

Our Ref: IM-FOI-2022-2070  
Date: 04 November 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.

Police Scotland aims to provide the best possible service to the people of Scotland; however, recognises that on occasion the service received falls short of the standards expected by the public and the police themselves.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct process operates in Scotland and to provide some additional information sources.

It is important to note 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 about the Police Standard Operating Procedures (SOP) which can be accessed via the following link:

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

Further details in relation to our complaints process can be found on the Police Scotland website via the following link:

[www.scotland.police.uk/complaints/](http://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.

You should be aware that referrals about officers' conduct may also be made out with the complaint process, for example, through Crimestoppers, Integrity Matters (our anonymous reporting system) or through line managers into the PSD Gateway Unit.

Police officer conduct is assessed against our Standards of Professional Behaviour which can be accessed via the following link:

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

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Where an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment is carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014.

Should the assessment provide that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation. The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

Police Scotland's Conduct Regulations can be found via the following link:  
[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Importantly, it should be noted that PSOS (Conduct) Regulations 2014 and related processes apply only to serving police officers. Once a police officer retires or resigns, proceedings will automatically cease.

**I am writing to you under the Freedom of Information Act (2000) to ask that you please disclose how many formal complaints of rape, sexual assault, indecent assault, sexual harassment, harassment and/or bullying were brought against serving officers of the police force that falls under your remit, both internally and externally, in the last 3 years (2019-20, 2020-21 and 2021-22).**

**1. How many of these allegations have been made against serving male officers in each of the three years identified above?**

It should be noted that the categories on Police Scotland's Professional Standards database are not broken down as you have requested; however, it does have the facility to add a 'sexual circumstance' marker to any allegation that appears or is perceived to contain a sexual element, whether physical or non-physical, criminal or non-criminal.

In order to meet the terms of your request as far as possible, all allegations which have the 'sexual circumstance' marker attached have been extracted.

As complaint and conduct processes are distinct from each other, complaints and conduct data cannot simply be added together, given the potential for the following:

- The same officer/circumstances may appear within both a complaint case and a conduct case.
- There can be one or more allegations contained within one complaint case and, equally, there can be one or more subject officer relative to each allegation.
- Each conduct case is limited to one subject officer, although they may be the subject of more than one case. Each case may contain multiple allegations.

Data has been provided below in respect of relevant allegations attached to both complaint and conduct cases and linked to male officers, received between 01/04/2019 – 31/03/2022.

Table 1: Allegations involving a sexual circumstance linked to male officers attached to complaints received, by financial year <sup>1, 2</sup>

Category	2019/20	2020/21	2021/22
Number of allegations received linked to male officers (complaint)	16	7	8

1. Data is based on the case received date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, and the same allegation may be linked to multiple officers. Therefore the number of allegations may vary from the number of subject officers.

Table 2: Allegations involving a sexual circumstance linked to male officers attached to conduct cases received, by financial year <sup>1, 2</sup>

Category	2019/20	2020/21	2021/22
Number of allegations linked to male officers (conduct)	73	53	44

1. Data is based on the case received date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, therefore the number of allegations may vary from the number of subject officers.

**2. How many of these allegations have been made against serving female officers in each of the three years identified above?**

Data has been provided below, separately, for relevant allegations attached to complaint and conduct cases and linked to female officers, received between 01/04/2019 – 31/03/2022.

Table 3: Allegations involving a sexual circumstance linked to female officers attached to complaints received, by financial year <sup>1, 2</sup>

Category	2019/20	2020/21	2021/22
Number of allegations linked to female officers (complaint)	3	1	0

1. Data is based on the case received date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, and the same allegation may be linked to multiple officers. Therefore the number of allegations may vary from the number of subject officers.

Table 4: Allegations involving a sexual circumstance linked to female officers attached to conduct cases received, by financial year <sup>1, 2</sup>

Category	2019/20	2020/21	2021/22
Number of allegations linked to female officers (conduct)	3	5	1

1. Data is based on the case received date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, therefore the number of allegations may vary from the number of subject officers.

**3. How many of these allegations against male officers were upheld?**

**4. How many of these upheld allegations against male officers resulted in disciplinary action?**

Questions 3 & 4 have been answered together in the response below:

Data has been provided below detailing the number of upheld *complaint* allegations involving a sexual circumstance and linked to a male subject officer, which were closed between 01/04/2019 – 31/03/2022, by financial year. Please note that the data is based on the case closed date and there may be some cases which are still live and under investigation.

You should note that the determination as to whether an allegation is upheld or not upheld is based on the balance of probabilities and not beyond all reasonable doubt. Complaints may also be abandoned or withdrawn.

Further, both upheld and not upheld allegations may also be sent for a conduct assessment.

*Table 5: Upheld allegations involving a sexual circumstance linked to male officers attached to complaints closed, by financial year<sup>1, 2</sup>*

Category	2019/20	2020/21	2021/22
Number of upheld complaint allegations linked to male officers	0	0	0

1. Data is based on the case closed date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, and the same allegation may be linked to multiple officers. Therefore the number of allegations may vary from the number of subject officers.

Please note, where the answer is zero, 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.

Please note that allegations attached to conduct cases are recorded, on conclusion of proceedings, as proven or not proven, in contrast to the upheld or not upheld allegations attached to complaints.

Data has been provided below which details the number of allegations attached to conduct cases involving a sexual circumstance, linked to a male officer, which resulted in formal or management action disposal.

Each officer may be linked to multiple allegations; therefore, the number of allegations may vary from the number of officers.

*Table 6: Allegations involving a sexual circumstance linked to male officers attached to conduct cases closed and resulting in formal or management action, by financial year<sup>1, 2</sup>*

Category	2019/20	2020/21	2021/22
Number of conduct allegations linked to male officers resulting in a formal or improvement action disposal	31	18	15

1. Data is based on the case closed date.

2. Data above relates to the number of allegations. Each officer may be subject to multiple allegations, therefore the number of allegations may vary from the number of subject officers.

**5. How many male officers were dismissed from the force as a result of the disciplinary action (answer to Question 4) taken against them?**

*Table 7: Male officers dismissed in relation to an allegation involving a sexual circumstance, by financial year <sup>1, 2</sup>*

Category	2019/20	2020/21	2021/22
Number of male officers dismissed	0	1	0

1. Data is based on the hearing date.

2. Data above relates to the number of subject officers. Each officer may be subject to one or more allegations.

**6. How many female police officers were dismissed from the force as a result of the disciplinary action (answer to Question 4) taken against them?**

*Table 8: Female officers dismissed in relation to an allegation involving a sexual circumstance, by financial year <sup>1, 2</sup>*

Category	2019/20	2020/21	2021/22
Number of female officers dismissed	0	0	0

1. Data is based on the hearing date.

2. Data above relates to the number of subject officers. Each officer may be subject to one or more allegations.

Please note, where the answer is zero, 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.

**7. How many male officers have resigned or retired before the outcome of a police misconduct hearing (in the last 3 years 2019-2020, 2020-2021 and 2021-22)?**

Please note that officers may retire or resign at any point during the conduct process. Where this has occurred, proceedings will automatically cease.

*Table 9: Male officers retired/resigned and linked to an allegation involving a sexual circumstance, by financial year <sup>1, 2</sup>*

Category	2019/20	2020/21	2021/22
Number of male officers retired/resigned prior to the conclusion of Conduct proceedings	2	9	8

1. Data is based on the case closed date.

2. Data above relates to the number of subject officers. Each officer may be subject to one or more allegations.

**8. How many Non-Disclosure Agreements have female police officers signed as victims of rape, sexual assault, indecent assault, sexual harassment, harassment and/or bullying as of the last 3 years 2019-2020, 2020-2021 and 2021-22?**

I can confirm that one such agreement is recorded as part of a wider claim involving a series of other heads of claim (categories). There was no finding or acceptance of that particular allegation *but* the NDA covered settlement of the claim as a whole.

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Further the NDA did not cover any whistleblowing or any other matter that did not conform to the ACAS Guidance relative to NDAs.

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.police.uk](mailto:foi@scotland.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](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.