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Our Ref: IM-FOI-2022-1707
Date: 6th September 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.

Firstly I wanted to check my understanding of ‘complaints’ and ‘conduct matters’.

**A single ‘complaint’ –an allegation or allegations against an officer or officers.
A ‘conduct matter’ – one or more allegations relating to a single officer. Officers can be facing more than one ‘conduct matter’.**

What are the circumstances under which a complaint of domestic or sexual abuse which has been found to be true would not result in a conduct matter?

Are there any circumstances where a complaint reaching the criminal level would not also result in a ‘conduct matter’?

Are ‘complaints’ only criminal in nature. For non-criminal allegations but of the numbers provided are for conduct matters. Is there a reason why you have not provided a number for non-criminal complaints?

As you may be aware, the Act provides a right of access to *recorded information* only and I can therefore only answer your questions on that basis.

I am unable to provide answers to hypothetical questions or otherwise provide statement/comment.

Section 17 of the Act - information not held - would therefore apply in respect of these questions:

What are the circumstances under which a complaint of domestic or sexual abuse which has been found to be true would not result in a conduct matter?

Are there any circumstances where a complaint reaching the criminal level would not also result in a ‘conduct matter’?

You may wish to contact our News Team if you would like a statement in relation to the data:

NewsDesk@scotland.police.uk

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For the remaining questions I would direct you to various information available online as follows.

I can clarify specifically that 'complaints' can be criminal or non-criminal in nature.

All complaints received by Police Scotland are managed in line with our Complaints About the Police Standard Operating Procedure (SOP), details of which can be found at the following link:

www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf

Further detail in relation to Police Scotland and our complaints process can be found on our website at the following link:

www.scotland.police.uk/complaints/

Once complaint matters are concluded, the circumstances may be referred for a separate Conduct Assessment.

Professional Standards (PSD) manage conduct matters for police officers whilst People & Development (P&D) manage disciplinary matters relative to members of police staff.

In respect of police officers, their conduct is assessed against our Standards of Professional Behaviour, details of which can be found at the following link:

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

Police Scotland's Conduct Regulations can be found at this link:

www.legislation.gov.uk/ssi/2014/68/contents/made

A preliminary assessment is carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014.

Should an officer's behaviour be assessed to have breached the Standards of Professional Behaviour and an investigation is required, the officer is served with of a Notice of Misconduct Investigation form.

The purpose of any investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct.

The procedures are intended to encourage a culture of learning and development for individuals and/or the organisation; however, disciplinary action can be undertaken when circumstances require.

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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).

There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case.

Furthermore, 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.

Again, I must reiterate that the complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the PSD database.

Due to these processes, the complaints and conduct matters cannot simply be added together.

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 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.