| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0758  Responded to: xx April 2024 |
| --- | --- |

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

To first provide some general context, the formal disciplinary 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 process and allegations 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/).

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) outlines how we deal with complaints. Allegations are recorded in accordance with the categories listed at appendices C and D.

You may also be interested in our [Suspension from Duty SOP](https://www.scotland.police.uk/spa-media/3mbmetbo/suspension-from-duty-sop.pdf).

The formal disciplinary process for Police Staff is set out in our [Disciplinary SOP](https://www.scotland.police.uk/spa-media/kqeo5ogi/disciplinary-sop.docx).

## The number of police officers and police staff suspended with full pay due to misconduct allegations during the financial years 2018-19; 2019-20; 2020-21; 2021-22; 2022-23

Information relating to questions 1 & 2 of your request were published in October 2023 following a request for similar information which can be found via the link below:

[23-2222 - Professional Standards Department - Officer Suspensions/ Dismissals - with/without pay - 5 years - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2023/september/23-2222-professional-standards-department-officer-suspensions-dismissals-with-without-pay-5-years/)

For ease of reference, we have included the relevant data in table 1.

The table details the number of officers and staff whose suspensions began between 1 April 2018 and 31 March 2023, broken down by the financial year of commencement.

Please note that officers whose suspension start date precedes this date period - however served a suspension during that period - are not included in the figures provided below.

*Table 1: Suspensions by financial year (2018/19 – 2022/23)*

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **2018/19** | | **2019/20** | | **2020/21** | | **2021/22** | | **2022/23** | |
| **Officers** | **Staff** | **Officers** | **Staff** | **Officers** | **Staff** | **Officers** | **Staff** | **Officers** | **Staff** |
| 12 | 6 | 22 | 3 | 25 | 3 | 28 | 10 | 50 | 8 |

## The total amount paid in wages to officers and staff who were suspended with full pay due to misconduct allegations during the financial years 2018-19; 2019-20; 2020-21; 2021-22; 2022-23

In response to this question I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

To first explain, payments to suspended individuals are not specifically marked and would be calculated by payroll in the normal manner and paid directly.

As there is no automated method of identifying the relevant expenditure, any undertaking to identify such payments would require us to interrogate our payroll system for details relating to every relevant officer in each of the time periods requested.

In summary, without a largely manual exercise we would have no way of answering this question.

As the information requested is not held in an easily retrievable format, the research and calculations involved would require significant resource, assessed to exceed the £600 cost limit.

You may however be interested in police officer salary information - [Pay and Grading Structure - Police Scotland](https://www.scotland.police.uk/about-us/finance/pay-and-grading-structure/).

In terms of police staff, to be of some assistance I can provide some limited information in respect of the relevant salary scales which apply:

|  |  |
| --- | --- |
|  | **Pay Grade** |
| **2018/19** | Grades 3, 4, 5 and 10 |
| **2019/20** | Grades 4, 7 and 9 |
| **2020/21** | Grades 3 and 9 |
| **2021/22** | Grades 3, 4, 5 and 6 |
| **2022/23** | Grade 3, 4, 5,8 and contractor |

## 3. The average time it took the force to investigate and close misconduct allegations during the five-year period mentioned above, including how long it took (in days) for the lengthiest investigation to conclude.

In order to respond to this question, a manual check of all potential files held in this respect would be required in order to provide an accurate response.

On this occasion it is assessed that the cost of locating, retrieving and providing the information sought would take over 40 hours and be in excess of the £600 cost limit.

I am therefore refusing to provide the information sought in terms of section 16(4) of the Act, as section 12(1) - Excessive Cost of Compliance - applies.

## 4 a) The number of officers and staff who were dismissed due to misconduct during the period.

Information relating to this part of your request was published in September 2023 following a request for similar information which can be found via the link below:

[23-2093 - Professional Standards Department - Officer dismissals - 6 years - Police Scotland](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2023/september/23-2093-professional-standards-department-officer-dismissals-6-years/)

For ease of reference, this information has been replicated here:

There were 12 officers dismissed following disciplinary proceedings in the period requested (based on actual hearing date) between 01 April 2018 and 31 March 2023. Please note that this total excludes any officer dismissals which were overturned following appeal.

There were three police staff dismissed in the same period.

## 4 b) The number of staff and officers who left the force but *would have been* dismissed during the period.

In terms of whether individuals that left during the discipline process would have been dismissed, your request appears to be seeking hypothetical information which I must advise you does not fall within the remit of the Act.

For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

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.