

Our Ref: IM-FOI-2022-0895
Date: 16 May 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 summarised below and the question(s) condensed for ease of response.

Police Scotland aims to provide the best possible service to the people of Scotland however recognises that on occasion the service received falls short of the standards expected by 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 process operates in Scotland and to provide some additional information sources.

Firstly, I would advise that complaints and conduct are distinct and separate matters with both having different assessment and recording processes on the Professional Standards Department (PSD) database. Consequently, complaints and conduct matters cannot simply be added together. Please note that each complaint may involve multiple allegations, therefore the number of allegations may vary from the number of complaints.

All complaints received by Police Scotland are managed in line with our Complaints about the Police Standard Operating Procedures (SOP) which can be accessed via the following link:

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

Further details in relation to our complaints process can be found on the Police Scotland website via the following link:

www.scotland.police.uk/complaints/

PSD manage conduct matters for police officers, whilst People & Development (P&D) manage conduct matters relative to members of police staff.

Police officer conduct is assessed against our Standards of Professional Behaviour which can be accessed via the following link:

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

OFFICIAL

Should an officer's behaviour be assessed to breach the Standards of Professional Behaviour, a preliminary assessment will be carried out under Regulation 10 of the Police Service of Scotland (Conduct) Regulations 2014.

These regulations can be found via the following link:

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

If assessment provides that an investigation is required, the officer concerned will be served with a Notice of Misconduct Investigation form. The purpose of the investigation is to gather evidence to establish the facts and circumstances of the alleged misconduct and ascertain if there is a case to answer.

Our misconduct procedures aim to provide a fair, open and proportionate method of dealing with alleged misconduct and intend to encourage a culture of learning and development for individuals and the organisation. Notwithstanding, disciplinary action undoubtedly has a part to play, should circumstances dictate that this is required.

Once complaint matters are concluded, the circumstances *may* be referred for a Conduct Assessment to be undertaken. This might not necessarily include every aspect of the complaint or every officer involved; however, the same officer and circumstances could appear on both 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.

Please give me details of how many complaints have been made against staff at Police Scotland Highlands and Islands division (inclusive of all police officers, staff and special constables) in the following (financial) periods;

April 2021 - April 2022

April 2020 - April 2021

April 2019 - April 2020

Table 1: Complaints received against Highland and Islands Division, by Financial Year ¹²

Reporting Period	2019/20	2020/21	2021/22
No. of Complaints	285	338	281

1. Data is based on the case received date.

2. Police officers (including Special Constables) and Police Staff.

Please include any details of the incidents which you are able to.

Data has been provided in Table 2 below which details the allegation categories against Highland and Islands Division for those complaints received within the specified periods.

Table 2: Allegations received against Highland and Islands Division, by Category and Financial Year ^{1 2}

Allegation Category	2019/20	2020/21	2021/22
Assault	10	9	8
Corrupt Practice	4	4	3
Discriminatory Behaviour	5	4	9
Excessive Force	8	11	13
Incivility	58	66	83
Irregularity in Procedure	354	270	160
Neglect of Duty	5	7	10
Oppressive Conduct/Harassment	27	21	15
Other	0	1	0
Other - Criminal	1	2	3
Other - Non Criminal	19	11	5
Policy/Procedure	28	12	33
Service Delivery	42	28	50
Service Outcome	56	51	63
Traffic Irregularity/Offence	10	7	6
Unlawful/Unnecessary Arrest or Detention	9	0	2
Grand Total	636	504	463

1. Data is based on the case received date.

2. Each complaint may involve multiple allegations, therefore the number of complaints may vary from the number of allegations.

Please give me details of how many complaints were investigated and a) upheld and b) dismissed.

Please note that all complaints are subject to proportionate enquiry.

Complaints which are Abandoned, Withdrawn or Frontline Resolved (FLR) are not subject to investigation.

All allegations attached to complaints are concluded following the relevant level of enquiry and each allegation is resulted independently; therefore, the results pertain to each allegation rather than complaints.

Table 3: Allegations against Highland and Islands Division closed, by Allegation Result Type and Financial Year ¹²³⁴

Allegation Result Type	2019/20	2020/21	2021/22
Abandoned	44	87	104
Not Upheld - Concluded by explanation	440	378	191
Not Upheld - Insufficient evidence	24	16	4
Not upheld - Leading to No Proceedings by APF	3	16	4
Resolved by FLR (Apology)	0	0	18
Resolved by FLR (Assurance)	0	0	58

OFFICIAL

Resolved by FLR (Explanation)	0	0	36
Upheld - Change to policy/procedures	0	0	1
Upheld - Concluded by explanation	97	41	19
Upheld - Leading to misconduct disposal	0	1	0
Upheld - Training needs identified	0	0	1
Withdrawn	45	37	26
Grand Total	653	576	462

1. Data is based on the allegation closed date. This date may vary from the case received date. Allegations closed may have been received in a period prior to their closure.
2. Each complaint may involve multiple allegations, therefore the number of complaints may vary from the number of allegations.
3. Data is based on the allegation closed date which may differ from the received date
4. The national complaint handling model was introduced in May 2021, at this time creating various Front Line Resolution (FLR) methods as a way of managing an allegation.

Please explain the procedure for what happens if a member of Police Scotland is reported.

I would first refer you to the introductory paragraphs above, and in particular the Complaints about the Police Standard Operating Procedures (SOP) which includes a full explanation of the procedure.

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”

To confirm, the information you are seeking is available on the Police Scotland website, via the following link:

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

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.

OFFICIAL

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.