| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0093  Responded to: 2nd February 2023 |
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Your recent request for information is replicated below, together with our response.

## Can you release details of the Police Scotland vetting process?

All Police Scotland officers and staff undergo recruitment vetting when they apply to join the service.

Many police officers and staff also undergo a higher level of vetting whilst in service where it is required for particular specialist posts.

I would also refer you to a recent statement regarding vetting from Deputy Chief Constable Fiona Taylor QPM:

[Police Scotland statement on vetting checks of officers and staff - Police Scotland](https://www.scotland.police.uk/what-s-happening/news/2023/january/police-scotland-statement-on-vetting-checks-of-officers-and-staff/)

## Writing in the Times last month, DCC Taylor said the forces had "introduced an additional check for new recruits just before they are sworn into office." Can you release details on what the additional check has involved?

The additional check is used to ensure any changes in personal circumstances since the individual was initially vetted are risk assessed and to provide an assurance as to continued stability to hold vetting clearance.

A range of resources are used for the purposes, in line with the published vetting manual found in the link provided above.

## Can you say release a monthly breakdown of how many recruits have faced that additional check, and how many have passed/failed? Can you share details about why recruits have failed?

The additional check is conducted prior to the swearing of the oath ceremony for probationary constables. Police Constables are recruited during quarterly intervals throughout the year, so it is not possible to release a monthly breakdown.

The table below provides the number of probationers for whom an additional check was conducted in 2022, by quarterly interval:

| **Month/ Year** | **Number of probationers** |
| --- | --- |
| April 2022 | 300 |
| July 2022 | 303 |
| November 2022 | 304 |

Since its introduction in 2021, 3 recruits have failed the process. Due to the small number involved, I am refusing to provide you with details of the reason for failure as there exists the potential for individuals to be easily identified.

In terms of section 16 of the Act, I am therefore refusing to provide you with this information and I am therefore required to provide you with a notice which:

(a) states that it holds the information,   
(b) states that it is claiming an exemption,   
(c) specifies the exemption in question and   
(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that the information sought is held by Police Scotland and the exemption I consider to be applicable is section 38(1)(b) of the Act - personal information.

Personal data is defined in Article 4 of the General Data Protection Regulation (GDPR) as:

“Information relating to an identified or identifiable natural person (“data subject”); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person”

Section 38(2A) of the Act provides that personal data is exempt from disclosure where disclosure would contravene any of the data protection principles set out at Article 5(1) of the GDPR which states that:

“Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject”

Article 6 of the GDPR goes on to state that processing shall be lawful only if certain conditions are met. The only potentially applicable condition is Article 6(1)(f) which states:

“Processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”

Whilst I accept that you may have a legitimate interest with regards the disclosure of this information I do not agree that disclosure could be considered necessary in the circumstances.

Notwithstanding, I am further of the view that your interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

On that basis, it is my view that disclosure of the information sought would be unlawful.

## Can you also release the number of people who have been vetted for every year of the last five years as well as the number of people who have passed/failed?

The table below provide the total number of vetting applications received by Police Scotland’s Force Vetting Unit, which covers police officers including special constables, police staff, contractors and companies where there was a requirement to undergo vetting.

We have interpreted “failed” to mean clearance refused. Clearance can also be withdrawn after it is granted where adverse information is found or where an individual voluntarily resigns from the process, or resigns/ retires from the organisation.

| **Year** | **Number of Individuals Vetted** | **Clearance Granted** | **Clearance Refused** |
| --- | --- | --- | --- |
| 2022 | 7,070 | 6,267 | 433 |
| 2021 | 6,886 | 6,014 | 208 |
| 2020 | 5,235 | 4,285 | 146 |
| 2019 | 5,950 | 4,803 | 110 |
| 2018 | 6,298 | 4,599 | 148 |

## If possible can you also release details of why those who have failed did so?

Applicants can be refused clearance for a variety of reasons, including: applicant’s criminality or other adverse information, third party criminality, associations or other adverse information, integrity issues, failing to declare relevant information during the vetting process, failing to meet the residency requirements or financial reasons.

Refusals can be based on one or more grounds.

## Is there an appeals process? If so can you release numbers of people who have appealed, and how successful they were?

Although not required in Law, there is a vetting appeals process. The table below provides the number of appeals received for 2018 to 2022.

| **Year** | **Appeals received** |
| --- | --- |
| 2022 | 351 |
| 2021 | 235 |
| 2020 | 168 |
| 2019 | 147 |
| 2018 | 172 |

Please be advised that I am unable to provide you with confirmation on the number of appeals which were upheld, 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, the Vetting system used by Police Scotland does not have the functionality to accurately search on appeals upheld, and as such, each record would have to be individually assessed to determine whether the appeal had been upheld.

As illustrated by the figures above, case by case assessment of each of these records is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.