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Our Ref: IM-FOI-2022-0079
Date: 21st February 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 replicated below together with the response.

In follow-up to request IM-FOI-2021-2569 you asked:

Please provide the total amount paid in out-of-court settlements by Police Scotland in each of the past two years.

Please include the number of settlements, a description of the reason, and the area in which the person resided i.e. Dundee, Tayside.

Please also include, if possible, the total amount spent on legal fees relating to the cases.

Please also include the highest amount paid and what this was for.

Can you also include a specific total for the amount paid out in discrimination claims from employment tribunal in each of the past two years? Please also classify these i.e. sexual, age, disability (including type of disability).

Following a clarification request you confirmed that the 2019/20 and 2020/21 financial years would be acceptable.

In response to your refined request, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, as previously advised, the requested information is not held in a format that would allow it to be automatically retrieved and so a manual review of each

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case file, which is identified as being relevant, would be required. I have further contacted our legal department and they have confirmed that:

For years 2019/20 and 2020/21 – approximately 488 files would need to be manually examined. At a conservative estimate of 15 minutes per record, this equates to 122 hours of work to provide the information requested.

Police Scotland have assessed that the £600 cost limit within the Act equates to 40 hours of work and so this part of your request would breach the cost threshold.

In order to be of some assistance it was then examined whether the 2020/21 and 2021/22 financial years could be provided as this would include a reduced period.

As per a report run in November 2021 this would equate to approximately 311 files that would need to be manually examined. At a conservative estimate of 15 minutes per record, this equates to 77 hours of work to provide the information requested. The true number of files would be higher based on an up to date report.

I had previously suggested that you may wish to consider limiting your request to a single financial year but on review it appears likely that this would still exceed the cost threshold under the Act. You may wish to consider a more refined period than this (e.g. a quarter of a year) but I appreciate this would reduce the usefulness of the statistics gained.

Should you require any further assistance please contact Information Management quoting the reference number given.

If you 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.

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.