

Our Ref: IM-FOI-2021-2851
Date: 21 January 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.

To provide some context to our response, it may be helpful to first outline how the complaints and conduct processes operate in Scotland and provide some additional information sources.

I would first ask you to note that the complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database. Due to these processes, the complaints and conduct matters cannot simply be added together.

Police Scotland aims to provide a high quality service to the people of Scotland; however, recognise that the service can sometimes fall short of the expectations of the public and the police themselves.

All complaints received by Police Scotland are managed in line with our Complaints against the Police Standard Operating Procedures (SOP), details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/fifhh5vo/complaints-about-the-police-sop.pdf>

Further detail in relation to Police Scotland and our complaints process can be found on our public facing website at the following link:

<https://www.scotland.police.uk/about-us/police-scotland/complaints/>

Once complaint matters are concluded, the circumstances may be referred for a separate conduct assessment. PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff.

In respect of police officers, their conduct is assessed against our Standards of Professional Behaviour, details of which can be found at the following link:

<https://www.scotland.police.uk/spa-media/2r3p0bsx/standards-of-professional-behaviour.pdf>

Police Scotland's Conduct Regulations can be found at this link:

[The Police Service of Scotland \(Conduct\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

A preliminary assessment is carried out under Regulation 10 of the Police Scotland (Conduct) Regulations 2014 and if an officer's behaviour is assessed to have breached the Standards of Professional Behaviour, an investigating officer is appointed and the officer is served with a Notice of Misconduct Investigation form. The purpose of any investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and establish if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct. The procedures are intended to encourage a culture of learning and development for individuals and/or the organisation. However, disciplinary action has a part, when circumstances require this.

Once complaint matters are concluded, the circumstances *may* be referred for a Conduct Assessment (not necessarily every aspect of the complaint, or every officer involved). There is therefore potential for the same officer/circumstances to appear on a complaint case and a conduct case.

Furthermore, there can be one or more allegations contained within one complaint case and equally, there can be one or more subject officers relative to each allegation. Conduct cases may contain multiple allegations, but are limited to one subject officer per case. Subject officers are counted once per case, however the same officer may be subject to multiple cases and therefore may appear more than once.

Again I must underline that the complaint process and the conduct process are distinct from each other and both have separate assessment and recording processes within the Professional Standards Department (PSD) database. Due to these processes, the complaints and conduct matters cannot simply be added together.

Please provide details of complaints about alleged homophobic behaviour by serving police officers, including numbers and types of complaints, how these were investigated, and what the outcomes were, from 2016 to now (end 2021) - broken down by year.

Relevant "On Duty" complaints are recorded within the allegation category of Discriminatory Behaviour, with a Sexual Orientation sub-type.

Each of these allegations were manually reviewed to identify whether these relate to a perceived same-sex sexual orientation. Data has been provided by calendar year in the tables below.

Table 1: Allegations of Discriminatory Behaviour with a sexual orientation sub-type (linked to same-sex sexual orientation only), by Year Received ^{1 2 3 4 5}

Year	2016	2017	2018	2019	2020	2021
No. of Allegations	7	3	3	3	4	8

1. Data is based on the case received date.
2. Data includes Police Officers only, as per request. Allegations against Police Staff are excluded from the table above (unless also linked to Police Officer).
3. Each complaint may include multiple allegations.
4. Data for 2021 covers the period of 01/01/2021 - 29/12/2021.

Table 2: Allegations of Discriminatory Behaviour with a sexual orientation sub-type (linked to same-sex sexual orientation only), by Case Grade & Year Received ^{1 2 3 4 5}

Case Grade	2016	2017	2018	2019	2020	2021
Abandoned	0	0	0	0	0	1
Criminal Complaint	0	0	0	0	0	1
Frontline Resolved (FLR)	2	0	2	0	1	1
Non-Criminal Complaint	5	3	1	3	3	5
Grand Total	7	3	3	3	4	8

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3. Data for 2021 covers the period of 01/01/2021 - 29/12/2021.
4. Each complaint may include multiple allegations. Where multiple allegations are attached to an individual case, the Case Grade will mirror the overall case and not individual allegations.
5. Please note that as regards Criminal Complaints, the case grade may relate to other allegations on the complaint. Some allegations may be non-criminal in nature.

Table 3: Allegations of Discriminatory Behaviour with a sexual orientation sub-type (linked to same-sex sexual orientation only), by Allegation Result and Year Received ^{1 2 3 4 5}

Allegation Result	2016	2017	2018	2019	2020	2021
Abandoned	1	0	1	0	0	1
Not Upheld - Concluded by explanation	3	2	2	1	2	2
Not Upheld - Insufficient evidence	3	1	0	2	0	0
Not upheld - Leading to No Proceedings by APF	0	0	0	0	1	0
Ongoing - not yet concluded	0	0	0	0	0	5
Upheld - Concluded by explanation	0	0	0	0	1	0
Grand Total	7	3	3	3	4	8

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2. Data includes Police Officers only, as per request. Allegations against Police Staff are excluded from the table above (unless also linked to Police Officer).
3. Data for 2021 covers the period of 01/01/2021 - 29/12/2021.
4. Each complaint may include multiple allegations.
5. Please note that allegations received may remain ongoing and subject to live enquiry, therefore may not yet be concluded.

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, Dalmarnock, G40 4EH.

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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.