| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2809Responded to: xx November 2024 |
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Your recent request for information is replicated below, together with our response.

## Please provide the following information:

## A copy of the new Hate Crime SOP and policy document (Responding to hate) as referred to in this Police Scotland news item:[https://www.scotland.police.uk/what-s-happening/news/2024/august/new-guidance-for-officers-responding-to-hate/](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.scotland.police.uk%2Fwhat-s-happening%2Fnews%2F2024%2Faugust%2Fnew-guidance-for-officers-responding-to-hate%2F&data=05%7C02%7Cfoi%40scotland.police.uk%7Cc2a4bf9da720464fead208dcfa86213c%7C6795c5d3c94b497a865c4c343e4cf141%7C0%7C0%7C638660701215305304%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=OChGLpMe2bW7m%2BvWJeJDDOHhPFAFhkRMIqJZlmismXI%3D&reserved=0)

The information sought is held by Police Scotland, but I am refusing to provide it in terms of section 16(1) of the Act on the basis that the section 25(1) exemption applies:

“Information which the applicant can reasonably obtain other than by requesting it […] is exempt information”.

Both  the Responding to Hate Policy and SOP are available on the Police Scotland website via the link below:

[Access to Information - Police Scotland](https://www.scotland.police.uk/access-to-information/)

## Details of all stakeholders consulted on the new Hate Crime SOP/policy, as also referred to in the news item.

The stakeholders consulted included Internal Stakeholders, Staff/Diversity staff associations and external partners, detailed as follows:

Internal Stakeholders:

The following internal stakeholder departments were consulted including frontline and specialist departments. They supported development of the specific sections linked to their areas of business to ensure consistency with other policies and procedures:

* Contact Command Control division
* Criminal Justices Service Division
* Communications Investigations Unit (CIU)
* Crime Registrars
* Internet Investigations Unit (IIU)
* Local Policing Programme
* Local Policing (frontline)
* National Risk and Concern
* People and Development
* Policing Together Children & Young People
* Policing Together Equality and Diversity Unit
* Policing Together Victim and Witnesses
* Professional Standards Department
* SCD National Intelligence Coordination

Staff Associations:

The following diversity staff associations were invited to comment via focus groups / meetings / emails.

* Association of Police Scotland Superintendents
* Christian Police Association
* Disability and Carers Association
* Police Scotland Sikh Association
* Scottish LGBTI Police Association
* Scottish Police Muslim Association
* Scottish Police Federation
* Scottish Women’s Development Forum
* SEMPER Scotland
* UNISON
* Unite

External partners:

The following external partners were invited to consult via focus groups / meetings and emails in order to provide feedback:

* Age Scotland
* BEMIS
* Benchmarking other UK police forces
* Catholic Parliamentary Office
* CEMVO
* College of Policing
* COPFS – addition of information on appropriate use of aggravators when reporting crimes to COPFS.
* Glasgow Disability Alliance
* Equality Network – addition of a line in roles section to ensure officers and staff update people on what happens next.
* I AM ME Scotland
* Inclusion Scotland
* Interfaith Scotland
* Muslim Council of Scotland
* National Independent Strategic Advisory Group (NISAG) Members
* Respect Me – addition of link to UNCRC / slight change to wording in Prevention through Education section.
* Scottish Council of Jewish Communities (SCoJeC)
* Scottish African Council
* Scottish Catholic Media Office
* Scottish Government
* Sikhs in Scotland
* Youthlink Scotland

## Details of the amendments made to the SOP and policy, as a result of consultation with stakeholders (as also referenced in the news item):

Section 16 of 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 exempt, this letter serves as a Refusal Notice that information is held and an explanation of the appropriate exemption is provided.

**Section 30(b) – Free and frank provision of advice or exchange of views**

Information is exempt under sections 30(b) if disclosure would, or would be likely to, inhibit substantially:

(i) the free and frank provision of advice or

(ii) the free and frank exchange of views for the purposes of deliberation.

The exemptions in section 30(b) focus on the effect that disclosure of information would have (or would be likely to have) on the free and frank provision of advice or the free and frank exchange of views for the purposes of deliberation. The sharing of this content would likely have a negative impact on the effective conduct of public affairs.

This is a non-absolute exemption and requires the application of the public interest test.

## Public Interest Test

It could be argued that there is a public interest in disclosure of such information as it would contribute to greater transparency and openness. That said, this must be tempered against what is of interest to the public and what is in the public interest.

Although the Act does not define the public interest it has been described as “something which is of serious concern and benefit to the public,” not merely something of individual interest.

I would contend that any consultation document is in draft format and that such information is always subject to change. It is not appropriate for early drafts or amendments to be made publicly available as this discussion process is vital to ensure that all stakeholders viewpoints and opinions are gathered in a transparent and open manner without the fear of these workings being released.

As such the balance of the public interest test favours retention of the information.

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 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 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.