



Crown Office and
Procurator Fiscal
Service

Information Governance and
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Our Ref: R-18014-26

06 May 2026

I refer to your emails received 08 April 2026 in which you requested the following information.

“We have received an FOI Request for the following information,

I am seeking information regarding how the Crown Office and Procurator Fiscal Service identifies, records, and responds to cases involving allegations which are shown to be knowingly false, malicious, or deliberately fabricated.

In particular, I would be grateful if you could provide:

- 1. Details of any systems, categories, or mechanisms used to identify and record cases involving proven false allegations.*
- 2. Confirmation of whether COPFS holds any data on:
a) the number of cases involving proven false allegations
b) the number of cases where action was taken against the individual making such allegations*
- 3. Details of any policies or guidance relating to the prosecution or handling of proven false allegations.*
- 4. Confirmation of whether any such data is published, or reasons why it is not.*

If the requested information is not held in a single form, please provide any relevant information available within the cost limits.

A second FOI was submitted with a follow up request which I have interpreted to relate to the first request so have included then as part of this response.

5. Copies of any policies, guidance, or procedures relating to the identification, recording, or handling of cases involving allegations which are shown to be knowingly false, malicious, or deliberately fabricated. Policy. Any internal guidance or instructions relating to offences such as falsely accusing a named person of a crime, wasting police time, or related offences.

6. Any statistical information held by COPFS, whether national or otherwise, on:
(a) the number of cases involving proven false allegations
(b) the number of cases where action was taken against the individual making such allegations

7. Any internal reports, reviews, or analyses held by COPFS relating to false allegations or fabricated complaints.”

This request will be managed by The Crown Office and Procurator Fiscal Service under the Freedom of Information (Scotland) Act 2002 (FOISA).

Request 1

COPFS does not operate any systems or mechanisms to identify or record cases as involving “false allegations,” nor does it hold reports or analyses categorising cases in this way. Accordingly, and in terms of [Section 17](#) of FOISA, COPFS does not hold the information requested.

All cases are considered on their own facts and circumstances, in accordance with the [Prosecution Code | COPFS](#)

Requests 2a, 2b, 6a, 6b and 7

In terms of these requests, there is no separate charge code specifically for “false allegation” I have included charges reported and associated outcomes under Wasting Police Time and False Accusation charges. These have been supplied for the last 5 financial years. Please see below **Annex A** detailing this information.

COPFS uses a live operational case management system, specifically designed to receive criminal and death reports from the police and other specialist reporting agencies and to manage the cases for prosecution purposes. The information held on the system is structured and coded to meet these operational needs, rather than for statistical reporting or research purposes.

The relevant data that we are able to provide relates to the number of “charges” only reported to COPFS.

A report may involve more than one accused person and an accused person may be reported for more than one charge.

Request 3, 4 and 5

I have considered your request and can advise that the information you seek is exempt in terms of Section 35 (1)(b) of FOISA.

The information sought is exempt under Section 35(1)(b) of FOISA as disclosure would, or would be likely to, prejudice the apprehension or prosecution of offenders.

This is not an absolute exemption and I have therefore considered whether the public interest favours disclosure of the information, notwithstanding the exemption.

Under FOISA a public authority must consider whether it would be in the "public interest" for information to be released. I consider that disclosure would provide those intent on conducting criminal activity with insight into prosecutorial decision-making, thereby enabling them to tailor behaviour so as to avoid prosecution.

If you are dissatisfied with this response, you have the right to request a review within 40 working days of receipt of this letter.

If you are dissatisfied with the COPFS response to your FOI request, you have the right to ask us to review it. Your review request should be made within 40 working days of receipt of this letter; please e-mail foi@copfs.gov.uk and we will reply within 20 working days of receipt.

The review will be undertaken by a member of the COPFS FOI unit who was not involved in the original consideration of your request.

Under section 47(1) of FOISA if you remain dissatisfied with the response following a review you have the right to appeal to the Scottish Information Commissioner within six months of receiving the review.

Under section 48(c) of FOISA that right of appeal might be limited as it can be subject to what information is requested. It is for the Scottish Information Commissioner to decide if he will accept your appeal on a case-by-case basis.

Yours sincerely

AS
Information Governance and Security Assurance Unit
Corporate Services Group
COPFS

Annex A

Charges reported to COPFS under:- Wasting Police Time or False Accusation offences			Financial Year Reported					
Action taken re Accused	Action taken re Charge	Outcome	2021-22	2022-23	2023-24	2024-25	2025-26	
Solemn	Court	Convicted	2	4	2	0	0	
		Not Convicted	7	5	0	0	0	
		Ongoing	0	0	0	5	9	
		No Further Action	3	0	1	0	0	
		Court Total	12	9	3	5	9	
	No Decision	0	0	0	0	1		
	Not Separately Actioned	Not Separately Actioned	3	26	6	4	3	
	Solemn Total		15	35	9	9	13	
	Summary	Court	Convicted	75	90	80	55	29
			Not Convicted	66	78	67	47	36
Ongoing			2	0	4	12	80	
No Further Action			57	48	50	42	11	
Court Total		200	216	201	156	156		
No Decision		0	0	0	0	3		
Not Separately Actioned		Not Separately Actioned	44	41	40	35	53	
Summary Total		244	257	241	191	212		
Direct Measure	Combined	Accepted	0	0	0	1	0	
		Fiscal Fine	11	24	2	4	1	
		No Further Action	0	1	0	0	0	
	Fiscal Fine Total	11	25	2	4	1		
	Diversion	Completed	10	21	37	28	18	
		Ongoing	0	0	0	0	17	
		No Further Action	6	15	15	14	9	
		Diversion Total	16	36	52	42	44	
	Work Offer	No Further Action	1	1	0	0	0	
		Work Offer	2	1	0	0	0	
	Work Offer Total	3	2	0	0	0		
	Reporter	Reporter	2	0	16	7	3	
	Warning	No Further Action	0	0	0	0	1	
		Warning	13	15	8	7	11	
		Warning Total	13	15	8	7	12	
Not Separately Actioned	Not Separately Actioned	3	8	8	3	10		
Direct Measure Total		48	86	86	64	70		
No Action Total		97	80	96	72	77		
No Decision Total		1	1	0	0	113		
Grand Total		405	459	432	336	485		
Not Separately Actioned								
No action was taken against the charge, but action (prosecution in court or direct measure) was taken against the accused. Some of the libel in the charge may have been incorporated into a charge that was actioned.								
The figures given for Diversion and Reporter cover charges where the accused was offered a Diversion or sent to the Reporter. Other than for accused with a single charge, it is not possible without manual checking to confirm that the individual charge was included in the Diversion offer or Reporter referral.								