

Our Ref: FOI HQ18268

5 February 2019

Dear

Thank you for your request dated 8 January 2019 under the Freedom of Information (Scotland) Act 2002 (FOISA) for:

The total number of complaints of sexual misconduct or harassment made to your organisation between 20/11/2013 and 20/11/2018.

Please also provide the following information:

- 1. The number of complaints made by staff.*
- 2. The number of complaints made by members of the public.*
- 3. How many complaints were made against each job level e.g "Senior management, four complaints"*
- 4. How many of the cases resulted in a dismissal.*
- 5. How many of the cases resulted in resignation.*
- 6. How many of the cases resulted in retirement.*

We do endeavour to provide information whenever possible. However, in this instance the costs of locating, retrieving and providing the information requested would exceed the upper cost limit. To clarify, SPS discipline procedures are governed by the SPS Code of Conduct policy within which there are two levels i.e. misconduct and gross misconduct. We have interpreted your request to relate to the number of employees investigated within both of these levels. The central recording of complaints (in financial years) of the nature described above made against employees would be categorised as Inappropriate/Unacceptable Behaviour. Identifying specific complaint detail in relation to sexual misconduct or harassment would necessitate a search of all relevant personnel files.

We can confirm the number of conduct investigations instigated following allegations of employee Inappropriate/Unacceptable Behaviour from 1st April 2013 to date is 220. Under section 12 of FOISA

public authorities are not required to comply with a request for information if the authority estimates that the cost of complying would exceed the upper cost limit, which is currently set at £600 by Regulations made under section 12. You may wish to consider reducing the scope of your request in order that the costs can be brought below £600. This information may be available if you narrow the timeframe for the information you request.

If you are unhappy with this response to your request, you may ask us to carry out an internal review, by writing to The Chief Executive, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. Your request should explain why you wish a review to be carried out, and should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely