

Publications Policy

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1. Introduction

We are committed to being open and transparent about our work.

This policy document outlines the guidance, legislation and procedures that our organisation follows for the publication of information. It outlines what we do and do not publish and the rationale for doing so.

The policy also supports our core corporate values:

- Integrity: We are honest, open, and accountable.
- Impartiality: We carry out our work fairly and independently, ensuring all evidence is considered objectively and that decisions are based on sound professional judgement.
- Respect: We treat everyone with courtesy and dignity, irrespective of their background and needs.

2. Legislation

The law applicable to the Police Investigations and Review Commissioner's functions is contained in:

- The Police Public Order and Criminal Justice (Scotland) Act 2006 as amended.

PIRC may consider it appropriate to publish details which demonstrate to the public that the Commissioner is diligent in carrying out these functions.

Section 35 of the 2006 Act provides the applicable law regarding the publication of Complaint Handling Reviews (CHRs) and Section 41E provides the provisions governing the publication of investigation reports.

These provisions must be taken into account when publishing details of live investigations and summarised investigation reports.

Other areas of legislation that we consider ahead of the publication of information includes:

- [Data Protection Act 2018](#)
- [Contempt of Court Act 1981](#)
- [Freedom of Information \(Scotland\) Act 2002](#)
- [Human Rights Act 1998](#)
- [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#)

PIRC also has regard to other relevant and appropriate guidance such as the:

- [Lord Advocate's guidelines: police and the media](#) which includes possible contempt of court implications and guidance on statements given to the media during an investigation.

3. Investigations

We independently investigate incidents involving policing bodies in Scotland.

We can investigate:

- Serious incidents involving the police such as deaths in custody and allegations of criminality made about police officers. The direction to investigate is made by the Crown Office and Procurator Fiscal Service (COPFS).
- Other incidents involving the police including the serious injury of a person in police custody or the use of firearms by police officers. These requests to investigate are sent to us by the Chief Constable, Scottish Police Authority (SPA) and other policing bodies operating in Scotland.
- Allegations of misconduct by senior police officers of the rank of Assistant Chief Constable and above. These requests to investigate are sent to us by the SPA.
- Relevant police matters which the Commissioner considers would be in the public interest to investigate.

At the conclusion of an investigation, we can recommend improvements to the way the police operate and deliver services to the public in Scotland.

Potential stages for publishing information regarding investigations:

- Stage 1 - The commencement of the investigation
- Stage 2 - During the course of the investigation
- Stage 3 - At the conclusion of the investigation

Stage 1 – Commencement of a new investigation

PIRC may decide to publish brief details for new referrals of Category A+ and Category A investigations which are instructed by COPFS or referred to PIRC by policing bodies.

- Category A+ investigations include major cases with complex lines of enquiry. These types of investigations are likely to generate high levels of public and/or political interest.
- Category A investigations include deaths in police custody and deaths following police contact.

The details published at this stage may contain information about a person's age and the location of an incident. However, it will not include any information that will identify the person.

Limited details may be published on [our website](#). New investigation statements will be made available online for two years, as provided for in our Records Management policy.

We will not routinely proactively publish statements for the following type of investigations:

- Allegations of criminality about a person serving with the police.
- Misconduct investigations.
- Category B and C investigations.

Where possible, we will provide statements in response to media enquiries about our investigations.

Our response may contain information about a person's age and the location of an incident. However, it will not include any information that will identify the person. For example: if the incident has occurred in a rural location we may not include the exact location and/or other details that may lead to the identification of those concerned.

PIRC may not provide a media response regarding any new referrals in some circumstances including:

- Where it relates to persons aged 17 and under.
- Where there are significant health/wellbeing or security concerns for family members.

Stage 2 – During the course of the investigation

PIRC will confirm when investigations are live but will not provide details of any live investigations as this may prejudice any future legal and or criminal proceedings.

The Lord Advocate's guidelines on the police and the media states:

"Publication of information prejudicial to an accused will be treated as contempt under the rule of strict liability only when criminal proceedings are "active" as defined in the Act.

Proceedings are "active" on arrest (which will include any arrest under section 1 of the Criminal Justice (Scotland) Act 2016 from the 25th of January 2018 onwards), the granting of a warrant for arrest, the service of an indictment or complaint, or the grant of a warrant to cite."

The exception is where an active appeal for witnesses is considered appropriate.

Misconduct investigations are confidential by nature so we will not include the name of the officer concerned, age, location, or dates of when the allegation(s) took place. While we will not provide any comment, if details are already in the public domain, we may issue a statement to address any inaccuracy should this be considered necessary.

Stage 3 – At the conclusion of the investigation

PIRC reports are confidential. We will confirm if and when a report has been submitted to the referring agency.

The following Investigation reports will not be made publicly available:

- Investigations directed by the Crown Office and Procurator Fiscal Service (COPFS).
- Investigations referred by the Chief Constable or other policing bodies operating in Scotland. We may decide to produce an executive summary of our findings and recommendations where we consider it to be appropriate.
- Investigations referred by the SPA regarding misconduct by a senior officer.

For Investigations referred by the Chief Constable or other policing bodies operating in Scotland, once the PIRC investigation has been concluded, and a full report sent to the referring body, we may assess whether an executive summary can be made public.

The published report will include a summary of our findings and recommendations.

Executive summary reports may be made available on the [PIRC website](#).

Any published executive summary investigation reports will be made available online for two years as per our Records Management policy.

4. Reviews

A member of the public can apply for a CHR if they are dissatisfied with how a policing body operating in Scotland dealt with their complaint. PIRC can review the handling of the complaint, however, cannot investigate or review the original complaint itself.

Key stages for communicating:

- Stage 1 - The commencement of the review
- Stage 2 - At the conclusion of the review

Stage 1 – Commencement of the review

Any media statements in relation to CHR cases will not contain names, ages, location, or any other details that may identify those involved.

Stage 2 – At the conclusion of the review

A summarised version of certain CHR reports may be published. However, the summary must be anonymised with names, addresses, place names and other details removed that may lead to identification of those involved.

The published report will include a summary of our findings and recommendations.

A summarised CHR report will be made available on the Publications section of our website.

As provided for in our Records Management policy, summarised CHR reports will be made available online for two years.

In general, summaries will not be published where publication might:

- Pose a risk of harm to anyone referred to in the report.
- Be detrimental to the welfare of children or vulnerable adults.
- Be reasonably likely to allow the identification of anyone referred to in the report.
- Prejudice or affect ongoing or potential legal and or criminal proceedings or misconduct proceedings.

- Provide a risk that an individual(s) may be identified, or it may compromise their safety or security or cause distress.
- Impact on the wellbeing of the complainer.

Additionally, we will not publish a summarised report if it is linked to any outstanding or future criminal and or legal proceedings.

5. Other published documents

The Freedom of Information (Scotland) Act 2002 requires Scottish public authorities to produce and maintain a publication scheme. This is a commitment to make information routinely available without waiting for a member of the public to specifically request it.

Our publication scheme is called [Guide to Information](#).

The following information is on the Publications section of our website:

- Annual Reports
- Strategic Plans
- Senior Leadership Team meeting minutes
- Audit and Accountability Committee minutes
- Memoranda of Understanding documents
- Policies and Procedures
- Audits of relevant policing bodies
- Freedom of Information responses
- Governance and Accountability Framework
- Discrimination Guidelines for Staff
- Information Leaflets

6. Implementation and monitoring of Policy

The Head of Corporate Communications has overall responsibility for implementing and monitoring this policy, which will be reviewed on a regular basis following its implementation and additionally whenever there are relevant changes in legislation or to our working practices.

7. Review of Policy

This policy is a formal PIRC policy and will be reviewed by the SLT on an annual basis.

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