

Our Ref: IM-FOI-2016-1134
Date: 19 May 2016



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

During 2015, how many children (ie people aged 15 or under) were detained and held in custody overnight in each of Scotland's 13 divisions?

Can you provide their ages please and how long each child was held for? Please note I am not requesting names.

Having considered your request in terms of the above Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

By way of explanation, I would advise that whilst Police Scotland is moving towards the implementation of one system across the country, it currently remains the case that some of the thirteen Police Scotland divisions continue to use different recording systems in relation to custody recording. Whilst there are high level similarities between these systems which allow information necessary for policing purposes to be retrieved, there are significant differences when it comes to extracting specific information, as per your request.

Consequently, the only way to provide you with this information in an accurate and consistent manner would be to individually examine each and every custody record, for the time period in question, to establish the age of each person detained. I am sure you will appreciate that to collate such data would require extensive research and would incur significant cost. As a result, the data is not easily retrievable and identifying any such files would undoubtedly greatly exceed the cost limit set out in the regulation.

How many complaints did Police Scotland receive regarding the detention of children aged 15 or under during 2015? Also, how many complaints were subsequently investigated and what were the outcomes of these investigations, if any?

I have interpreted this question to relate to complaints made in respect of a child being detained.

On that basis, I can confirm that during the calendar year 2015, there was one complaint received, relating to a child aged 15 or under.

This complaint was fully investigated, resulting in the case being not upheld and concluded by an explanation.

Should you require any further assistance concerning this matter please contact Information Management – Highland & Islands Divisional Headquarters on 01463 720508 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

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.