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Our Ref: IM-FOI-2022-1518
Date: 12th August 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.

Data on the use of Appropriate Adults compared to the amount of detentions within the last 5 years.

Following a clarification request you confirmed that you were looking for statistics on instances where an appropriate adult was present during a detention vs all detentions.

In regards to Appropriate Adults, 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, whilst our custody recording system does include a specific entry for whether an appropriate adult was highlighted as being considered, it does not contain a specific entry to say if the requested appropriate adult was in fact contacted or in attendance. Whilst it is likely this information will be held in free text areas of the system, a manual review would be required to confirm this.

In this case 9,832 records would need to be manually checked. At a conservative estimate of 3 minutes per record, this equates to over 491 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.

I would normally suggest that a refined time period is considered but in this case, taking even a single year such as 2021 would require over 88 hours of work to provide the requested information.

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As we are unable to provide the figures for detentions where an Appropriate Adult was present, the second part of your question is not applicable.

Reports on the effectiveness of Appropriate Adults Any reports where an Appropriate Adult should have been present but wasn't Any other reports on Appropriate Adults

Police Scotland do not routinely collate specific data in respect of the provision of Appropriate Adults Services, this is because Police Scotland are not a provider of this service but are one of the main requester's of this service. As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information requested is not held by Police Scotland.

To be of some assistance however I can confirm that currently within Scotland there are 22 Appropriate Adult Services representing 32 Local Authorities. Currently, the Convention of Scottish Local Authorities (COSLA) is working alongside the Scotland Government to implement a new statutory Appropriate Adult Service, with the support of Police Scotland and other key agencies and organisations.

Nationally and locally we continue to liaise with service providers in relation to complexities faced with the service and on an ad hoc basis issues are raised at which time Police and the Appropriate Adult Service work together to provide viable solutions to members of the public who require this service. We do not collate or hold official reports on the functions of Appropriate Adult service therefore we cannot provide the requested information.

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.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.