

Our Ref: IM-FOI-2022-1260
Date: 1st July 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.

I am researching sexual offences against individuals who are inpatients in psychiatric units. I would like to request the following datasets held by your constabulary:

- 1. The number of sexual assault allegations made by persons detained in a psychiatric unit where the alleged perpetrator is a member of staff,**
- 2. How many allegations resulted in an investigation,**
- 3. How many allegations resulted in prosecution,**
- 4. How many allegations resulted in no further action.**

Having considered your request in terms of the above Act, 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, the crime recording systems used by Police Scotland have no facility whereby specific premises such as psychiatric units can be automatically identified, nor is it possible to search for crime reports by locus type.

There is also no facility available which allows for details of the accused and complainer to be easily extracted.

As such, case by case assessment of all sexual crime reports would be required to allow us to establish whether the locus met the terms of the request and then extract the details of the accused and complainer.

As illustrated by our [published statistics](#), this would involve individually examining thousands of sexual offences - an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

OFFICIAL

Should you require any further assistance please contact Information Management Dundee, 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.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.

