



LETTER SENT BY E-MAIL ONLY

22 March 2023

2023-018

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 23 February, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

In line with freedom of information legislation, I would be grateful if you could share the “quarterly report which included settlement figures arising from claims raised against Police Scotland” mentioned in page 13 of the attached document.

Response

Your request for information has been considered and the Scottish Police Authority (SPA) is able to provide the following.

The Statistical Reporting including NDAs report presented to the Legal Committee on 13 December is provided as **Attachment 1**.

Whilst we aim to provide information wherever possible, in some instances, information is exempt in terms of the Freedom of Information (Scotland) Act 2002 and explanation has been provided where this applies.

Appendix 1 (Details of NDAs) is considered to be exempt under Section 36(2) Confidentiality - actionable breach of confidence. As this information was obtained in confidence from a third party and relates to details of non-disclosure agreements put in place, disclosure would

constitute an actionable breach of confidence as far as the involved parties are concerned. This exemption is absolute and therefore does not require the application of the public interest test.

Right to Review

If you are dissatisfied with the way in which your request has been dealt with 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@spa.police.uk or by post to Corporate Management Team, Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

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 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 Scottish Police Authority Freedom of Information [Disclosure Log](#) in seven days' time.

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(d)



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

Agenda Item 4

Meeting	SPA Legal Committee
Date	13 December 2022
Location	Video Conference
Title of Paper	Statistical Reporting including NDAs
Presented By	James Douglas, Legal Services Manager
Recommendation to Members	For Discussion
Appendix Attached	Yes – Appendix 1 - Details of NDAs

PURPOSE

The Committee asked that a report be provided on a quarterly basis on settlement figures arising from claims raised against Police Scotland.

The Committee also wished to be kept informed on the number of NDAs Police Scotland has entered into within the previous financial Quarter.

This paper is presented in line with SPA Corporate Governance Framework Standing Orders Section 20(d)

Members are invited to discuss the contents of the report and appendix.

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1. BACKGROUND

1.1 The SPA Legal Committee directed that a standard report be presented to the Committee every quarter outlining the number of legal cases settled by Police Scotland within the previous financial quarter.

2. FURTHER DETAIL ON THE REPORT TOPIC

2.1 This report represents the latest in a series laid before the Committee. Those on the Committee have advised that they would ultimately wish to see any trends on the types of cases being raised against Police Scotland, and ultimately settled, to determine if further training or investigation is needed to reduce the number of said claims.

2.2 The tables below outline the number of claims settled by Police Scotland during the period July 2022 – September 2022 (Q2) under the general headings of Employers' liability, Public liability and motor vehicle claims.

2.3 In Quarter 2 of the financial year 22-23, of the 138 claims settled by Police Scotland; 109 claims were motor related, 7 were employer liability matters and 22 related to public liability.

2.4 The following tables are intended to represent the different type of claim settled by Police Scotland, the total settlement figures under said headings and an average settlement figure. The Committee asked at its meeting in March 2021 that a table be added to the report to show the settlement figures as a percentage of the settlement figures within the current financial year. That figure is now provided within the Tables.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

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EMPLOYERS LIABILITY CLAIMS JULY - SEPTEMBER 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K	7	35,750	5,107	69.08%
£30K - £150K	-	-	-	0.00%
£150K - £250K	-	-	-	0.00%
£250K - £1M	-	-	-	0.00%
£1M +	-	-	-	0.00%
Total	7	35,750	5,107	69.08%

EMPLOYERS LIABILITY CLAIMS FINANCIAL YEAR 2022-23

Range	No of Case References	Total Settlements £	Average £
£0 - £30K	10	51,750	5,175
£30K - £150K	0	-	-
£150K - £250K	0	-	-
£250K - £1M	0	-	-
£1M +	0	-	-
Total	10	51,750	5,175

PUBLIC LIABILITY CLAIMS July - September 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K	22	70,231	3,192	66.01%
£30K - £150K	-	-	-	0.00%
£150K - £250K	-	-	-	0.00%
£250K - £1M	-	-	-	0.00%
£1M +	-	-	-	0.00%
Total	22	70,231	3,192	66.01%

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PUBLIC LIABILITY CLAIMS FINANCIAL YEAR 2022-23

Range	No of Case References	Total Settlements £	Average £
£0 - £30K	42	106,391	2,533
£30K - £150K	0	-	-
£150K - £250K	0	-	-
£250K - £1M	0	-	-
£1M +	0	-	-
Total	42	106,391	2,533

MOTOR CLAIMS JULY - SEPTEMBER 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K	109	269,461	2,472	67.15%
£30K - £150K	-	-	-	0.00%
£150K - £250K	-	-	-	0.00%
£250K - £1M	-	-	-	0.00%
£1M +	-	-	-	0.00%
Total	109	269,461	2,472	47.74%

MOTOR LIABILITY CLAIMS FINANCIAL YEAR 2022-23

Range	No of Case References	Total Settlements £	Average £
£0 - £30K	163	401,258	2,462
£30K - £150K	0	-	-
£150K - £250K	1	163,167	163,167
£250K - £1M	0	-	-
£1M +	0	-	-
Total	164	564,425	165,628

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3. Non-Disclosure Agreements

- 3.1 As part of Police Scotland's aim to ensure that there is oversight of its use of Non-Disclosure Agreements, it was agreed that there would be a regular report to the SPA Legal Committee providing information on the numbers entered into each Quarter and confirmation that they were being used in accordance with the ACAS guidance on good practice and were utilised for legitimate reasons.

Police Scotland entered into four Non-Disclosure Agreements in the period 1st July – 30th September 2022.

All four NDAs included a "carve out" for whistleblowing and all four adhered to the ACAS guidance on good practice. In three of the agreements, the other party had legal representation and in the other the agreement was sought by both parties to bring proceedings to an end.

Of the 138 claims settled by Police Scotland during Quarter 2, 4 had confidentiality clauses included.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no further financial implications in this report. Clearly the report provides information about the numbers and values of claims raised against Police Scotland, however the report gives no rise to further financial implications in and of itself.

5. PERSONNEL IMPLICATIONS

- 5.1 There are no personnel implications in this report.

6. LEGAL IMPLICATIONS

- 6.1 There are no legal implications in this report.

7. REPUTATIONAL IMPLICATIONS

- 7.1 There are reputational implications associated with this paper.

The number of claims raised against Police Scotland is a matter of public interest. The report itself provides detailed information about

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the numbers and values of claims within the current financial year. Accordingly, reputational implications may flow therefrom.

Police Scotland's use of Confidentiality clauses has attracted criticism and scepticism. The report provides background to the their use over the previous financial Quarter.

8. SOCIAL IMPLICATIONS

8.1 There are no social implications in this report.

9. COMMUNITY IMPACT

9.1 There are no community implications in this report.

10. EQUALITIES IMPLICATIONS

10.1 There are no equality implications in this report.

11. ENVIRONMENT IMPLICATIONS

11.1 There are no environmental implications in this report.

RECOMMENDATIONS

Members are invited to discuss the contents of the report and appendix.