

Our Ref: IM-FOI-2022-0978
Date: 08 June 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.

Please note the questions have been reordered for clarity and to avoid repetition.

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 conduct process operates in Scotland and to provide some additional information sources.

PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff. 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>

When a police officer's behaviour is assessed to breach the Standards of Professional Behaviour, a preliminary assessment is carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014. Prior to 1 April 2014, conduct matters were governed by the Police Service of Scotland (Conduct) Regulations 2013.

Police Scotland's current 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/uksi/2014/1067)

If the assessment provides that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation form. 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. The conduct procedures only relate to serving police officers.

1. How many misconduct hearings were held by your police force in the financial years 2018/19 to 2021/22 (to date)?

Table 1: Conduct Hearings held, by Financial Year ^{1 2 3}

Category	2018/19	2019/20	2020/21	2021/22
Conduct Hearings	12	11	5	4

Data is based on the hearing date.
 Conduct regulations apply only to serving Police Officers.
 Multiple officers may be involved in a single hearing.

2. How many of the misconduct hearings above for the specified financial years were held in private?

Section 20(1) of The Police Service of Scotland (Conduct) Regulations 2014 stipulates that misconduct proceedings are to be held in private; however, does outline some exceptions that can be made where misconduct proceedings have arisen from a complaint made by a member of the public and when the person conducting the proceedings considers them appropriate. Notwithstanding, no third parties are permitted to be present at the hearing during the determination stage or when disciplinary action is being considered.

During the timeframes that you have specified, no misconduct hearings held have involved the attendance of third parties; therefore, I refer you to the figures provided above in response to question one, as all have been held in private.

3. How many sexual misconduct cases were there in your police force in the specified years?

The PSD database has 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. For the purpose of your request, allegations containing this marker in respect of conduct hearings were extracted.

Please note that each hearing may involve multiple allegations, with each subject to individual disposal. As a result, hearings which include allegations involving a sexual circumstance, may also include allegations with a non-sexual circumstance.

Table 2: Conduct Hearings held and which involved allegations with a sexual circumstance, by Financial Year ^{1 2}

Category	2018/19	2019/20	2020/21	2021/22
Conduct Hearings involving allegations with a sexual circumstance	1	2	3	1

Data is based on the hearing date.
 Conduct regulations apply only to serving Police Officers.

4. How many officers were granted anonymity or were unnamed for sexual misconduct cases, and can you break this down into male/female and other officers in the financial years from 2018-2022 (to date)

5. How many officers were given a final written warning were given anonymity or were unnamed for sexual misconduct cases, can you break this down into male/female and other officers in the financial years from 2018-2022 (to date)

6. How many officers dismissed for gross misconduct were granted anonymity or were unnamed in non-sexual misconduct cases in the specified financial years. Can you break this down into gender male/female and other officers?

7. How many officers given a final written warning were granted anonymity or unnamed in non- sexual misconduct cases , can you break this down into gender male/female and other in the financial years.

For ease of response, the four questions above have been answered together:

Please refer back to the response at Q2 in respect of the legislative requirement that conduct hearings are held in private. As such, the granting of anonymity does not form part of the conduct regulations and, subsequently, there is no provision to implement such a sanction.

As a result, no officers were granted anonymity during the specified time periods and accordingly I must respond in terms of Section 17(1) of the Act: Information not held.

8. How many non-sexual misconducts hearings were held by your police force in the specified financial years:

In respect of conduct hearings which did not include allegations involving a sexual circumstance, the following table applies.

Please note, as previously mentioned, that each hearing may involve multiple allegations, with each subject to individual disposal.

Table 3: Conduct Hearings held and which did not involve allegations with a sexual circumstance, by Financial Year ^{1 2}

Category	2018/19	2019/20	2020/21	2021/22
Conduct Hearings which did not involve allegations with a sexual circumstance	11	9	2	3

Data is based on the hearing date.

Data above is based on Police Officers, as the Conduct regulations apply only to serving Police Officers.

9. How many officers dismissed for gross misconduct were named, can you break this down into gender of male/ female and other officers for the specified years.

10. How many officers given a final written warning were named, can you break this down into male/female and other officers for financial years 2018-2022 (to date

For ease of response, the Q9 and Q10 have been answered together:

Taking into account the context of the questions above, this has been interpreted as a request for information on the number of officers who were not granted anonymity and were specifically named either during proceedings or following dismissal.

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I would again refer you back to the response at Q2 in respect of the presumption that conduct hearings are held in private and that there have been no third parties present at hearings during the timeframes you have specified.

On that basis no officers who have either been dismissed or given a final written warning for gross misconduct matters have been named and consequently I must respond in terms of Section 17(1) of the Act: Information not held.

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, Dalmarock, 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 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.