

Our Ref: IM-FOI-2022-1019  
Date: 27 May 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.

### **How many complaints were turned away by Police Scotland on the grounds that they didn't constitute a complaint - in years of 2019, 2020 and 2021?**

In answering this request, it is important to first differentiate between an item of correspondence received by the Police Scotland Professional Standards Department (PSD) and a '*Complaint About the Police*'.

The definition of a Complaint About the Police is defined in Section 34(2) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as:

*"A statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission by the Authority, by the Police Service or by a person who at the time of the act or omission was a person serving with the Police."*

A complaint does not include a statement made by a person serving with, or who has served with, the police regarding any matter which is related to a person's employment or service with the police. This should be dealt with by the internal grievance procedure.

Similarly a complaint does not include a statement objecting to any part of conduct proceedings which are subject to their own appeals process. If, however, a serving officer or member of police staff is dealt with as a suspect or accused person in respect of an on or off duty criminal allegation, they are entitled to make a complaint in the same way as a member of the public can.

Whilst the PSD receives a significant amount of correspondence, this does not always constitute a *Complaint About the Police*.

All correspondence is recorded and thereafter subject to assessment by the PSD National Complaints and Resolution Unit (NCARU). The NCARU will consider whether it is a relevant complaint as defined in the aforementioned legislation or whether it requires to be acknowledged and processed out with the formal complaints process.

Those matters which may not constitute a 'competent complaint' are referred to in the 'Departmental or NCARU' correspondence figures provided in response to your request as follows:

**Table: Miscellaneous cases with a Departmental or NCARU Correspondence case sub-type, by Calendar Year** <sup>12</sup>

Category	2019	2020	2021
Departmental or NCARU Correspondence	720	1,268	2,416

1. Data is based on the case received date.
2. It has previously been identified that the file numbers have increased significantly year on year.

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/)

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.

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.