| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-0753Responded to: 26th April 2023 |
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Your recent request for information is replicated below, together with our response.

Please accept our apologies for the delay in responding.

**I'm requesting numbers only of police staff and officers of all ranks as a total number, who retired over the past five years following a complaint raised regarding conduct or alleged wrongdoing but prior to conclusion of the complaint reaching a conclusion through due process, thus effectively evading the complaints process and exonerating them of all scrutiny. I understand retirement by and individual halts all complaints against that individual effectively facilitating evading answering accusations or potential future liability whilst retaining pension rights and their past employment record in tact without defending against the live accusations.**

**I request only numbers of individuals this request applies to thus avoiding encroaching on GDRP legislation requirements. Police Standards and HR systems can easily be queried to attain these figures, thus avoiding denial of request due to time constraints imposed by (foi) legislation and policies or by exceeding expense constraints.**

For your awareness, Police Scotland’s Professional Standards Department (PSD) manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff.

Due to these separate recording processes, it has been necessary to answer your request in two parts.

In relation to members of police staff, I can advise you that over the past 5 years, there have been no instances of an individual retiring during an ongoing complaint against them.

In respect of police officers, it may be helpful first of all to outline how the complaints and conduct processes operate in Scotland.

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

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 or circumstances to appear on a complaint case and a conduct case.

As the [Police Service of Scotland (Conduct) Regulations 2014](https://www.legislation.gov.uk/ssi/2014/68/contents/made) apply only to serving police officers, proceedings immediately cease where an officer retires or resigns from service.

Please note that there are no disciplinary outcomes specifically linked to the complaints process, as those are designated to the conduct process only. Officers subject to a complaint may be considered for referral to the Conduct Unit, depending on the circumstances of the case and the outcome of the complaint process, once that process has been concluded.

A total of 294 Police officers retired or resigned during the Complaints and/or Conduct process, based on cases closed 01/04/2018 – 31/03/2023 inclusive.

Please note that an individual officer may be linked to more than one case at the point of retiral/ resignation.

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 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 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.