

Our Ref: IM-FOI-2022-0779
Date: 03 May 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.

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

Police Scotland aims to provide the best possible service to the people of Scotland however recognises that on occasion the service received falls short of the standards expected by the public and the police themselves.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct process operates in Scotland and to provide some additional information sources.

Firstly, I would advise that complaints and conduct are distinct and separate matters with both having different assessment and recording processes on the Professional Standards Department (PSD) database. Consequently, complaints and conduct matters cannot simply be added together.

All complaints received by Police Scotland are managed in line with our Complaints about the Police Standard Operating Procedures (SOP) which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

Further details in relation to our complaints process can be found on the Police Scotland website via the following link:

www.scotland.police.uk/complaints/

Complaints about the Police encompass all levels of dissatisfaction from very low level to higher tariff allegations.

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment to be undertaken. PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff. This might not necessarily include every aspect of the complaint or every officer involved, however the same officer and circumstances could appear on both a complaint case and a conduct case.

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Police officer conduct is assessed against our Standards of Professional Behaviour which can be accessed via the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment will be carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014.

Police Scotland's Conduct Regulations can be found via the following link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Should the assessment provide that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation form. The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation. Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case, however the same officer may be subject to multiple cases and therefore may appear more than once.

In respect of a) police staff and b) police officers

Within E Division (Edinburgh) in the last five financial years, (i.e. 17/18, 18/19, 19/20, 20/21 and 21/22), how many

1. Complaints / misconduct cases have been received from members of the public, incl. outcomes?

2. How many complaints / misconduct cases have been received from police colleagues, incl. outcomes?

a) Our records show that there were no members of police (civilian staff) based in E Division, who were the subject of complaints or allegations of misconduct.

As Police Scotland does not hold the requested information, Section 17 of the Act applies.

b) In terms of police officers, please note that questions 1 and 2 above are answered together within tables 1 to 4 below.

Each complaint may have multiple complainers and therefore may include complainers who are members of the public in addition to Police officers/staff.

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Figures provided are based on cases which are recorded as E (Edinburgh) Division. These may include officers from other divisions and likewise there may be officers from E division subject to complaint cases within other divisions.

However, complainers are not recorded against Conduct and Misconduct cases. These cases are assessed against the Police Scotland Standards of Professional Behaviour and do not necessarily involve a named complainer. Therefore, no further breakdown is available as regards the category of complainer (i.e. Police Officer/Staff or Public).

Please also note that outcomes are recorded against allegations, rather than cases, with each case potentially having multiple allegations. Therefore, allegation results may vary from the number of cases.

There can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation.

Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case, however the same officer may be subject to multiple cases and therefore may appear more than once.

Data has been provided below in relation to cases recorded against E (Edinburgh) Division within the specified period. Please note that not all allegations on a complaint case are necessarily attributed to officers from one division (by contrast, conduct cases are limited to one officer, hence one division). Therefore, in some instances allegation results may not be attributable to the division against whom the complaint case was recorded.

Table 1: Complaints received against E (Edinburgh) Division, by Complainer Type and Financial Year ^{1 2 3}

Complainer Type	2017/18	2018/19	2019/20	2020/21	2021/22
Police Officer	1	0	0	0	1
Public and Police Staff	0	0	0	1	0
Public	387	350	402	394	300
Grand Total	388	350	402	395	301

1. Data is based on the case received date.

2. Each complaint may include multiple complainers. Complainer Types are counted once per complaint within the table above.

3. Data includes Police officers and Police Staff

Table 2: Allegation Results for Complaints received against E (Edinburgh) Division, by Complainer Type and Financial Year ^{1 2 3 4}

Complainer Type & Allegation Result	2017/18	2018/19	2019/20	2020/21	2021/22
Police Officer - TOTAL	1	0	0	0	13
Not Upheld - Concluded by explanation	1	0	0	0	0
Ongoing - not yet concluded	0	0	0	0	13

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Public and Police Staff - TOTAL	0	0	0	3	0
Not Upheld - Concluded by explanation	0	0	0	1	0
Upheld - Concluded by explanation	0	0	0	2	0
Public - TOTAL	651	602	649	738	525
Abandoned	111	64	108	109	98
Not Relevant Complaint	0	0	0	0	1
Not Upheld - Concluded by explanation	340	359	380	434	90
Not Upheld - Insufficient evidence	69	48	38	30	10
Not upheld - Leading to No Proceedings by APF	6	14	23	18	1
Not Upheld - Malicious complaint	10	4	4	0	0
Resolved by FLR (Apology)	0	0	0	0	22
Resolved by FLR (Assurance)	0	0	0	0	70
Resolved by FLR (Explanation)	0	0	0	0	33
Upheld - Alternative to Prosecution by APF	0	1	0	0	0
Upheld - Concluded by explanation	78	80	50	79	21
Upheld - Leading to misconduct disposal	0	0	2	0	1
Withdrawn	37	26	22	31	11
Ongoing - not yet concluded	0	6	22	37	167
Grand Total	652	602	649	741	538

1. Data is based on the case received date.

2. Each complaint may include multiple complainers. Complainer Types are counted once per complaint within the table above.

3. Each complaint may involve multiple allegations, therefore the number of complaints may vary from the number of allegations.

4. Complaints received may remain subject to live enquiry and therefore may not yet be concluded.

There are multiple reasons as to why an allegation may be abandoned. These include, but are not limited to, the evidence did not amount to a breach of the standards of professional behaviour, insufficient information or evidence to progress with enquiry, the witnesses or complainer failed to engage or the report was made anonymously.

The national complaint handling model was introduced in May 2021, at this time creating various Front Line Resolution (FLR) methods as a way of managing an allegation.

Table 3: Conduct or Misconduct Cases received against E (Edinburgh) Division, by Financial Year ^{1 2}

2017/18	2018/19	2019/20	2020/21	2021/22
23	32	31	23	31

1. Data is based on the case received date.

2. Data in the table above excludes Police Staff, as the Conduct Regulations apply to serving Police Officers only.

Table 4: Allegation Disposals for Conduct or Misconduct Cases received against Edinburgh Division, by Financial Year ^{1 2 3}

Allegation Disposal	2017/18	2018/19	2019/20	2020/21	2021/22
Meeting - Improvement Action	0	0	0	1	0
Meeting - No Action	0	0	0	1	0
Meeting - Verbal Warning	0	0	0	1	0
Management Action	9	15	16	6	8
Performance Regulations	1	2	1	6	0
No Action	12	16	16	10	8
Retired/Resigned	4	5	2	4	0
Ongoing - not yet concluded	6	7	7	2	19
Grand Total	32	45	42	31	35

1. Data is based on the case received date.

2. Each Conduct or Misconduct case may involve multiple allegations, therefore the number of cases may vary from the number of allegations.

3. Conduct or Misconduct cases received may remain subject to live enquiry and therefore may not yet be concluded.

There are multiple reasons as to why a hearing or meeting would result in no action. These include, but are not limited to, the evidence did not amount to a breach of the standards of professional behaviour, insufficient information or evidence, the witnesses failed to engage or that it was considered by the Chair that no action should be taken.

If you require further assistance or 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.pnn.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 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.