| Police Scotland logo | Freedom of Information Response Our reference: FOI 25-1552  Responded to: 09 June 2025 |
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Your recent request for information is replicated below, together with our response.

**Since the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 came into force:**

1. **How many crimes have been investigated under that act, that were not as a result of referral from a professional body? i.e report was made by a**
   * **Family member of alleged victim**
   * **Power of attorney of alleged victim**
   * **Victim themselves**
   * **Other member of the public**
2. **How many have resulted in charges being brought against:**
   1. **Individuals**
   2. **care providers**
3. **What training do frontline officers receive in relation to these types of crimes, in terms of exploring reports where the victim by reason of incapacity may not present typically?**

Unfortunately, I estimate that it would cost well in excess of the current FOI cost threshold of £600 to process your request. I am therefore refusing to provide the information sought in terms of section 12(1) of the Act - Excessive Cost of Compliance.

To explain, the offences set out at sections 26(1) and 27(1) of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 is covered by the Scottish Government Justice Department Offence Classification of 'Ill treatment and neglect of mental patients and vulnerable adults'.

The offence classification also, however, includes various other offences in terms of the Adults with Incapacity (Scotland) Act 2000, the Mental Health (Scotland) Act 1984 and the Mental Health (Care and Treatment) (Scotland) Act 2003.

In order to research your request, we would have to manually review all potentially relevant offences for relevance.

To be of assistance, crime data for 'Ill treatment and neglect of mental patients and vulnerable adults' is available online - [Crime data - Police Scotland](https://www.scotland.police.uk/about-us/how-we-do-it/crime-data/)

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](https://www.foi.scot/appeal), by [email](mailto:enquiries@foi.scot) 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.