



LETTER SENT BY E-MAIL ONLY

2 November 2022

2022-071

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 29 September, in which you made the following request under the Freedom of Information (Scotland) Act 2002:

I would be grateful if you could please share with me the bi-annual report detailing claims settled by Police Scotland, noted under "Legal Services Claims Handling – Statistical Report" on page 9 of the attached report.

Response

On 27 October we advised that we were unable to provide a decision on your request at that time due to ongoing third party consultation. We are now in a position to provide a response as follows:

The Legal Services Claims Handling - Quarterly Statistical Information Report - Trends & Analysis in litigation report, presented by Police Scotland, is provided as **Appendix 1**.

Whilst we aim to provide information wherever possible, in some instances, information is exempt in terms of the Freedom of Information (Scotland) Act 2002. Some of the information contained within this report is considered to be exempt under Section 38(1)(b) Personal data of a third party. 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.

Data within the tables on pages 3-5 is redacted where broken down by range and where the figures are so small that it is more than a possibility that we would breach our statutory duty to safeguard personal data. This exemption is absolute and therefore does not require the application of the public interest test.

Other information in the report is considered to be exempt under section 33(1)(b) Substantial prejudice to commercial interests because its disclosure would be likely to prejudice substantially the commercial interests of Police Scotland in relation to its handling of litigation.

This exemption is subject to the public interest test.

Public Interest Test:

The public interest factors in favour of disclosure is that:

- It could allow greater scrutiny of the way public funds are spent and increase transparency in terms of this spending.

The public interest factors in favour of maintaining the exemption being:

- The public interest would not be served by prejudicing the commercial interests of Police Scotland in relation to litigation with best value considerations in mind.
- It is important to ensure that legal matters are allowed to be conducted confidentially with best value considerations in mind.

On balance, our conclusion is that maintaining the exemptions outweighs the public interest in disclosure.

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.

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.

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(f)

Meeting	SPA Legal Committee
Date	6 September 2022
Location	Video Conference
Title of Paper	Legal Services Claims Handling – Quarterly Statistical Information Report
Presented By	James Douglas, Legal Services Manager
Recommendation to Members	For Discussion
Appendix Attached	No

PURPOSE

The Committee asked that a report be provided on a bi-annual basis on quarterly settlement figures arising from claims raised against Police Scotland.

Members are invited to discuss the contents of the report.

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(f)

1. BACKGROUND

- 1.1 The SPA Legal Committee directed that a standard report be presented to the Committee every six months outlining the number of legal cases settled by Police Scotland within the previous two financial quarters.

2. FURTHER DETAIL ON THE REPORT TOPIC

- 2.1 This report represents the first one of its kind to be laid before the Committee. Those on the Committee have advised that they would ultimately wish to see any trends on the types of cases being raised against Police Scotland to determine if further training or investigation is needed to reduce the number of said claims.

The tables below outline the number of claims settled by Police Scotland during the period 1 January 2022 – 31 March 2022 (Q4) and 1 April – 30 June 2022 (Q1) under the general headings of Employers' liability, Public liability and motor vehicle claims.

In Quarter 4 of the financial year 21-22, of the 104 claims settled by Police Scotland; 77 claims were motor related, 10 were employer liability matters and 17 related to public liability.

In Quarter 1 of the financial year 22-23, of the 78 claims settled by Police Scotland; 55 claims were motor related, 3 were employer liability matters and 20 related to public liability.

The following tables are intended to represent the different type of claim settled by Police Scotland, the total settlement figures under said headings and an average settlement figure. The Committee asked at its meeting in March 2021 that a table be added to the report to show the settlement figures as a percentage of the settlement figures within the current financial year. That figure is now provided within the Tables.

OFFICIAL SENSITIVE: POLICE AND PARTNERS

This paper is presented in line with SPA Corporate Governance Framework Standing Orders Section 20(f)

EMPLOYERS LIABILITY CLAIMS 1st January – 31st March 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total	10	2,162,725	216,272	

EMPLOYERS LIABILITY CLAIMS FINANCIAL YEAR 2021-22

Range	No of Case References	Total Settlements £	Average £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data		
Total	37	2,382,635	64,396

EMPLOYERS LIABILITY CLAIMS 1st April – 30th June 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total				

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PUBLIC LIABILITY CLAIMS 1st January -31st March 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total	17	152,711	8,983	9.07%

PUBLIC LIABILITY CLAIMS FINANCIAL YEAR 2021-22

Range	No of Case References	Total Settlements £	Average £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data		
Total	64	1,683,240	26,301

PUBLIC LIABILITY CLAIMS 1st April -30th June 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total	20	36,160	1,808	100.00%

OFFICIAL SENSITIVE: POLICE AND PARTNERS

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MOTOR CLAIMS 1st January -31st March 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total	77	190,378	2,472	23.75%

MOTOR LIABILITY CLAIMS FINANCIAL YEAR 2021-22

Range	No of Case References	Total Settlements £	Average £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data		
Total	282	801,488	2,842

MOTOR CLAIMS 1st April -30th June 2022

Range	No of Case References	Total Settlements £	Average £	% of FY £
£0 - £30K £30K - £150K £150K - £250K £250K - £1M £1M +	Content redacted under FOISA - sections 33(1)(b) Substantial prejudice to commercial interests; and 38(1)(b) Third party personal data			
Total	55	294,963	5,363	100.00%

3. FINANCIAL IMPLICATIONS

3.1 There are no further financial implications in this report. Clearly the report provides information about the numbers and values of claims raised against Police Scotland, however the report gives no rise to further financial implications in and of itself.

SPA Legal Committee
Legal Services Claims Handling – Quarterly Statistical Information Report
6 September 2022

This paper is presented in line with SPA Corporate Governance Framework
Standing Orders Section 20(f)

4. PERSONNEL IMPLICATIONS

4.1 There are no personnel implications associated with this paper.

5. LEGAL IMPLICATIONS

5.1 There are no further legal implications in this paper to those listed above.

6. REPUTATIONAL IMPLICATIONS

6.1 There are reputational implications associated with this paper.

The number of claims raised against Police Scotland is a matter of public interest. The report itself provides detailed information about the numbers and values of claims within the current financial year. Accordingly, reputational implications may flow therefrom.

7. SOCIAL IMPLICATIONS

7.1 There are no social implications associated with this paper.

8. COMMUNITY IMPACT

8.1 There are no community implications associated with this paper.

9. EQUALITIES IMPLICATIONS

9.1 There are no equality implications associated with this paper.

10. ENVIRONMENT IMPLICATIONS

10.1 There are no environmental implications associated with this paper.

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RECOMMENDATIONS

Members are invited to discuss the contents of the report.