

Our Ref: IM-FOI-2022-0651  
Date: 25 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.

In terms of the questions posed and to provide some context to our response, it may be helpful to outline how the complaints and conduct processes operate in Scotland.

Police Scotland aims to provide a high quality service to the people of Scotland; however, recognise that the service can sometimes fall short of the expectations of the public and the police themselves.

Police Scotland receives allegations against officers and members of police staff through a variety of sources, including through our online complaint reporting system, by email or other written correspondence. In addition, Police Scotland officers and members of police staff can report, both anonymously and confidentially, any alleged criminality, conduct or integrity concerns through our secure online confidential reporting mechanism. Such reports are received and allocated as appropriate by our Gateway Unit which is a single point of contact for all divisions and departments within Police Scotland to make referrals regarding any issues involving serving police officers or members of police staff.

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.

All complaints received by Police Scotland are managed in line with our Complaints against the Police Standard Operating Procedures (SOP), details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

Further detail in relation to Police Scotland and our complaints process can be found on our public facing website at the following link:

<https://www.scotland.police.uk/complaints/>

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment. PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff.

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In respect of police officers, their conduct is assessed against our Standards of Professional Behaviour, details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

Police Scotland's Conduct Regulations can be found at this link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2014/1000/contents/matter)

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, notification is made to the officer of the commencement of a misconduct investigation. This notification is served by way of an 'Investigation Form'.

Police Scotland manage complaints and conduct matters for all police officers up to and including officers of the rank of Chief Superintendent. Complaints and conduct matters relative to senior officers (Assistant Chief Constable and above) and police staff are the responsibility of the Scottish Police Authority (SPA). Details can be found at this link:

<https://www.spa.police.uk/about-us/complaints/how-to-make-a-complaint/>

There is the potential for the same officer and circumstances to be subject of a complaint and then conduct assessment. This is because, as previously stated, once a complaint investigation has been concluded, the circumstances may be considered for a conduct assessment to determine whether the officer has breached the standards of professional behaviour. It should be noted that not every complaint allegation or officer may be the subject of a conduct assessment relative to the matter complained of.

Similarly, not every allegation received will meet the criteria for recording as a Complaint about the Police, however the circumstances may indicate that the officer's conduct may have breached the standards of professional behaviour. In such instances, the matter will be assessed and recorded as a conduct case, rather than being recorded as a Complaint about the Police.

*Due to the processes outlined, it is important to note that complaints about the police and matters considered under our conduct regulations cannot simply be added together as there is clear delineation between the two. It is also important to note that we aim to resolve complaints about the police as soon as we possibly can and in many cases we do so through explanation of process and legislation, or apology where this is warranted.*

*Additionally, our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct. The procedures are intended to encourage a culture of learning and development for individuals and/or the organisation. However, disciplinary action has a part, when circumstances require this.*

**1. From 1st December 21 to 28 March 2022, as a result of a complaint / allegation against them (by region) how many forces officers have been:**

- a) taken off frontline duties**
- b) suspended**
- c) any other restrictions on duty**

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Data has been provided below based on Police Officers subject to suspension or duty restrictions during 01/12/2021 - 28/03/2022 inclusive. Suspensions or duty restrictions may have begun prior to the start of this date range and may also have been removed during this period.

Please note that 'taken off frontline duties' is not a recognised term as regards duty restrictions.

For the purposes of this request, this has been interpreted as officers subject to non-operational restrictions and, separately, suspension. Officers subject to suspension are non-operational during the entirety of the suspension.

*Table 1: Restricted and Suspended officers, by Type of Restrictions and Division (01/12/2021 - 28/03/2022) <sup>1</sup>*

Division	Restricted Duties		Suspended
	with non-operational restrictions	without non-operational restrictions	
Argyll and West Dunbartonshire	7	0	1
Ayrshire	10	0	3
Contact, Command and Control	0	2	0
Corporate Services	1	1	0
Criminal Justice Services Division	3	0	1
Dumfries and Galloway	3	4	2
Edinburgh	7	2	3
Fife	5	2	3
Forth Valley	5	0	0
Greater Glasgow	13	3	6
Highlands and Islands	3	0	1
Lanarkshire	17	3	8
Lothians and Scottish Borders	4	1	3
North East	6	1	6
Operational Support Division	10	3	1
Renfrewshire and Inverclyde	7	2	2
Specialist Crime Division	5	1	3
Tayside	10	2	3
<b>Grand Total</b>	<b>116</b>	<b>27</b>	<b>46</b>

1. Data is based on officers subject to suspension or restricted duties during the specified period. These restrictions may have begun prior to this date period.

**2. In the same timescale, how many officers have been suspended on full pay awaiting the outcome of an investigation (by region)?**

Data regarding the number of suspended officers by division has been provided in table 1 above.

Officers serving suspensions are not subject to reduction in pay during the course of an investigation.

For your information, regulation 8(5) of the Police Service of Scotland (Conduct) Regulations 2014 provides that the DCC (or the ACC Professionalism and Assurance as Delegated Authority) must review the circumstances and reason for the suspension of any officer no more than four weeks from the initial suspension and not more than every four weeks from each subsequent review thereafter. This regulation and the review procedures ensure that all suspensions continue to be proportionate and necessary for each officer concerned:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

**3. How many of your forces officers have brought complaints or allegations of domestic abuse or similar since 2018 (introduction of DASA)**

For the purposes of responding to this question, we have interpreted your reference to 'brought complaints or allegations' as domestic matters allegedly committed by a police officer.

As such, allegations involving a domestic circumstance were manually reviewed to confirm these relate to a domestic matter allegedly committed by a subject officer.

On that basis, data has been provided in the table below.

*Table 2: Police Officers subject to allegations involving a domestic circumstance (01/12/2021 - 28/03/2022 inclusive) <sup>1 2 3</sup>*

Category	Number
Number of Subject Officers (Complaints)	1
Number of Subject Officers (Conduct/Misconduct)	75

- 1. Data is based on the case received date.
- 2. Each subject officer may be linked to multiple allegations.
- 3. Data above excludes Police Staff.

If you require further assistance or 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](mailto: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](mailto: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.