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Our Ref: IM-FOI-2022-2344  
Date: 1<sup>st</sup> December 2022



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

To provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland and to provide some links to information which may be of use to you.

The Police Scotland [Complaints About the Police Standard Operating Procedure \(SOP\)](#) outlines how we deal with complaints.

The formal disciplinary process for Police Officers is governed by [The Police Service of Scotland \(Conduct\) Regulations 2014](#).

The Police Service of Scotland (Conduct) Regulations 2014 [Scottish Government Guidance Document](#) provides further information on the Conduct process.

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).

There is therefore potential for the same officer / circumstances to appear on a complaint case and a conduct case. Due to these processes, the complaints and conduct matters cannot simply be added together.

For ease of reference, your request is replicated below together with the response.

### **1. The number of complaints made regarding the behaviour or conduct of individual Police Scotland officers, broken down by division, during the time period October 2021 to October 2022**

A total of 4,280 complaints were received between 1 October 2021 and 31 October 2022 linked to Police Officers only.

Data has been provided in the table below, broken down by Division.

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*Complaints linked to Police Officers (01/10/21-31/10/22)*

<b>Division</b>	<b>Number</b>
North East	417
Tayside	354
Highlands and Islands	188
Forth Valley	196
Edinburgh City	347
Lothians and Scottish Borders	324
Fife	268
Greater Glasgow	711
Ayrshire	233
Lanarkshire	423
Argyll and West Dunbartonshire	149
Renfrewshire and Inverclyde	173
Dumfries and Galloway	133
Contact, Command and Control	76
Criminal Justice Services Division	108
Operational Support Division	141
Corporate Services	17
Specialist Crime Division	20
Partnerships, Prevention & Community Wellbeing	2
<b>Grand Total</b>	<b>4,280</b>

- *Data is based on the case received date.*
- *Complaints linked to Police Staff are excluded from the table (unless also linked to a Police Officer).*
- *Complaints which involve Quality of Service allegations only are excluded from the table above, as those are recorded as complaints about the organisation and not about any individual subject officer.*

**2. The number of officers about whose behaviour or conduct complaints have been raised, broken down by division, during the time period October 2021 to October 2022**

*Police Officers subject to complaints received (01/10/21-31/10/22)*

<b>Division</b>	<b>Number</b>
North East	407
Tayside	383
Highlands and Islands	201
Forth Valley	199
Edinburgh City	345
Lothians and Scottish Borders	318
Fife	235
Greater Glasgow	820

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<b>Division</b>	<b>Number</b>
Ayrshire	252
Lanarkshire	470
Argyll and West Dunbartonshire	164
Renfrewshire and Inverclyde	197
Dumfries and Galloway	165
Contact, Command and Control	56
Criminal Justice Services Division	44
Operational Support Division	226
Corporate Services	35
Specialist Crime Division	30
Partnerships, Prevention & Community Wellbeing	4
<b>Grand Total</b>	<b>4,551</b>

- *Data is based on the case received date.*
- *Each complaint may involve multiple subject officers, therefore the number of complaints may vary from the number of subject officers.*
- *Unidentified subject officers are excluded from the table above.*

**3. The number of complaints made regarding the behaviour or conduct of individual officers that have resulted in disciplinary action, a) in total and b) as a proportion of complaints made, broken down by division, during the time period October 2021 to October 2022**

To provide some context to this response, please note section 4.6 of the Police Service of Scotland (Conduct) Regulations 2014 Scottish Government Guidance refers to conduct processes as they relate to complaints.

The relevant extracts are provided below:

4.6.1 An investigation into a complaint is not automatically an investigation into whether a police officer has breached the standards of professional behaviour but rather an investigation into the circumstances that led to the dissatisfaction being expressed by the complainer of the actions of one or more persons serving with the police.

4.6.2 The vast majority of complaint investigations will not result in Misconduct Proceedings being taken against Police officers. Even when an allegation has been upheld and it has been established there has been a breach of the Standards of Professional Behaviour, in the majority of cases Misconduct Proceedings will not follow.

4.6.3 The local complaints handling procedure allows for complaints of a less serious nature to be resolved timeously by explanation, apology or assurance. It may be appropriate in dealing with a complaint using local procedures for a manager to take improvement action and this is perfectly acceptable. Serious and criminal complaints are dealt with in a far more rigid fashion and are investigated by formally appointed Investigators.

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4.6.4 A Misconduct investigation arising out of a complaint must be proportionate having regard to the nature of the allegation and any likely outcome. It is appropriate for the Deputy Chief Constable to make an assessment on whether proceedings would be justified before embarking on an investigation and legitimate for the matter to be resolved by improvement action without an investigation where the circumstances only warrant this.

4.6.5 Where, following the investigation into a complaint it appears that there is a case to answer in respect of misconduct then the Deputy Chief Constable will determine whether the matter should be considered as misconduct or gross misconduct or neither.

4.6.6 Where the Deputy Chief Constable determines that there is a case to answer in respect of misconduct but not gross misconduct he/she may determine that improvement action or action under the Performance Regulations is an appropriate and proportionate response.

As previously mentioned, 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). It is worth highlighting that the majority of conduct assessments do not arise from a complaint.

In relation to this question, please be advised that, of the 4,280 complaints linked to Police Officers received between 1 October 2021 and 31 October 2022, 1,324 remain subject to live enquiry and are therefore not yet concluded.

A further 2,628 were either frontline resolved, withdrawn or abandoned - and are therefore subject to a disposal of no action against the linked subject officers.

Of the remaining 328 complaints (see table below – 21 closed criminal and 307 non-criminal complaints):

- 79 were upheld/partially upheld, 63 of which concluded with at least one officer – each complaint may contain multiple officers – subject to management action and a further 5 whereby at least one officer was issued with advice or had training provided
- 249 (18 criminal + 231 non-criminal) were not upheld due to the following reasons:
  - Concluded by explanation
  - Insufficient evidence
  - No Proceedings by APF
  - Malicious complaint

Included within these figures, 8 officers retired or resigned however the complaint was concluded.

Furthermore, some cases concluded where the subject officer retired/ resigned during the course of the enquiry and those would not therefore be referred to the Conduct Unit. The vast majority of those remaining complaints were non-criminal in nature.

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*Complaints linked to Police Officers, by Case Grade or Status (01/10/21-31/10/22)*

<b>Case Grade or Status</b>	<b>Number</b>
Live - not yet concluded	1,324
Closed - Frontline Resolved (FLR)	1,772
Closed - Abandoned	614
Closed - Withdrawn	242
Closed - Criminal Complaint	21
Closed - Non Criminal Complaint	307

Of the **79** remaining upheld complaints, **4** were referred to our conduct department for consideration of conduct proceedings, broken down by Division as below.

*Complaints linked to Police Officers and subject to conduct referral (01/10/21-31/10/22)*

<b>Division</b>	<b>No.</b>	<b>% of all complaints received</b>
Tayside	1	0.3%
Edinburgh City	1	0.3%
Renfrewshire and Inverclyde	1	0.6%
Operational Support Division	1	0.7%
<b>Grand Total</b>	<b>4</b>	<b>0.1%</b>

- *Data in both tables above is based on the case received date.*
- *Complaints which involve Quality of Service allegations only are excluded from the table above, as those are recorded as complaints about the organisation and not about any individual subject officer.*

Of those 4 cases, 2 resulted in Improvement Action, 1 resulted in 'no misconduct' and was referred back to Division and 1 is yet to be assessed. As previously mentioned, this figure does not include cases which may still be subject of investigation.

**4. How many officers currently in service have been the subject of more than one complaint about behaviour or conduct during their time in service. Of these, please detail the a) most and b) average number of complaints made about an officer**

Due to the extensive time period involved in this request as a result of the wide and varied 'length of service' of each police officer (anything up to or in excess of 30 years), 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.

By way of explanation, Police Scotland was established in 2013 and is made up of the 8 legacy Scottish forces, the former Scottish Crime and Drug Enforcement Agency and the former Scottish Police Services Authority.

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The national PSD database was not formed until April 2014 therefore it does not hold the information of all officers who may have served in legacy forces and remain serving to date or who have since retired or resigned.

Providing information in response to this request would require research across a number of legacy systems, all with varying degrees of information held.

Our weeding and retention policies also mean that, due to the age of the information requested, information may not be held.

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.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.police.uk](mailto:foi@scotland.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision.

You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.