| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0810  Responded to: 19th May 2023 |
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Your request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

To provide some context to our response, you may find the following information useful.

The Police Scotland [Complaints About the Police (CAP)](https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf) Standard Operating Procedure (SOP) outlines how we deal with complaints relating to officers and members of police staff.

Complaints are recorded in accordance with the categories listed at appendices G and H, none of which you will note directly align to the terminology used in your request.

The formal conduct 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) further details the 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/).

Again, you will note that none of the categories directly align to the terminology used in your request.

The complaint process (officers and staff) and the conduct process (officers only) are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database.

The Professional Standards Department (PSD) deals with, and records, conduct matters relative to police officers whilst People and Development (P&D) deals with, and records, disciplinary matters for members of police staff.

Disciplinary Procedures for Police Staff are outlined in the Disciplinary SOP and can be accessed [here](https://www.scotland.police.uk/spa-media/uvyogah0/disciplinary-sop.pdf).

You should also note that whilst a complaint *may* lead to conduct / disciplinary proceedings in some circumstances (not necessarily every aspect of the complaint, or every officer / staff member involved) which may then lead to disciplinary action - complaints themselves are not recorded in those terms in terms of outcome.

There is therefore potential for the same individual / circumstances to appear on a complaint case and a conduct / disciplinary case and as a result, the complaints and conduct / disciplinary matters cannot simply be added together.

**Under the Freedom of Information Act, please provide the following answers relating to allegations of abuse of position for a sexual purpose broken down by each of the last five calendar years including 2022 for each answer:**

**1/ The number of allegations of abuse of position for a sexual purpose made against staff.**

For the purposes of your request, ‘staff’ is interpreted to include both police officers and members of police staff.

Whilst Police Scotland do not use the recording category ‘abuse of position for a sexual purpose’, I can advise that between January 2018 and December 2022, the number of allegations detailed below, following manual review, could be interpreted as being relevant to your request:

|  |  |
| --- | --- |
| **Year** | **No. of Allegations** |
| 2018 | 10 |
| 2019 | 9 |
| 2020 | 3 |
| 2021 | 8 |
| 2022 | 9 |
| Total | 39 |

Of note, multiple allegations may relate to a single person.

**2/ The highest number of allegations made against an individual officer over the entirety of the period. Please also state if the individual has been dismissed.**

The highest number of allegations made against an officer in the timeframe is two allegations. This is applicable to one officer who is still a serving Police Officer whereby after a full investigation, no criminality or conduct issues were established.

**3/ All misconduct outcomes relating to allegations, including the number of staff who were dismissed as a result of the allegation.**

Please note, as previously mentioned, that not all allegations will be considered for assessment under the Police Service of Scotland (Conduct) Regulations 2014 as they may have been abandoned or withdrawn by the complainer or not upheld for reasons such as insufficient information from an anonymous source or lack of witness/victim engagement and/or corroboration to substantiate the allegation. The Regulations also cease to have effect when an officer retires or resigns as they only apply to serving officers. The table below provides the outcome for those allegations which progressed through the Conduct process.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Misconduct Outcome** | **2018** | **2019** | **2020** | **2021** | **2022** | **Total** |
| Formal Action |  | 2 |  |  |  | **2** |
| Management Action | 1 | 1 |  | 1 |  | **3** |
| No Action | 1 |  | 1 |  |  | **2** |
| Retired/Resigned | 1 | 2 |  |  | 1 | **4** |
| **Grand Total** | **3** | **5** | **1** | **1** | **1** | **11** |

Of note, multiple allegations may be linked to a single case.

**4/ All criminal outcomes of allegations broken down by a) charges and b) convictions.**

I can advise that between January 2018 and December 2022, eight officers were reported to the Crown Office and Procurator Fiscal Service (COPFS) in relation to circumstances which, following manual review, can be interpreted as amounting to ‘abuse of position for a sexual purpose’.

Two cases were progressed by COPFS - one remains pending and the other resulted in conviction and a custodial sentence.

**5/ The number of allegations a) investigated and then b) upheld by i) PSD and ii) IOPC.**

All of the allegations were subject to investigation by PSD and the outcomes are provided in response to question 3 (note, ‘upheld’ is not a recognised outcome in relation to conduct cases).

The IOPC remit does not extend to Scotland and so in terms of section 17 of the Act, the information sought in that part of your request is *not held* by Police Scotland.

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.