



The Scottish Parliament
Pàrlamaid na h-Alba

Information Management and Governance Team
Scottish Parliament
Edinburgh
EH99 1SP

foi.officer@parliament.scot

22 December 2022

Dear Requester,

REQUEST FOR INFORMATION: 2022-682287

We acknowledge receipt of your request for the following information:

I am writing to you to request the following information.

1) The total spend, broken down by financial or calendar year, on external legal advice since April 1, 2020. (i.e. 2020/21, 2021/22, 2022/23 to date)
1a) Please break this down by the list of associated cases or disputes, and their individual cost.

1b) If possible, please provide the final settlement or damages or other court mandated payment cost for any cases during which external legal advice was sought. If it is not possible to link each case to a settlement agreement, please provide the total cost of the settlements or payments.

Your request was received on 30 November 2022 and has been handled in accordance with the Freedom of Information (Scotland) Act 2002 (FOI(S)A).

To assist your understanding of the way the SPCB obtains external legal advice, we currently have two contracts, basic details of which can be accessed on the Parliament's Contracts Register. A link to it is provided below. You will see from the Register the broad headings under which we are able to seek external advice. The purpose of each contract is to enable the SPCB to access specialist legal advice as required and assistance at times when business demands on Legal Services resources are particularly high. The service provided under the contracts relates to all aspects of the SPCB's activities and is not limited to what we understand you to mean by "cases" or "disputes". Examples would be development of SPCB employment policies or conditions around contract drafting for specific contracts. For that reason, the figures provided below do not represent expenditure solely on "cases" or "disputes" but

cover all occasions where we have sought legal input from our external legal partners. In addition, the figures below include the cost of external advice relating to the Scottish Government Handling of Harassment Complaints Committee, details of which have been published in the paper dated 6 May 2021 which can be accessed on the Scottish Parliament website at the following link:

<https://www.parliament.scot/-/media/files/spcb/spcb-papers/spcb-papers-2021/18032021/spcb-2021-paper-027.pdf>

We have provided responses to each of your questions below:

- 1) *The total spend, broken down by financial or calendar year, on external legal advice since April 1, 2020. (I.e. 2020/21, 2021/22, 2022/23 to date)*

Expenditure under all contracts over £5,000 in value is published in the [Contract register | Scottish Parliament Website](#) which is regularly updated. The SPCB contracts are call-offs from the [Legal services framework agreements 2019 to 2023 - gov.scot \(www.gov.scot\)](#).

Below is the legal spend over the last 3 financial years exclusive of VAT:-

Financial Year	Legal spend
2020/2021	£70,156.88
2021/2022	£43,051.00
2022/2023	£14,347.00

Given the references in 1(a) and 1(b) of your request to “cases”, “disputes” and “*final settlement or damages or other court mandated payment*” we have interpreted the focus of your request to be contentious matters.

1a) Please break this down by the list of associated cases or disputes, and their individual cost

Your question assumes that every instruction under the contracts concerns a contentious matter. We have explained above why that is not the case. We can advise that over the course of contract NIC-SER-434A, 24 instructions have been issued up to 30 November 2022, four of which related to contentious matters all of which concerned individuals. We consider that details of these matters are exempt from disclosure under section 38(1)(b) of FOI(S)A but we can advise you that expenditure on the individual matters was £1,749, £3,722, £9,440 and £1,098. These sums are included in the table above. Since we are not disclosing details of individual matters, we are unable advise you of the expenditure attributable to each.

In terms of the technical requirements under FOI(S)A we have attached a notice advising that information under the exemption in section 38(1)(b) will not be disclosed.

Under contract NIC-SER-434B eight instructions were issued, none of which concerned contentious issues.

1b) If possible, please provide the final settlement or damages or other court mandated payment cost for any cases during which external legal advice was sought. If it is not possible to link each case to a settlement agreement, please provide the total cost of the settlements or payments.

We take your request to mean all types of court mandated settlements. No such payments have been made by the SPCB within the timeframe of your request and accordingly this information is not held.

In terms of the technical requirements under FOI(S)A we have attached a notice advising that this information is not held by the Scottish Parliament.

In keeping with our FOI procedures, this information may also be posted on the Parliament's disclosure log (usually within 24 hours). For further details on the Parliament's Disclosure Log and the information released under FOI, visit: [FOI Request Disclosure Log | Scottish Parliament Website](#)

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright
<https://www.parliament.scot/about/copyright>

We would welcome feedback or comment on how we handled your request. Please feel free to contact the Head of Information Governance at foi.officer@parliament.scot

Please find below Annex A, which explains how we handle FOI requests and reviews.

We are currently working remotely and so would ask you to contact us by email at foi.officer@parliament.scot

Yours sincerely,

Robin Davidson
Head of Information Governance

Annex A

REQUESTS MADE UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

How we handle FOI requests

Information on how we handle FOI requests is available on the Parliament's website at:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Alternatively, please contact the Public Information & Resources Team to request a copy.

<https://www.parliament.scot/contact-us>

Review

If you are dissatisfied with the way in which we have dealt with your request for information, you can ask us to review our decision and actions. You must do this in writing (or other permanent form) within 40 working days of the date of this letter, stating the reasons for your dissatisfaction, and we will respond within 20 working days of receipt. A request for a review should be made to the Head of Information Governance:

Post: Head of Information Governance
The Scottish Parliament
Edinburgh
EH99 1SP
Telephone: 0131 348 5281

We welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: foi.officer@parliament.scot

Application to the Scottish Information Commissioner

If, on the outcome of any review, you are still dissatisfied, or if we are unable to resolve any other complaint, then you can contact the Scottish Information Commissioner:

Post: The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Email: www.itspublicknowledge.info/Appeal

Telephone: 01334 464610

Fax: 01334 464611

Website: www.itspublicknowledge.info

A decision by the Scottish Information Commissioner may be appealed on a point of law to the Court of Session.

Copyright in relation to information provided

The supply of information under FOI does not constitute permission for its use in a way that would infringe copyright. Where relevant you should obtain permission from the copyright holder before any such use.

Feedback or comment

We would welcome feedback or comment on how we handled your request. Please contact the Head of Information Governance.

Data Protection

If you wish to find out more about how we use your personal data then you can access our Privacy Notice at the following link:

[Privacy notice: Information rights: Freedom of Information request handling | Scottish Parliament Website](#)

Complaints

If you are dissatisfied with the way in which we dealt with your enquiry, then you may wish to raise the matter with Public Information and Resources.

How to contact us

Post: The Scottish Parliament
Edinburgh
EH99 1SP

Telephone: 0131 348 5000
0800 092 7500 (Public Enquiries)
0131 348 5395 (Gàidhlig)

We also welcome calls using the Text Relay service or in British Sign Language through [contactSCOTLAND-BSL](#).

E-mail: info@parliament.scot