



LETTER SENT BY E-MAIL ONLY

10 January 2024

2023/24-068

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 7 December, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

Please provide me with any briefing notes, top lines, correspondence and background information relating to Chief Constable Jo Farrell's journey from Edinburgh to Northumberland on 20 October.

Please also include information covering the reasons for this trip as well as any concerns or complaints raised.

Please also provide information concerning a passenger who was taken to Gateshead, Tyne and Wear, as part of this journey.

Response

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

[Appendix 1](#) - "If Asked" Media Lines

[Appendix 2](#) - Extract from Chair's briefing note for SPA Board meeting

[Appendix 3](#) - Email re Chief Constable Complaints

The Authority considered that a file note summarising the matter is exempt in terms of the Act. This forms part of personnel files which to disclose would be a breach of confidence.¹

This exemption is absolute and does not require the application of the public interest test. Whilst you may have a legitimate interest in disclosure of this information, it is our view that those interests are overridden by the rights of employees and office holders to confidential discussions in respect of their employment.

However, in terms of our duty to assist, information in relation to this matter was reported to the [Authority meeting of 30 November](#) in public and in response to media enquiries.²

The Authority also considered a further file note exempt in terms of the Act. This note captures advice to the Authority's Chair in considering this matter.³ This is a non-absolute exemption and requires application of the public interest test.

Disclosure could contribute to transparency and allow scrutiny of the approach adopted. However, protecting the methods by which Authority officers provide free and frank advice is essential to ensure robust decision making. In addition, the outcome was reported to the [Authority meeting of 30 November](#) both supporting scrutiny and addressing the public interest in this matter. On balance, our conclusion is that maintaining the exemption outweighs that of disclosure.

In terms of concerns or complaints received in relation to the Chief Constable's journey from Edinburgh to Northumberland. We can confirm that as of 11 December 2023 the Authority received eight complaints.

The Authority considers complainers' details, and their complaints exempt in terms of the Act. The Authority received this information from third parties in respect of its statutory complaints duties. To disclose this information would be a breach of confidence.⁴ This exemption is absolute and does not require the application of the public interest test. The Authority considers that speaking to the matter at a public meeting of the Authority addresses the public interest. Any complaints raised have been responded to directly.

¹ This is a notice in terms of Section 36(2) of FOISA – actionable breach of confidence.

² This is a notice in terms of Section 25 of FOISA - the authority considers that the information is already available, therefore there is no need to provide an alternative right of access to it through FOISA.

³ This is a notice in terms of Section 30(b)(i) of FOISA – disclosure would, or would be likely to, inhibit substantially the free and frank provision of advice.

⁴ This is a notice in terms of Section 36(2) of FOISA – actionable breach of confidence.

We have provided information held concerning a passenger at [Appendix 1](#). Some information held as part of a file note is considered exempt in terms of the Act as this is third party data.⁵

This exemption is absolute and does not require the application of the public interest test. Whilst you may have a legitimate interest in disclosure of this information, it is our view that those interests are overridden by the interests or fundamental rights and freedoms of the data subjects. We have disclosed the purpose of the passenger's visit at [Appendix 1](#).

Right to Review

If you are dissatisfied with the outcome of your request, you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

After review, if you remain dissatisfied, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info 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.

An anonymised version of this response will be posted to our [Disclosure Log](#) in seven days' time.

⁵ This is a notice in terms of Section 38(1)(b) of the Freedom of Information (Scotland) Act 2002 – Third party data. Disclosure would contravene the data protection principle in Article 5(1)(a) of the General Data Protection Regulation: personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Appendix 1

Media follow up – 24 November 2023

Police Scotland statement:

Chief Constable Jo Farrell said: "I requested my office to arrange for a car to drive me home to the Northumberland area after work.

"I was unable to complete the journey by train as services had been cancelled and my own police vehicle was unavailable.

"I have apologised for this error of judgement."

Scottish Police Authority statement:

A spokesperson for the Authority said: "The Authority is aware the Chief Constable used a police vehicle following the cancellation of a scheduled train journey. The Chair has discussed this with the Chief Constable who has apologised. The Authority considers the matter closed."

Follow Up:

Outlet	Question	Response
Daily Mail	Was CC inside Brewhemia awaiting pick-up (not drinking but waiting for the lift?)	No she was not in the bar.
	Were blue lights used on the way to the pick-up?	Not clear at this stage.
	Who is the person from Durham Constabulary assisting the CC with finances, what's his name? Is this common practice, someone from another force coming up for that purpose?	This was a former colleague who was providing general advice, on best practice, governance and reducing bureaucracy. Sharing best practice is common across UK policing.
	How long has he been up here, is the work ongoing?	This was a short series of meetings, which concluded several weeks ago. He was not paid by Police Scotland for this work.
	Quoted in e-mail: "Friday 20th October, Storm Babet, Amber Weather Warning advising public not to travel, widespread disruption expected.	Refer to statement from yesterday.

	<p>Guy starts his backshift, single crewed, <u>only RPU resource for J Div.</u> He heads out to first call of the shift, however, he then takes a point-to-point. CC lives in Durham and commutes to Scotland. Someone dropped her at Waverley, however, the trains were cancelled. Rather than do the sensible thing and stay the night, traffic cop is tasked with picking her up from Edinburgh.</p> <p><u>He goes back to Livingston, picks up an unmarked and BLUE LIGHTS to Brewhemia</u> where he picks up the CC and a "senior officer" from Durham Constabulary who is <u>assisting the CC with Police Scotland's finances.</u></p> <p>He picks them up and drives them at road speed to Durham, where the CC is dropped home. He then had to drive to Gateshead, Newcastle to drop the guy off."</p>	<p>This was not the only roads policing vehicle in J Division on the evening of 20 October.</p> <p>Yes, as above the individual was offering general advice, on best practice, governance and reducing bureaucracy. The police officer went to Livingston to pick up an unmarked car.</p> <p>Correct.</p>
<p>BBC</p>	<p>Was this the only traffic car on duty in the area that evening?</p> <p>BBC - Can you confirm that Chief Constable Farrell was driven to the Northumberland area by the only road policing officer on duty in J Division?</p> <p>Where – roughly - was she taken to in Northumberland, which as you'll know is a large country stretching from the border to Newcastle?</p>	<p>This was not the only roads policing vehicle in J Division on the evening of 20 October.</p> <p>Correct that she was driven to Northumberland. Resourcing - see above.</p> <p>Would not disclose information on where the Chief Constable resides.</p>

	<p>Was her former colleague from Durham Constabulary taken to Gateshead?</p> <p>Are police vehicles insured to take off-duty police officers home?</p> <p>I should also enter a formal bid to interview Chief Constable Farrell today.</p>	<p>Correct.</p> <p>Yes.</p> <p>Declined.</p>
<p>The Sun</p>	<p>1 - Was the officer who drove her home a traffic police officer?</p> <p>2 - Was that officer one of only two traffic patrol officers on in J Division on that shift (Fri, Oct 20 backshift). If not, how many were on shift?</p> <p>3 - Did the officer have to travel to a site in Livingston to pick up an unmarked police vehicle to then travel back to Waverley station to pick the Chief Constable up?</p> <p>4 - Were blue lights used during any part of the patrol officer's journey either before or after picking up the Chief Constable?</p> <p>5 - Was any accommodation offered for the Chief Constable ahead of the car journey, or why could she not have stayed at Tulliallan? Also, it's been reported she has been living in Edinburgh - why did she not just stay there?</p> <p>6 - Did the officer have to drive to two locations in England? If so, where was the second location and why?</p> <p>7 - What and where was the work event the Chief Constable was attending?</p>	<p>Yes.</p> <p>This was not the only roads policing vehicle in J Division on the evening of 20 October.</p> <p>Correct.</p> <p>Not clear at this stage.</p> <p>The Chief Constable has acknowledged she made an error of judgement and apologised.</p> <p>Correct. Gateshead.</p> <p>It was the end of the working day – there was no event.</p> <p>This was a former colleague who was providing general advice, on best practice, governance and</p>

	<p>8 - What was the reason for the Durham Constabulary colleague to be there?</p> <p>9 - Can you confirm there was no social aspect to the stated work event, during or after it?</p> <p>10 - Can you confirm no alcohol had been consumed by the Chief Constable?</p> <p>11 - Why was the Chief Constable's own police vehicle unavailable?</p> <p>12 - Has the Chief Constable apologised directly to the officer who drove her?</p> <p>13 - Will the Chief Constable pay back the cost of the wages and resources used?</p>	<p>reducing bureaucracy. Sharing best practice is common across UK policing.</p> <p>This was a short series of meetings, which concluded several weeks ago. He was not paid for this work.</p> <p>It was the end of the working day – there was no event.</p> <p>The Chief Constable confirms she did not consume alcohol.</p> <p>The driver had finished their shift.</p> <p>The Chief Constable has publicly acknowledged she made an error of judgement and apologised.</p> <p>The Chief Constable paid for the vehicle to be refuelled on its way to Northumberland.</p>
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Appendix 2

Extract from Chair's briefing note for Authority Meeting on Thursday 30 November 2023

Before I open this up for wider questions, I want to recognise your apology for your error in judgement, which you made to me personally at the time. I welcome that you have repeated that publicly today - to your colleagues, the Authority and the public.

As Chair of the Authority, this was raised with me on Sunday 22 October. I established the relevant facts on Monday 23 October, and I met in person with you, the Chief Constable on Tuesday 24 October to discuss this in detail.

The Chief Constable did not seek to justify her decision. She was unequivocal that it was an error of judgement for which she took full responsibility for. She offered a full apology and assurance it wouldn't happen again. I am satisfied with the acknowledgement of the facts, apology and assurance given.

I am also satisfied there was a proportionate and swift consideration of this matter.

I am assured; the Board can be assured, and I hope the public can also be assured that the matter has been dealt with appropriately.

Appendix 3

From: Brown, Chris-2
To: Brown, Lynn-3
Cc: [Redacted S38(1)(b)]; [Redacted S38(1)(b)]
Subject: FW: Chief Constable Complaints [OFFICIAL]
Date: 05 December 2023 16:26:39

Lynn,

With input from others, I have a draft set of words that we may wish to use in response to the various 'complaints' we have received about the Chief Constable's car journey to Durham. On this occasion I thought I should share with you before we send anything. We can discuss if helpful (and would still welcome any further feedback from [Redacted S38(1)(b)] and [Redacted S38(1)(b)]).

Thanks,
Chris

Dear XXXX

I am writing in response to your complaint dated XXXX in which you refer to recent media coverage of the Chief Constable of Police Scotland's reported use of a Police Vehicle to travel to the North East of England on Friday 20 October 2023.

At the public Board meeting of the Scottish Police Authority on 30 November 2023, the Chief Constable made an unreserved apology to colleagues, the Authority and the public for her error of judgement in requesting a police vehicle to drive her to Northumberland.

Martyn Evans, Authority Chair, confirmed that this matter was first raised with him on Sunday 22 October. Having established the full facts on Monday 23 October, he then met the Chief Constable on Tuesday 24 October to discuss the issue in detail. It was at this point that the Chief Constable immediately apologised unequivocally for her error of judgement and made no attempt to justify her decision. As noted above, this apology was reiterated at the subsequent public Board meeting.

Given the immediate acknowledgement of the facts by the Chief Constable at the time, the apology offered and assurance given, it was deemed appropriate and proportionate to consider the matter closed.