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Adam Tomkins MSP
Convener, Justice Committee

By email

12 February 2021

Dear Convener,

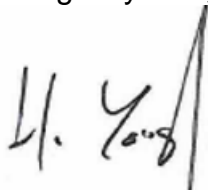
Thank you for your letter of 27 January 2021, in which you seek information in relation to the potential implications of payments made for malicious prosecution on the budgets of different organisations within the justice and policing portfolio.

I understand that the Lord Advocate wrote to you separately on 5 February in respect of the issues as they relate to the Crown Office and Procurator Fiscal Service (COPFS) budget.

You ask which other organisations, including Police Scotland will be making compensation payments and how much is expected to be paid. In 2020-21 the Scottish Police Authority (SPA) budget is over £1.2 billion. The allocation of this resource is the responsibility of the Authority and the Chief Constable.

The Police Scotland Scheme of Financial Delegation sets out the governance processes required for various financial decisions. This outlines that Scottish Government approval is required for settling legal actions in excess of £250,000. I can confirm that the Scottish Government has not received any such requests for approval.

The SPA and Police Scotland provided evidence to the Public Audit and Post-legislative Committee yesterday (11 February 2021) on the 2019-20 audit of the Scottish Police Authority. During the evidence session, both the Chair of the SPA and the Chief Constable were asked about any settlements made to Mr Clark and Mr Whitehouse. The Chief Constable confirmed that settlements had been agreed with Mr Clark's and Mr Whitehouse's representatives, and that they were within the limit of his delegated financial authority. He also confirmed that a commensurate contribution to legal expenses had been made. Finally, the Chief Constable also confirmed his commitment to Police Scotland contributing to, and co-operating fully with, any inquiry into these matters.



HUMZA YOUSAF

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