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| Meeting | Complaints & Conduct Committee |
| Date | 31 May 2022 |
| Location | MS Teams |
| Title of Paper | Police Scotland Professional Standards Annual and Quarterly Performance Report (Q4 – 21/22) |
| Presented By | John Paterson, Chief Superintendent Professional Standards |
| Recommendation to Members | For Discussion |
| Appendix Attached | Yes 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 2021 – 31 March 2022).

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 2021 – 31 March 2022).

Data contained in this report is management information and is correct as at 30/04/2022.

Note: Appendix 'A' provides detail of allegations of Discriminatory Behaviour – sub categories for the current year-to-date v previous five year average (based on the year-to-date period).

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 associated with this paper.

4. PERSONNEL IMPLICATIONS

- 4.1 Clearly 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 individual and organisational learning opportunities are identified and addressed.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

6. REPUTATIONAL IMPLICATIONS

- 6.1 As per 4.1 above, 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 related 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 seek to mitigate the negative impact of those cases reported.

8. COMMUNITY IMPACT

8.1 As per 7.1 above.

9. EQUALITIES IMPLICATIONS

9.1 There are equalities implications associated with this paper, as per 7.1 above.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

RECOMMENDATIONS

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



Professional Standards SPA Performance Report Quarter 4 of 2021/22

Meeting Date: 31/05/2022

Reporting Period: April 2021 – March 2022

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Executive Summary

This Performance Report provides the Scottish Police Authority (SPA) Complaints and Conduct Committee details of Professional Standards Department (PSD) activity from 1 April 2021 to 31 March 2022.

Quarter 4 (Q4) 2021/22 Performance Overview

- A total of **1,383** complaints were received during Q4 of 2021/22, a decrease of **18.2%** on Q4 of 2020/21.
- **653** complaints (**47.2%**) were Frontline Resolved (FLR) during Q4 of 2021/22 (**+4.8%** compared to Q4 PYTD). This includes early resolution and subsequent resolution by PSD/Specialist officers.
- **5.8%** of allegations closed during Q4 of 2021/22 were upheld, a decrease of **3.0%** on Q4 PYTD.
- **69** preliminary conduct assessments were undertaken during Q4 of 2021/22, a **27.4%** decrease on Q4 of 2020/21. **7** of these officers retired or resigned prior to a conduct meeting or hearing taking place.
- **62** statutory referrals were made to the Police Investigations and Review Commissioner (PIRC) during Q4 of 2021/22, this represents no change from the same period PYTD.
- During Q4 of 2021/22, **43** of the **62** statutory referrals were marked as no investigations by PIRC (**69.4%**).
- In October 2021 COPFS directed that, in line with Article 3 & Article 5 ECHR, all complaints of assault/excessive force would be automatically referred to PIRC. From this date, **131** such referrals were made, **58 (44.3%)** of which were not subject to an investigation by PIRC. The majority of these were assessed as 'no criminality established'.
- **46** Complaint Handling Reviews were conducted by PIRC during Q4 of 2021/22. **69.1%** of allegations reviewed during Q4 of 2021/22 were deemed by PIRC to have been handled to a reasonable standard, a decrease of **1.2%** on Q4 PYTD.
- Based on the statistics of CHR during Q4 of 2021/22, notionally, the proportion of complaints subject to a CHR by PIRC is **3.3%**. It should be noted that some of the complaints subject to CHR may predate the Q4 period.

Complaints and Allegations

Complaint Cases Received

What is a 'Complaint'?

A complaint about the Police is defined in the Police, Public Order and Criminal Justice (Scotland) Act 2006 Section 34(2) as:

“A statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission by the Authority, by the Police Service or by a person who at the time of the act or omission was a person serving with the Police”.

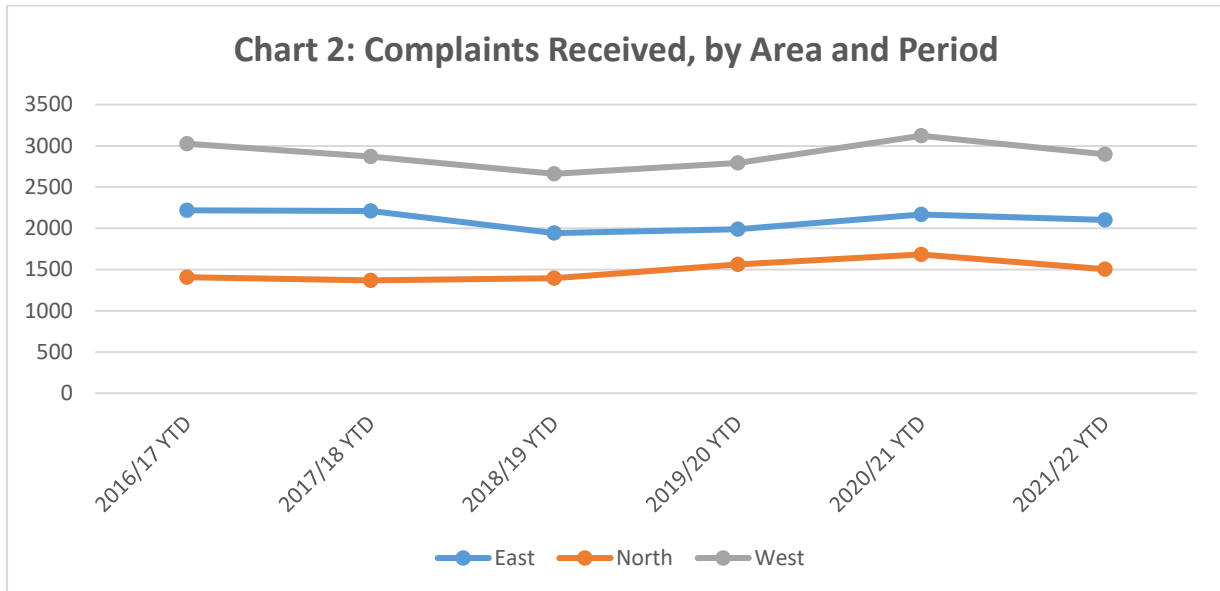
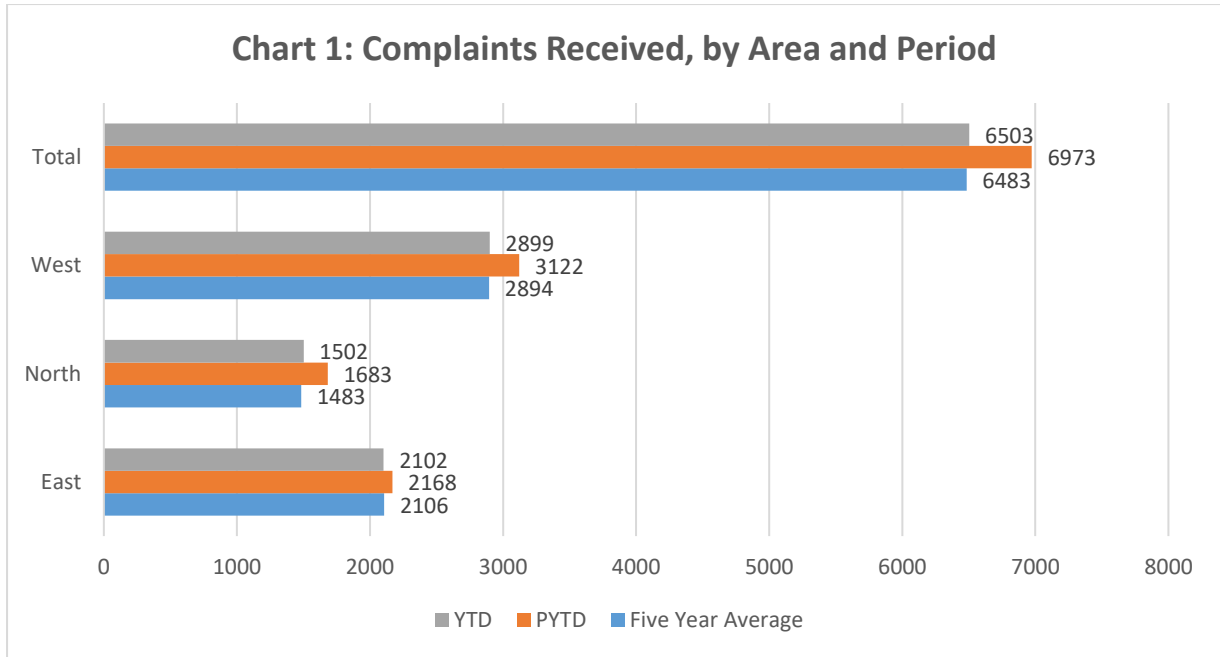
A total of **6,503** complaints were received from members of the public during the YTD, which represents a **6.7%** decrease from the same period in 2020/21. This total represents a **0.3%** increase from the five year average. Based on this wider context, complaints during the YTD are at a level broadly comparable with an average year.

The impact of COVID-19 related complaints should be considered when comparing against the PYTD, as these are assessed to be the key driver in the decrease against the PYTD total of complaints. A total of **131** COVID-19 related complaints were received during the YTD, an **85.1%** decrease compared to the PYTD and which represents a reduction of **748** such complaints.

Within Q4 of 2021/22 alone, a total of **1,383** complaints were received, which represents an **18.2%** decrease on Q4 of 2020/21. Furthermore, this also represents a **12.0%** decrease on the five year average of Quarter 4 periods.

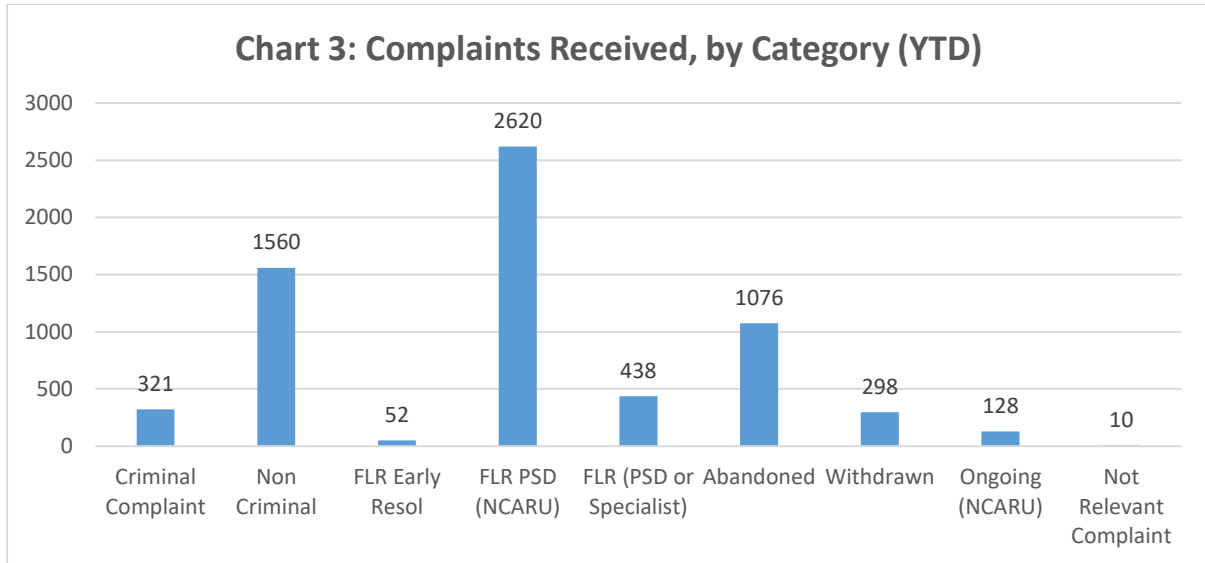
COVID-19 is also a contributing factor to the decrease in Q4 complaints, both from PYTD and the five year average; **203** COVID-19 complaints were received during Q4 2020/21 and, in comparison, **12** during 2021/22. The decrease is also influenced by the short term staffing issues experienced as a direct result of COVID-19, in terms of both absence and redeployment which have impacted on the recording and allocation of complaints.

Complaints continue to be assessed on their submission to ensure priority complaints have been progressed.



Low volume increases were identified YTD in the North (+1.3%) and West (+0.2%) Command Areas, when compared against the five year average. The East registered a 0.2% decrease in this same period.

However, each Command Area displayed notable decrease YTD compared to the PYTD – in the East (-3.0%), North (-10.8%) and West (-7.1%); as noted above, comparison against the PYTD in isolation is influenced by the impact of COVID-19 related complaints during the latter period.



The highest volume complaint category during the YTD was Frontline Resolved (FLR) by PSD NCARU, which applied to **2,620** complaints received. In addition, **52** complaints were subject to Early Resolution and **438** were subsequently FLR by PSD/Specialist officers. Overall, **47.8%** of all complaints received during the YTD were resolved by FLR.

A further **1,560** complaints were categorised as Non-Criminal (not FLR). Taken together, the vast majority of received complaints were either FLR at some stage, or resulted in Non-Criminal enquiry. This contrasts with the **321** complaints categorised as Criminal, representing a relatively low proportion compared to those which are Non-Criminal in nature.

The remainder of complaints received were either Abandoned (**1,076**), Withdrawn (**298**), Not Relevant Complaint (**10**) or are Ongoing with the PSD NCARU (**128**).

Specifically in relation to Q4 of 2021/22 alone, **47.2%** of complaints were Frontline Resolved (FLR), compared with **42.4%** in Q4 of 2020/21.

North Command

In the North, a total of **1,502** complaints were received during the YTD. This represents a **10.8%** decrease on the PYTD and, conversely, a **1.3%** increase against the five year average. The latter comparison accounts for an additional **19** complaints.

The increase against the five year average is primarily driven by:

- Tayside, **551** complaints (**+1.3%** from the PYTD, **+13.0%** against the five year average).
- North East, **580** complaints (**-8.9%** from the PYTD, **+5.1%** against the five year average).
- Highland and Islands, **281** complaints (**-16.9%** from PYTD, **+8.6%** against the five year average).

The most notable increase within the North was identified in Tayside, with the total of **551** complaints representing an additional **7** complaints compared to the PYTD

(+1.3%). This total also represents a **13.0%** increase on the five year average (**488**), accounting for an additional **63** complaints.

Analytical Action - An analytical paper detailing the factors involved in the recent increase in complaints within Tayside has been collated and briefed into the Division for further consideration. It is assessed that Quality of Service allegations (Service Delivery and Service Outcome) are the primary drivers of this increase, with the key theme identified amongst those relating to a perceived lack of Police action.

Actions taken by Tayside Division in relation to that analytical paper have been detailed within the organisational learning section of this report. Furthermore, complaints within Tayside Division remain subject to close scrutiny, with any further emerging themes shared as appropriate and with a view to addressing influencing factors.

Complaints within North East Division and Highland and Islands Division will continue to be monitored.

East Command

In the East, a total of **2,102** complaints were received during the YTD. This represents a **3.0%** decrease on the PYTD; however, this total also represents a **0.2%** decrease against the five year average.

Increases of note were identified within the following areas:

- Fife, **461** complaints (**+8.5%** from PYTD, **+5.0%** against the five year average).
- Contact, Command and Control, **118** complaints (**+25.5%** from PYTD, **+23.2%** against the five year average).

The shorter-term picture in the East is notable for the **8.5%** increase within Fife during the YTD. Further detailed analysis has been undertaken to gain greater understanding as to the factors driving this increase; however, it should be noted that the volume of complaints PYTD within Fife was relatively low.

It is assessed that Quality of Service allegations (Service Delivery and Service Outcome) are the key drivers of this increase. The analysis will be shared with Fife Division for consideration.

The YTD volume increase in relation to Contact, Command and Control (East) is broadly similar when comparing against the PYTD (**+24**) and the five year average (**+22**), indicative that the YTD volume of **118** complaints received is an exception to the routine volume registered here.

Further detailed analysis has been undertaken and it is assessed that allegations of Incivility and Quality of Service – Service Delivery allegations are the primary drivers of the increase against the five year average. The analysis will be shared with Contact, Command and Control for consideration and action.

Analytical Action - Further analysis had been tasked in relation to complaints within Lothians and Scottish Borders Division during the YTD period. However, as complaints have now decreased by 5.1% from PYTD and decreased by 1.5% from the five year average, it is assessed that the increase has levelled at this time.

Analysis tasked in relation to Fife Division and C3 Division are now complete. The findings are being briefed into the relevant divisions with a view to addressing the factors assessed to contribute to this increase.

West Command

In the West, a total of **2,899** complaints were received during the YTD. This represents a **7.1%** decrease from the PYTD and, conversely, a **0.2%** increase against the five year average. The latter comparison accounts for an additional **5** complaints.

The key divisions influencing the increase against the five year average are:

- C3, **159** complaints (**-5.4%** compared to the PYTD, **+41.5%** against the five year average).
- Dumfries and Galloway, **200** complaints (**+3.6%** compared to the PYTD, **+8.9%** against the five year average).

The highest volume contributor to the West's increase was C3 Division, with the **159** complaints received YTD accounting for an additional **47** cases compared to the five year average (**112**). Dumfries and Galloway was the second highest volume contributor to the increase against the five year average (**184**), with the total of **200** complaints received YTD accounting for an additional **16** cases.

No other division in the West, except Glasgow (**+5**) and Lanarkshire (**+2**), registered an increase during these comparative periods.

Analytical Action - Analysis tasked in relation to C3 Division is now complete, as per update in the East section above. The findings are being briefed into the division with a view to addressing the factors assessed to contribute to this increase.

Complaints within Dumfries and Galloway will continue to be monitored.

Allegations Received

What is an 'Allegation'?

Allegations are the component parts of a Complaint, which

- *Categorise specifically what has happened*
- *Can be seen as an agreement between the complainer and the Enquiry Officer and sets out what exactly is to be investigated*
- *Are capable of being independently Upheld or Not Upheld*
- *Each complaint case may include multiple allegations.*

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During the YTD, a total of **11,027** allegations were received. This represents an **11.3%** decrease compared to the PYTD and a **0.7%** increase against the five year average.

During Q4 of 2021/22, **2,146** allegations were received. This represents a **30.6%** decrease on Q4 of 2020/21 where **3,094** allegations were received. Furthermore, this total represents an **18.7%** decrease against the five year average.

As stated in the complaint cases breakdown, COVID-19 is a significant factor in the decreases reported.

Decreases were identified YTD within the North, when compared to the PYTD and the five year average. The East and West registered a decrease against the PYTD, but saw an increase against the five year average. As detailed below:

- North, **2,448** allegations (**-12.4%** compared to the PYTD, **-6.0%** against the five year average).
- East, **3,505** allegations (**-1.3%** compared to the PYTD, **+5.8%** against the five year average).
- West, **5,074** allegations (**-16.6%** compared to the PYTD, **+0.9%** against the five year average).

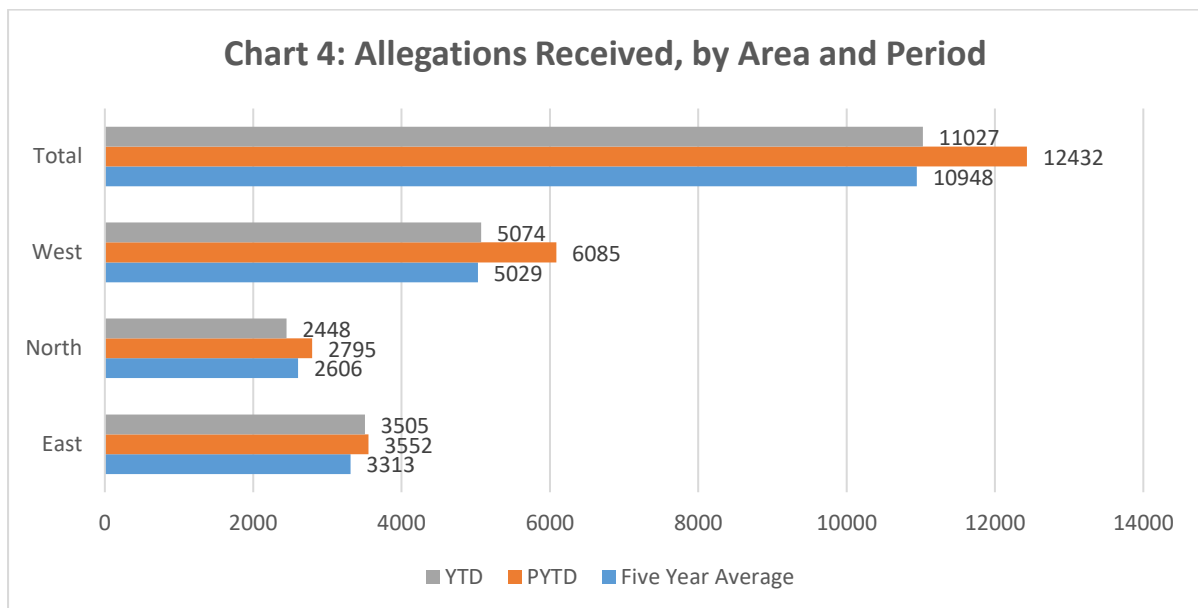


Table 1: Allegations by Category (selected)

| Allegation Category | YTD 2021/22 | PYTD 2020/21 | Trend |
|---------------------------------------|--------------------|---------------------|--------------|
| Discriminatory Behaviour | 120 | 103 | +16.5% |
| Excessive Force | 607 | 594 | +2.2% |
| Quality of Service – Policy/Procedure | 729 | 525 | +38.9% |
| Quality of Service – Service Delivery | 1,171 | 885 | +32.3% |

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Low volume increases in Excessive Force were identified across various divisions during the YTD. The national increase is primarily driven by Ayrshire (**+13** allegations, **+39.4%**), Renfrewshire and Inverclyde (**+11** allegations, **+39.3%**), Fife (**+10** allegations, **+40.0%**) and Greater Glasgow (**+18** allegations, **+16.2%**). When combined, these four divisions account for an additional **52** allegations YTD, therefore more than the national volume increase (**+13** allegations). However, these increases are largely offset by notable decreases within Lanarkshire (**-23** allegations, **-22.5%**), and Argyll and West Dunbartonshire (**-21** allegations, **-56.8%**).

The increase regarding Quality of Service - Policy/Procedure is primarily driven by Greater Glasgow (**+71** allegations, **+161.4%**) and Lanarkshire (**+58** allegations, **+193.3%**). Combined, these two divisions account for an additional **129** such allegations, which account for the majority of the national increase (**+204** allegations). Relevant allegations within these particular divisions primarily relate to the Policing Procedure sub-category and the most common theme identified was regarding information/updates.

Although the volume of relevant allegations has broadly stabilised within Lanarkshire, these continued to rise within Greater Glasgow during September – November 2021, spiking within November. It is assessed that the latter is primarily driven by COP26 related complaints, with dissatisfaction within this category primarily relating to road closures and officers preventing members of the public accessing same. The volume of Policy/Procedure allegations received in Greater Glasgow after November 2021 has since levelled.

Furthermore, the increase in Quality of Service – Service Delivery allegations is primarily driven by Tayside (**+78** allegations, **+159.2%**) and C3 Division (**+48** allegations, **+80.0%**). Combined, these divisions account for an additional **126** allegations and for almost half (**44.1%**) of the national increase within this category (**+286**). This is supplemented by lower volume increases within North East (**+33** allegations), Highland and Islands (**+22** allegations), Lothians and Scottish Borders (**+31** allegations) and Fife (**+32** allegations).

Within this allegation category, the key themes identified in Tayside broadly relate to a perceived lack of police action and also to police attendance. As noted above, an analytical paper, which details these factors, has been shared with the division for further consideration. Although the volume of relevant allegations have stabilised between October and February of the YTD, monthly volumes remain at a higher level than any point in the PYTD.

The key theme identified as regards Service Delivery allegations against C3 Division relates to dissatisfaction over waiting times when contacting 101. A further theme identified within this allegation category relates to the perceived manner of service advisors. The volume of relevant allegations stabilised between October and March of the YTD.

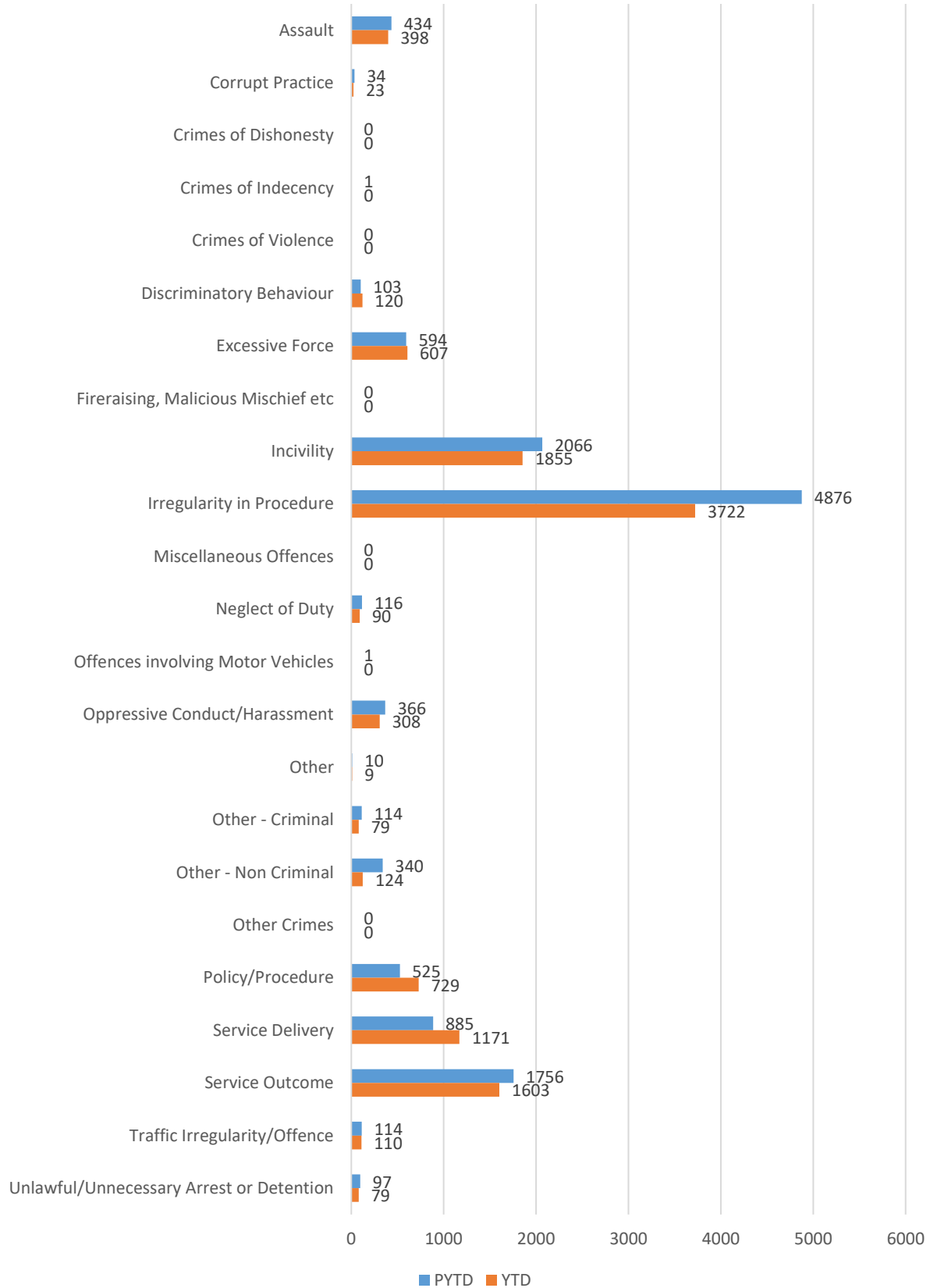
Further detail regarding the increase in Discriminatory Behaviour allegations YTD can be found in Appendix A of this report.

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Moreover, further detail on the definitions of the allegation categories noted above can be found in Appendix B of this report.

A full breakdown of the allegation categories based on the YTD and PYTD has been provided in the chart below.

Chart 5: Allegations, by Type and Period



Allegation Results

During the YTD period, a total of **11,150** allegations were closed. Of those, **7.0%** were upheld. This represents a decrease from the PYTD rate of **8.3%** and the five year average of **10.1%**.

During Q4 of 2021/22 alone, **2,483** allegations were closed. Of those, **5.8%** were upheld. This represents a decrease of **3.0%** points from Q4 in 2020/21 (**8.8%**).

Timescales

The aim for Police Scotland is to respond to complaints requiring investigation within 56 days of receipt, as set out in PIRC Statutory Guidance; however, complaints vary in complexity and seriousness which may impact on the length of time required to conclude. Where the notional timescales are exceeded, complainers are regularly kept updated on the progress of the enquiry throughout the process until the complaint is concluded.

At the point of implementation of the new complaint handling model in May 2021, there were **743** live complaints being investigated by local and specialist policing divisions. By comparison, at the conclusion of Q4 2021/22 there were **140** live complaints outstanding at these divisions. Again, there are impact factors which may account for delay, for example, complexity, volume of allegations per complaint and other, ongoing, judicial proceedings. PSD will continue to support these divisions to bring them to conclusion.

Analytical Action – PSD will continue to work with Local Policing & Specialist Service Divisions to pro-actively target these 140 live complaints via PSD monthly meetings.

During the YTD period, **1,457** complaints assessed as non-criminal were closed, with **403 (27.7%)** closed within the 56 day timescale. The average closure time was **129** days.

These timescales for non-criminal cases represent a decrease on the PYTD, where **38.4%** were closed within 56 days and the average closure time was **115** days.

PSoS continues to develop in terms of complaint handling with both CAAPD & PIRC to ensure an enhanced and developed service which provides a transparent and proportionate response to complaints.

It should be noted that non-criminal cases closed during the YTD will also include cases handled by local and specialist policing divisions received prior to the implementation of the new complaint handling model.

Amongst the **1,457** non-criminal cases closed during this period, **624** were received since the new model implementation on 03/05/2021 and were therefore handled by PSD. Of those, **191 (30.6%)** were closed within 56 days and the average closure time was **95** days.

Further information on the Statutory Guidance can be accessed via the following link:

<https://pirc.scot/media/5262/statutory-guidance-march-2021.docx>

PIRC Complaint Handling Reviews, Referrals and Significant Investigations

PIRC Referrals

What is a PIRC referral?

Statutory referrals are made to PIRC under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006, the Police and Fire Reform (Scotland) Act 2012, and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.

As of 4th October 2021, allegations of On Duty Assault - plus any associated criminal allegations - are now referred to the PIRC. These referrals relate to alleged breaches of Articles 3 and 5 of the European Convention of Human Rights (ECHR).

These referrals facilitate independent and transparent scrutiny in relation to serious incidents involving the Police. A decision on whether to investigate is taken by PIRC following a referral.

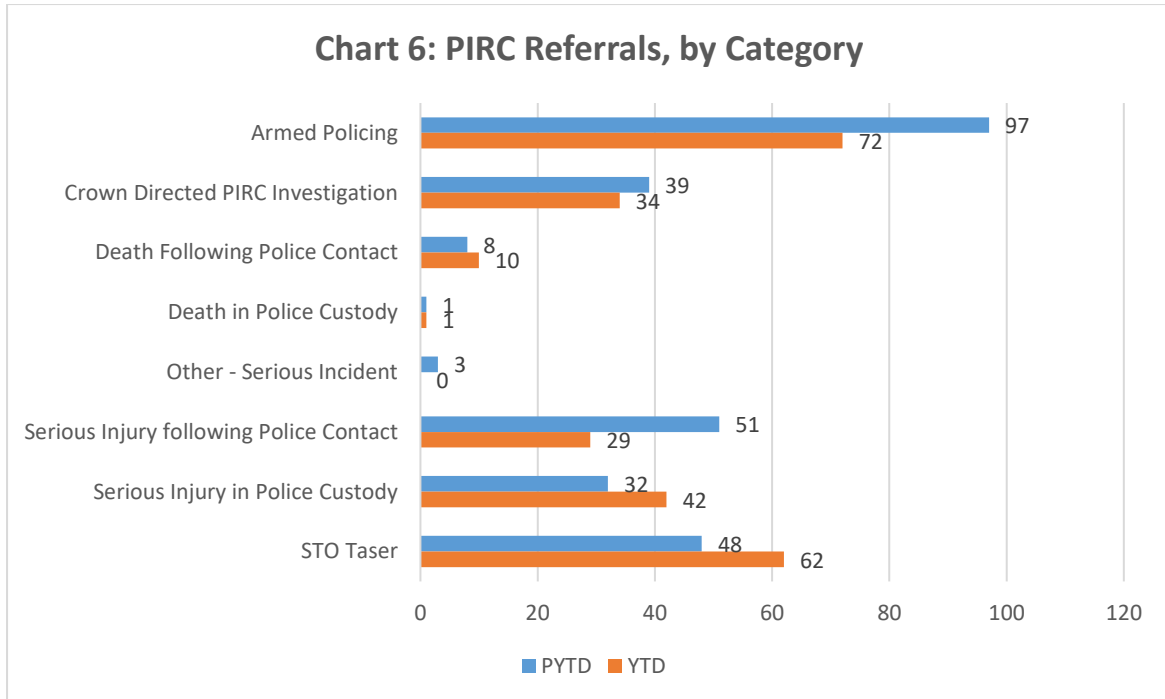
A total of **381** referrals were made to the PIRC during the YTD period. It should be noted, as referenced above, that this total now includes referrals related to alleged breaches of Articles 3 and 5 of ECHR.

Given this change in process, this total is not directly comparable to referrals made in the periods prior to 4th October 2021. To ensure comparability, these referrals have been separated out and presented separately within the sections below – DSI and Assault Referrals.

PIRC Statutory Referrals

In addition to the new process involving referrals of assault, statutory referrals continue to be submitted to PIRC for serious incidents involving the Police, such as those involving death or serious injury in Police Custody and following Police contact, the presentation or discharge of Police firearms, plus other criminality matters as directed by the Crown Office and Procurator Fiscal Service.

A total of **250** statutory referrals were made to PIRC during the YTD, a **10.4%** decrease on the PYTD.



During Q4 of 2021/22 alone, **62** statutory referrals were made to PIRC. This represents no change from the **62** referrals made during Q4 of 2020/21.

The key drivers in the YTD decrease in statutory referrals overall are Armed Policing (-**25.8%**) and Serious Injury Following Police Contact (-**43.1%**). The Armed Policing category includes the presentation and/or discharge of firearm or Taser by Armed Policing officers or in a policing operation with firearms officers. STO Taser refers only to Taser discharge by Specially Trained Officers.

Despite this decrease, STO Taser referrals increased by **29.2%** during this period, with **62** relevant referrals during the YTD. However, **16** referrals during April and May 2021 primarily influence the YTD volume. It is assessed that the increased volume of STO Taser referrals is related to improved deployment capability of STOs across Scotland.

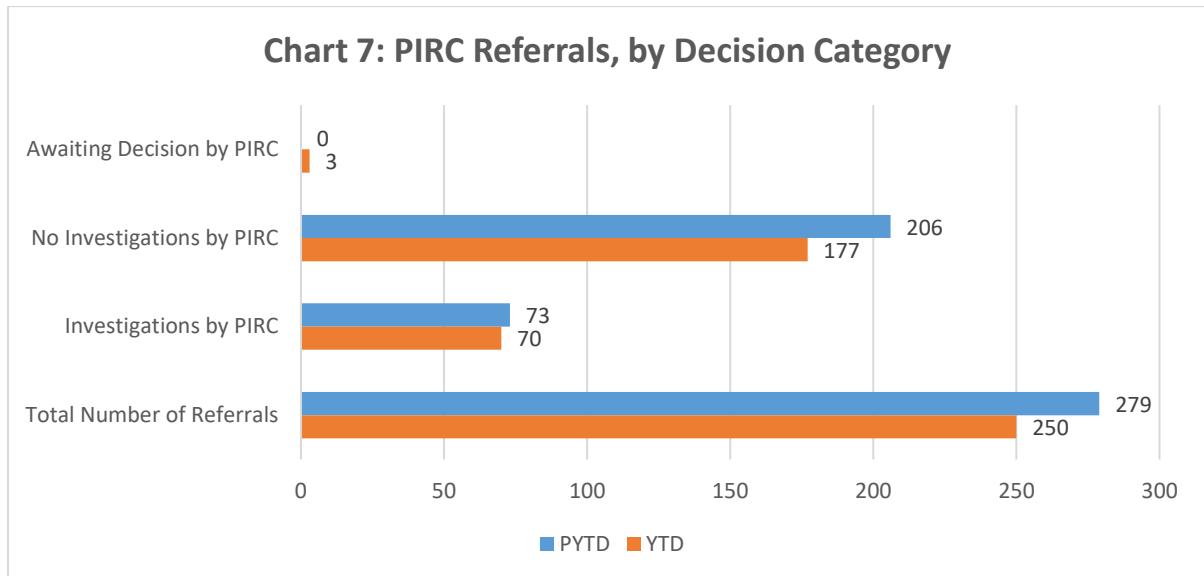
Police deployment of Taser on a member of the public automatically results in the matter being subject to a PIRC referral under statute.

Recent PIRC investigations into Police use of Taser have confirmed the lawful, proportionate and necessary use of Taser. These reports provide positive and independent assurance, in light of the recent increase in relevant referrals.

A further increase was identified regarding Serious Injury in Police Custody, with **42** referrals YTD representing a **31.3%** increase. However, this increase relates to particularly low volumes during October, November, January and February PYTD (two referrals across all four months). Outwith those specific months, there have been approximately **4** such referrals per month on average during the YTD and PYTD. It is therefore assessed that this increase is not representative of any spike in relevant referrals.

PIRC Investigations

The majority of DSI referrals (**70.8%**) within the YTD were marked as no investigation required by PIRC, accounting for **177** of the **250** referrals.



During Q4 of 2021/22 alone, **43** of the **62** statutory referrals (**69.4%**) were marked as no investigation required by PIRC, with **25.8%** subject to a PIRC investigation (**+3.2%** from Q4 of 2020/21). A further 3 are awaiting decision by PIRC.

The percentage of the **250** statutory referrals YTD which led to a PIRC investigation has decreased (**-3.0%**) compared to the PYTD, with **28.0%** of these referrals subject to a PIRC investigation. This is primarily influenced by low volume increase in investigations into statutory referrals relating to Armed Policing (**+4**), Death Following Police Contact (**+2**) and STO Taser (**+1**). These involve a respective total of 6, 6 and 5 such investigations YTD.

Allegations of Assault

As of 04/10/2021, all on-duty allegations categorised as Assault – plus any associated criminal allegations - are referred to PIRC for assessment and potential investigation. This follows recommendations made in the Independent Review of Complaint Handling, Investigations and Misconduct Issues by Dame Elish Angiolini in relation to alleged breaches of Articles 3 and 5 of the European Convention of Human Rights (ECHR).

At the conclusion of Q4 2021/22, **131** relevant cases have been referred to PIRC, **51** of which are subject to PIRC investigation. A further **58** cases have been marked as no investigation by PIRC with the majority classed as ‘no criminality established’ or ‘abandoned’. There are **22** referrals awaiting decision. These figures are summarised in Table 2 below:

Table 2: Cases involving Allegations of Assault (04/10/21 – 31/03/22), by Status

| Status | Number of Cases |
|-----------------------------|------------------------|
| Referred to PIRC | 131 |
| Investigation by PIRC | 51 |
| No Investigation by PIRC | 58 |
| At PIRC - Awaiting Decision | 22 |

Live PIRC Investigations

Overall, **140** PIRC investigations remain “live” as at 01 April 2022, as detailed in Table 3 below. This total also involves matters referred outwith the YTD period (including referrals made prior to the YTD and beyond Q4 of the YTD). Please note that these figures include statutory referrals and referrals made in relation to alleged breaches of articles 3 and 5 of ECHR.

It should also be noted that the actual PIRC Investigation may have concluded and a report submitted to COPFS (SFIU/CAAPD); however, due to judicial proceedings, such as criminal trials and FAI, matters remain outstanding.

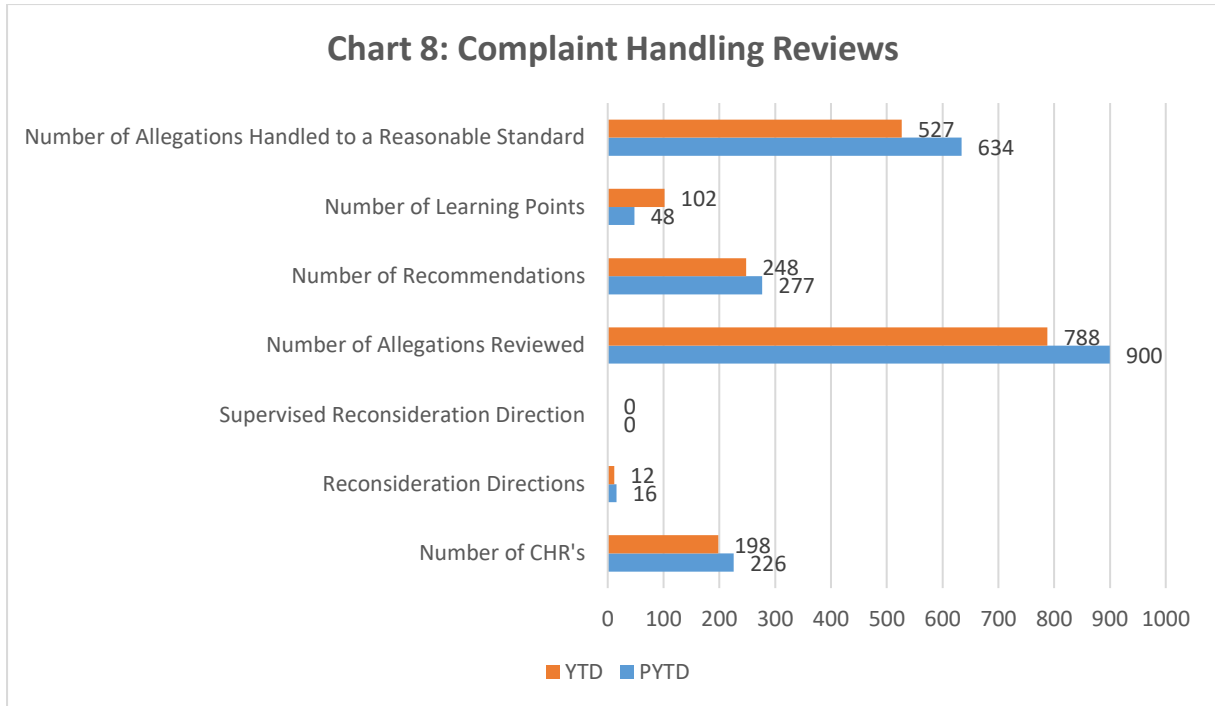
Table 3: Ongoing PIRC Investigations, by Command Area (as at 01/04/2022)

| Command Area | Number Ongoing |
|---------------------|-----------------------|
| East | 36 |
| North | 20 |
| West | 84 |
| Grand Total | 140 |

PIRC Complaint Handling Reviews (CHR)

Complaints handled by Police Scotland may be subjected to an independent Complaint Handling Review (CHR) by PIRC. Within three months of receiving a final response from Police Scotland, complainers have the opportunity to request an independent review by PIRC in respect of how their complaint was handled.

A total of **198** Complaint Handling Reviews (CHR) were received during the YTD, a **12.4%** decrease on the PYTD, equating to a decrease of **28** CHR.



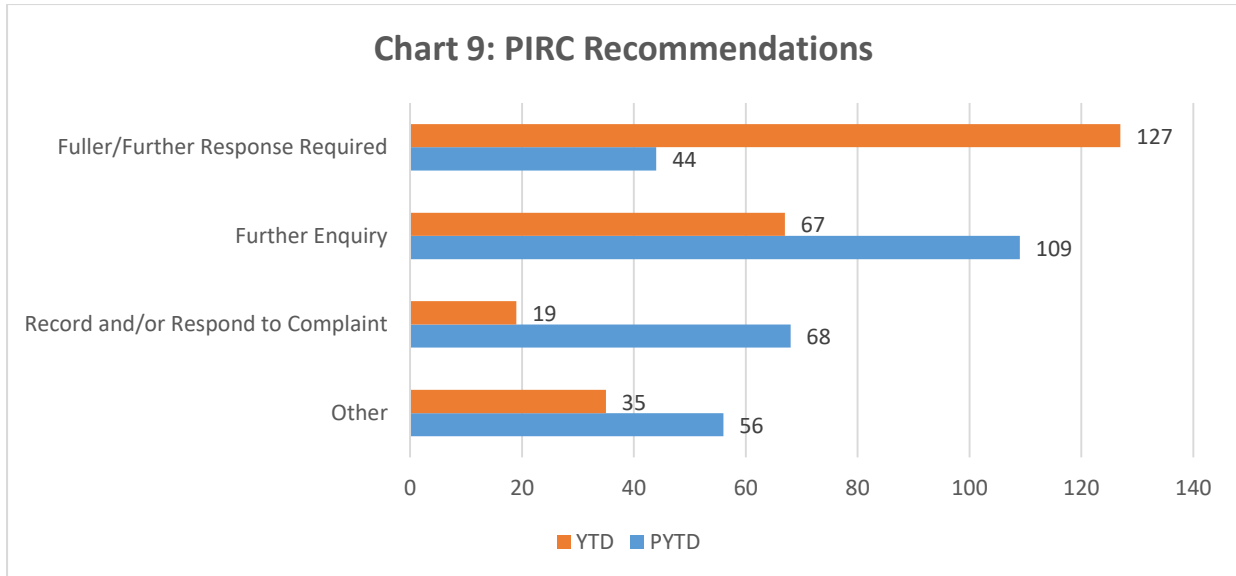
Within Q4 of 2021/22 alone, **46** CHR's were received. This represents a **30.3%** decrease on the **66** CHR's received during Q4 of 2020/21.

Of the **198** CHR's received YTD, **788** allegations were reviewed and **66.9%** were handled to a reasonable standard during the YTD; however, the percentage handled to a reasonable standard has decreased by **3.6** percentage points compared to the PYTD.

This decrease comes on the back of notable increases in this rate during 2020/21 and which reflected continued improvement in complaint handling by Police Scotland. CHR continue to be monitored and all relevant learning disseminated to ensure continued improvement.

Within Q4 of 2021/22 alone, **178** allegations were reviewed and **69.1%** were handled to a reasonable standard. This represents a **1.2** percentage point decrease on Q4 of 2020/21.

Based on the statistics of CHR's received during the YTD, notionally, the proportion of complaints subject to a CHR by PIRC is **3.0%**; however, some of the complaints subject to CHR may predate the YTD period. Within Q4 of 2021/22 alone, this notional proportion is **3.3%**.



The vast majority of the **248** PIRC CHR recommendations received during the YTD were in the 'further enquiry' or the 'fuller/further response required' category (**78.2%**) when combined.

Notably, the 'fuller/further response required' category increased by **188.6%** during this period and now represents the highest volume recommendation category, with **127** received during the YTD. This has been a significant increase and as a result subject to close monitoring by PSD Senior Management Team (SMT). Regular liaison takes place with PIRC to establish individual or organisational matters leading to this increase.

Learning and advice from CHR recommendations is cascaded nationally and addressed with relevant individuals.

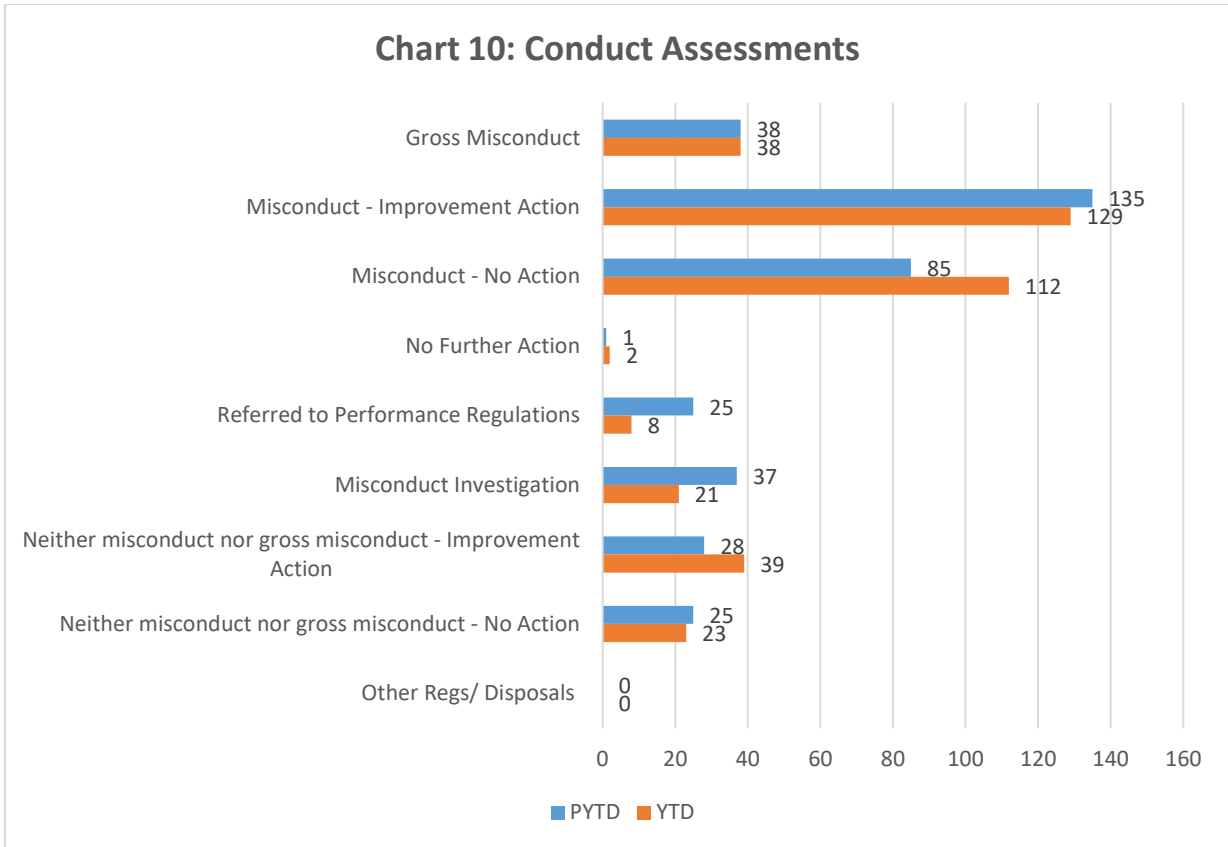
Conduct Unit

Conduct

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.



A total of **372** preliminary conduct assessments were undertaken by the Professional Standards Department during the YTD, a **0.5%** decrease on the **374** assessments undertaken PYTD.

During this period, the majority of assessments (**64.8%**) were resulted as ‘Misconduct – Improvement Action’ or ‘Misconduct – No Action’.

Within Q4 of 2021/22 alone, **69** preliminary conduct assessments were undertaken, which represents a **27.4%** decrease on the **95** assessments undertaken during Q4 of 2020/21. In respect of those 69 assessments, **7** officers retired or resigned prior to a conduct meeting or hearing taking place.

One increase of note is the **31.8%** increase in ‘Misconduct – No Action’ assessment outcomes, from **85** PYTD to **112** YTD. It is assessed that this increase primarily relates to road traffic matters, which is influenced by a low volume during the PYTD and is linked to restrictions in place at the outset of the COVID-19 pandemic.

During this reporting year, the establishment of the new Complaint Handling Model has ensured that all CAPs are handled and coordinated by PSD. This allows for a consistency of assessment, not only in terms of the complaint but also consideration of any breaches of the Standards of Professional Behaviour. Therefore, we have an enhanced opportunity to identify and react to any breach of the Standards of Professional Behaviour by pro-actively engaging with individual officers via meaningful Improvement Action to mitigate further negative behaviour.

During the YTD, **20** misconduct meetings and **13** misconduct hearings were scheduled.

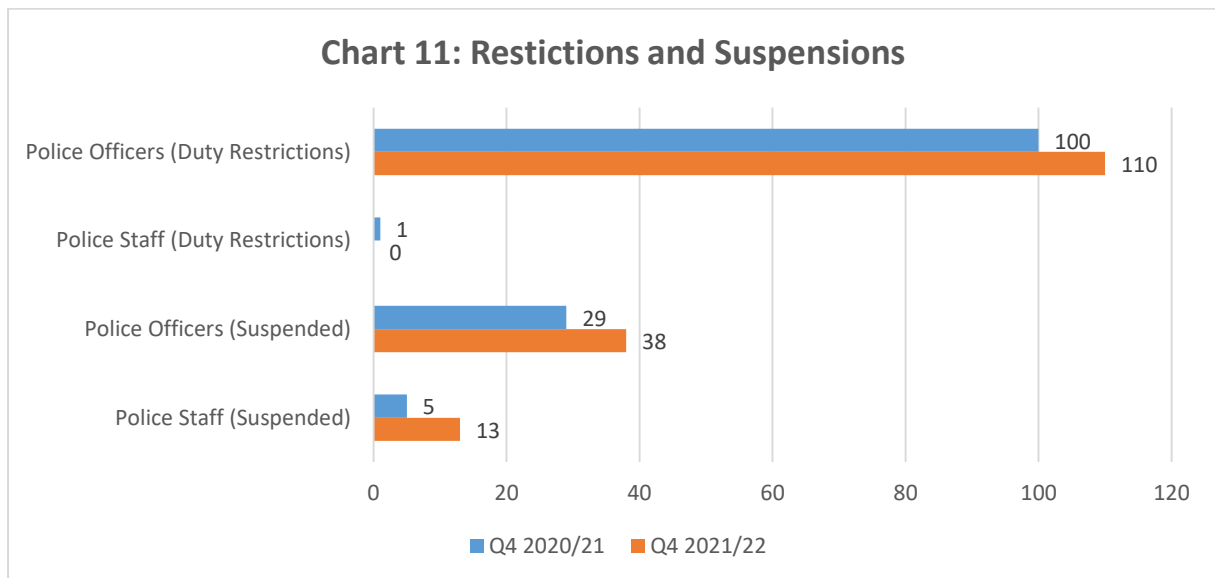
As a result of the misconduct meetings four verbal warnings, four written warnings, ten final written warnings were issued. Seven concluded with a 'no misconduct' outcome.

As a result of the misconduct hearings, two dismissals, four written warnings and two final written warnings were issued. An additional two allegations were concluded as not proven and one concluded with a no misconduct disposal. A further five allegations were concluded with resignation prior to a hearing.

It should be noted that each meeting or hearing may have multiple allegations, with a disposal attached to each allegation.

Restrictions and Suspensions

Chart 11 details the actual number of officers and staff suspended and restricted at the end of Q4 2021/22 compared with Q4 in 2020/21. Furthermore, **11** suspended officers and **11** restricted officers resigned/retired during the YTD.

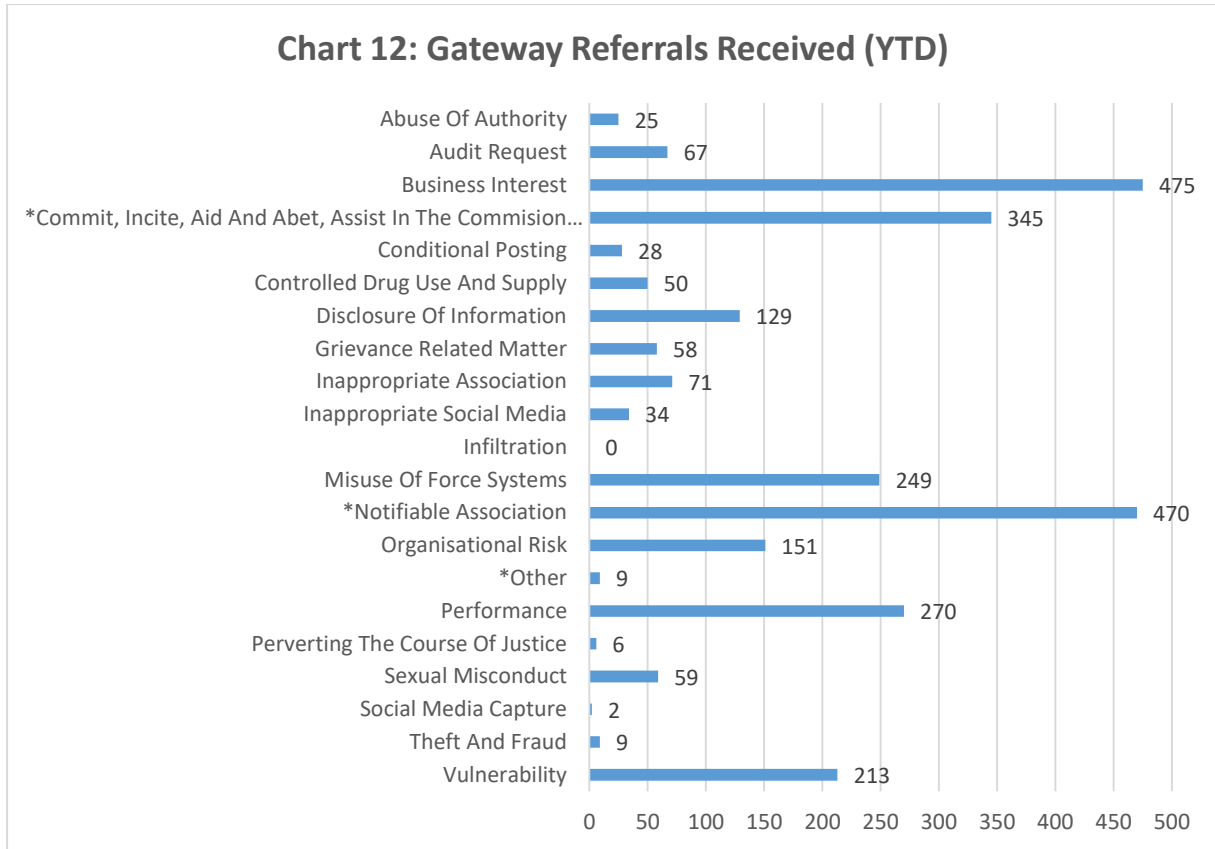


National Gateway Assessment Unit

National Gateway Assessment Unit

The Gateway Assessment Unit (GWU) has assessed **2,720** referrals during the YTD, which represents a **0.8%** decrease against the PYTD total of **2,743** referrals.

During Q4 of 2021/22 alone, **603** referrals were assessed. This represents a **14.3%** decrease on the same period of 2020/21.



*Other (Audit Requests, NCA Finance Referrals etc.)

*Commit, Incite, Aid and Abet, assist an offender in commission of crime

*Notifiable Association Sec 4 complete & returned to Division

Despite the overall decrease, increases of note were identified in the following categories:

- Performance (up **55.2%** to **270** referrals).
- Vulnerability (up **59.0%** to **213** referrals).

No specific factor was identified as regards the increase in Performance or Vulnerability related referrals during the overall YTD period.

Further increases at lower volumes were also identified within the following categories:

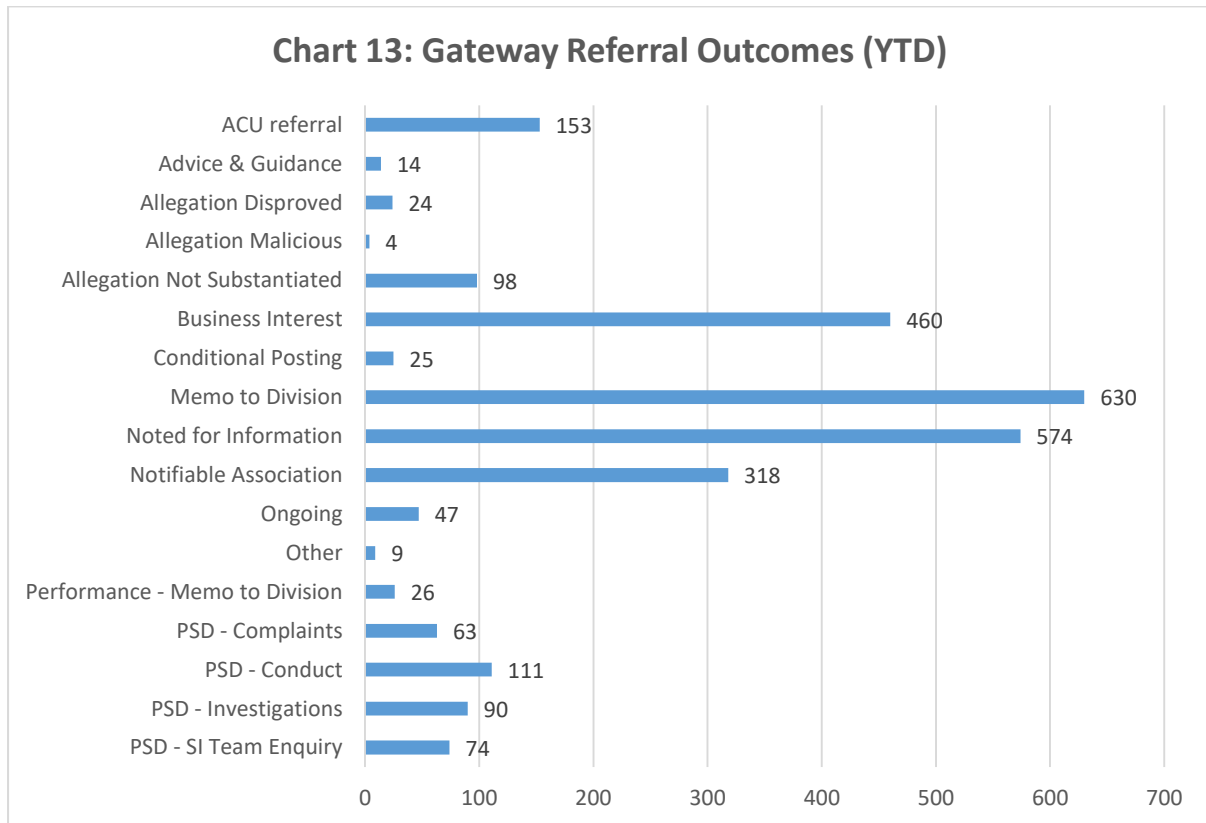
- Commit, Incite, Aid and Abet, Assist in the Commission of Crime (up **8.2%** to **345** referrals).
- Conditional Posting (**28** referrals YTD, from **0** in the PYTD).
- Sexual Misconduct (up **59.5%** to **59** referrals).

It is assessed that the increase within Commit, Incite, Aid and Abet, Assist in the Commission of Crime involves COVID-19 related referrals; however, this does not explain the full extent of the increase.

Moreover, Sexual Misconduct related referrals have risen following increased media reporting in this area, with the majority of these referrals received in Q3 and Q4 of the YTD. The increase from **37** PYTD to **59** YTD accounts for an additional **22** such referrals, which approximates to an extra **2** referrals per month during this period.

Business Interest and Notifiable Association are the highest volume referral categories, accounting for **34.7%** of all referrals received YTD.

It should be noted that audit checks are now included within the YTD referral figures (**67** in total). These checks have been carried out by the unit previously and are now being captured for reporting purposes.



Of the **2,720** referrals received during the YTD, **18.1%** resulted in a referral to PSD or ACU.

The majority of the remaining referrals are disseminated to the relevant Divisions for further proportionate enquiries to be undertaken. Once concluded, Divisional updates are reviewed by the GWU to ensure these are sufficient to close the referral and to ensure consistent approach across the organisation.

Where enquiries indicate that the matter may reach a criminal/conduct threshold, they are re-submitted for further review and assessment by the GWU.

During the YTD period, eight individuals have been formally recognised as Whistleblowers and given employment protection under legislation, in relation to their disclosures. One additional report relates to Whistleblowing from an anonymous source. Should the individual be identified during the enquiry, the protected disclosure will be formally recognised. One further individual is currently being assessed in

relation to Whistleblowing, which may result in formal recognition once the relevant processes are concluded.

Anti-Corruption Unit (ACU)

Anti-Corruption Unit

The Anti-Corruption Unit (ACU) has instigated **126** enquiries between 1 April 2021 and 31 March 2022, compared to **144** over the same period last year. The figures show a decrease of **12.5%**.

During Q4 of 2021/22, a total of **35** enquiries were instigated by the ACU, compared to **33** during Q4 of 2020/21 (**+6.1%**). Factors contributing to the decrease include a reduction in referrals ascertained from Officers Reports, Integrity Matters and Intelligence logs. The COVID-19 pandemic must also be factored into this.

The predominant allegations reported to the ACU during the YTD period relate to Disclosure of Information and Inappropriate Association.

YTD comparison does not show any great increase in any of the 12 nationally agreed National Policing Counter-Corruption Advisory Group (NPCCAG) Corruption Categories, other than Sexual Misconduct which is assessed to have increased following media reporting in this area.

Work is currently ongoing, both within Police Scotland and across the UK, regarding abuse of position by Police Officers or Members of Police Staff in order to conduct predatory sexual behaviour. The significant harm with which a single instance of sexual misconduct or abuse of police powers can have on the public's trust and confidence in the Police Service requires this to remain a priority for Police Scotland, with appropriate skilled resources conducting the investigations.

One notable decrease was identified in relation to Disclosure of Information referrals, which decreased by **46.3%** when compared to the PYTD. It is assessed that this is the primary driver of the overall decrease in ACU enquiries during the YTD.

The most common outcome during the YTD period was the referral being passed to ACU Operations. This indicates that the quality of referrals remain high, as the vast majority of referrals assessed and closed have been pursued.

Furthermore, the unauthorised disclosure of sensitive information remains a significant concern to Police Scotland both in terms of scale and risk. Unauthorised

disclosure can compromise ongoing enquiries and investigations, resulting in a loss of confidence in the wider criminal justice system.

The use of corruption by Serious Organised Crime Groups (SOCG) remains a key strategic priority for Police Scotland and is monitored by the ACU who engage closely with Police Scotland divisions in the North, East and West.

Organisational Learning

Organisational Learning

The Professional Standards Department is committed to promoting a culture of organisational learning. Learning opportunities are identified through a variety of sources, including PIRC Complaint Handling Reviews (CHR), PIRC Investigations, reports shared by COPFS and from internal feedback identified as part of the complaint handling process.

Examples identified during Q4 of 2021/22 are presented below:

All officers involved in complaint handling are reminded, that in line with PIRC statutory guidance, officers should be named in any response letters or their badge numbers referred to unless there is a specific officer safety reason for not doing so.

It is expected of officers to maintain an auditable record of enquires carried out during their processing of complaints. This should be borne in mind by complaint handlers when dealing with future complaints.

Officers involved in complaint handling are reminded of the importance of providing factually accurate responses which properly reflect the information that has been gathered during the complaint enquiry. This will help to ensure that the person who made the complaint is able to fully understand how the decision to uphold or not uphold the complaint has been reached. Furthermore, this approach will help to build public confidence in the police complaint handling system.

While officers' accounts may understandably be similar, they should not be copies of each other. In addition, Police Scotland's Professional Standards Department has recently circulated a memorandum to all divisions in this connection. Officers are reminded of the importance of providing their own accounts to inform any future enquiry.

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Officers and staff who are dealing with complaints are reminded of the terms of the PIRC statutory guidance in relation to FLR and non-investigation provisions. This will help to ensure that the provisions are applied appropriately, thereby increasing public confidence in the complaint handling process.

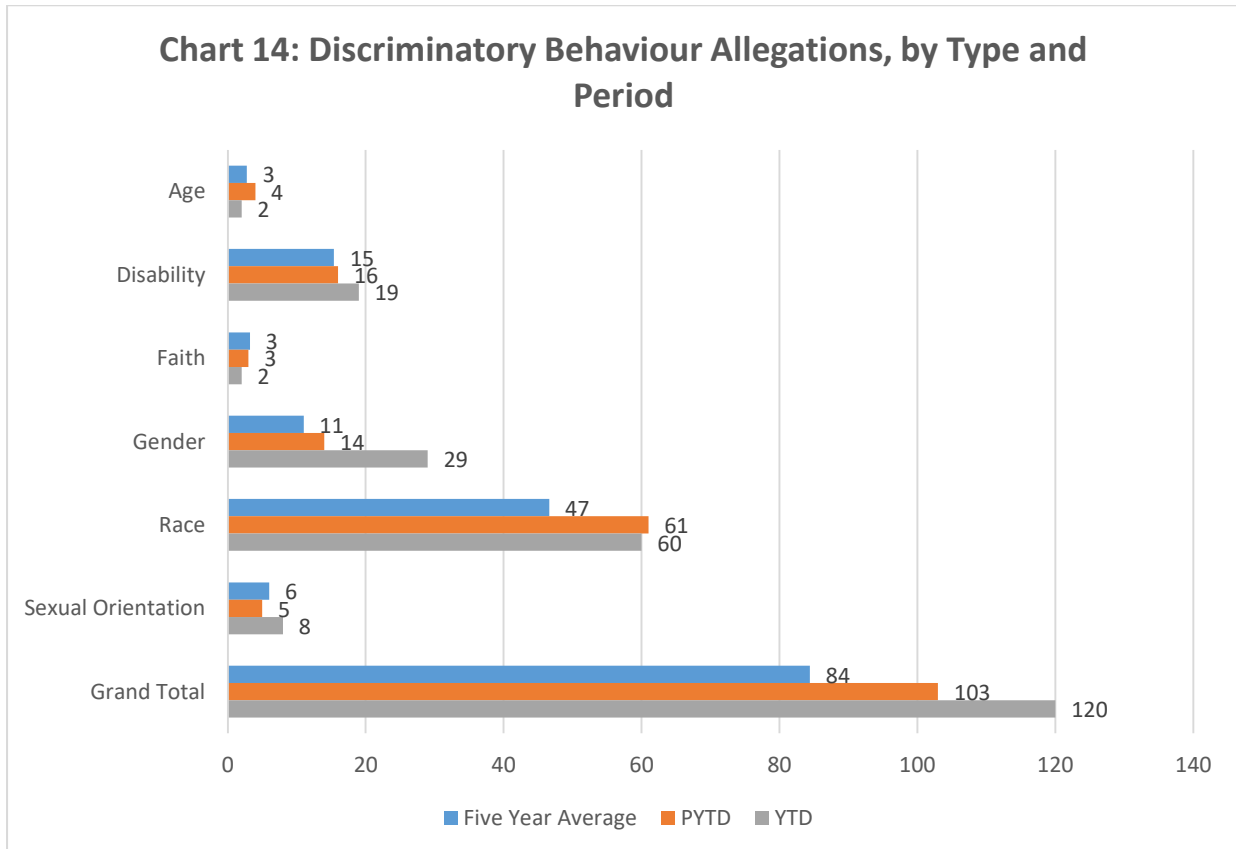
In response to a PSD analytical report briefed into Tayside Division as regards the YTD increase in complaints, local management have implemented various actions to address matters raised.

- Service Delivery – with perceived lack of Police action a key theme identified, Tayside Division have worked closely with C3 to enhance service provision at the point of contact. Given the acute demand on the service during the pandemic, communicating the resourcing decisions to callers is an important part of the process, facilitating informed and realistic expectations within this challenging period. For example: explanations of when immediate attendance would and would not be possible, better use of diary cards.
- Service Outcome – with a perceived lack of enforcement following reports of criminality by members of the public being the most common theme amongst these allegations, guidance has been issued to supervisors within Tayside Division to pro-actively assess the action taken by officers when dealing with an incident. All crimes that are recorded and investigated are subject to scrutiny by both First Line Managers and the Divisional Crime Management Unit. Where insufficient evidence exists to issue criminal charges, the circumstances of this decision are explained to the reporting parties.
- Method of Arrest/Detention – although this remains a low volume category, Tayside Division have engaged with Officer Safety Training to highlight this as an area for development. With this training now resuming following a pause due to the COVID-19 pandemic, further improvements in this area are expected.
- Officer did not provide name or shoulder number - although this remains a low volume category, Tayside Division have reminded officers through briefings of the need to provide a quality service to the public. This includes leaving contact details.
- Provide insufficient updates to complainer – supervisors within Tayside Division have reminded officers of the need to update complainers. When an officer raises a crime report (CR), Divisional Crime Management Unit now automatically add a line to the CR reminding officers of the need to update complainers. It is also assessed that increased service demand and officer workload during the pandemic has impacted in relation to this matter.

It should be recognised that of the 827 allegations in Tayside Division closed within the YTD, 58 of those were upheld (7.0%). Moreover, this represents a decrease against the PYTD upheld rate of 9.8% and the five year average of 11.2%. Therefore, the vast majority of allegations closed were not substantiated. Note that this may include allegations received in a prior period and allegations received YTD may remain subject to live enquiry.

Appendix A – Allegations of Discriminatory Behaviour

Appendix ‘A’



A total of **120** allegations of Discriminatory Behaviour were received during the YTD. This represents a **16.5%** increase on the PYTD and a **42.2%** increase against the five year average.

During Q4 of 2021/22 alone, **18** allegations of Discriminatory Behaviour were received, which represented a **5.9%** increase from Q4 in 2020/21. However, this increase represents one additional allegation.

The key driver of this increase is the Gender sub-type, with **29** allegations received YTD. This represents an increase of **15** allegations against the PYTD and an increase of **18** allegations against the five year average.

60.7% of Gender complaints are made by males, with half of those perceiving discrimination by police following their involvement in domestic incidents.

Another key driver within the longer term context is the Race sub-type, with **60** allegations YTD representing an additional **13** allegations against the five year average (however the YTD has shown decrease by **1** allegation against the PYTD).

It is assessed that allegations with a Race sub-type primarily involve males of a non-white ethnicity. The types of interaction are varied, largely between perceived lack of police action and individuals who are subject to criminal charges, including the issue of Fixed Penalty notices. Although varied, complaints in respect of those subject to road traffic interventions and associated police action are most common.

Analytical Action - Further analysis regarding this allegation category has been tasked and will be progressed. Once complete, findings will be shared as appropriate, with a view to addressing any factors which are assessed to contribute to this increase.

Appendix B – Definitions of Selected Allegation Categories

Excessive Force

- An allegation that a member of the police force has used excessive force in circumstances where they are exercising police powers to control a prisoner, or to control persons in a crowd, or the use of defensive tactics to prevent a person from interfering with officers in the execution of their duty. In general, this classification should be used where officer safety techniques have been utilised and the complainer perceives them to have been excessive for the circumstances. One of the deciding factors in distinguishing this allegation type from assault is “intent”. Where a complainer infers, or the circumstances appear to infer that there was “criminal intent” to injure then the allegation would be recorded as an assault. In cases where a person complains that they have been “assaulted” purely because they claim they have been wrongly arrested the allegation should be recorded as Unlawful/Unnecessary arrest.

Quality of Service

- Quality of Service complaints are complaints which relate to the service delivered by the police rather than the specific actions of any member of staff. Quality of Service complaints are broken down into three categories, which are further broken down into sub-categories:
 - Policy/Procedure: This type of complaint relates to a complaint about policing policy, practice or procedure rather than how a member of staff delivered the particular service. Often Quality of Service Policy/Procedure complaints are resolved by explanation to the complainer, however some of these complaints will result in changes to policy or procedure and these changes would be recordable for the Force as a Learning Outcome.

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- **Service Delivery:** This type of complaint relates to an expression of dissatisfaction about policing in general, or in a specific geographic area or in relation to a specific incident or event. It may also be about policing capacity, or ability to provide some form of specific service to the public.
- **Service Outcome:** Service outcome complaints relate to the outcome of policing action and include instances where a complainer was expecting a particular outcome and the outcome was different or where a policing response has not effectively dealt with a situation.

Discriminatory Behaviour

- An allegation that a police officer or member of staff either engaged in a course of action or behaved in a manner which was discriminatory towards an individual or group on the basis of their race, sexual orientation, faith, age, gender or disability.