| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2043  Responded to: 1st September 2023 |
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Your recent request for information is replicated below, together with our response.

**I would like to request statistics on the number of complaints received by police Scotland regarding officers failing to carry out their duties.   
Can you please supply myself with the following:**

1. **The number of police complaints over the past two years (August 2021 – August 2023) regarding public complaints made to Police Scotland where the complainant has stated that officers have failed to carry out their duties.**
2. **The number of these complaints that have been found to be in favour of the complainant.**

It is interpreted that your questions relate to allegations categorised as Neglect of Duty, which have been attached to complaints received between 1 August 2021 and 11 August 2023.

As per the definition set out in Appendix C of the Police Scotland Complaints About the Police Standard Operating Procedure, Neglect of Duty allegations are defined as:

*“where it is alleged a member of the police service has failed to perform a duty set out by law or under Service procedures. Where a complaint amounts to an officer having not done something which the complainer expects the police should do and there is no defined policy covering the issue an allegation should be recorded under Quality of Service and may provide a learning outcome for the Service to amend Service procedures.   
The distinction between neglect of duty and irregularity in procedure is that with neglect of duty the member of staff has failed to do something which was required, or reasonably expected by law or procedures.”*

Given this definition, it is evident that a complainer stating that an officer or officers have failed to carry out their duties does not necessarily correlate with this categorisation following the complaint assessment process and thereafter the agreement of any Heads of Complaint.

There are no specific means to systematically identify such statements from a complainer outwith the Neglect of Duty category although, as per the definition above, those are likely to be buried within the much broader categories of Irregularity in Procedure and Quality of Service.

Please also note that each complaint may involve multiple allegations and therefore the number of allegations may vary from the number of complaints.

A total of 139 Neglect of Duty allegations were attached to complaints received between 1 August 2021 and 11 August 2023.

Of those, 12 have been upheld on the balance of probabilities (7 of which were concluded by explanation and the remaining 5 leading to a misconduct disposal).

You should note that complaints received may remain subject to live enquiry and/ or legal proceedings, therefore may not yet be concluded. 33 of the 139 allegations received remain subject to live enquiry at this time.

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.