



Agenda Item 3

Meeting	SPA Complaints and Conduct Committee
Date	01 June 2023
Location	Video Conference
Title of Paper	Police Scotland Professional Standards Department Quarterly Performance Report (Q4 22/23)
Presented By	ACC Alan Speirs, Professionalism and Assurance
Recommendation to Members	For Discussion
Appendix Attached	Appendix A – Performance Report Q4

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 2022 – 31 March 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 4 (1 April 2022 – 31 March 2023).

Data contained in this report is management information and is correct as at 25/04/2023, 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

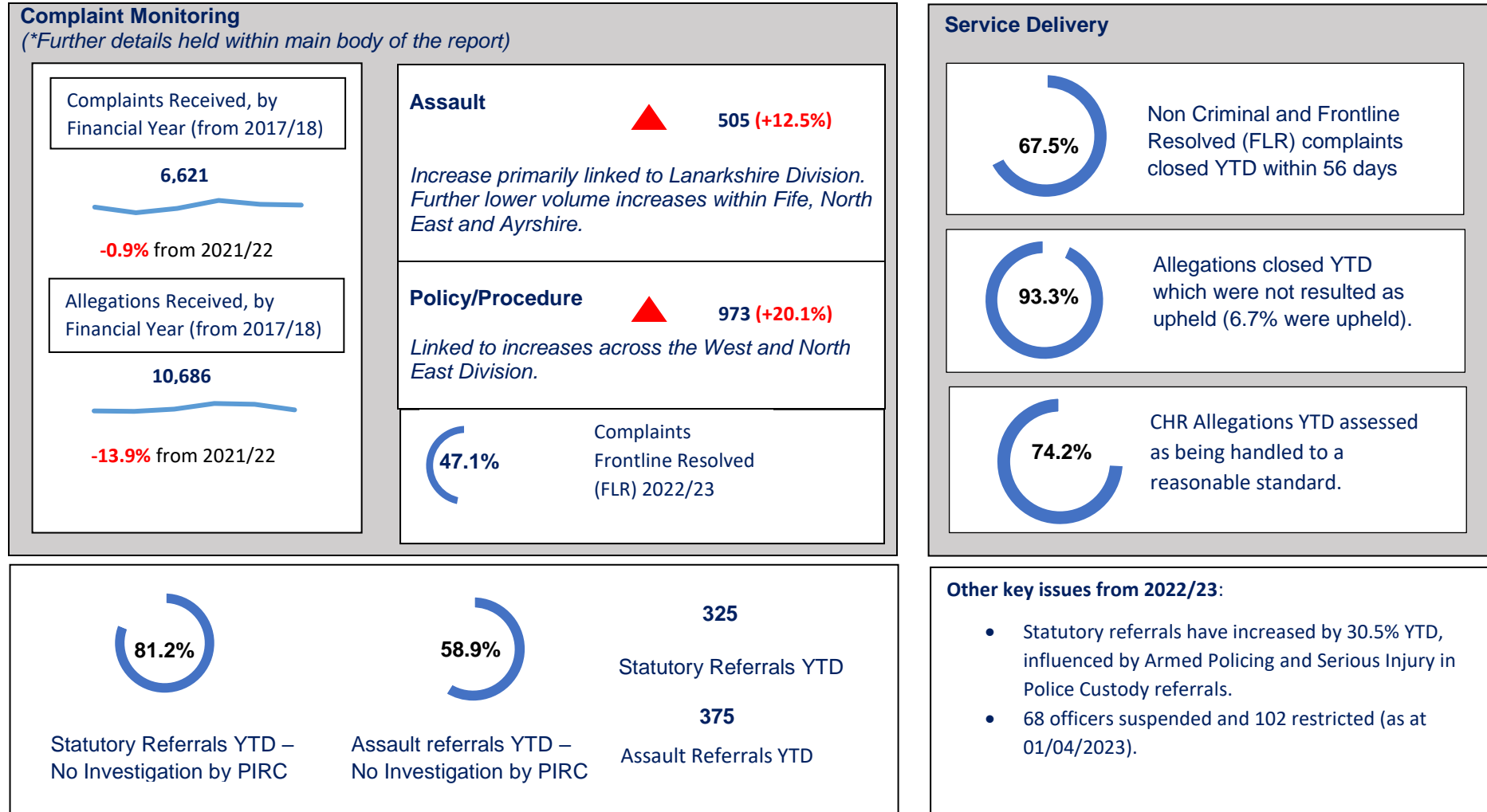
Members are invited to discuss the content of this report and appendix.



Professional Standards SPA Performance Report – Year to date for 2022/23

Meeting Date: 01 June 2023

Professional Standards Department Dashboard

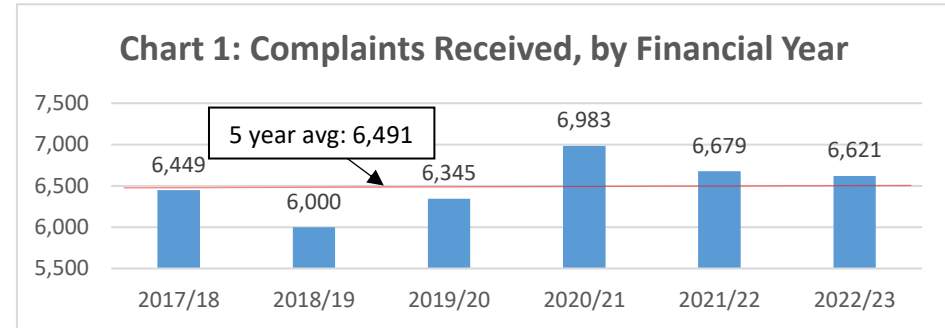


Executive Summary

- A total of 6,621 complaints were received during 2022/23 YTD (-0.9% decrease from the PYTD and +2.0% increase against the five year average).
- **47.1%** were Frontline Resolved (FLR), a reduction from the PYTD rate of 49.2%.
- 199 CHRs were received YTD, with **74.2%** of allegations reviewed found to be handled to a reasonable standard (+7.4% from PYTD). This further reflects the continued improvement in complaint handling in recent years.
- Approximately **3%** of complaints reported are subject of CHR.
- **325** statutory referrals were made to PIRC, an increase YTD by **30.5%**. Of these, **81.2%** resulted in no PIRC investigation.
- The main driver for the volume of referrals relates to Armed Policing and Serious Injury in Police Custody referrals. The vast majority of those referrals involved the presentation of Police firearms, with a low proportion resulting in a PIRC investigation (**3.4%**). Use of these resources have broadly been assessed as proportionate and justified.
- **19** misconduct hearings in respect of Gross Misconduct were scheduled YTD and resulted in **5** dismissals, **1** demotion in rank, **6** final written warnings and **2** written warnings. A further **12** allegations were concluded with resignation prior to a hearing and **1** resulted as no misconduct.

Complaints Received

- A total of 6,621 complaints received YTD, -0.9% from the PYTD and a 2.0% increase from the five year average. Complaints YTD are broadly comparable with an average year.
- Service Outcome allegations are assessed to be the key driver in this overall YTD decrease, alongside significant reductions for Incivility and Irregularity in Procedure.
- A total of 3,119 complaints (47.1%) Frontline Resolved (FLR), compared with 49.2% PYTD.
- 24.6% were Non-Criminal (1,629), 14.6% Abandoned (968), 5.1% Withdrawn (336), 1.8% Ongoing (121), plus 6.8% Criminal (448).

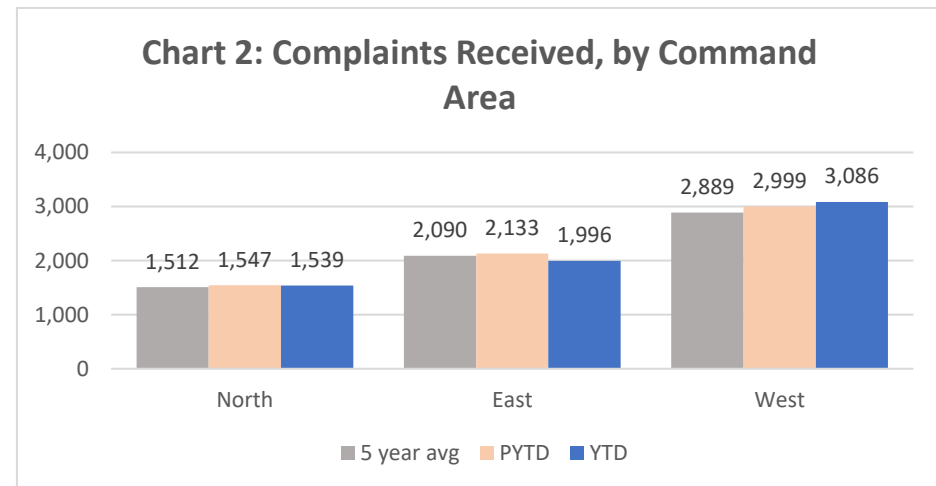


North Command

- 1,539 complaints received YTD, -0.5% from PYTD and +1.8% against the five year average.
- Notably, North East Division registered an increase (+7.8% from PYTD, +11.8% against the five year average). Service Delivery and Service Outcome allegations are the primary influence, with lower volume increases in Policy/Procedure and Assault allegations.
- Further analysis will be tasked and dialogue undertaken with divisional management in respect of this.

East Command

- 1,996 complaints received YTD, -6.4% on the PYTD and -4.5% against the five year average. No increases of note were identified within divisions across the East.



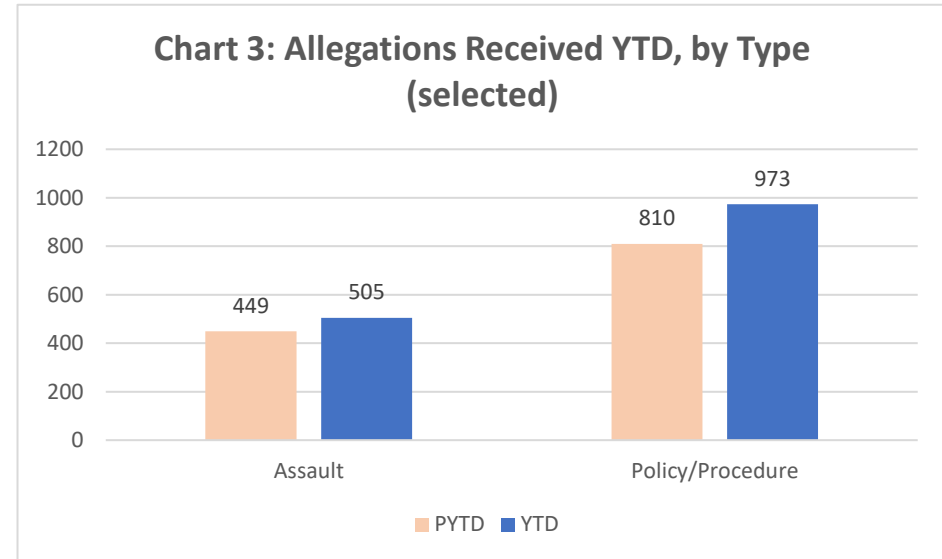
West Command

- 3,086 complaints received YTD, +2.9% from PYTD and +6.8% against the five year average. The primary driver of this increase is assessed to be Ayrshire (+61). Further increases in Renfrewshire and Inverclyde (+32), Dumfries and Galloway (+29), plus Lanarkshire (+21) are noted. This is broadly linked to a rise in Quality of Service related allegations within these areas, plus Assault (specifically in Ayrshire and Lanarkshire).
- Further analysis will be tasked and dialogue undertaken with divisional management in respect of this.

Emerging Trends

- Of note is an increase in Policy/Procedure allegations, with 973 received YTD (+20.1% from the PYTD). This is primarily driven by divisions in the West with each registering an increase, in addition to North East.
- An increase in Assault allegations was also identified, with 505 received YTD (+12.5% from the PYTD). This is primarily driven by Lanarkshire (+30), plus lower volume increases within Fife (+22), North East (+19) and Ayrshire (+18).
- Further analysis will be tasked to identify factors which have influenced these increases and further dialogue undertaken with relevant divisions/departments.

It should be noted that all on duty assault allegations received will be subject to PIRC referral, under the Article 3 process in relation to alleged breaches of the European Convention on Human Rights (ECHR). This ensures that these allegations will be subject to independent scrutiny and investigation as required.



Service Delivery

- 11,395 allegations were closed YTD, with 6.7% upheld representing a decrease from PYTD (7.2%) and the five year average (9.3%).
 - Of the 758 allegations upheld YTD, the largest volume categories were linked to Irregularity in Procedure (284), Service Delivery (171) and Service Outcome (159).
 - Sub types involved were: Insufficient Enquiry Carried Out (89), Time of Response (117) and Lack of Satisfaction with Action Taken (99).
- Of the 4,659 allegations attached to completed complaint investigations (criminal and non-criminal) concluded during 2022/23, 16.0% were upheld.
- YTD 4,473 non-criminal and Frontline Resolved (FLR) complaints were closed. Of those, 67.5% were closed within the 56 day timescale, an increase on the PYTD rate of 64.4% (+3.1%). The average closure time YTD was 78 days, compared to an average of 72 days in the PYTD.
- A total of 199 Complaint Handling Reviews (CHRs) were received YTD, +0.5% from PYTD, with 74.2% of allegations reviewed found to have been handled to a reasonable standard (+7.4% from PYTD).
- Overall, this further evidences the continued improvement in complaint handling by Police Scotland in the broader context of recent years.
- A total of 222 recommendations and 41 learning points were received YTD. The majority of recommendations received were categorised as requiring a 'fuller/further response' alongside administrative recording of allegations.
- CHRs continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Chart 4: Allegations Upheld, by YTD Period

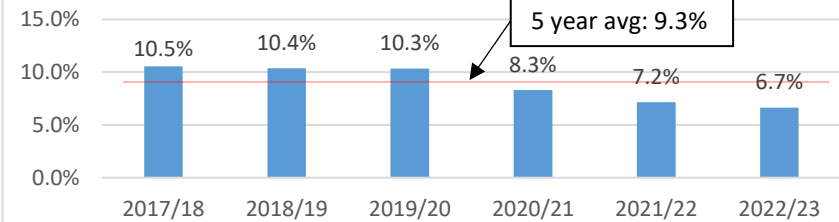


Chart 5: Non-Criminal and FLR Timescales YTD

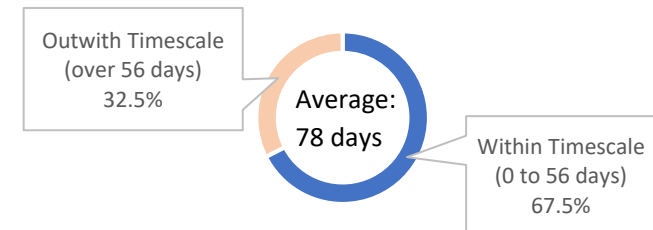
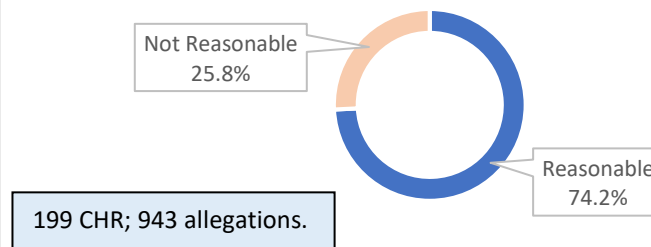


Chart 6: CHRs Allegations YTD, by Outcome



PIRC Referrals

- A total of 325 statutory referrals were made to PIRC during the YTD, a 30.5% increase on the PYTD. The key drivers in this increase are Armed Policing (118 in total, +47 from PYTD) and Serious Injury in Police Custody (65 in total, +25 from PYTD).
- Armed Policing referrals YTD are assessed to have arisen largely from spontaneous incidents involving subjects with a mental health concern and in possession of an offensive weapon (primarily bladed weapons and/or reported firearms). Most occurred in the East (51.7%) and involved the presentation of conventional Police firearms (89.0%).
 - The monthly volume has generally reduced in recent months, indicating a levelling in Armed Policing related referrals.
 - 4 of these referrals are subject to PIRC investigation. This provides further independent assurance that the use of Armed Policing resources in response to these events, broadly, have been proportionate and justified.
- The number of Serious Injury in Police Custody referrals during 2022/23 overall averaged 4 per month, with the YTD having an average of 5. Most of these referrals relate to the West (58.5%, 38 in total).
 - This continues to be assessed as a relatively low volume increase. However, further analysis will be undertaken to identify common themes amongst these referrals and findings disseminated accordingly to address any risks identified.

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).

Chart 7: Statutory Referrals to PIRC YTD, by Category

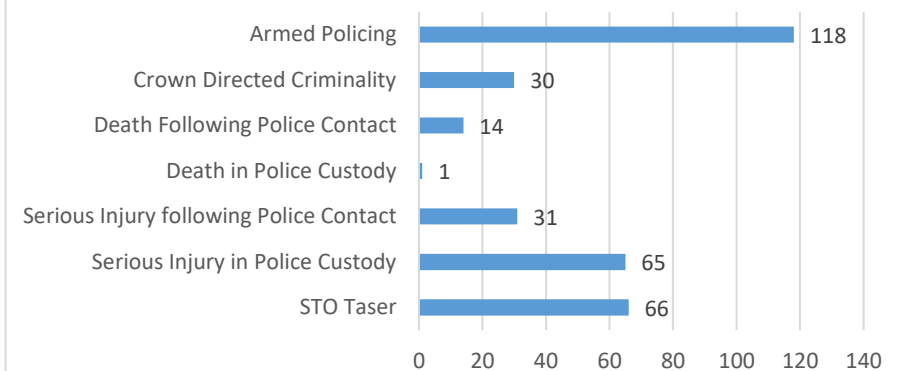
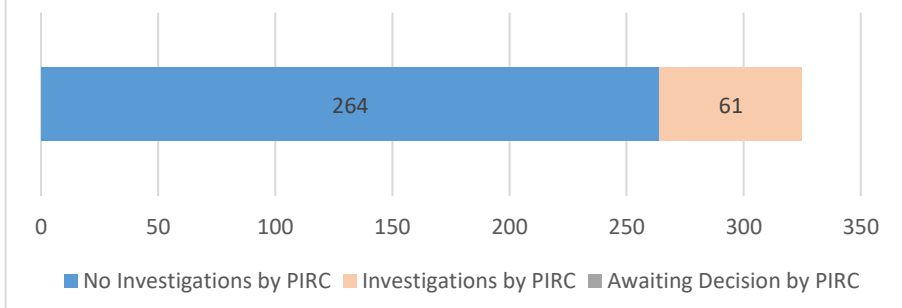


Chart 8: Statutory Referrals to PIRC YTD, by Decision Type



Conduct Unit

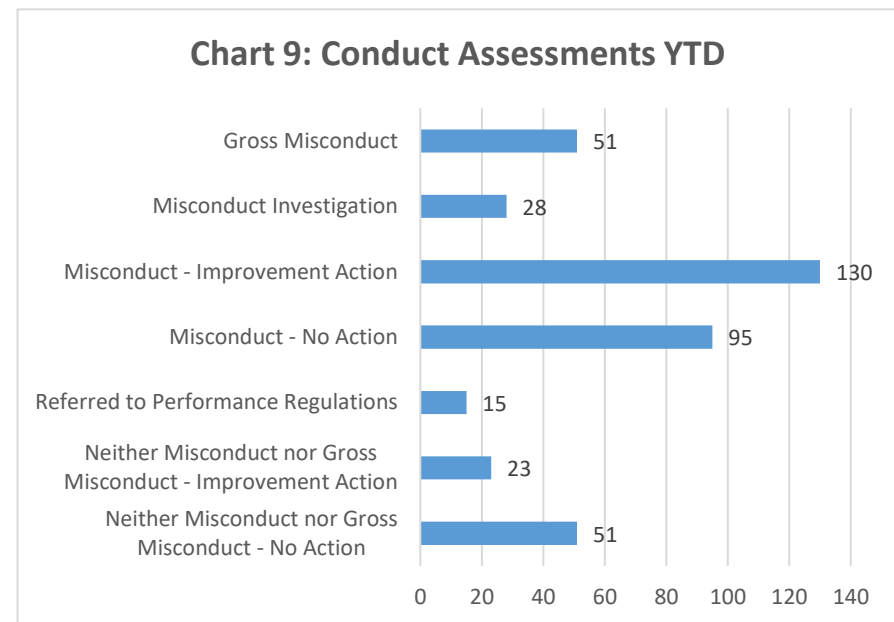
The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are supported by published guidance supported by staff associations, Scottish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

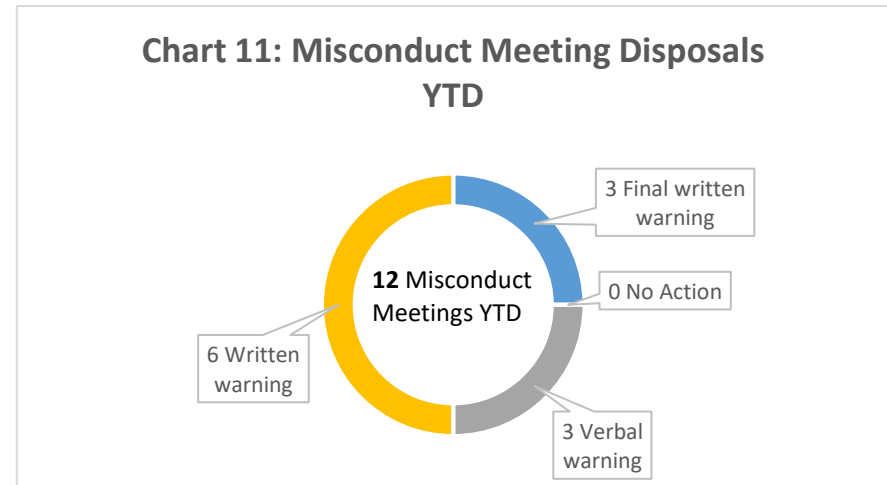
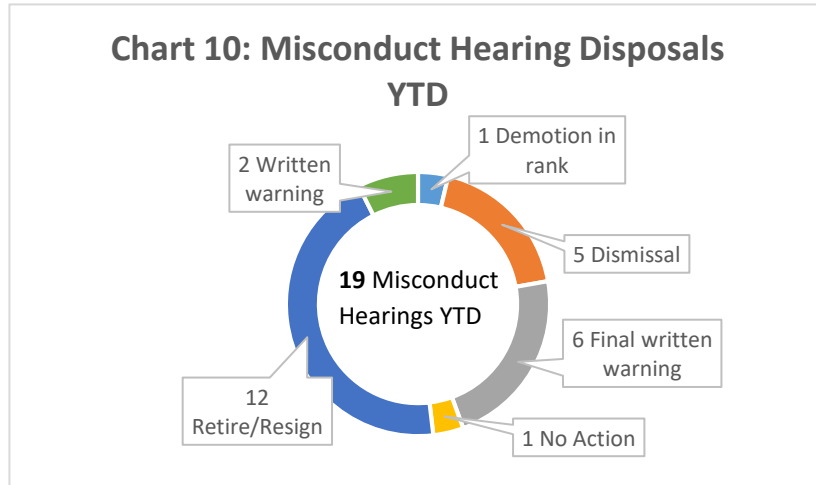
- A total of 393 preliminary conduct assessments were undertaken YTD, +5.1% from PYTD.
- YTD increase is linked to assessments categorised as 'Gross Misconduct' (+13) and 'Neither Misconduct nor Gross Misconduct – No Action' (+28).
- Greater Glasgow (+29), plus Renfrewshire and Inverclyde (+11) divisions influence the overall YTD increase.



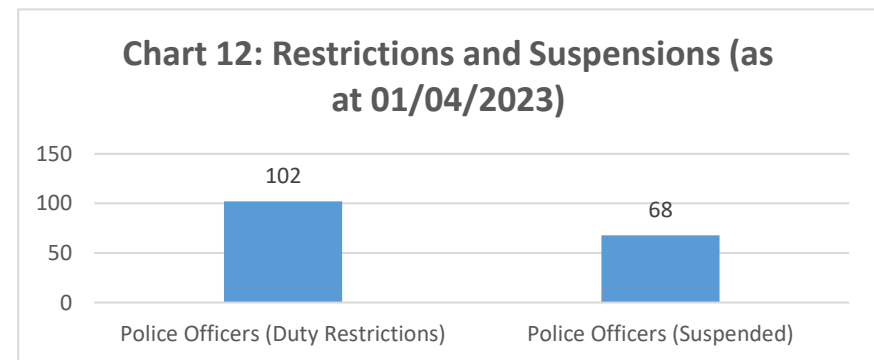
Misconduct Hearings and Meetings

- 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 Q4 YTD, 68 Police officers were suspended and 102 subject to duty restrictions. A further 13 members of Police staff were suspended at this time.



Organisational Learning

<p>An investigation into the negligent discharge of a firearm during shift arming procedures resulted in a recommendation around Weapon Safe Handling Procedures.</p> <p>The officers involved subsequently completed a two day bespoke Armed Policing Training Development Plan, which specifically focused on safe weapons handling.</p> <p>Additionally, reminders were issued to all Authorised Firearms Officers (AFOs) regarding the role and duties of the designated safety officer and requirement to follow approved procedures. A review of guidance within Armed Response Vehicle (ARV) changeover areas was undertaken and new signage installed.</p>	<p>Following a Crown Directed PIRC investigation into a death following police contact a proactive procedural review (PR) was undertaken by Criminal Justice Services Division (CJSD).</p> <p>The PR was a trial process and made 3 recommendations resulting in action including the changing of a SOP, individual learning and departmental awareness raising.</p> <p>As a result of this proactive, internal action, taken in advance of the independent investigation conclusion, a decision was taken by the Crown office not to initiate a discretionary Fatal Accident Enquiry (FAI).</p> <p>PRs are now fully embedded within CJSD and are being promoted as best practice for other areas of Police Scotland to adopt.</p>
<p>Much of the learning coming from 2022/23 CHRs relate to compliance failings with the PIRC statutory guidance. Examples include; not naming officers in response letters, failing to acknowledge delay in investigating a complaint and issue an apology as part of the final response and failing to maintain accurate and auditable complaint records.</p> <p>This learning has been disseminated by targeting individual complaint handlers and more generally through the dissemination of the Divisional Commanders report.</p>	<p>Many of the learning points identified in 2022/23 CHRs relate to investigations carried out under the old Divisional model of investigation.</p> <p>Following the implementation of the dedicated PSD investigation model in May 2021, it is anticipated that learning points of the type highlighted above will reduce as investigation standards, consistency of approach and adherence to the statutory guidance increases.</p>
<p>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.</p> <p>It is hoped this targeted approach will result in improved standards and fewer learning points from CHRs.</p>	<p>PIRC have changed their approach to the way they communicate Discretionary Decisions (DD). DD letters to Police Scotland now include the reasons for not proceeding with a CHR and highlight good complaint handling and application of the PIRC Statutory Guidance.</p> <p>It is hoped that by highlighting good practice and reinforcing positive learning, complaint handling standards will improve and build public trust and confidence.</p>
<p>PSD capture and implement learning internally identified as a result of an independent investigation or CHR.</p> <p>This would include learning identified through the 6 stage complaint handling process, or non-referral assessments, which is currently recorded, but no means exist to extract and analyse data, or review for success/further action.</p>	<p>Police Scotland is in the process of developing its first Learning and Development Strategy towards being a thriving learning organisation under the Governance and Assurance portfolio.</p> <p>As that work progresses, PSD will consider internal governance structures across all functions, ensuring that the Division makes a positive contribution towards the national strategy while continuing to work with the SPA and partners in the area of organisational learning.</p>

Continuous Improvement

PREVENTIONS AND PROFESSIONALISM PROGRAMME

The Preventions and Professionalism (P&P) Programme promotes positive behaviours and a learning culture around Professional Standards to identify best practice, address emerging trends and achieve better outcomes for our people and communities.

The purpose of the programme is to:

- Promote our Code of Ethics and Values, recognising the achievements of officers and staff members who deliver on these every day.
- Work with partners and academia to improve our understanding of Professional Standards, ethics, vulnerability and corruption, sharing this knowledge to empower staff and enhance organisational learning.
- Promote Wellbeing support in all Professional Standards functions to protect our people and deliver a person centred approach to all parties involved in an investigative process.
- Identify individual vulnerabilities, corruption threats and ethical drift within the organisation to ensure early intervention and protecting our people and organisation from harm.
- Work with external partners to share best practice and improve resilience within Police Scotland and across the Criminal Justice sector.

TRAINING

PSD's Learning and Improvement Team manage an extensive Training Calendar and, with the support of our PSD Training Cadre, they 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 ad hoc presentations focusing on promoting the Standards of Professional Behaviour. Since November 2022, 25 events have been presented to, with our messaging reaching 1,009 colleagues.

To ensure our officers and staff are equipped to handle complaints to the highest standard and improve our service to communities, PSD secured funding to deliver bespoke complaint handling training to officers within our National Complaint Assessment and Resolution Unit (NCARU) and Investigations teams. This training was positively evaluated and it is intended, subject to funding, to roll this training out to all new members of the team.

UPGRADE TO PSD DATABASE

PSD 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 is better informed regarding any emerging issues affecting particular groups or communities.

'THE STANDARD' – INTERNAL NEWSLETTER

PSD has launched its first quarterly newsletter providing preventions messaging to officers and staff to help safeguard their career and enhance professional standards. The publication will communicate key themes and trends arising from complaints and conduct investigations to prevent reoccurrence and enhance our service delivery to the public.

Continuous Improvement (continued)

BENCHMARKING

PSD senior officers are represented on a number of national and regional groups ranging from the National Police Chief's Council, Ethical Use of Social Media, Regional Ethics Committees and National Counter Corruption Advisory Groups. Best practice and organisational learning from across the country is shared to promote a culture of continuous improvement across the service.

CONTINUOUS INTEGRITY SCREENING

In January 2023, Deputy Chief Constable Fiona Taylor announced that Police Scotland would complete appropriate checks of all officers and staff against national systems, in line with work being taken forward in England and Wales at the request of the Home Secretary. This work is ongoing by a dedicated team of officers and staff, due for completion by end of September 2023. We are committed to addressing sexism, misogyny and violence against women - within the organisation and across society, working to root out those within policing who display harmful behaviours.

REVIEW OF SEXUAL MISCONDUCT AND DOMESTIC CASES

Police Scotland are undertaking a case review of complaints & conduct matters which contain "domestic circumstances" and "sexual circumstances" reported externally or within Police Scotland. This review will ensure that Police Scotland has fully discharged its responsibilities in relation to the management of risk relating to reports or complaints which include sexual and/or domestic related circumstances, sexual and/or domestic offending or misconduct by officers or members of Police Scotland staff. This will be a time critical review, subject to regular review and a final report compiled, providing an overview of findings, recommendations and wider organisational learning identified.