

Our Ref: IM-FOI-2022-0851  
Date: 08 June 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 conduct process operates in Scotland and to provide some additional information sources.

PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff. 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, prior to 1<sup>st</sup> April 2014, the Police Service of Scotland (Conduct) Regulations 2013 would have been in effect for Police Scotland officers.

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

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](#)

If 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 can be instigated if circumstances dictate that this is required. The conduct procedures only relate to serving police officers.

Following your initial request you clarified that you were seeking specific information in respect of misconduct hearings. Consequently the response below has been interpreted to reflect this and provides the specific disposals available for conduct hearings.

**1. How many police officers in total are currently suspended?**

A total of 40 police officers are currently suspended. <sup>1</sup>

<sup>1</sup> This figure is correct as at 19/04/2022.

**2. How many police officers are currently awaiting a misconduct hearing?**

A total of 11 police officers have been notified of the organisation's intention to hold a misconduct hearing in respect of their actions and/or behaviours and which are yet to be held. <sup>1</sup>

<sup>1</sup> This figure is correct as at 19/04/2022.

**In each the following years - 2022 (up to April 11), 2021, 2020, 2019 and 2018:**

**3. How many police officers in total have been barred/struck off?**

This question has been interpreted as a request for the number of police officers who have been dismissed between 01/01/2018 - 11/04/2022. The terms "barred" and "struck off" are not recognised disposals in relation to the Police Service of Scotland (Conduct) Regulations 2014.

The hearing date is the point where an officer may be subject to dismissal under the conduct regulations. This date will vary from the date on which the conduct case was received and the date of the alleged incident.

Table 1: Police Officers dismissed, by Calendar Year <sup>1 2</sup>

2018	2019	2020	2021	2022
4	1	3	0	2

1. Data is based on the hearing date.

2. Data for 2022 covers the period of 01/01/2022 - 11/04/2022.

**4. How many police officers in total were barred/struck off for misconduct?**

Data has been provided below based on the outcome of each conduct hearing which was held and concluded between 01/01/2018 – 11/04/2022 inclusive.

Each hearing may involve multiple allegations, with each subject to individual disposal. Data has been provided based on the overall outcome for each case (therefore limited to one outcome per case).

Some individual disposals may vary from the overall outcome as a consequence.

Subject officers scheduled to attend a conduct hearing may retire or resign prior to a hearing. In these instances, conduct proceedings cease; officers who meet this criteria are therefore not included in the figures provided below.

*Table 2: Conduct Hearings held, by Outcome and Calendar Year <sup>1 2 3</sup>*

Hearing Outcome	2018	2019	2020	2021	2022
Demotion in Rank	0	0	1	0	0
Dismissal	4	1	3	0	2
Final Written Warning	2	3	4	0	2
No Action	1	2	1	0	1
Verbal Warning	0	2	0	0	0
Written Warning	3	2	1	1	0
<b>Grand Total</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>1</b>	<b>5</b>

1. Data is based on the hearing date.

2. Data above is based on Police Officers, as the Conduct regulations apply only to serving Police Officers.

3. Data for 2022 covers the period of 01/01/2022 – 11/04/2022.

### **5. How many police officers in total were barred/struck off for unsatisfactory performance?**

Finally, in relation to 'unsatisfactory performance', this is not a recognised term in relation to conduct hearings and, more widely, the PSOS (Conduct) Regulations 2014.

As a consequence I must respond in terms of Section 17(1) of the Act: Information not held as no further breakdown of conduct hearings is available in this regard.

Data has been provided based on the outcome of each conduct hearing which was held and concluded between 01/01/2018 – 11/04/2022 inclusive. Please see response to question 4 above for this information.

### **6. How many police officers in total were barred/struck off for allegations of sexual misconduct?**

This question has been interpreted as a request for the number of police officers who have been dismissed between 01/01/2018 - 11/04/2022, in relation to allegations involving a sexual circumstance.

Please note that data is provided based on the hearing date, which will vary from the date on which the conduct case was received and the date of the alleged incident.

*Table 3: Police Officers dismissed in relation to allegations involving a sexual circumstance, by Calendar Year <sup>1 2</sup>*

2018	2019	2020	2021	2022
2	0	1	0	0

1. Data is based on the hearing date.

2. Data for 2022 covers the period of 01/01/2022 - 11/04/2022.

**7. How many police officers in total were barred/struck off after being found guilty of sexual misconduct?**

This question has been interpreted as a request for the number of Police Officers who have been dismissed between 01/01/2018 - 11/04/2022, in relation to allegations involving a sexual circumstance that were upheld at a Conduct hearing.

As documented in the response to question 6, three officers were dismissed in relation to allegations involving a sexual circumstance, none of whom were found guilty in a Court of Law. I must again respond in terms of Section 17(1) of the Act: Information not held

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](mailto: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](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.