| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2769  Responded to: 21 December 2023 |
| --- | --- |

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

Please accept our apologies for the delay in responding.

**I would like to request data regarding officers who have been disciplined for misconduct within Police Scotland over the past five years. I kindly request the following information for each case:**

* **The rank of the officer involved.**
* **The date and nature of the misconduct.**
* **The disciplinary action taken as a result of the misconduct.**
* **Any relevant case numbers or references.**

**Please provide the requested data for cases occurring between 01 October 2018 and 01 October 2023.**

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 the regulated [Standards of Professional Behaviour](https://www.scotland.police.uk/about-us/who-we-are/our-standards-of-professional-behaviour/).

The data provides formal and management action disposals attached to conduct and misconduct cases closed between 01/10/2018 and 30/09/2023 inclusive.

The data also includes matters concluded under [The Police Service of Scotland (Conduct) Regulations 2013](https://www.legislation.gov.uk/ssi/2013/60/contents/made) which have resulted in actions taken following formal hearings, or where a warning has been issued under those regulations. An annual breakdown within the requested period has been provided.

Please note that conduct cases are limited to one officer per case, with each case potentially involving multiple allegations.

Therefore, the number of subject officers may vary from the number of allegations. The same individual officer may appear against multiple cases.

It is considered that details of the exact rank of officers beyond Sergeant rank, as well as individual case reference numbers, would be considered personal data.

Were details included, the pool of individuals to whom the data requested could relate is considered sufficiently low that there exists the potential for individuals to be easily identified.

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the exemption set out at section 38(1)(b) of the Act applies - personal data.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

‘Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person’

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

‘Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject’

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

‘Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child’

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is considered that disclosure of the information sought would be unlawful.

*Subject officers linked to allegations resulting in a formal or management action disposal, by rank and period 1*

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Rank** | **01/10/2018 - 30/09/2019** | **01/10/2019 - 30/09/2020** | **01/10/2020 - 30/09/2021** | **01/10/2021 - 30/09/2022** | **01/10/2022 - 30/09/2023** |
| Constable | 154 | 160 | 203 | 125 | 181 |
| Sergeant or above | 34 | 21 | 41 | 38 | 38 |
| **Grand Total** | **188** | **181** | **244** | **163** | **219** |

*1 Data is based on the case closed date.*

*Allegations resulting in a formal or management action disposal, by allegation type and period 1*

| **Allegation Type** | **01/10/2018 - 30/09/2019** | **01/10/2019 - 30/09/2020** | **01/10/2020 - 30/09/2021** | **01/10/2021 - 30/09/2022** | **01/10/2022 - 30/09/2023** |
| --- | --- | --- | --- | --- | --- |
| Authority, Respect and Courtesy | 96 | 39 | 60 | 47 | 46 |
| Challenging and Reporting Improper Conduct | 0 | 19 | 1 | 1 | 13 |
| Conduct likely to bring discredit | 6 | 0 | 6 | 1 | 4 |
| Confidentiality | 17 | 29 | 50 | 15 | 31 |
| Discreditable Conduct | 151 | 105 | 168 | 112 | 148 |
| Duties and Responsibilities | 34 | 29 | 35 | 31 | 33 |
| Equality and Diversity | 0 | 1 | 3 | 3 | 2 |
| Fitness for Duty | 3 | 0 | 0 | 0 | 5 |
| Honesty and Integrity | 34 | 21 | 22 | 17 | 27 |
| Neglect of duty | 0 | 0 | 0 | 1 | 1 |
| Orders and Instructions | 26 | 19 | 9 | 10 | 9 |
| Use of Force | 10 | 11 | 6 | 3 | 9 |
| **Grand Total** | **377** | **273** | **360** | **241** | **328** |

*1 Data is based on the case closed date.*

*Allegations resulting in a formal or management action disposal, by allegation disposal and period 1*

| **Allegation Disposal** | **01/10/2018 - 30/09/2019** | **01/10/2019 - 30/09/2020** | **01/10/2020 - 30/09/2021** | **01/10/2021 - 30/09/2022** | **01/10/2022 - 30/09/2023** |
| --- | --- | --- | --- | --- | --- |
| Dismissal Without Notice | 6 | 2 | 0 | 17 | 5 |
| Dismissal With Notice | 3 | 0 | 8 | 0 | 0 |
| Required To Resign | 3 | 0 | 0 | 0 | 0 |
| Demotion in Rank | 0 | 2 | 0 | 3 | 0 |
| Final Written Warning | 18 | 7 | 10 | 8 | 18 |
| Written Warning | 51 | 11 | 8 | 14 | 11 |
| Verbal Warning | 11 | 7 | 3 | 4 | 7 |
| Improvement Action | 6 | 2 | 3 | 1 | 0 |
| Counselled | 1 | 0 | 6 | 1 | 4 |
| Management Action | 276 | 242 | 322 | 192 | 282 |
| 9(3) Warning | 1 | 0 | 0 | 0 | 0 |
| 10(2) Warning | 1 | 0 | 0 | 1 | 0 |
| 11(7) Warning | 0 | 0 | 0 | 0 | 1 |
| **Grand Total** | **377** | **273** | **360** | **241** | **328** |

*1 Data is based on the case closed date.*

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.