

1 February 2022

2022_009

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

REQUEST DETAILS

Please find below our response to your correspondence dated 14 January 2022 in which you made the following request under the Freedom of Information (Scotland) Act 2002:

The request includes detail of subsequent clarification received:

How many Tribunal cases in relation to Police Scotland and the Scottish Police Authority are the SPA currently involved in.

The duration of these cases - their start and end dates or if the case is continuing.

Which lawyers, law firms and Counsel are being instructed by the SPA in connection with Tribunals from 2015 to 2018.

Clarification received 21 January - *I am seeking information on all those instructed, at the time, for all cases between 2015-2018.*

Payments (amounts) to lawyers, law firms & counsel, expert witnesses and any other witness costs (identifying role/job of witness) from 2015 to 2018.

Clarification received 21 January - *information on all payments made between the period 2015-2018*

RESPONSE

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

For ease of reference, your request is replicated below together with the response.

Request	Response
How many Tribunal cases in relation to Police Scotland and the Scottish Police Authority are the SPA currently involved in	The Authority is currently involved in 7 Employment Tribunal claims. All of these cases are ongoing.
The duration of these cases - their start and end dates or if the case is continuing	<p><u>Case 1:</u> claim commenced – 22 May 2018</p> <p><u>Case 2:</u> claim commenced - 5 January 2022</p> <p><u>Case 3:</u> claim commenced – 14 January 2022</p> <p><u>Case 4:</u> claim commenced – 14 January 2022</p> <p><u>Case 5:</u> claim commenced – 14 January 2022</p> <p><u>Case 6:</u> claim commenced – 14 January 2022</p> <p><u>Case 7:</u> claim commenced – 14 January 2022</p>
<p>Which lawyers, law firms and Counsel are being instructed by the SPA in connection with Tribunals from 2015 to 2018.</p> <p><u>Clarification received 21 Jan</u> – I am seeking information on all those instructed, at the time, for all cases between 2015-2018.</p>	<p>Our Litigation record dates only from 2017. According to this, the Authority was involved in three Employment Tribunal cases during 2017-18.</p> <p><u>Case 1:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed was Maclay Murray and Spens. ▪ One solicitor was involved in the case. ▪ Senior Counsel was also instructed in the case. <p><u>Case 2:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed was Clyde and Co. ▪ One solicitor was involved in the case. ▪ Counsel was not instructed in this case. <p><u>Case 3:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed in this case was DLA Piper. ▪ Counsel was also instructed.

Payments (amounts) to lawyers, law firms & counsel, expert witnesses and any other witness costs (identifying role/job of witness) from 2015 to 2018.

Clarification received 21 Jan - information on all payments made between the period 2015-2018

Case 1:

It is unclear from our records precisely when this case started in the Employment Tribunal, but it appears it was around 2009. It concluded in 2018.

According to Finance records, the total amount paid to Maclay Murray and Spens during financial years 2015-2018 was £12,124.37.

Case 2:

The Employment Tribunal claim in this case began in 2017 and concluded in 2018.

According to Finance records, the total amount paid to Clyde and Co during financial years 2017-2018 was £24,820.20

Case 3:

The Employment Tribunal claim in this case began in 2011 and concluded in 2019.

According to Finance records, the total amount paid to DLA Piper during financial years 2015-2018 was £22,409.80

Some of the information requested is considered to be exempt in terms of the Freedom of Information (Scotland) Act 2002. The exemption considered to be applicable to the information requested is as follows:

Section 38(1)(b) – Personal Information - some of the information is personal data of a third party and disclosure would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and section 34(1) of the Data Protection Act 2018. This is an absolute exemption which does not require a public interest test to be conducted.

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.