| Police Scotland logo | Freedom of Information Response Our reference: FOI 23-3283  Responded to: 24 January 2024 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## 1. Provide details of arrangements between the Scottish Police Authority/Police Scotland and previous providers of facilities management services with regards to contractual compensation events in respect of increases to the Real Living Wage. For example, information that is recorded in previous facilities management contracts between Scottish Police Authority/Police Scotland and previous suppliers of facilities management services.

## 2. In respect of previously active “soft” facilities management or any other facilities management contracts between the Scottish Police Authority/Police Scotland and Sodexo, or any other suppliers, confirm the precise date in each of the years 2019, 2020 and 2021 that the Scottish Police Authority/Police Scotland received formal written notification of the relevant supplier’s intention to adjust the contract price to account for the commercial impact of increases to the Real Living Wage.

The above requested information is considered to be exempt from disclosure, firstly in terms of commercial interests and secondly in terms of a breach of a duty of confidentiality.

Section 16 of the Freedom of Information (Scotland) Act 2002 (the Act) requires Police Scotland to provide you with a notice which: (a) states that it holds the information, (b) states that it is claiming an exemption, (c) specifies the exemption in question and (d) states, if that would not be otherwise apparent, why the exemption applies. Where information is considered to be exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided:

**Section 33(1) (b) – Commercial Interests**

Information is exempt information if –

(b) its disclosure under this Act would, or would be likely to, prejudice substantially the commercial interests of any person (including, without prejudice to that generality, a Scottish public authority).

This is a non-absolute exemption which requires the application of the Public Interest Test.

## Section 36 (2) (b) – Confidentiality

Information is exempt information if –

(b) its disclosure by the authority so obtaining it to the public ( otherwise than under this Act) would constitute a breach of confidence actionable by that person or any other person.

This is an absolute exemption and as such does not require the application of the Public Interest Test.

Point 1 asks for details of contracts with other suppliers, however, the contractual provisions include express mutual obligations of confidentiality and disclosure of contractual provisions, especially conditions relative to payment of consideration under the contract, to a third party could give rise to breach of confidence proceedings against the SPA.

Further, such disclosure would also have the potential to prejudice the commercial interests of the suppliers as it seeks information on pricing provisions

Point 2 of the request asks for the dates in 2019, 2020 and 2021 when the SPA received formal written notification from its facilities management suppliers of their intention to adjust their contract prices as a result of Real Living Wage increases.

This part of the request is also considered exempt for the same reasons noted at Point 1. It is confidential information relative to pricing and it could prejudice the commercial interests of the suppliers.

**Public Interest Test**

Police Scotland is a publicly funded organisation and therefore the Service has an obligation to obtain best value for money. In order to do this, it is essential to maintain working relationships with companies that tender their services.

As such, Police Scotland will not disclose any information that would impact on the ability to do both. The public interest would not be served if it were no longer possible to engage companies in a tender offer if they believed that conducting business with Police Scotland would result in their confidential financial information being released**.**

Such information will not be disclosed whilst remaining relevant, as it is considered to be commercially sensitive.

## 3. In respect of the “soft” facilities management contract between the Scottish Police Authority/Police Scotland and Sodexo which expired on or around 30 March 2022, or any other facilities management contract between the SPA and other providers in the years 2019, 2020 and 2021, please provide information about the date on which the hourly rate of staff who received the Real Living Wage was increased in each of the years 2019, 2020 and 2021.

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, this is not information held by a public authority. This information arises from the suppliers’ contracts of employment with their employees.

4. Please provide information about any government funding received by the Scottish Police Authority/Police Scotland intended to cover the Real Living Wage increase that was announced by the Living Wage Foundation on 22 September 2022 and for the years 2021 and 2020.

## 5. If the Scottish Police Authority/Police Scotland received government funding to cover the cost impact of the Real Living Wage increase that was announced by the Living Wage Foundation on 22 September 2022, and/or the years 2021 and 2020, please provide information about the amount that was allocated and/or paid to the Scottish Police Authority/Police Scotland and the dates of any payments.

I can advise that Police Scotland does not hold the above requested information. In terms of Section 17 of the Act, this letter represents a formal notice that information is not held.

By way of explanation, the Police Authority has never received separately identifiable funding from Scottish Government for the Real Living Wage.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.