| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0113Responded to: 16 March 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding.

For background, you originally submitted a request seeking details of complaints of sexism against women and/or misogyny.

That was [responded to (FOI 22-2608)](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2022/december/22-2608-psd-complaint-stats-sexism-misogyny-2018-td/) with the section 12 cost exemption and advice was provided as regards the recording categories we use for complaint and conduct matters.

You then submitted:

## Do you have a specific allegation type as "gender-based discrimination against women" instead of "sexism" then?

Followed by…

## Just following up on this? I'm aware that since February 2020, new regulations came into practice, and as such, new complaint strand headings were put in place which provide clearer understanding and extraction. In that case, I'm requesting the following, with an adjusted timescale:

## How many complaints has your Professional Standards team received of officers and staff reported for sexism against women and/or misogyny, and/or gender-based discrimination against women, from February 2020 to December 2022?

## How many of these reports were made by police officers and staff?

## How many of these cases resulted in disciplinary action?

I would advise you first of all that, the regulations referred to do not extend Scotland.

Police Scotland complaint and conduct procedures differ significantly from those in England and Wales.

As was explained in our response to [FOI 22-2608](https://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log/disclosure-log-2022/december/22-2608-psd-complaint-stats-sexism-misogyny-2018-td/), we are unable to provide data regarding complaints of sexism against women and/ or misogyny specifically 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.

By way of explanation, there are no means of retrieving such information from the Professional Standards database as no allegation categories specifically identify ‘sexism against women’ and/ or ‘misogyny’.

As a result, several thousand complaints received since February 2020 would require manual review to provide an accurate response to this part of your question.

I would outline again how the complaints and conduct processes operate in Scotland.

The Police Scotland [Complaints About the Police Standard Operating Procedure (SOP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) outlines how we deal with complaints and the recording categories are set out in the appendices.

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 Police Service of Scotland (Conduct) Regulations 2014 [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/) which, again, do not align to the terminology used in your request.

As you will see from reviewing the above documents, the complaint and conduct processes are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

Once complaint matters are concluded, the circumstances *may* be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved).

Moving on to the part of your request seeking information about ‘gender based discrimination’ complaints, we are able provide some data that may be of interest.

As set out in the [Complaints About the Police SOP](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf), one of the recording categories for on-duty complaints is ‘discriminatory behaviour’ and this has a searchable sub-type of ‘gender’.

We have therefore carried out a search of the Professional Standards Database for all complaints within the specified date range categorised as on-duty discriminatory behaviour, sub-type ‘gender’ and with a ‘sexual circumstance’ marker and the answer is zero.

I would reiterate that, for all of the reasons set out above, this data only partially answers your request but, as explained, we are restricted by the recording categories in place.

Any further assessment could require the individual review of all complaint cases recorded under different categories for potential relevance.

Not only would that be exceptionally time consuming, it would also (in the absence of the appropriate recording categories) be entirely subjective.

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 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 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.