

Meeting	SPA Complaints & Conduct Committee
Date	2 March 2022
Location	MS Teams
Title of Paper	SPA Quarterly Report
Presented By	Head of Workforce Governance
Recommendation to Members	For Noting
Appendix Attached	No

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 end of Q3, 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.

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 3 (Q3) 2021/22 (i.e. 31 December 2021), and provides comparison to the previous 6 quarters. Key findings in relation to this report are included at the end of this section.

2.2 Cases Received by the SPA

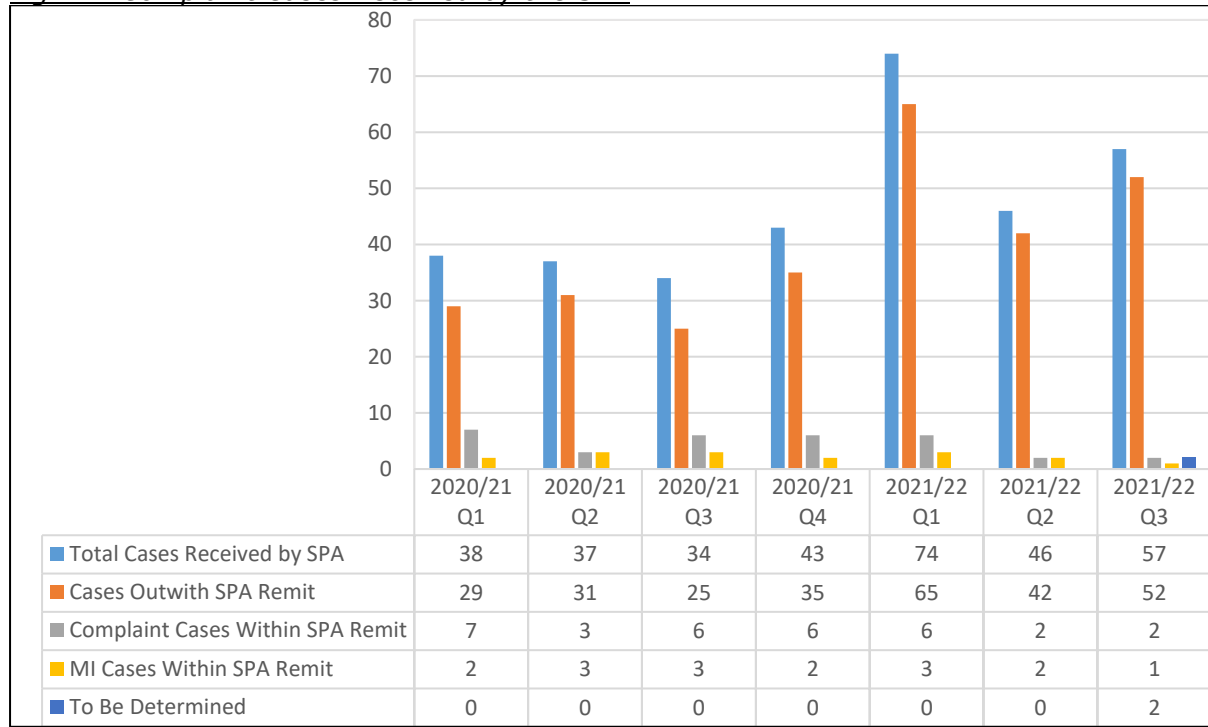
- 2.2.1 A complaint is an expression of dissatisfaction and the SPA is responsible for handling complaints about the SPA itself, members of SPA Corporate/Forensic staff and senior officers of Police Scotland (i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable). This does not include 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 The number of complaint cases received that are within the remit of the SPA has remained fairly steady (albeit falling slightly over the past 2 Quarters). Following a spike in cases outwith the remit of the SPA in Q1 2021/22, it was thought that figures were returning to the level typically seen during 2020/21. However, Q3 saw a slight rise against Q2 (albeit not to the extent seen in Q1). No discernible reasons have been identified to explain this increase. 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 to deal.

- 2.2.4 The introduction of a new interactive online Complaints Form in November 2021 is intended to ensure that members of the public are signposted appropriately when making a complaint. Whilst too early to draw conclusions around its effect, early indications are that, if we exclude emails received from previous correspondents, the proportion of new correspondents contacting the SPA for matters outwith our remit has reduced.

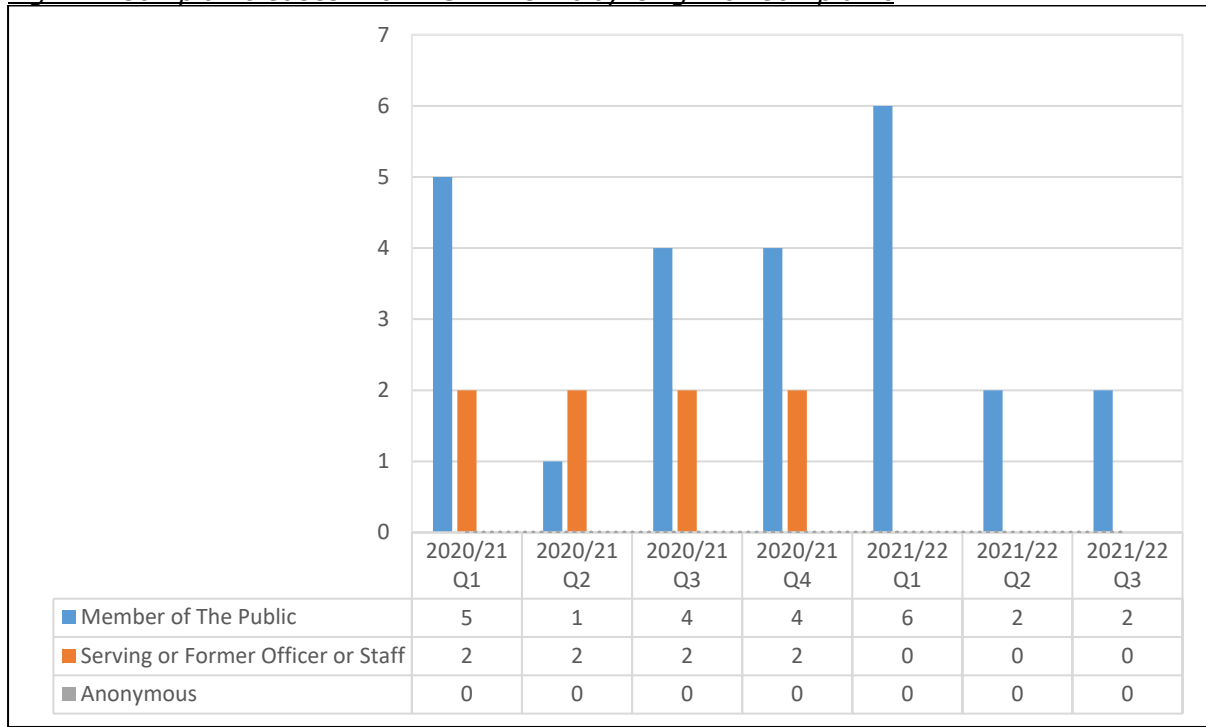
Fig. 1 – Complaint Cases Received by the SPA



2.2.5 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 the ‘Integrity Matters’ confidential reporting system. 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’.

2.2.6 In general, the majority of complaints are received from members of the public, with numbers remaining broadly steady (albeit reducing slightly over the past 2 Quarters). No ‘internal’ complaints have been received over the last 3 quarters. No anonymous complaints were received by the SPA throughout this reporting period.

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



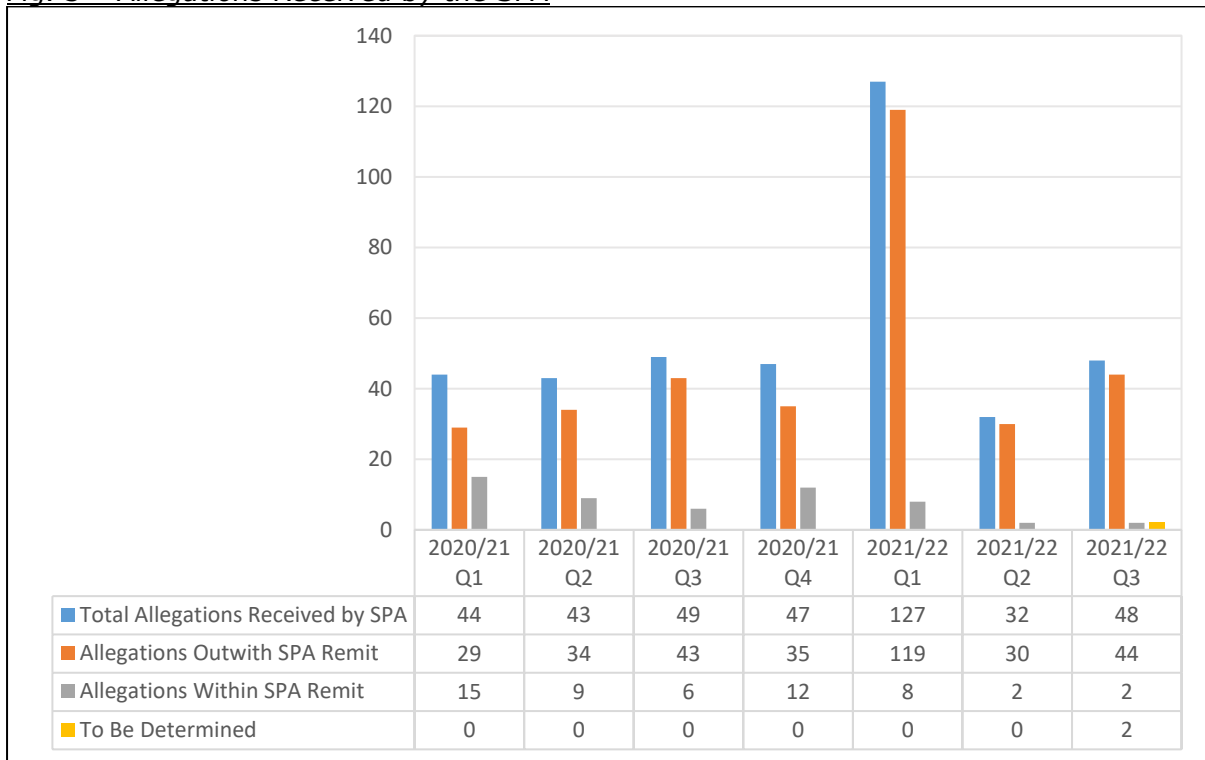
2.3 Allegations Received by the SPA

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.

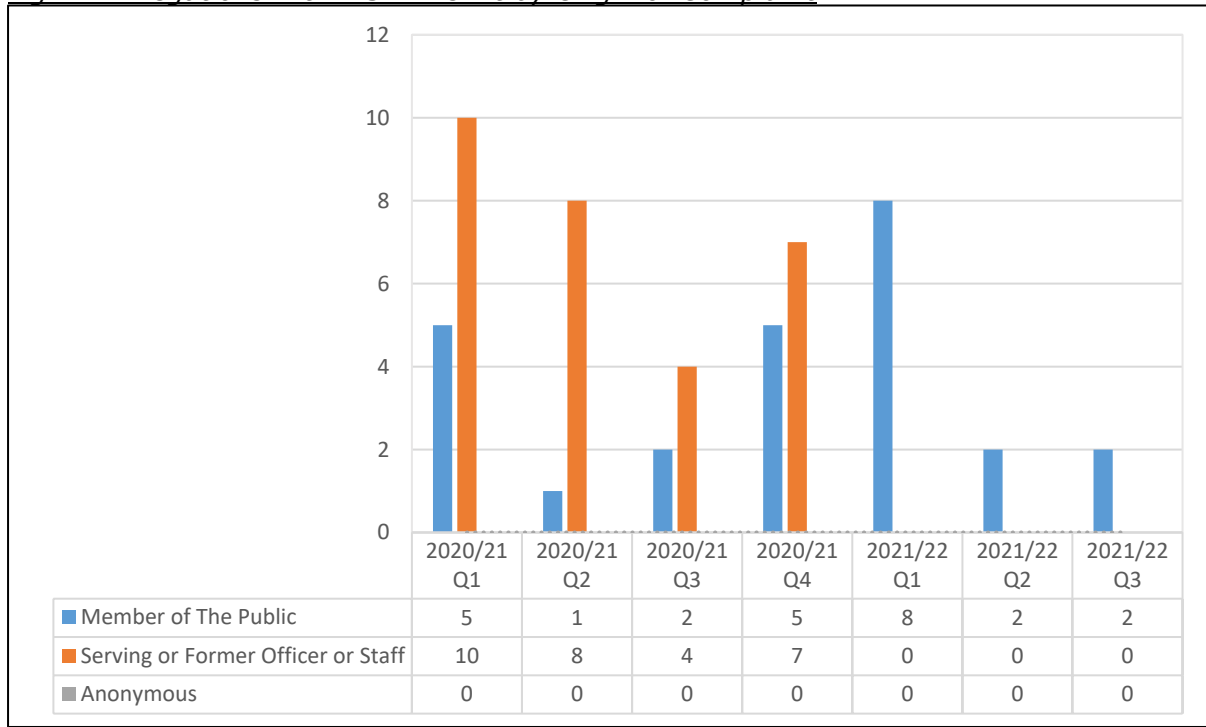
2.3.3 In overall terms, following a spike in complaint cases and allegations outwith the remit of the SPA in Q1 2021/22, allegation numbers have now returned to the level typically seen during 2020/21. As with the number of complaint cases within the remit of the SPA, the number of allegations within its remit has remained steady over the past 6 quarters (albeit falling slightly over the past 2 Quarters).

Fig. 3 – Allegations Received by the SPA



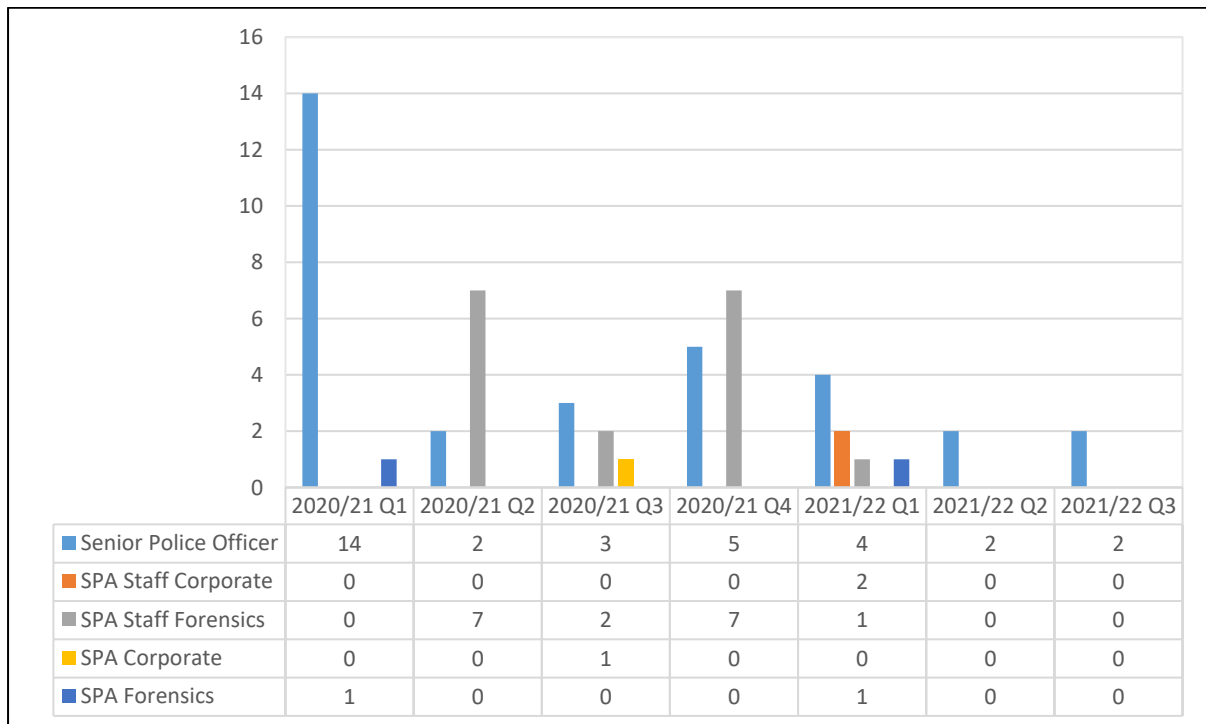
2.3.4 Figure 4 shows the number of allegations within the remit of the SPA broken down by the origin of the complaint. During 2020/21, whilst more complaint cases were received from members of the public, more allegations were received from serving or former police officers/members of staff. However, during 2021/22 to date, all allegations (and complaint cases) have been from members of the public.

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



2.3.5 Figure 5 shows a breakdown of allegations by the subject of the complaint. With the exception of Q1 2020/21, 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

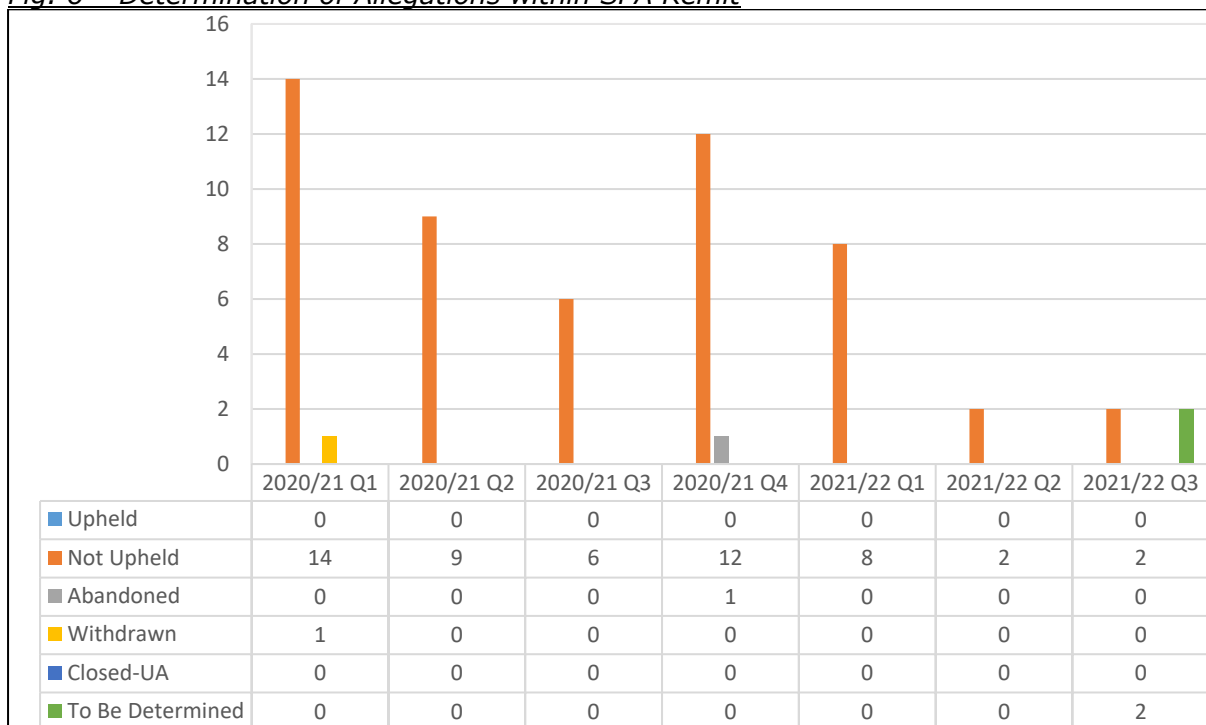


2.4 Determination of Allegations within SPA Remit

2.4.1 Figure 6 shows the determination of allegations within the remit of the SPA, and identifies that the majority of allegations received by the SPA over the period have resulted in a finding of 'Not upheld'. 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 (ESR) 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. The number of allegations recorded as Not Upheld in Figure 6 includes those resolved by ESR. From next Quarter, this data will be split to show the number of allegations which were actually determined to be Not Upheld and those resolved by ESR.

Fig. 6 – Determination of Allegations within SPA Remit



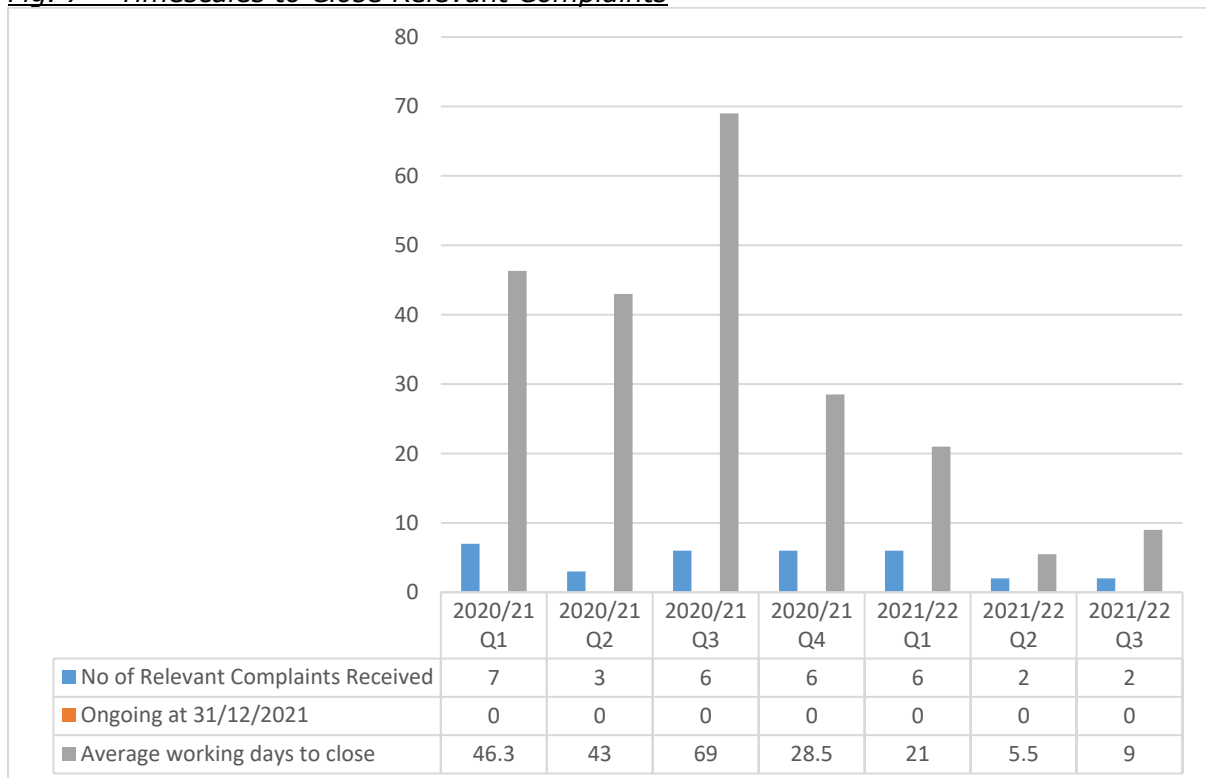
2.5 Timescales to Close Relevant Complaints

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.¹

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 shows the timescales for the closure of 'relevant complaints' handled by the SPA². Figure 8 identifies that, over the reporting period, four relevant complaints were completed outwith the PIRC's expected completion time of 40 working days. These cases were complex and required a more in-depth examination of the matters reported.

Fig. 7 – Timescales to Close Relevant Complaints



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

² 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.

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
Number closed over 40 days	1	1	1	0	1	0	0
Days to close	188	44	232		74		

2.6 Key Findings

2.6.1 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 85% of all received over this recording period (i.e. Q1 2020/21 to end of Q3 2021/22).

2.6.2 Following a spike in cases outwith the remit of the SPA in Q1 2021/22, it was thought that figures were returning to the level typically seen during 2020/21. However, Q3 saw a slight rise against Q2 (albeit not to the extent seen in Q1). No discernible reasons have been identified to explain this increase.

2.6.3 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).

2.6.4 Whilst the SPA Complaints Team will continue to monitor this issue, the restructuring of the SPA website complaints pages in November 2021 (which included the introduction of a new interactive online Complaints Form) is intended to ensure that members of the public are signposted appropriately when making a complaint. This matter will be reported in future Quarterly Reports once more data is available.

2.6.5 The majority of allegations within the remit of the SPA have not been upheld or have been resolved by Early Stage Resolution.

2.7 Workload Management

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

2.8 Stakeholder Meetings

2.8.1 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, there has been no meeting of the SOG since the last Committee meeting. The SOG have, however, developed and published a version of a Memorandum of Understanding (MoU) between Police Scotland, SPA and PIRC for the purposes of ensuring effective co-operation between the partner agencies in the provision, sharing and exchange of information or services, to allow each organisation to fulfil their statutory functions and obligations. Whilst recognising the need to protect operationally sensitive matters, publication of the MoU is intended to demonstrate the commitment of partners to transparency. The MoU can be accessed via the PIRC website (<https://pirc.scot/media/5374/mou-pirc-ps-spa.pdf>).

2.8.2 Since the last Committee meeting, the National Complaint Handling Development Group (NCHDG) has met on two occasions (8 December 2021 and 2 February 2022). Discussions have focussed on review of progress against the previous Delivery Plan, and the scoping of a new Delivery Plan for the year ahead. Specifically, the group discussed the forthcoming Joint Audit; the revised Police Scotland Complaints About the Police Standard Operating Procedure which will be shared with the Committee when completed; the development of a Police Scotland User Experience Survey; and a yearly training planner for CPD events. The Chair of the group has now passed to the SPA.

2.9 Joint Audit SPA/ PIRC

2.9.1 Planning discussions have continued with regard to the joint audit by the SPA and PIRC of Police Scotland's complaints, and an update will be provided by PIRC at Item 5.

2.10 SPA Complaints Team Development

2.10.1 The Dame Elish Angiolini Review of Complaints Handling, Investigations and Misconduct Issues in relation to Policing included the recommendation that "Further training for complaints and conduct officers in SPA should be consolidated and broadened in order to ensure the right skillset and up-to-date knowledge of complaint handling best practice in other sectors." Accordingly, a programme of development for the SPA Complaints Team has been developed.

2.10.2 The three members of the team attended a BSI Auditing Techniques and Approaches training course in January 2022. The aim of the course was to learn the auditing techniques and approaches required for best practice auditing, in line with the ISO 19011 Guidelines for Auditing Management Systems standard. Going forward, this will assist the team in conducting future audits and dip- sampling exercises.

2.10.3 In addition, in February 2022, the Complaints Team members attended a Scottish Public Services Ombudsman (SPSO) Complaints Investigation Skills training course to enhance complaints investigations skills in line with the SPSO's Model Complaints Handling Procedures (MCHPs).

2.10.4 The SPA Complaints Team has also reviewed and compared the SPSO MCHPs against the SPA Complaints Handling Procedures (CHPs). Although there are some differences in terms of the way in which each listed authority operates, the core structure and aim of the MCHPs remain consistent and are mirrored in the SPA's CHPs.

2.10.5 During the forthcoming Quarter, the Team will additionally undertake a review of the SPA CHPs against the international standard BSI ISO 10002:2018 (Quality management – Customer satisfaction – Guidelines for complaints handling in organizations).

2.11 Secondments

2.11.1 CI Mel Wade and PS Paul Harkins will begin a period of secondment from Police Scotland's Professional Standards Department (PSD) to the SPA Complaints Team at the end of February 2022. Mel and Paul will bring valuable experience in operational policing and complaint handling within Police Scotland and the secondment will support continuous improvement and shared learning.

2.12 Engagement with Other Organisations

2.12.1 The SPA has been approached by the Policing Authority in Ireland, which is seeking to learn from other police oversight bodies how complaints are handled in other jurisdictions, both in terms of the local mechanisms and the oversight activities. The SPA Head of Workforce Governance has since met with Policing Authority counterparts, with reciprocal sharing of information in relation to the above. During the forthcoming quarter, the SPA Complaints Team will review the approach in Ireland with a view to identifying any learning opportunities.

2.12.2 In addition, the SPA has been invited 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. Following initial engagement with the SPA Head of Workforce Governance, interviews will be arranged with the SPA Complaints Team and Committee Members.

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.