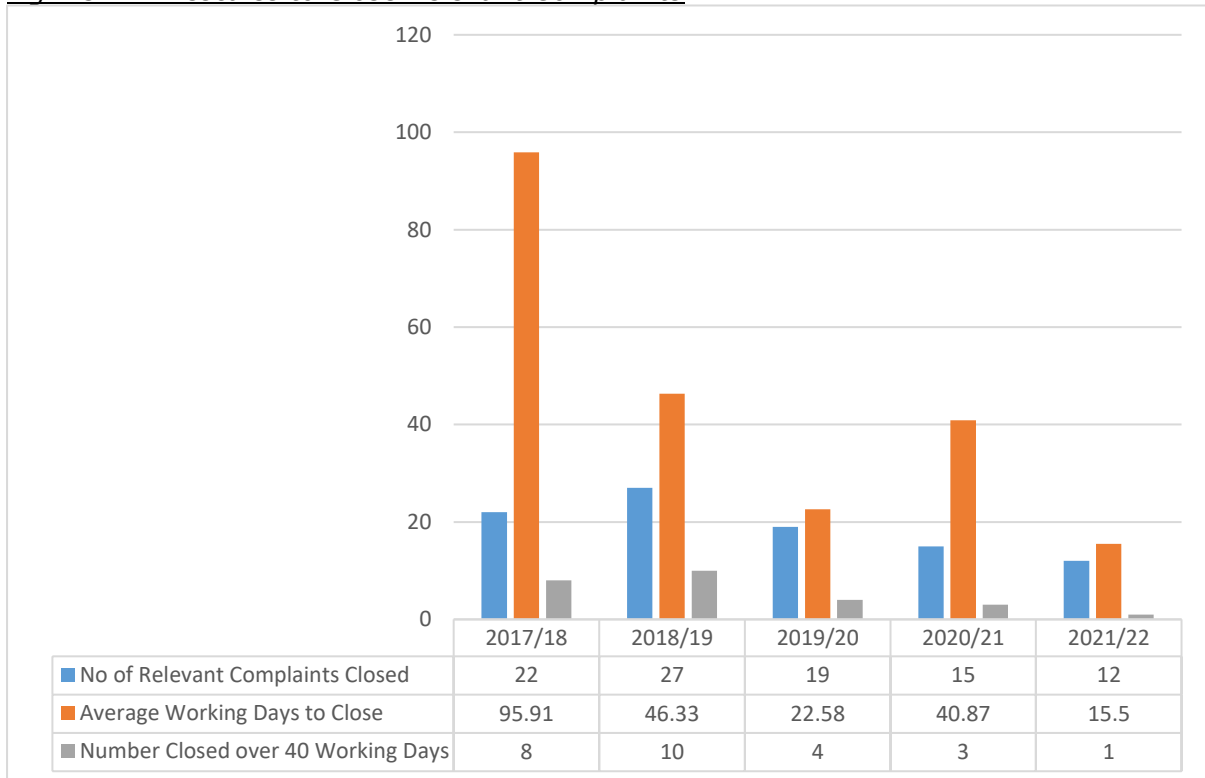
2.11.1 Figure 15 shows the timescales for the closure of 'relevant complaints' handled by the SPA.

2.11.2 The average time taken to close such complaints shows an overall reduction over the past 5 years.

2.11.3 The number of relevant complaints completed outwith the PIRC's expected completion time of 40 working days has also shown a reduction over the 5 year period.



*Fig. 15 – Timescales to Close Relevant Complaints*



## 2.12 Key Findings

2.12.1 The number of complaint cases (and allegations) received that are within the remit of the SPA has reduced over the past 5 years, while the number outwith its remit remained broadly steady before increasing in 2021/22.

2.12.2 The number of complaints received from members of the public has remained broadly steady, while the number received from serving or former police officers/members of staff has shown an overall reduction over the past 5 years.

2.12.3 The number of allegations received from members of the public and those received from serving or former police officers/members of staff has reduced in overall terms over the past 5 years.

2.12.4 2017/18 saw a large number of allegations received about senior officers, with data showing a reduction in these numbers over the next 4 years.

2.12.5 While allegations received about the SPA or its staff saw a spike in numbers during 2018/19, the subsequent 3 years has seen a steady reduction in the number of such allegations received.

2.12.6 The majority of allegations received over the past 5 years, and which required formal determination, resulted in a finding of 'Not upheld'.

2.12.7 The average time taken to close relevant complaints has reduced over the past 5 years while the number of relevant complaints completed outwith the PIRC's expected completion time of 40 working days has also shown a reduction.

### **2.13 Workload Management**

2.13.1 Detail on ongoing workload is being presented as a separate agenda item at the private session of today's meeting.

### **2.14 Stakeholder Meetings**

2.14.1 As noted previously, from February 2021 a new terms of reference was established for the Strategic Oversight Group (SOG) as part of the national governance structure established to oversee implementation of recommendations from the Dame Elish Angiolini report, 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. In respect of the latter, since the last Committee meeting, the SOG met on 17 March 2022, with discussions covering feedback from partners following implementation of the new model for assessment and investigation by PIRC of complaints against Police Scotland of alleged Article 3/5 human rights breaches; an update on the current review by PIRC of its statutory guidance for complaints handling; and an update on new appointments to the PIRC senior management team.

2.14.2 Since the last Committee meeting, the National Complaint Handling Development Group (NCHDG) met on 21 April 2022. Discussions focussed on a new Delivery Plan for the year ahead and agreed responsibilities for Sub-Groups to take forward particular pieces of work, centred around five distinct areas: Audit, Performance and Analysis; Communication and Accessibility; Prevention and Professionalism; Guidance and SOPs; and Learning Culture. The group also discussed planned engagement with the SPSO in respect of recommendation 68 within the Dame Elish Angiolini final report ("The Strategic Oversight Group or the National Complaint Handling Development Group should take an

early opportunity to engage with the SPSO to agree where their contribution and advice would be most useful"). In addition, the SPA presented a benchmarking review of its Complaints Handling Procedures against Scottish Public Services Ombudsman (SPSO) Model Complaints Handling Procedures and ISO 10002:2018 international standard on complaints handling for organisations.

## **2.15 Joint Audit SPA/ PIRC**

2.15.1 The SPA and PIRC have completed the fieldwork stage of their joint audit of Police Scotland's initial triage of complaints and an update will be provided by PIRC at today's meeting.

## **2.16 SPA Complaints Team Development**

2.16.1 The SPA Complaints Team has completed a benchmarking exercise to review SPA Complaints Handling Procedures against the SPSO Model Complaints Handling Procedure and the ISO 10002:2018 international standard.

2.16.2 The exercise concluded that the SPA Procedures are broadly in alignment with both and no major differences were identified. Points of good practice were noted which will be incorporated into the SPA Complaints Team processes, including the introduction of an Investigation Plan Template, a Decision-Making Tool for complaint investigators and a Complaints Improvement Framework.

## **2.17 Engagement with Other Organisations**

2.17.1 The SPA continues to participate in an international research project on Police Accountability, one of the objectives of which is to develop international standards for independent procedures, resourcing, and good practice in the handling of complaints against law enforcement agencies. Interviews have taken place with the SPA Head of Workforce Governance and the SPA Complaints & Conduct Manager, and further interviews are scheduled with members of the SPA Complaints & Conduct Committee.

## **3 FINANCIAL IMPLICATIONS**

3.1 There are no financial implications associated with this paper.

## **4 PERSONNEL IMPLICATIONS**

4.1 There are no personnel implications associated with this paper.

## **5 LEGAL IMPLICATIONS**

5.1 There are no legal implications associated with this paper.

## **6 REPUTATIONAL IMPLICATIONS**

6.1 There are reputational implications associated with this paper. The report (alongside corresponding reports from Police Scotland and the PIRC) serves to highlight trends in respect of complaints received and performance in respect of complaints handling, enabling the Committee to seek assurance in this important area, recognising its key link to public confidence in policing in Scotland.

## **7 SOCIAL IMPLICATIONS**

7.1 There are no social implications associated with this paper.

## **8 COMMUNITY IMPACT**

8.1 There are no community implications associated with this paper.

## **9 EQUALITIES IMPLICATIONS**

9.1 There are no equalities implications associated with this paper.

## **10 ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications associated with this paper.

### **RECOMMENDATIONS**

Members are requested to note the content of this paper and request additional information if required.