



LETTER SENT BY E-MAIL ONLY

26 October 2023

2023/24-044

Freedom of Information (Scotland) Act 2002

Please find below our response to your correspondence dated 29 September in which you made a request under the Freedom of Information (Scotland) Act 2002.

Response

Your request for information has been considered and the Scottish Police Authority is able to provide the following information. In relation to your questions replicated below:

- (1) How many police officers currently employed by Police Service of Scotland have been convicted of assault.**
- (2) How many police officers currently employed by Police Service of Scotland have been convicted of assault aggravated by involving abuse of their partner or ex-partner under section 1 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016.**
- (3) How many police officers have been dismissed by Police Service of Scotland following a conviction for either of the above offences since 2016.**

We can confirm the Scottish Police Authority does not hold the information you have requested. Therefore, this represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

By means of explanation, the Authority is responsible for the appointment of Police Scotland officers at the rank of Assistant Chief Constable (ACC), Deputy Chief Constable (DCC), and Chief Constable. Prior to the offer of appointment, the Authority requires Police Scotland to undertake appropriate vetting checks in line with rank requirements. We can therefore confirm, at the time of appointment, all substantive appointments to the rank of ACC, DCC and Chief Constable have achieved the required vetting and standards.

In terms of our duty to assist, information in relation to police officers is held by Police Scotland and may be available by contacting Police Scotland. Requests can be submitted to Police Scotland via email to - foi@scotland.police.uk

(4) Would a police officer convicted of either of the above offences be in breach of the Police Service of Scotland (Conduct) Regulations 2014 and would this give rise to Gross Misconduct Proceedings.

The Police Service of Scotland (Conduct) Regulations 2014 is the primary legislation through which allegations of misconduct by serving police officers up to the rank of Chief Superintendent are considered. These regulations are supported by [published guidance](#) supported by staff associations, Scottish Government and Police Scotland

The regulations apply in circumstances where conduct is alleged to fall below the Standards of Professional Behaviour. The Regulations define 'gross misconduct' as a breach of the Standards of Professional Behaviour so serious that demotion in rank or dismissal may be justified. Whilst it will be for Police Scotland to respond directly, it can be reasonably implied from the above that, in instances where officers have already been convicted of crimes as described in parts (1) to (3) of the request, these would amount to an alleged breach of the Standards of such sufficient severity as to meet the above definition of gross misconduct under the Regulations.

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review. You must specify the reason for your dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

After review, if you remain dissatisfied, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by letter to Scottish

Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

An anonymised version of this response will be posted to our [Disclosure Log](#) in seven days' time.

