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Our Ref: IM-FOI-2022-1837
Date: 21st 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.

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.

My request relates the Financial Abuse.

What is Police Scotland's Protocol on Financial Abuse?

Is Financial Abuse (in a Domestic Setting) a Punishable Crime?

What is the remit in order for a member of the public to prove that they are a victim of Financial Abuse?

Following a clarification request you confirmed that by Financial Abuse you were referring to:

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“Financial Abuse within a domestic setting ie. One partner causing financial uncertainty upon another within a marriage/ lasting relationship.”

You also added three additional questions namely:

Are its officers trained to recognise the signs of financial Abuse? If so, how many?

What does it take to prove that someone is a victim of financial Abuse?

What is the punishment for committing financial Abuse?

In order to answer your questions I am going to group them into sections.

What is Police Scotland's Protocol on Financial Abuse?

Is Financial Abuse (in a Domestic Setting) a Punishable Crime?

What is the remit in order for a member of the public to prove that they are a victim of Financial Abuse?

What does it take to prove that someone is a victim of financial Abuse?

In regards to these 4 questions, please be advised that the requested information is publicly available.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”

I can confirm that the information requested is available within our Domestic Abuse Investigation Standard Operating Procedure as well as the Joint Protocol between Police Scotland and the Crown Office & Procurator Fiscal Service in relation to domestic abuse. I have attached a direct link to the relevant documents below:

Standard Operating Procedure

<https://www.scotland.police.uk/spa-media/fuaflohy/domestic-abuse-investigation-sop.pdf>

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Joint Protocol

<https://www.scotland.police.uk/spa-media/ymzlwhwj/joint-protocol-between-police-scotland-and-copfs-in-partnership-challenging-domestic-abuse.pdf?view=Standard>

Are its officers trained to recognise the signs of financial Abuse? If so, how many?

Police Scotland does not have a specific training course in relation to financial abuse in the context of domestic abuse, however financial / economic abuse is interlaced with coercive control and this aspect of abuse is incorporated into broader training.

What is the punishment for committing financial Abuse?

Once a case is passed to the Crown Office and Procurator Fiscal Service (COPFS) for progression and a decision made to prosecute a crime, it is then down to the Scottish Courts and Tribunal Service (SCTS) what punishment (if any) is imposed upon an accused and is not a matter for Police Scotland. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

You may wish to make a request to SCTS directly using the following email address: foi@scotcourts.gov.uk.

More information can be obtained at <https://scotcourts.gov.uk/about-the-scottish-court-service/contact-us/freedom-of-information>.

To be of some assistance however, as there is no specific offence of financial abuse in Scotland it is likely that such offences would be prosecuted under Section 1(1) of the Domestic Abuse (Scotland) Act 2018. I have included a link below to the penalty section of this legislation for your information.

<https://www.legislation.gov.uk/asp/2018/5/section/9>

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 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 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.

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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.