

Our Ref: IM-FOI-2022-0620
Date: 04 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.

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

To provide some context to our response, it may be helpful to first outline how the complaint's processes operates in Scotland and provide some additional information sources.

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:

[What is a complaint? - Police Scotland](#)

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 Integrity Matters 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.

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.

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>

Furthermore, there can be one or more allegations contained within one complaint case and, equally, there can be one or more subject officers relative to each allegation. Subject officers are counted once per case; however, the same officer may be subject to multiple cases and therefore may appear more than once.

In line with your request, we have provided information for complaints against the police only, for the last five calendar years:

- 1) How many complaints have been received in the past five years in relation to alleged racial discrimination (on other officers/staff) by i) officers and ii) staff?**
2) And have any been upheld? If so, how many?

For ease of response questions 1 and 2 have been answered together.

i) Officers:

The PSD database has the facility to add a 'race' marker to any allegation that appears or is perceived to contain a racial element, whether physical or non-physical, criminal or non-criminal. For the purpose of your request, allegations containing this marker were extracted.

A total of two complaints about the police made by police officers or police staff involving allegations of discriminatory behaviour with a race marker were received between 2017 and 2021. Figures have been provided by calendar year below.

Table: Complaints from Police Officers/Staff involving allegations of Discriminatory Behaviour with a Race sub-type, by Calendar Year^{1 2}

Category	2017	2018	2019	2020	2021
Number of Complaints	0	0	2	0	0

- 1. Data is based on the case received date.*
2. Each complaint may involve multiple allegations, and may be linked to multiple complainers and multiple subject officers.

Of the two relevant police complaints received, none have been upheld. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

Please note that complaints received may remain ongoing, therefore may not be concluded. Only when complaints are concluded is a determination recorded.

Please also note that complaints may involve multiple allegations. Only allegations attached to complaints are capable of being upheld or not upheld, rather than the complaint case.

Note also that allegations may be abandoned or withdrawn. In these instances, an allegation cannot be upheld.

There are many reasons as to why a complaint would be abandoned. These include, no complainer, the complaint did not amount to criminality, the report was made anonymously, insufficient information or evidence, the complainer failed to engage or the complainer withdrew the allegation.

ii) Staff:

Checks undertaken to identify any relevant grievances raised against members of police staff have identified one further case which was not upheld. Please note these are 'complaints' in a broader sense but are not themselves classed as formal complaints against the police.

The staff case identified was not upheld and consequently in terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

3) Can you please provide details about each upheld complaint (i.e. the nature of complaint, date committed, number of officers involved, number of officers dismissed)?

As no allegation was upheld, no further information is available in this regard. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Again, please note that complaints received may remain ongoing, therefore may not be concluded. Only when complaints are concluded is a determination recorded.

4) In each case where a complaint was upheld, what action was taken against individuals concerned?

As no allegation was upheld, no further information is available in this regard. For this reason I must respond in terms of Section 17(1) of the Act: Information not held.

Again, please note that complaints received may remain ongoing, therefore may not be concluded. Only when complaints are concluded is a determination recorded.

5) How many cases of racial discrimination have gone to an employment tribunal within the past 5 years?

I can confirm that four cases involving racial discrimination went to an employment tribunal during the past five years.

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 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.

OFFICIAL

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.