

Our Ref: IM-FOI-2020-1091
Date: 22 July 2020



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.

I am interested in information about assaults on police personnel (of any kind - officers, constables, detectives, PCSOs, transport, etc.) by members of the public and whether they have been more frequent over the lockdown period (beginning March 23).

Can you advise how many instances of assault on police personnel you have recorded between 23/03/20 and 23/06/20 and for the same three month period last year with a breakdown by the number?

I have considered your request for information and I am afraid that the gathering of this data is quite complex.

In terms of the available legislation, the offence of police assault is set out at section 90 of the Police and Fire Reform (Scotland) Act 2012.

Crimes in Scotland are recorded in accordance with the Scottish Government Justice Department (SGJD) [offence classification codes](#) and in terms of your request, any section 90 offences are recorded under the more general offence classification of *common assault of an emergency worker*.

Data collated at 07/07/2020 provides that between 23/03/2019 and 23/06/2019 there were 1702 such assaults on (all) emergency workers and 1760 in the same period in 2020.

To clarify, this classification includes offences under the Emergency Workers (Scotland) Act 2005 which covers *all* emergency service workers (e.g. a member of the NHS who was assaulted by a patient) or a person who is assisting an emergency service worker.

Similarly, when a member of police staff is assisting an officer in their duties and is assaulted in the course of this work (e.g. a custody staff member), this is also recorded under the same legislation, as are assaults against Special Constables. The classification also includes the legislation relevant to British Transport Police officers.

Consequently, having considered your request in terms of the above Act, I regret to inform you that I am unable to provide you with the information you require in terms of police workers as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

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As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

You will appreciate that given the numbers involved it is simply not possible to provide the information requested within the cost limitations of the Act.

I have gone on to consider your request for information in terms of personnel recording and can confirm that some data contained within Police Scotland's HR system, SCOPE can be provided.

If an officer or staff member is injured on duty, an incident report *should* be recorded on SCOPE, the Service's personnel management system. You may wish to note, for the purposes of data recording our Health and Safety Department do not differentiate between Police Officers and Police Staff.

For clarity, I must advise you that RIDDOR stands for the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (2013) and as such, must be reported to the Health and Safety Executive. RIDDOR comes into play when there is a serious accident, incident or for certain injuries such as crush injuries, amputations, major burns and broken bones (these are given as examples of what RIDDOR can cover).

Furthermore, on the 1st April 2017 Health and Safety changed how they record the categorisation of assaults, where contact was made but no injury was reported. From that point these were classed as 'assaults' rather than 'near misses' in order to ensure the number of assaults was captured as accurately as possible.

Finally, without further detail I would caution that any inference in respect of prevalence cannot be drawn from the data as produced.

Taking into account all of the above, the following information is provided;

i) Number who were injured as a result of an assault:

I have interpreted question i) to refer to those injuries (both serious and non-serious) where they do not qualify under RIDDOR

- **23/03/2020 – 23/06/2020** – 258 injuries reported
- **23/03/2019 – 23/06/2019** – 284 injuries reported

ii) Number who were seriously injured as a result of an assault:

I have interpreted question ii) to refer to the data set classification for serious injuries that are captured under RIDDOR and consequently reported to the Health and Safety Executive:

- **23/03/2020 – 23/06/2020** – 9 serious (RIDDOR) injuries reported
- **23/03/2019 – 23/06/2019** – 9 serious (RIDDOR) injuries reported

If possible, please include the date of each assault and any detail recorded about it:

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Again, I regret to inform you that I am unable to provide you with details of individual cases, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, although any injury is recorded on SCOPE (the Service's personnel management system) this system does not record details of the incident. Any such incident will be recorded by Police Scotland but in a series of disparate sources and or systems - for example incident recording systems, crime recording systems, custody systems or even police officer notebooks.

It would therefore be necessary to cross refer *a minimum of 560* records to establish any disclosable information held on these systems— an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

Please could you also let me know how many arrests and prosecutions were made for these assaults?

The information you request in relation to arrests is particularly difficult to retrieve. To explain, Police Scotland currently utilise a variety of legacy force databases to record arrests, including custody handling, crime management and command and control systems. Several of these databases, some of which are stand-alone, hold different amounts of data and have limited search functionality.

Police Scotland does not hold data regarding prosecutions and this is a matter for the Crown Office and Procurator Fiscal Service. You may wish to make this request directly to the FOI Officer, Crown Office, 25 Chambers Street, Edinburgh, EH1 1LA.

Information relating to convictions for offences relating to this request would be held by the Scottish Courts and Tribunals Service. You may wish to make this request directly to the FOI Officer, Scottish Courts and Tribunals Service Headquarters, 1A Parliament Square, Edinburgh, EH1 1RF.

Therefore under Section 17 of the Freedom of Information (Scotland) Act 2002 I must inform you that we do not hold the information you have requested.

Should you require any further assistance please contact Information Management - Highland & Islands Divisional Headquarters on 01463 720508, 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.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

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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.

