

Our Ref: IM-FOI-2015-1185



Sir Stephen House QPM
Chief Constable

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.

I would be obliged if you could send me a list of names of all police operations concerning child sex abuse that were headed by Police Scotland, Northern Constabulary and Grampian Police from 1970 to date?

I have considered your request and am afraid that I am unable to provide a response, 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.

I am unable to provide this information for a number of reasons that I will endeavour to explain below.

Historical information is still recorded on legacy crime recording systems, which operate independently from each other and were in existence prior to the establishment of Police Scotland on the 1st April 2013. Such files, which would require to be manually interrogated in order to establish the information requested, is held in multiple locations, in both electronic and paper format and is not easily retrievable. As such, identifying any such information would undoubtedly exceed the cost limit set out in the regulation.

It is also important to clarify that child sexual abuse encompasses a range of crime types the vast majority of which will not be investigated under the heading of a police 'operation' and therefore even if it were possible to provide an exact list of named operations, this will present an inaccurate picture.

To explain further, Child Sexual Exploitation (CSE) is recognised as being a complex form of child abuse and the fundamental priority of Police Scotland in responding to all forms of child abuse is to keep children safe. We do this by working in partnership with a range of statutory and voluntary organisations following the principles of the National Guidance for Child Protection in Scotland 2014, published by the Scottish Government. There are a number of definitions in existence that describe criminal behaviour associated with CSE. One definition contained within Public Petition Committee's 1st Report 2014 identifies CSE in Scotland as:

'Any involvement of a child or young person below 18 in sexual activity for which remuneration of cash or in kind is given to the young person or a third person or persons. The perpetrator will have power over the child by virtue of one or more of the following – age, emotional maturity, gender, physical strength, intellect and economic and other resources e.g. access to drugs.'

The matter is further complicated as the definition of a child can be defined differently in different legal contexts in Scotland, and on occasion, even within the same legislation. For example, the Sexual Offences (Scotland) Act 2009 details a number of offences that are dependent on the age of the child as follows:

- the sexual abuse of a child under the age of 13, known as a 'young child'
- the sexual abuse of a child who is 13 but under 16, known as a 'older child'
- the sexual abuse of persons under 18 by a person in a position of trust.

Therefore in terms of crime recording, the sexual abuse of a child covers a broad range of criminal activity and does not correlate to a specific criminal offence, but rather, can involve a range of differing offences.

Consequently it is not a simple case of searching our crime systems or files to retrieve the information you have asked for and the cost of trying to retrieve this information would undoubtedly exceed the cost limitation.

I am sorry to have been unable to assist you on this occasion.

Should you require any further assistance concerning this matter please contact me directly on 01463 720555 quoting the reference number given.

If you are not satisfied 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 the decision. Should you wish to do so, contact details are; FOI Central Processing Unit, 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.

Yours sincerely,

Donna Quick
Information Management