

Our Ref: IM-FOI-2022-1444  
Date: 5 September 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.

Firstly, please accept our apologies for the delay in providing a response and thank you for clarifying some aspects of your request to enable us to provide a suitable response.

For ease of reference, your request is replicated below together with the response.

**This is a request for information under the Freedom of Information (Scotland) Act 2002, seeking the disclosure of information held by your organisation about past and current internal grievances and/or complaints to PSD or litigations raised relating to complaints of sexual discrimination, victimisation and/or harassment on the grounds of sex by Police Scotland officers and/or Police Scotland staff.**

- 1. In the last 2 years how many complaints of discrimination, victimisation and or harassment on the grounds of sex have raised by Police Scotland officers and or Police Scotland staff? In relation to 1:**
  - a) How many were raised as internal grievances?**
  - b) How many were raised with PSD.**
  - c) How many resulted in legal claims being raised.**
  - d) In relation to 1 a) to c) above please specify the outcome reached.**
- 2. How many complaints of discrimination, victimisation and or harassment on the grounds of sex from Police Scotland officers and or Police Scotland staff are ongoing/not concluded? In relation to 2:**
  - e) How many are internal grievances?**
  - f) How many are being dealt with by PSD.**
  - g) How many are the subject of live legal proceedings?**

Having consulted with our colleagues in Professional Standards as regards any matters of relevance to your request, I can advise that no complaints of discrimination with a gender sub-type (as per the agreed clarification) have been raised by Police Scotland officers and/ or staff since June 2020.

Having consulted with our colleagues in People and Development as regards any grievances or similar, I can advise you that a total of six matters of relevance to your request have been raised since June 2020. Two of these (raised in 2022) are not yet concluded, two were found unsubstantiated, one resulted in a written warning and one resulted in learning and development action.

In relation to 'legal claims', I can advise you that a total of seven Employment Tribunal claims of relevance have been raised since June 2020. Four of these (raised in 2022) are not yet concluded - the remaining three were withdrawn.

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3. **How many Police Officers and staff members were disciplined following the PSNI review of former PC Rhona Malone's employment tribunal?**
4. **In relation to 4 above, please state in relation to each category, i.e., Officer of Staff, the outcome of any disciplinary measures and the sanction(s) imposed.**

In response to questions three and four above, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals' right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In these instances, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested third party personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

This explanation should not be taken as indicative or conclusive evidence that the information you have requested does or does not exist.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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.