

8 December 2008

Dear Lord McDowall

Thank you for your freedom of information request of 9 November 2008, received by us on 10 November 2008. This gave a statutory deadline for responding of 8 December 2008 under the terms of the Freedom of Information (Scotland) Act 2002.

The Scottish Prison Service endeavour to provide information whenever possible, however, the information requested is not routinely recorded on individuals electronic records and would require us to search through all of our paper records.

We estimate that to provide a full answer would generate costs in excess of the £600 limit for answering FOI requests set out under the Freedom of Information (Fees for Required Disclosure) (Scotland) Regulations 2004. In calculating the cost of answering the request, we have conformed to the maximum chargeable staff cost of £15 per hour. The following table illustrates how we estimated the costs involved.

<i>Cost</i>	Rate x Hours		
<i>Across SPS Estate</i>			
<i>Within each prison (6 Large Prisons)</i>		Per Member and hours	Staff and Establishments
HRMs time (G Band)	£15.00 per hour x 14 hours	= £210.00	=£1260.00
Personnel Staff (D Band)	£14.64 per hour x 14 hours	= £204.96	=£1229.76
<i>Within each prison (8 Small Prisons)</i>			
HRMs time (F Band)	£15.00 per hour x 14 hours	= £210.00	=£1680.00
Personnel Staff (C Band)	£11.66 per hour x 14 hours	= £163.24	= 1305.92
Total costs for prisons and HQ			<b>=£4169.90</b>

As it stands at present, I am afraid that we are unable to provide the information. If you would like to discuss refining your request, please do not hesitate to contact me.

I should perhaps advise you that we are routinely notified by the Police Information Services or individual members of staff who have been convicted, but this information is not retained centrally and forms part of the SPS internal conduct investigation which is dealt locally.

Once an outcome is issued to an individual after it has been investigated under the Code of Conduct Policy the award is then electronically recorded for example verbal warning, written warning or Final Written Warning. The hard copies of the report are then filled in individual's career folders. When an employee leaves the SPS then after 3 years the career folder are put in to a central storage and would require individual local Establishments to request their return to look at the 5 year period you have requested. Our electronic records can extract certain headings which are associated with criminal convictions however this information would not be accurate on its own as in some cases the courts have decided not to proceed or found the individual not guilty. Therefore again the paper files would have to be cross referenced.

If you are dissatisfied with this response, you have the right to request a review. Your request should be made within 40 working days of the date of receipt of this letter and we will reply within 20 working days of receiving your request. Under section 20(3)(c)(ii) of the Act your request should outline your reason for seeking a review. If our decision is unchanged following a review and you remain unsatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner.

If you require a review to be carried out, please write to Mike Ewart, Chief Executive, Scottish Prison Service, Room 342, Calton House, 5 Redheughs Rigg, Edinburgh, EH12 9HW. The review will be undertaken by staff not involved in the original decision making process.

I hope that this information is helpful.

Yours sincerely

PAMELA COOPER  
Conduct/Behaviour Co-ordinator