



## LETTER SENT BY E-MAIL ONLY

5 April 2023

2023-023R

### Freedom of Information (Scotland) Act 2002

#### Request

On 7 March you made the following Freedom of Information (FOI) request to the Scottish Police Authority.

Please provide information detailing whether all or some of the recommendations made per Dame Elish Angiolini's Policing - complaints handling, investigations and misconduct issues: independent review have been implemented.

[Chapter Thirty-one - List of all Final Report Recommendations \(1-81\) - Policing - complaints handling, investigations and misconduct issues: independent review - gov.scot \(www.gov.scot\)](#)

Please advise if these recommendations have now formed statutory law and legislation or are they merely non statutory guidelines/regulations?

In response to your request the Authority provided advice that the Scottish Government is responsible for reporting progress on the implementation of all recommendations set out in the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing and referred to the Scottish Government's public consultation on legislative proposals. The response confirmed that the information held by the Authority is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - the authority considers that the information is already available, and links were provided to all available reporting.

## Response

On 19 March you requested that the Authority review their decision. The decision has been reviewed and I can confirm that the original decision is partially upheld for the following reason:

The Authority should have been clearer that it is not the correct authority to provide the current position in response to your request by providing notice under Section 17 of Freedom of Information (Scotland) Act 2002 – information not held. The Authority is not responsible for reporting progress on the implementation of all the recommendations within the review, or for determining how the legislative proposals made are implemented. This is the responsibility of the Scottish Government, and under our duty to assist, we advised of this in our original response and provided a link to the Scottish Government's [Thematic Progress Report](#) published in December 2022. This advice also noted that the report included an update on the Scottish Government's public consultation on legislative proposals in relation to those recommendations which require legislative change.

In relation to those recommendations where an implementation role for the Authority and / or Police Scotland was identified, the Authority confirmed regular reporting to the Authority's [Complaints and Conduct Committee](#) takes place and is publicly available on the Authority's website.

To further assist, in relation to the information requested, we would direct you to the Scottish Government's thematic progress report, in which the overview stated:

*"This fourth report now confirms that a further **11** recommendations have been signed off as completed by the Ministerial Group, bringing the total number of recommendations discharged to **55**" (of 81)*

The overview goes on to state:

*"Earlier this year, the Scottish Government launched a full public consultation seeking views which will help to inform development of the Police Complaints and Misconduct Handling Bill as set out in the Programme for Government on 6 September 2022. An independent analysis of the responses was published on the Scottish Government website on 30 November 2022 and will help to inform how the changes that Dame Elish recommended can be implemented as preparations for legislation continue."*

We would draw your attention to the last sentence indicating that preparations for legislation continue.

If seeking the current position in relation to the number of recommendations discharged, or further clarity in relation to proposed legislative change, information may be available by contacting Scottish Government. Information on how to make a request to Scottish Government is available at –

[Request information - gov.scot \(www.gov.scot\)](http://www.gov.scot)

## **Right to Review**

If you remain dissatisfied following the outcome of this 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](mailto: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.