

1 February 2022

2022_008

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:

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 2018 up to the date of this FOI request

Payments (amounts) to lawyers, law firms & counsel, expert witnesses and any other witness costs (identifying role/job of witness) from 2018 up to the date of this FOI request

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	<p>The Authority is currently involved in 7 Employment Tribunal claims.</p> <p>All of these cases are ongoing.</p>
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>
Which lawyers, law firms and Counsel are being instructed by the SPA in connection with Tribunals from 2018 up to the date of this FOI request	<p><u>Case 1:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed is DLA Piper. ▪ Four solicitors within DLA Piper have, at one time or another, been involved in the case. ▪ Counsel has previously been instructed in this case but is not instructed at present. <p><u>Case 2:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed is Ledingham Chalmers. ▪ One solicitor is involved in the case. ▪ Counsel has not been instructed. <p><u>Cases 3-7:</u></p> <p>To date, no legal firms or Counsel have been instructed.</p>

	<p>There were two tribunal claims dealt with by the Authority from 2019 onwards which are not currently ongoing. Law firms instructed in these cases are detailed:</p> <p><u>Case 8:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed in this case was DLA Piper. ▪ Counsel was also instructed. <p><u>Case 9:</u></p> <ul style="list-style-type: none"> ▪ The law firm instructed in this case was Ledingham Chalmers. ▪ Two solicitors were involved in this case. ▪ Counsel was not instructed in this case.
<p>Payments (amounts) to lawyers, law firms & counsel, expert witnesses and any other witness costs (identifying role/job of witness) from 2018 up to the date of this FOI request</p>	<p><u>Case 1:</u></p> <p>Finance records show the total paid to DLA Piper for this case in financial years 2018 to the current date is £13,887.34. This includes a payment to Counsel of £8,000.</p> <p><u>Cases 2-7:</u></p> <p>No payments have been made to law firms, solicitors or Counsel in relation to the above current cases.</p> <p>There were two tribunal claims dealt with by the Authority from 2019 onwards which are not currently ongoing. Payments made to law firms and Counsel in these cases are detailed:</p> <p><u>Case 8:</u></p> <p>Finance records show the total paid to DLA Piper in financial year 2019/20 was £864.20 (inc. VAT). No payments were made in 2020/21 or 2021/22 as the claim had concluded by then.</p> <p><u>Case 9:</u></p> <p>Legal records show the total paid to Ledingham Chalmers in financial years 2020/21 and 2021/22 was £8859.00 (inc. VAT). No payments were made in previous years as the claim was only raised in 2020.</p>

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.