| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 23-1453Responded to: 4th July 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.

**In terms of the above I formally request details of the following (for each of the past 3 years, and this year to date)**

**1. The number of misconduct investigations based on**

**1.1 internal complaints of racism
1.2 internal complaints of misogyny
1.3 internal complaints of homophobia
1.4 internal complaints of transphobia
1.5 internal complaints of disability discrimination**

**Please distinguish between police and civilian workers
Please also indicate the number of those which were upheld**

Due to different processes and recording mechanisms, our response will be provided in two parts.

*- Police staff discipline, dealt with our People and Development team:*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **2020** | **2021** | **2022** | **2023** |
| Race | 1 Hearing, no sanction | 1 Hearing, no sanction | 1 Hearing, no sanction2 Ongoing | 1 Ongoing |
| Misogyny | 0 | 0 | 0 | 0 |
| Homophobia | 0 | 0 | 0 | 0 |
| Transphobia | 0 | 0 | 0 | 1 Ongoing |
| Disability | 1 Verbal Warning | 0 | 0 | 1 Final Warning |

You may also be interested in our [Disciplinary SOP](https://www.scotland.police.uk/spa-media/kqeo5ogi/disciplinary-sop.docx).

*- Police officer misconduct, dealt with our Professional Standards team:*

The formal disciplinary 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) provides further information on 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/).

As you will see, the Standards of Professional Behaviour do not align to the terminology used in your request.

Furthermore, our recording system does not differentiate between who reported the misconduct - whether it was a member of the public or a colleague.

I therefore regret to inform you that I am unable to provide you with the information you have requested, 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.

To explain, case by case assessment of misconduct files would be necessary to ascertain whether or not they could be deemed to fall into any of the categories outlined in your request.

Thereafter, we would have to extract and note the details, including the name of the person who reported the matter, possibly having to cross refer that with our personnel database to ascertain whether or not they were an officer/ member of staff.

Taking all of the above into account, in terms of section 16(4) of the Act where section 12(1) (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

**2. The number of police grievances based on each of the subsets in question 1 above; and**

**Please distinguish between police and civilian workers**

**Please also indicate the number of those which were upheld**

*Police Staff Grievances*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **2020** | **2021** | **2022** | **2023** |
| Race | 1 Upheld | 0 | 0 | 0 |
| Misogyny | 0 | 0 | 0 | 0 |
| Homophobia | 0 | 0 | 0 | 0 |
| Transphobia | 0 | 0 | 0 | 0 |
| Disability | 0 | 3 Upheld1 Partially upheld | 1 Upheld1 Partially upheld1 Partially upheld \* | 1 Ongoing |

*Police Officer Grievances*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Year** | **2020** | **2021** | **2022** | **2023** |
| Race | 1 Not upheld | 1 Partially upheld | 1 Partially upheld1 To conduct | 1 Ongoing |
| Misogyny | 0 | 1 Not upheld | 1 Not upheld | 2 Ongoing |
| Homophobia | 1 Upheld | 0 | 0 | 0 |
| Transphobia | 0 | 0 | 0 | 0 |
| Disability | 1 Upheld3 Not upheld1 Partially upheld \* | 1 Upheld8 Not upheld5 Partially upheld1 Partially upheld \* | 1 Upheld4 Not upheld2 Partially upheld3 Ongoing1 Partially upheld \* | 4 Ongoing |

\* Four cases were partially upheld but *not* in relation to the discrimination element

You may also be interested in our [Grievance SOP](https://www.scotland.police.uk/spa-media/mgadb0uj/grievance-sop.pdf).

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.