



LETTER SENT BY EMAIL ONLY

20 November 2024

2024/25-077R

Freedom of Information (Scotland) Act 2002

Request

On 23 October 2024 you made a request for information to the Scottish Police Authority. In response to your request the Authority advised that it did not hold the information you requested.

Response

On 11 November 2024 you asked the Authority to review this decision.

The decision has been reviewed by an independent member of staff who was not involved in the original decision-making process.

The original decision has been partially upheld. The review found that the original response could have been clearer in clarifying that the Authority has no role in operational policing.

To explain, the response should have highlighted the Authority's role in the oversight and scrutiny of policing, and Police Scotland's operational independence as outlined in the [Police and Fire Reform \(Scotland\) Act 2012](#). The original response should have provided links to the Authority's Policing Performance Committee where policing performance and operational policing matters are reported on and discussed. These may have helped the understanding of our response and were relevant to the request.

Similarly, hyperlinks to the following reports by HM Inspectorate of Constabulary in Scotland (HMICS) should have been provided.

[Policing Performance Committee - 17 March 2022 - see Item 4.2](#)

[Policing Performance Committee - 9 March 2023 - see Item 2.1](#)

These make clear the roles and responsibilities of each partner and demonstrate that while the Chief Constable has autonomy for operational policing, the Authority does have a role in ensuring that recommendations from external audits and reviews are discharged. They also clearly document that the provision of medical treatment is the function of the NHS as advised in our original response.

In terms of our duty to assist, we should have advised that information may be held by the NHS, HMICS and/or Police Scotland.

While outside the scope of this review, if you have concerns about responses from Police Scotland then the correct process is to appeal to the Scottish Information Commissioner (SIC).

Right to Review

If you remain dissatisfied, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@foi.scot or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

Scottish Police Authority