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Our Ref: IM-FOI-2022-0733
Date: 7th April 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.

Can you please provide an annual breakdown for each of the years 2016 - 2021 and each month of 2022 so far for the number of teachers investigated for sexual offences?

In each case, can you state whether the individual was convicted.

I regret to advise 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.

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 various crime recording systems currently in use by Police Scotland have no facility whereby crime reports can be searched based on the recorded occupation of the suspect or accused at the time of the offence.

Furthermore, occupation *is not* a mandatory field across these systems.

The only way to attempt to research your request would be to individually assess each and every crime report for a sexual offence to ascertain and note the occupation of the suspect or accused.

For the period set out in your request that would be several thousand reports and it is therefore an exercise estimated to cost far in excess of the £600 limit for FOI requests.

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Can you please provide the number of cases that were referred to the General Teaching Council of Scotland concerning teachers under investigation for any kind of sexual offence for the same time frame?

Police Scotland do not refer cases to the General Teaching Council and in terms of section 17 of the Act, I can confirm that the information sought is therefore *not held*.

In Scotland, safeguarding provisions are governed by the [Protection of Vulnerable Groups \(Scotland\) Act 2007](#).

All teachers, given they are engaged in *regulated work* with children, ought to be required by their employer to be a PVG member.

Police Scotland continuously monitor all PVG members and in terms of section 47 of the Act, will disclose to Disclosure Scotland any *information which the chief officer [...] reasonably believes to be relevant in relation to the type of regulated work in relation to which the scheme member participates*.

Disclosure Scotland are thereafter responsible for taking steps to bar the individual from regulated work where deemed necessary and also for ensuring up-to-date information is available to potential employers and Registered Bodies.

Police Scotland does receive requests from various Registered Bodies seeking information about their members in respect of their *fitness to practice* considerations.

Such requests are fully considered by Police Scotland in line with the relevant Data Protection legislation and information is provided where it is considered lawful to do so.

Should you require any further assistance please contact Information Management 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.

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.