

OFFICIAL

Our Ref: IM-FOI-2021-2800
Date: 28th January 2021



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.

Please provide the following details for each of the years 2017, 2018, 2019, 2020 and (up to the date of this request) 2021 :

- **The number of civil actions against the force where settlements have been reached / the amount of money paid in each case.**
- **A category description for each case above where settlements were reached (eg. misconduct)**
- **Details of the ethnicity and gender of who brought or threatened the civil actions against police Scotland.**

In regards to your three questions above 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 it was initially hoped that some information could be provided, on review, our legal department have confirmed a number of issues. Firstly, our recording system changed in the 2017/18 financial year and prior to this the requested figures were not separated. Due to this, each civil action raised in the 2017/18 financial year would need to be manually check to confirm its status.

In an attempt to assist, we therefore disregarded this year and instead focused on the 2018/19, 2019/20, 2020/21 and the 2021/22 (up to December 2021) years. It was however discovered that whilst we could retrieve the number of occasions where a settlement had been made, the number of cases that resulted in a settlement were higher than initially estimated. This is further complicated by instances where more than one payment has been made during the process of a case.

OFFICIAL

OFFICIAL

In this case 1,042 case files would need to be manually checked to get the information required to answer your request. A sample exercise was conducted and it was established that this would conservatively take at least 8 minutes per case file which equates to over 138 hours of work to provide the initial financial breakdown. This was before gender or category description was looked at and so an additional number of minutes would be required for each file in addition to this.

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

You may wish to consider reducing the timescale covered by your request which may allow it to be completed within cost. For example you may wish to request a single year although I would advise that the 2019/20 year as an example would still exceed the cost threshold on its own. Another option would be to reduce the timescale and potentially limit the request to a particular type of claim e.g. one of Employer Liability, Public Liability or Motor Liability.

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.