



Meeting	SPA Complaints & Conduct Committee
Date	27 February 2024
Location	MS Teams
Title of Paper	SPA Quarterly Report (Q3 – 23/24)
Presented By	Darren Paterson, Head of Workforce Governance
Recommendation to Members	For Discussion & Approval (where applicable)
Appendix Attached	Yes – Appendix A - SPA Complaints Overview Appendix B - SPA Complaints Quarterly Report Q3 – 23/24 Appendix C – Dip-Sampling Report Police Scotland Complaints Q1 2023/24

PURPOSE

The purpose of this report is to:

- Update the Committee on complaints and conduct matters including key statistics reflecting the position at the end of Q3, 2023/24.
- Update the Committee on findings from dip-sampling of Police Scotland complaints from Q1, 2023/24.

The paper is presented in line with:

- *Scottish Police Authority Committee Terms of Reference*

The paper is submitted:

- *For Discussion*

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 Performance

- 2.1.1. Appendix A provides an overview of the complaint handling responsibilities of the SPA with explanatory text on reporting terminology.
- 2.1.2. The SPA Complaints Quarterly Performance Report, including key statistics reflecting the position at the end of Q3 2023/24, is attached as Appendix B to this report and provides comparison to the previous 7 quarters.

2.2. Workload Management

- 2.2.1. Detail on ongoing workload is presented as a separate agenda item at the private session of this meeting.

2.3. Dip-Sampling of Police Scotland Complaints

- 2.3.1. Appendix C provides a report on SPA dip-sampling of complaints closed by Police Scotland during Q1 2023/24. A summary of key findings and recommendations is outlined below.

Key Findings

- Of the 78 cases reviewed, 69% were found to have been concluded within 40 working days
- The average timescales for concluding non-criminal cases (exclusive of FLR) was 68 working days
- In complaints subsequently abandoned, as with the Q3 and Q4 samples, delays were identified in the time taken to contact the complainer once the complaint had been passed for allocation
- As with the Q3 & Q4 samples, there continue to be a small number of instances of inaccurate or incomplete record-keeping.
- In one case, an abandoned complaint could have been resolved through FLR within the first 5 days, however, due to the delay in contacting the complainer the complaint was subsequently abandoned 131 working days later.
- Timescales have generally improved compared to the Q3 and Q4 samples.

- With the exception of the above points, all cases have otherwise been deemed to have been handled appropriately in terms of the CAPSOP (and, in turn, the PIRC Statutory Guidance).

Recommendations

- As identified from the Q3 & Q4 samples, Police Scotland should monitor: timescales following the initial assessment of the complaint and contact with the complainer; and record keeping.

2.4. Stakeholder Meetings

2.4.1. The National Complaint Handling Development Group (NCHDG) met again on 7 December 2023, chaired by Superintendent Kate Stephen, and discussing agreed areas of future focus: audit, performance and analysis; communications and accessibility; guidance and SOPs; organisational learning culture; training; and benchmarking. Update was provided on progress against recommendations from the earlier joint SPA/PIRC audit, and in respect of the forthcoming PIRC audit. Discussion also took place in relation to capturing and sharing examples of positive learning points and good complaint handling, with agreement to explore feasibility of a monthly bulletin highlighting good practice. The group also agreed to review current PSD/PIRC guidance for those working in C3, a perceived gap in this regard having been identified. It was also agreed that other complaint handling oversight bodies (SPSO, PONI, IOPC & GSOC) will be invited, during 2024, to present to the group, with a view to identifying learning opportunities. The group is due to meet again on 12 March 2024, with meeting being scheduled to follow meetings of the Committee.

2.4.2. The Strategic Oversight Group (SOG) has not met since the last Committee meeting.

2.5. Engagement with Other Organisations

2.5.1. On 17 January, SPA officials attended a workshop by the England and Wales Association of Police & Crime Commissioners in relation to scrutiny of complaints. Key learning will be included alongside a forthcoming report benchmarking approaches to public reporting on complaints and conduct within the wider UK.

2.5.2. On 17 January, SPA officials separately participated, alongside Police Scotland, in a liaison event organised by the PIRC, enabling partner engagement in respect of the PIRC role in relation to complaint reviews and investigations.

2.5.3. The SPA continues to participate in an international research project on Police Accountability, one of the objectives of which is to develop international standards for independent procedures, resourcing, and good practice in the handling of complaints against law enforcement agencies.

2.5.4. Following an international plenary meeting of the project in September 2022, the SPA was represented at a further stakeholder event on 29 January 2024 focussed on improving public awareness of the complaints system (including targeting vulnerable and hard to reach groups) and providing complainant support to access and navigate the complaints systems. The event, which was also attended by colleagues from Police Scotland, the PIRC and HMICS, involved representation from elsewhere in the UK, Ireland, France and Germany.

2.5.5. Further information on the project (which it is understood is likely to produce its final report later in 2024) is available on the [project website](#).

3 FINANCIAL IMPLICATIONS

3.1. There are no financial implications in this report.

4 PERSONNEL IMPLICATIONS

4.1. There are no personnel implications in this report.

5 LEGAL IMPLICATIONS

5.1. There are no legal implications in this report.

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 in this report.

8 COMMUNITY IMPACT

8.1. There are no community implications in this report.

9 EQUALITIES IMPLICATIONS

9.1. There are no equality implications in this report.

10 ENVIRONMENT IMPLICATIONS

10.1. There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of this report.



Appendix A

SPA Complaints Overview



SPA Complaints Overview

- A complaint is an expression of dissatisfaction and the SPA is responsible for handling complaints about: the SPA itself (including Forensic Services); members of SPA Corporate/Forensic Services staff; and senior officers of Police Scotland (i.e. Assistant Chief Constable, Deputy Chief Constable and Chief Constable).
- As of 12 February 2024, there are 13 officers of senior rank in Police Scotland and 652 staff working across SPA Corporate and Forensic Services functions.
- On receipt of a complaint, the SPA will complete an initial evaluation to determine who the complaint is about and if it is within its remit. For cases within the SPA remit, the initial assessment will ensure they are categorised and dealt with in the most appropriate manner (i.e. relevant complaint; grievance; whistleblowing concern; criminal allegation; misconduct allegation; or a miscellaneous case (which refers to enquiries or other correspondence received by the SPA)).
- A 'relevant complaint' is defined in legislation and is essentially a non-criminal complaint made by a member of the public. The SPA Complaints Performance Report mainly provides statistical information on relevant complaints within the remit of the SPA.
- A single complaint may consist of a number of component parts that can be determined separately. For the purposes of this report, these are referred to as 'allegations' and each complaint may include multiple allegations.
- 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.

Appendix B

SPA Complaints Performance Report (Q3 2023/24)



SPA Complaints Performance Report

Quarterly Report
Q3 2023/24



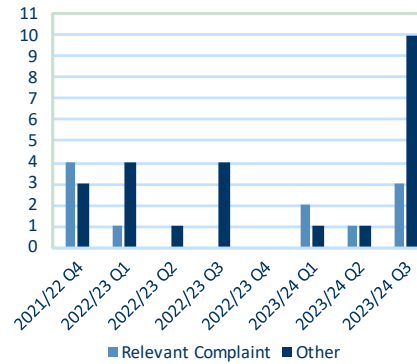
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Highlights (8 quarter view)

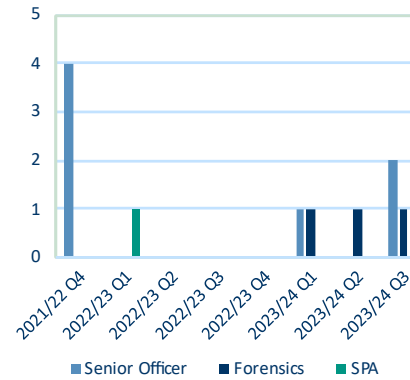
- In context of generally low volume of relevant complaints (and allegations), numbers remain largely consistent
- Majority of relevant complaints, and allegations, relate to senior officers
- 79% of allegations relate to On Duty complaints and the remaining 21% relate to complainers' dissatisfaction with the Quality of Service received
- Early stage resolution continues to be an effective means of addressing complaints of a less serious nature (44% of all allegations received)
- Of the 8 complaints closed over the reporting period, 75% were completed within the targeted completion time of 40 working days
- At the end of Q3 2 allegations are ongoing
- Data excludes complaints received that are outside the SPA's mandate

Cases received



- Across the 8 quarter period, 31% of cases received (within SPA remit) classed as relevant complaints
- 'Other' cases include grievances, whistleblowing, misconduct allegations, criminal allegations etc
- Most cases received outside of SPA remit related to matters that have since been brought to the attention of Police Scotland's Professional Standards Department

Subject of complaints

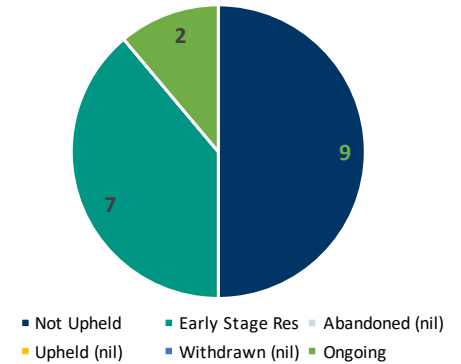


- The majority of relevant complaints (64%) relate to senior officers, although absolute volumes remain low
- Within these complaints, 10 individual allegations were made, which account for 71% of allegations made during the reporting period.

Beyond the first chart (Cases received) all other charts in this report refer to relevant complaints only

Determination

8 quarter view of allegations

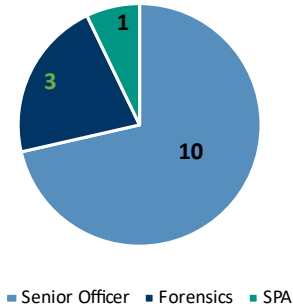
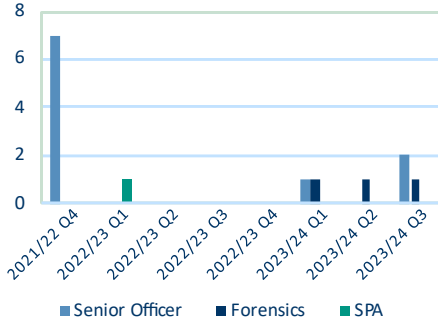


- Of the cases closed during the reporting period, 44% of allegations were resolved by Early Stage Resolution (ESR) via explanation, assurance or apology
- Of those closed cases which required a formal determination, no allegations were upheld.

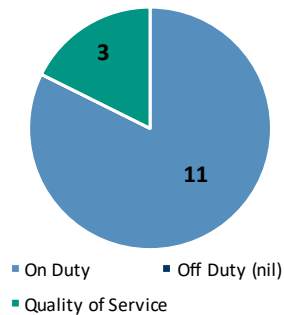
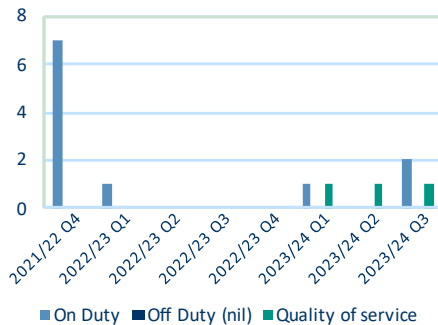


Allegations by subject

Drill down from 'Subject of complaints' on previous page



Allegations by category



Timescales to close

	2021/22	2022/23				2023/24		
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
Closed	4	1	0	0	0	2	0	1
Ave. working days to close	58	14	0	0	0	27	0	22
Cases closed beyond 40 workingdays								
Closed	2	0	0	0	0	0	0	0
Days to close	51 166							

While the SPA aims to deal with relevant complaints within 40 working days, each complaint is unique and a number of factors (such as complexity and seriousness) can impact timescales. The cases closed over 40 working days above can be attributed to:

- Multiple requests for the complainer to submit additional information to allow the investigation to progress
- Complexity of enquiries and investigation undertaken



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Appendix C

Dip Sampling of Police Scotland Complaints

Q1 2023-24

Introduction

The information and evidence collected during the exercise was assessed against the Police Scotland [Complaints about the Police Standing Operating Procedure](#) (CAPSOP) and the Police Investigations & Review Commissioner (PIRC) [Statutory Guidance on the handling of complaints about the police in Scotland](#).

Sample Size

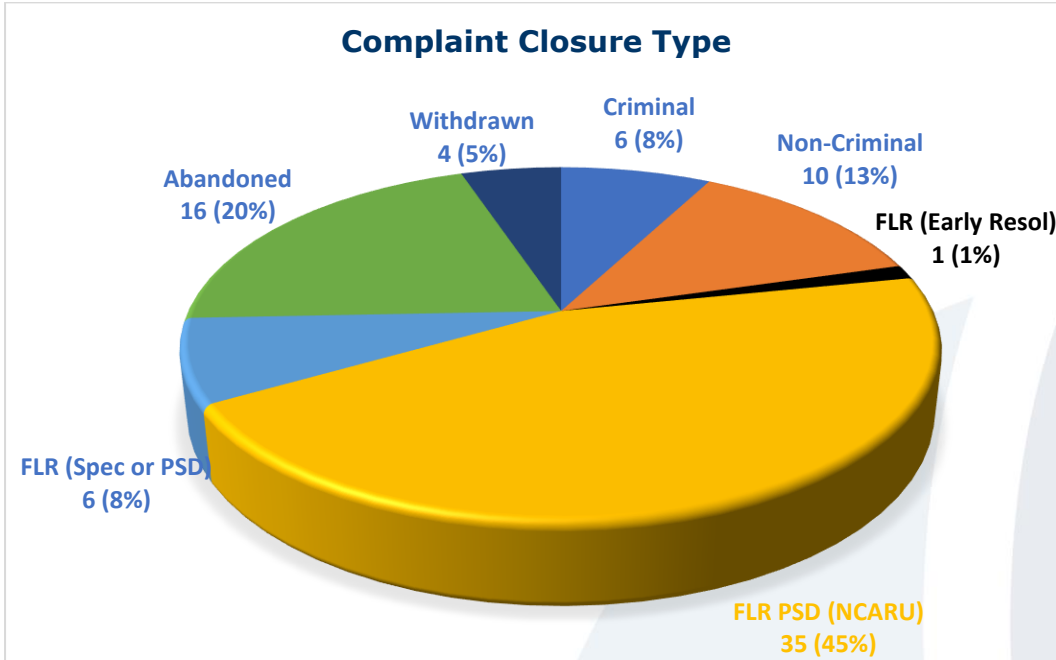
This report covers complaints closed by Police during Q1 2023/24. A random selection of 78 (5% of 1538 total complaints) were selected for review (comprising West (36), East (27) and North (15) Command Areas).

Complaint Closure Type

Of those cases reviewed during this exercise, the following Complaint Closure Types were identified:

Type	Definition
Frontline Resolution	Early Resolution <ul style="list-style-type: none"> Complaints resolved by Divisional supervisors PSD (National Complaints Assessment & Resolution Unit) <ul style="list-style-type: none"> Complaints received and resolved by the Unit (following assessment of suitability for FLR) PSD (Non-Criminal Investigations) or Specialist Division <ul style="list-style-type: none"> Complaints resolved via FLR following allocation for investigation (subject to assessment of suitability for FLR)
Non-Criminal	Complaints where no criminal allegations included, where: <ul style="list-style-type: none"> FLR has not been achieved; or FLR is not considered to be appropriate where the complaint is considered to be serious or complex in nature (i.e. of a nature which may later justify proceedings for misconduct or which allege serious failures in policing services)
Criminal	Complaints where reasonable inference a crime may have been committed
Abandoned	<ul style="list-style-type: none"> Complaints closed where complainer cannot be contacted & does not respond to a request to make contact within 14 calendar days If the complainer subsequently makes contact the original complaint will be re-opened.

Withdrawn	<ul style="list-style-type: none">Complaints withdrawn by the complainer at the initial NCARU assessment stage. Complainer advised to contact PSD should they reconsider.Written statement required from complainer where request to withdraw following allocation for investigation. Criminal complaints may continue to be investigated.
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Key Findings

1. Front Line Resolution - Early Resolution

1 complaint was reviewed:

- Closure time – 2 working days from receipt of complaint (compared to 3 days in Q4 sample)
- Whilst the complaint was handled well, it was not recorded that the subject officer and supervisor were notified of the complaint and that the matter had been resolved

2. Front Line Resolution - PSD (National Complaints Assessment & Resolution Unit)

Of 35 complaints reviewed:

- All were correctly assessed as suitable for FLR & resolved accordingly
- Average time to allocate for FLR – 11 working days from receipt of complaint (compared to 8 days in Q4 sample).

- Average closure time – 12 working days from receipt of complaint (compared to 8 days in Q4 sample).
- In one case, despite the complainer's preference to be contacted by phone, the record only shows contact by email, which (whilst offering apology) did not address the specific matters raised (instead providing a generic explanation of why an incident would not be attended), nor did it advise on what to do if the individual was dissatisfied with the response.
- In 2 cases, insufficient information was recorded on how they were resolved
- In 4 cases, it was not recorded that the complainer was satisfied with the way in which their complaint had been dealt with, however each were provided with an outcome.
- In 2 applicable cases, it was not recorded that the subject officer and supervisor were notified of the complaint and that the matter had been resolved

3. Front Line Resolution - PSD (Non-Criminal Investigations) or Specialist Division

Of 6 complaints reviewed:

- Average time to allocate for FLR – 9 working days from receipt of complaint (compared to 25 days in Q4 sample).
- Average closure time – 72 working days (compared to 54 days in Q4 sample). It should be noted that this increase is attributable to one case which took 252 working days to close (but where, as a result of the complainer not being contactable due to a change of address/contact details, the complaint was initially abandoned and then reopened after they re-contacted PSD). Excluding this case, the average closure time reduces to 36 working.
- In all cases, complainer satisfaction was recorded
- In all applicable cases, subject officer and supervisor notification of complaint receipt and resolution was recorded

4. Non-Criminal

Of 10 complaints reviewed:

- All complaints acknowledged within 3 working days (in line with CAPSOP)
- Average time to allocate for investigation – 10 working days from receipt of complaint (compared to 17 days in Q3 sample and 8 days in

Q4 sample). CAPSOP states 3 working days or as soon as reasonably practicable.

- 2 complaints concluded within 40 working days (compared to 4 in Q3 sample and 1 in Q4 sample)
- Average closure time – 98 working days from receipt of complaint (compared to 88 days in Q3 sample and 138 days in Q4 sample).
- Apologies were provided for delays in 4 of the 8 cases which were concluded outwith 40 working days.
- In one case, whilst appropriate resolved via FLR (PSD or Specialist Division) it was incorrectly recorded under the Non-Criminal complaint closure type.
- Positively, in 2 cases the file records the identification of individual learning.

5. Criminal

Of 6 complaints reviewed:

- All complaints were handled in line with the CAPSOP (including referral to PIRC/COPFS as appropriate applicable), with the exception of one case where the matter was not referred to COPFS within 40 working days.
- Average closure time – 160 working days from receipt of complaint (compared to 98 days in Q3 sample and 119 days in Q4 sample)
- In 2 cases, where individuals withdrew their complaints, investigations continued given the criminal nature of allegations
- It should be noted that timescales for criminal complaints, following referral to PIRC/COPFS, can be significant and are outwith the control of Police Scotland until they are returned to them for closure.

6. Abandoned

Of 16 complaints reviewed:

- In all cases, up to 4 attempts were made to contact the complainer, & a 14 day letter issued, before they were abandoned.
- 11 handled appropriately
- 5 had significant delays (between 118 & 145 working days) from allocation to initial attempts to contact the complainer (compared to 4 cases, between 75 & 119 days, in the Q4 sample)
- Average time to allocate (for FLR/investigation) – 15 working days from receipt of complaint (compared to 19 days in Q3 sample and 31 days in Q4 sample)

- Average time to establish abandonment after allocation – 65 working days (compared to 68 days in Q3 sample and 20 days in Q4 sample)
- In one case, following initial assessment, no further contact was made with the complainer for 131 working days, at which point a 14 day letter was issued (along with an apology for the lack of contact). With no subsequent response, the complaint was abandoned. However, the file notes that the complaint could have been dealt with earlier, via FLR.
- In another case, insufficient detail was recorded to explain why or when the complaint was abandoned.

7. Withdrawn

Of 4 complaints reviewed:

- Average time to allocate (for FLR/investigation)– 11 working days from receipt of complaint (compared to 11 days in Q3 sample and 12 days in Q4 sample)

Key Findings

- The PIRC Statutory Guidance provides an expectation that policing bodies should respond to complaints requiring investigation within 56 days (40 working days) of receipt. Of the 78 cases reviewed (FLR, non-criminal and criminal), 54 (69%) were found to have been concluded within 40 working days (compared to 64% in the Q3 sample and 68% in the Q4 sample).
- The average timescales for concluding non-criminal cases (exclusive of FLR) was 68 working days (compared to 88 days in the Q3 sample and 138 days in the Q4 sample).
- As was identified in the Q3 and Q4 samples, in complaints that were subsequently abandoned, delays were identified in the time taken for an investigating officer to contact the complainer once the complaint had been passed for allocation (although in the majority of cases details were recorded to show that all reasonable efforts were made to secure the complainer's co-operation before the case was abandoned).
- As was identified in the Q3 and Q4 samples, there continue to be a small number of instances of inaccurate or incomplete record-keeping.
- Timescales have generally improved compared to the Q3 and Q4 samples.
- With the exception of the above points, all cases have otherwise been deemed to have been handled appropriately in terms of the CAPSOP (and, in turn, the PIRC Statutory Guidance).

Recommendations

- As identified from the Q3 and Q4 samples (and the findings of the [SPA/PIRC Joint Audit of Police Scotland's initial triage of complaints](#)), Police Scotland should continue to monitor timescales following the initial assessment of the complaint and contact with the complainer. This is particularly reflected in abandoned complaints.
- As similarly identified within the Q3 and Q4 samples (and the Joint Audit), Police Scotland should monitor record keeping