| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-2630  Responded to: 31st October 2023 |
| --- | --- |

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

## 1 What time did NHS Grampian ask Police Scotland to preform a Welfare Check on [redacted]. On the 28/09/2022.

## 2 At what time did Police Scotland arrive at [redacted].

## 3 How many officers were involved.

## 4 How many vehicles were involved.

## 5 How many arrests were made.

## 6 Why was the ambulance and paramedics cancelled and who authorised the cancellation.

## 8 why, was my son transported to Elgin custody suite, and not A&E and Ward 4 as requested by NHS Grampian.

## 9 Why was he transported in a caged van shackled to the rear, whilst semi comatose.

## 10 Why was he not taken to A&E for treatment for the positional asphyxiation he suffered during this transfer.

## 11 Why upon his arrival at Elgin custody suite, and despite being incapable of completing a vulnerability assessment was he stripped naked and put in a cell. Should he not have received medical attention.

## 12 Why does no cctv exist, no boycam, no cctv from either the van or the custody suite.

## 13 How many hours was [redacted] in custody before he was seen by a qualified medical clinician.

Having considered your request in terms of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether the information sought exists or is held by Police Scotland in terms of section 18 of the Act.

Section 18 applies where the following two conditions are met:

- It would be contrary to the public interest to reveal whether the information is held

Whilst we accept that you may have a particular personal interest in being informed as to whether or not the information sought is held, the overwhelming public interest lies in protecting individuals’ right to privacy and the expectation of confidence that the public have in Police Scotland as regards their information.

- If the information was held, it would be exempt from disclosure in terms of one or more of the exemptions set out in sections 28 to 35, 38, 39(1) or 41 of the Act

In this instance, sections 38(1)(b) and 38(1)(2A) of the Act apply insofar as you have requested *third party* personal data which is exempt from disclosure where it is assessed that disclosure would contravene the data protection principles as defined in the Act.

## 7 What does the standard operating procedure (SOP) Mental Health and Place of Safety, state about the use of Section 38 charge during a welfare check.

Please be advised that the information you are seeking is publicly available on the Police Scotland website.

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

(a) states that it holds the information,

(b) states that it is claiming an exemption,

(c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

*“Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information”*

The information you are seeking is available via the following link:

[Mental Health and Place of Safety SOP](https://www.scotland.police.uk/spa-media/552h0t3x/mental-health-and-place-of-safety-sop.doc)

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.