| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0825  Responded to: xx April 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

To assist with your request, the Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) provides our definition of a ‘complaint’ and also outlines how we deal with complaints relating to Police officers and members of Police staff. Complaints are recorded in accordance with the categories listed at appendices C and D.

Furthermore, the Professional Standards Department (PSD) deals with, and records, conduct matters relative to Police officers whilst People and Development (P&D) deals with, and records, disciplinary matters for members of police staff.

The formal conduct process for Police officers is governed by [The Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made).

The associated [Scottish Government Guidance Document](https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/04/conduct-and-performance-procedures-police-guidance/documents/police-guidance-conduct-procedures/police-guidance-conduct-procedures/govscot%3Adocument/Police%2BService%2Bof%2BScotland%2B%2528conduct%2529%2Bregulations%2B2014.pdf) provides further information on the Conduct process and Conduct cases are categorised in line with our [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

Disciplinary Procedures for Police staff are outlined in the [Disciplinary SOP](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf).

It is noted that you have specifically requested data relating to internal complaints raised by staff or police officers of sexual harassment, sexual violence, or sexual discrimination perpetrated towards them by colleagues. It is respectfully highlighted that allegations of this nature are most likely to be reported through other means not included within our ‘complaint’ definition, such as via line managers, via Police Scotland’s confidential reporting mechanism, via Crimestoppers and/or via grievance procedure. In these instances, the identity of the victim is not always known and recording of such matters, out with complaint processes, do not provide the opportunity to differentiate between a ‘victim’ and a ‘witness’.

As such, you may find the Scottish Police Authority (SPA) Complaints and Conduct Committee PSD Quarterly Performance Reports helpful, the most recent of which can be found [here](https://www.spa.police.uk/publication-library/police-scotland-professional-standards-department-quarterly-performance-report-q3-27-february-2024/). The Report provides statistics relating to ‘sexual misconduct’ referrals received per PSD Business Area in the financial year to date. Previous Performance Reports can also be found within the [SPA Publication Library](https://www.spa.police.uk/publication-library/).

## 1. How many internal complaints were raised by staff or police officers within your police force by a colleague for the past five years (2019, 2020, 2021, 2022 & 2023)?

As per the [Complaints About the Police SOP](https://www.scotland.police.uk/spa-media/lgyddvsi/complaints-about-the-police-sop.docx) ‘sexual harassment’, ‘sexual violence’ and ‘sexual discrimination’ are not categories recorded on the PSD database.

The PSD database does, however, hold a ‘sexual circumstance’ marker that can be appended to any Complaint case containing allegations which are perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal.

For the purpose of your request, complaints to which this specific marker applies where the complainer is a Police officer or member of Police staff have been extracted.

Please also note that a sexual circumstance marker may also be attached to Conduct cases. However, complainer information is not systematically recorded on the PSD database for Conduct cases, as these are only recorded against Complaint cases (by definition these will involve a named complainer).

Data from the PSD database has been provided below which details the number of Complaint cases involving allegations with a sexual circumstance linked to Police officer or Police staff complainers received between 01/01/2019 – 31/12/2023 inclusive.

Data is based on the case received date.

Of note, the allegations involve Police officers only.

The figure for Police staff is zero for each calendar year - for this reason I must respond in terms of Section 17(1) of the Act: Information not held.

*Table 1 - Complaint cases involving allegations with a sexual circumstance linked to Police officers, by calendar year*

| **Category** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- |
| Number of Complaint cases | 3 | 1 | 0 | 0 | 0 |

## 2. For each year, please break down how many resulted in a) temporary suspension for the officer accused, b) dismissal or leaving the force, c) other disciplinary action or management intervention or d) none of the above.

This is interpreted to be a continuation of the previous question.

I can confirm that each of the cases listed in our response to question 1 have been concluded in terms of both the Complaints process and the Conduct process. These processes are distinct from each other and both have separate assessment and recording processes within the PSD database.

Although it is possible for complaints to involve multiple subject officers, I can also confirm that each Complaint case – with regards to the allegations involving a sexual circumstance – led to four separate Conduct cases i.e. four individual officers.

Not all aspects of a complaint are necessarily referred to the PSD National Conduct Unit and therefore the allegations will not necessarily mirror between the two types of case. Each of the cases have been manually reviewed to ensure that the sexual allegations attached to the Complaint are involved in the linked Conduct case, and that those relate to the maximum disposals detailed in our response below.

a) In relation to the outcomes specified in your question, please note that suspension is not a recognised outcome in terms of the Complaint or Conduct process~~.~~

I can confirm that none of the four subject officers linked to the sexual allegations attached to Complaint cases were suspended in relation to those allegations. As detailed within the [Suspension from Duty SOP](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf), only in cases where an effective criminal or misconduct investigation may be prejudiced if the officer is not suspended and/or having regard to the nature of the allegation and any other relevant considerations will suspension be imposed.

The decision to suspend an officer, made by the Deputy Chief Constable (DCC) Designate, will normally only be taken after each set of individual circumstances have been rigorously and objectively examined.

The DCC Designate can however impose other conditions or restrictions as are reasonable in the circumstances.  Of note, each of the officers linked to the sexual allegations attached to the Complaint cases were subject to duty restrictions.

b) As you will note in the table below, no officers were dismissed. Please also note that the Conduct regulations apply only to serving officers. Therefore, should an officer retire or resign, then the misconduct process immediately ceases.

c). The remaining outcomes specified are recognised disposals following the Conduct process. Data has been provided in the table below which details the maximum disposal (i.e. most severe sanction) linked to allegations involving a sexual circumstance attached to Conduct cases which resulted from the Complaint cases listed in our response to question 1 above. It is presented based on the case received date for consistency with our response to question 1. However, each Conduct case may not have concluded in the same calendar year in which the complaint was received.

*Table 2 - Conduct case disposals involving allegations with a sexual circumstance as above, by maximum disposal and calendar year*

| **Maximum Disposal (linked Conduct case)** | **2019** | **2020** | **2021** | **2022** | **2023** |
| --- | --- | --- | --- | --- | --- |
| Hearing - Reduction in Rank | 1 | 0 | 0 | 0 | 0 |
| Meeting - Written Warning | 1 | 0 | 0 | 0 | 0 |
| Improvement Action | 0 | 1 | 0 | 0 | 0 |
| Retired/Resigned | 1 | 0 | 0 | 0 | 0 |
| **Total** | **3** | **1** | **0** | **0** | **0** |

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.