

Our Ref: IM-FOI-2022-0590
Date: 04 April 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.

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

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.

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:

[What is a complaint? - Police Scotland](#)

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 the following 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. Should an officer's behaviour be assessed to have breached the Standards of Professional Behaviour and an investigation is required, the officer is served with of 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 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 can be undertaken when circumstances require.

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); therefore, there is potential for the same officer/circumstances to appear on a complaint case and a conduct case.

There are multiple reasons as to why a Conduct assessment may be concluded as no action. These include; No complainer, the complaint did not amount to criminality, the report was made anonymously, insufficient information or evidence, the complainer failed to engage and that it was considered by COPFS and assessed that no proceedings should be taken.

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.

In the last ten years:

For clarity, the national Professional Standards database became operational from 1 April 2014 and consequently national data is only available from that date.

Accordingly, Police Scotland does not hold the information requested for any period prior to this and 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.

1. How many Police Scotland officers serving in Dundee (Tayside), Fife, Angus, and Perthshire have been the subject of sexual misconduct allegations, broken down by police division?

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I must advise you that the geographic areas requested all fall within the Tayside and Fife Divisions of Police Scotland and the data provided conforms to that format.

On that basis, a total of 22 Police Officers from Tayside Division and Fife Division were subject to **complaints** received between 01/04/2014 - 11/03/2022 (inclusive) involving a sexual circumstance. I would provide that a sexual circumstance is considered to relate to all allegations where there is a sexual element and could include criminal and non-criminal allegations.

Data has been provided by division of the subject officer within the table as shown.

Table 1: Police Officers from Tayside Division and Fife Division subject to allegations involving a sexual circumstance (Complaints), by Division ^{1 2 3}

Division	Number of Subject Officers
Tayside	14
Fife	8

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case. Moreover, each allegation may be linked to multiple subject officers.
3. The Subject Officer's Division may vary from the divisional area of an allegation.

A total of 28 Police Officers from Tayside Division and Fife Division were subject to **Conduct or Misconduct cases** received between 01/04/2014 - 11/03/2022 (inclusive) involving a sexual circumstance.

Data has been provided by division of the subject officer within the table below.

Table 2: Police Officers from Tayside Division and Fife Division subject to allegations involving a sexual circumstance (Conduct or Misconduct), by Division ^{1 2 3}

Division	Number of Subject Officers
Tayside	12
Fife	16

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per case. Subject officers are counted once per case.
3. The Subject Officer's Division may vary from the divisional area of an allegation.

2. What was the outcome of the allegation(s) - were any charged / convicted / dismissed/cautioned etc.?

Please note that each subject officer may be subject to multiple allegations and each allegation is subject to an individual disposal. Therefore the number of allegations may vary from the number of subject officers.

Please also note that charges, convictions and cautions are not recognised *disposals* in relation to Complaint, Conduct or Misconduct cases. We are therefore unable to answer this part of your request as the information is not held. Section 17 of the Freedom of Information (Scotland) Act 2002 is therefore applied – information not held.

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You may wish to contact Crown Office and Procurator Fiscal's Service for the information they hold on charges and convictions and by way of assistance the following link is provided:

<http://www.crownoffice.gov.uk/>

I can advise you that Police Officers from Tayside Division and Fife Division were subject to 14 allegations attached to **complaints** received between 01/04/2014 and 11/03/2022 (inclusive) involving a sexual circumstance.

Data has been provided by Division of the subject officer within the table as shown.

Table 3: Allegations involving a sexual circumstance against Police Officers from Tayside Division and Fife Division (Complaints), by Division ^{1 2 3}

Allegation Result Description	Division	
	Tayside	Fife
Abandoned	0	1
Not Upheld - Concluded by explanation	2	0
Not upheld - Leading to No Proceedings by APF	6	3
Upheld - Leading to misconduct disposal	0	2
Grand Total	8	6

1. Data is based on the case received date.

2. Each subject officer may be linked to multiple allegations per case. Moreover, each allegation may be linked to multiple subject officers.

3. The Subject Officer's Division may vary from the divisional area of an allegation.

There are multiple reasons as to why there would be no proceedings. These include; No complainer, the complaint did not amount to criminality, the report was made anonymously, insufficient information or evidence, the complainer failed to engage and that it was considered by COPFS and assessed that no proceedings should be taken.

Police Officers from Tayside Division and Fife Division were subject to 45 allegations attached to **Conduct or Misconduct cases** received between 01/04/2014 and 11/03/2022 (inclusive) involving a sexual circumstance. Data has been provided by Division of the subject officer within the table below.

Table 4: Allegations involving a sexual circumstance against Police Officers from Tayside Division and Fife Division (Conduct or Misconduct), by Division ^{1 2 3}

Allegation Disposal	Division	
	Tayside	Fife
5(3) Warning	0	1
Counselled	0	1
Hearing - Dismissal Without Notice	5	4
Hearing - Written Warning	1	0
Management Action	4	4
Meeting - Written Warning	0	3
No Action	5	3

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Retired/Resigned	1	8
Ongoing - not yet concluded	4	1
Grand Total	20	25

1. Data is based on the case received date.
2. Each subject officer may be linked to multiple allegations per case.
3. The Subject Officer's Division may vary from the divisional area of an allegation.

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.

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.