| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-0534  Responded to: 27th February 2023 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

**With regard to this FOI as Police Scotland physically hand the drug to detainees and your duty of care.**

Request forwarded on having been sent initially to NHS Grampian and others:

**Under the Freedom of Information Act, could explain the system of gaining informed consent from detainees in Police custody. As Carole Hunter explained to the Petition Committee at the Scottish Parliament on 23rd of November 2022 stated:  
Dr Hunter: I cannot give members any information on staffing either.  
Dihydrocodeine is sometimes prescribed in custodial settings.   
There is guidance on exceptional circumstances within the UK guidance that I mentioned. Its prescription should not be routine as a replacement, but there are some exceptional circumstances - including when it is not possible to get access to existing prescribed medication safely - in which it would be used by an experienced clinician.  
So what evidence is there that thousands of detainees given Dihydrocodeine an unlicensed drug for the treatment of heroin addiction, was given by an experienced clinician who was physically present.   
What medical training did the individuals have who give the medication, monitored and titrated the detainees have.  
Who asked for and received the informed consent, and how was it recorded.   
It would need to be recorded due to the radical change in the medical treatment. Why and who consented to this dramatic deviation from the approved treatment path which is the norm in the rest of Scotland.  
Who in NHS Grampian approved this policy whether written or not, and on what medical or ethical grounds.**

You submit a significant number of FOI requests on this subject and you have done so for the last few years.

You have been advised repeatedly that Medical provision for persons in custody is the responsibility of NHS Scotland.

The management of all medication given to an individual whilst in Police Custody is the responsibility of the healthcare professional.

Taking all of the above into account, I am refusing to respond to your request on the basis that I consider it to be ‘vexatious’ in terms of section 14(1) of the Act.

‘Vexatious’ is not defined in the Act but I would refer to the following factors as set out in the Commissioner’s guidance:

1. It would impose a significant burden on the public authority
2. It does not have a serious purpose or value
3. It is designed to cause disruption or annoyance to the public authority
4. It has the effect of harassing the public authority
5. It would otherwise, in the opinion of a reasonable person, be considered to be manifestly unreasonable or disproportionate.

Furthermore, an authority can reasonably conclude that a particular request represents the continuation of a pattern of behaviour. It might, in those circumstances, decide the request can be refused as the continuation of the pattern of behaviour makes the latest request vexatious.

This may arise, for example, where a requester has an on-going grievance against a public authority, or could reasonably be described as conducting an extended campaign to the point that their behaviour can be described as obsessive.

The purpose of FOI is to provide a right of access to recorded information and we respond to thousands of requests each year that seek to exercise that right.

We are committed to the principles of openness and accountability and that means focusing on those requests whereby individuals are genuinely motivated by accessing the information we hold.

It is my assessment overall that this latest request has no serious purpose or value and it also has the effect of harassing Police Scotland in the circumstances.

It is both a burden and significant waste of resources.

In my view, it is clear that you have an ongoing grievance with Police Scotland in relation to custody healthcare procedures and it is increasingly clear that your frequent FOI requests are not assisting in bringing those matters to conclusion.

On the contrary, you have been advised repeatedly that Police Scotland are unable to assist with your requests given that medical provision for persons in custody is the responsibility of NHS Scotland.

I would encourage you to please consider whether these matters would be better dealt with using the Police Scotland [complaints process](https://www.scotland.police.uk/secureforms/police-complaints/).

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.