

Our Ref: IM-FOI-2022-2455  
Date: 25<sup>th</sup> November 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.

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it.

Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation.

Police Scotland will not tolerate it.

Police Scotland will proactively target perpetrators and support victims to prevent domestic abuse from damaging the lives of victims and their families.

Police Scotland defines domestic abuse as:

“Any form of physical, verbal, sexual, psychological or financial abuse which might amount to criminal conduct and which takes place within the context of a relationship. The relationship will be between partners (married, cohabiting, civil partnership or otherwise) or ex-partners. The abuse may be committed in the home or elsewhere including online”

This definition is included in the Joint Protocol between Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS), “*In partnership challenging domestic abuse*” which is a public document that can be found at the Police Scotland website on <https://www.scotland.police.uk/> or on the COPFS website on <http://www.copfs.gov.uk/>.

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

- **Figures are published on repeat domestic abuse offenders, but are there any records held of people committing (a) 3 or more domestic abuse-related offences or (b) 5 or more domestic abuse-related offences?**

I must conclude that as it does not seek a copy of recorded information, this question is not a valid request in terms of Section 8 of the Freedom of Information (Scotland) Act 2002.

By way of explanation, your question is seeking a yes/no answer which is not considered recorded information as per the Act.

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To be of some assistance, I have however linked in with our statistics unit and they have advised that should a request for statistics on repeat offenders be received, we may be able to retrieve these for you.

You may wish to consider submitting a new FOI request asking for example for the number of accused with more than 3 or more than 5 domestic abuse related offences recorded.

We do not currently publish statistics on this topic.

- **When called out to a domestic abuse incident are Police Scotland under guidance to inform victims about local / national victim support services?**

The Victims' Rights (Scotland) Regulations 2015 and Victims and Witnesses (Scotland) Act 2014 aim to create clearer rights for victims. To support the requirements of the aforementioned regulations and act, Police Scotland introduced the victims' care card which is provided to all victims who report a crime to police.

The victim care cards informs the victim that they have the right to request a referral to victims support services from a number of organisations within the criminal justice system including police. It also provides contact details for Victims Support Scotland (VSS) who can be contacted directly by the victim.

In addition, officers are encouraged to discuss with the victims about local statutory and non-statutory organisations who can provide additional support specific to the victim's needs.

- **Are Police Scotland under guidance to initiate contact between victims of domestic abuse and victim support services?**

The interim Vulnerable Persons Database (iVPD) is the formal means by which Police Scotland record police contact with adults, children and young people who are, or are perceived to be, experiencing some form of adversity and / or situational vulnerability, which may impact on their current or future wellbeing; or where force policy dictates. E.g. Domestic abuse, hate crime, youth offending or to record details of victim's rights under Section 8 and 9 of the Victims and Witnesses (Scotland) Act 2014.

Contact is recorded as a Concern Report on the iVPD and Police Scotland record a concern report in relation to all incidents of domestic abuse. Police Scotland recognises the value in partnership engagement to mitigate risk and support vulnerable individuals and utilises either specific legislation to share those concerns with statutory partners or Public Task to share with non-statutory partners.

In either case, when officers intend to raise a Concern Report on iVPD with the potential that that Concern Report could be shared with a partner agency, officers will inform the individual that their information will be recorded on police systems and seek their views as whether they are happy for the Police to share their information with both statutory partners and Third Sector / Advocacy Services. They will explain that Third Sector / Advocacy Services includes voluntary and community organisations (both registered charities and other organisations such as associations, self-help groups and community groups).

## OFFICIAL

When Concern Hubs assess those Concern Reports in terms of risk and the need to share the Concern Report with a partner agency to provide on-going support and protection, the views of the individual will be taken into account. Where there is a statutory responsibility to share, the Concern Report will be shared with the statutory partner irrespective of their views.

Where there is a non-statutory partner who is assessed as being able to support the individual's specific needs, Concern Hubs will take into account the views of the individual and where the risk is low and not a protection matter, the Concern Report will not be shared. Where the risk is assessed as either a protection matter or an enhanced wellbeing concern (higher risk but not protection), the Concern Hub may share the individual's information regardless of their views.

This approach to information sharing is provided by UK GDPR Article 6(e) (performing a task in the public interest) and Article 9 (sharing of Special Categories of personal information), and allows Police Scotland to discharge its responsibilities under Section 32 of the Police and Fire Reform (Scotland) Act 2012 which states that the "main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland."

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.