



LETTER SENT BY E-MAIL ONLY

23 April 2025

FOI Ref 2024/25-123

Request

Your request for information dated 25 March 2025 is copied below.

Please provide me with any internal and external correspondence relating to the financial settlement with the family of Sheku Bayoh.

Please also advise how much money is being paid.

Response

The Scottish Police Authority has considered your request under the Freedom of Information (Scotland) Act (FOISA).

In terms of part one of your request, internal and external correspondence relating to the financial settlement with the family of Sheku Bayoh. The Authority can confirm that information is held.

Whilst we aim to provide information wherever possible, in some instances, information is exempt in terms of FOISA. Explanation is provided below where this applies.

An email to Members communicating details of the private meeting of the Legal Committee to consider the matter of the settlement of a legal claim is considered exempt as this information can reasonably be obtained.¹ Details of this meeting, including the agenda and committee membership, are available on the Authority's website. To assist a link to this information is provided as a footnote.²

A report and litigation table provided to Members by Police Scotland to support consideration of the matter is exempt as this was obtained from

¹ This represents a notice in terms of Section 25(1) of the Freedom of Information (Scotland) Act 2002 - where information is already available, there is no need to provide an alternative right of access to it through FOISA.

² [Scottish Police Authority Legal Committee - 21 February 2025 | Scottish Police Authority](#)

another authority and contains confidential legal advice and opinion of senior counsel regarding ongoing litigation³. This exemption is absolute and does not require application of the public interest test.

A briefing note produced by the Authority's Legal team and provided to Members to support consideration of the matter is exempt as this contains confidential legal advice⁴. This exemption requires application of the public interest test which is set out later in this response.

The approved minute of the private meeting of the Legal Committee is exempt as this contains a record of the legal advice provided to Members⁴. This exemption requires application of the public interest test which is set out later in this response.

Correspondence held between the Authority and Scottish Government is provided. The letter of 27 February to Scottish Government seeks the necessary approval to provide authority to Police Scotland's Chief Legal Officer to settle the claim, fully and finally. Scottish Government's response of 6 March confirms Ministers have noted this position. Some information is redacted where this is confidential³, or that of a third party⁵. Both exemptions are absolute and do not require application of the public interest test.

The above-mentioned report, briefing note, minute and correspondence are all also exempt as they contain sensitive third-party personal information relating to the claimants⁵. This exemption is absolute and does not require application of the public interest test. While you may have a legitimate interest in disclosure of this information, it is our view that those interests are overridden by the interests or fundamental rights and freedoms of the data subjects.

As the above-mentioned report, briefing note, and minute contain sensitive third-party personal information relating to the claimants, we further consider these exempt as disclosure would likely endanger the physical or mental health or safety of individuals⁶.

³ This is a notice in terms of Section 36(2) of FOISA - Information may be withheld if the information was obtained by a Scottish public authority and disclosing it would constitute an actionable breach of confidence.

⁴ This is a notice in terms of Section 36(1) of FOISA - Information may be withheld if it is information in respect of which a claim to confidentiality of communications could be maintained in legal proceedings (for example, if information is "legal privileged").

⁵ This is a notice in terms of Section 38(1)(b) of FOISA - Third party data. Disclosure would contravene the data protection principle in Article 5(1)(a) of the General Data Protection Regulation: personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

⁶ This is a notice in terms of Section 39(1) of FOISA - Information may be withheld if disclosure would, or would be likely to, endanger the physical or mental health or safety of an individual.

In terms of part two of your request - how much money is being paid. The Authority can confirm that information is held.

An email from Police Scotland to the Authority confirming details of the legal settlement is exempt as this is deemed confidential⁷. This exemption is absolute and does not require application of the public interest test.

For those exemptions that require application of the public interest test, this is set out below.

Public Interest Test

The public interest in favour of disclosure of the requested information:

- This would adhere to the basic principle of being open and transparent and inform public understanding of how such matters are considered.
- This would allow scrutiny of the use of public funds in terms of best value.

The public interest factors in favour of maintaining the exemption being:

- The public interest in terms of policing principles is being served through the ongoing independent public inquiry set up to examine the events surrounding the death of Sheku Bayoh.⁸
- To serve the public interest, the resolution of the legal claim was publicly communicated through a joint statement on behalf of the claimants and the Chief Constable of Police Scotland. This statement advised that, to respect the privacy of the family, the details of the agreement will remain confidential⁹.
- There is a significant public interest in protecting individuals' physical or mental health as disclosure under FOISA is a disclosure to the world at large, not only the person making the request. While there is information in the public domain, it is likely that disclosure of confidential and sensitive personal information would endanger the wellbeing of those involved in this legal settlement causing further distress.

⁷ This is a notice in terms of Section 36(2) of FOISA - Information may be withheld if the information was obtained by a Scottish public authority and disclosing it would constitute an actionable breach of confidence.

⁸ [Welcome | Sheku Bayoh Inquiry](#)

⁹ [Joint statement on behalf of the family of Sheku Bayoh and the Chief Constable of Police Scotland - Police Scotland](#)

- There is a strong inherent public interest in maintaining the right to confidential communications between a legal adviser and client.
- If the Authority's legal advice in individual cases were to be disclosed, it would prejudice substantially its ability to perform its legislative functions.
- If the Authority disclosed confidential information obtained from another public authority this would prejudice substantially its ability to perform its legislative functions.
- The settlement will be accounted for within the upcoming Annual Report and Accounts for 2024-25 which will be subject to independent external audit and laid in Parliament.

Therefore, on balance, our conclusion is that maintaining the exemptions outweigh that of disclosure.

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@foi.scot or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) in seven days' time.

Yours faithfully

Scottish Police Authority



SCOTTISH POLICE
AUTHORITY
ÙGH DARRAS POILIS NA H-ALBA

1 Pacific Quay
Glasgow
G51 1DZ
[REDACTED]@spa.police.uk

LETTER SENT BY E-MAIL ONLY

[REDACTED]
Head of Finance and Assets
Police Division
Scottish Government

27 February 2025

CE/024/2025

Dear [REDACTED]

Police Scotland brought a paper to the Authority's Legal Committee meeting on 21 February 2025 seeking approval in principle to settle the claim raised by [REDACTED] Bayoh and others against the Chief Constable. This is the public liability claim raised by [REDACTED] relatives of Sheku Bayoh for damages resulting from his death. I was in attendance at the meeting.

Police Scotland sought approval in principle as it is considered that this is a novel and contentious settlement in terms of the Scottish Public Finance Manual, Delegated Authority, paragraphs 13-14. As such it requires the approval of the SG Finance Business Partner.

Police Scotland's paper was presented by Duncan Campbell, Police Scotland's Chief Legal Officer. The paper was supported by the Opinion of Senior Counsel, [REDACTED], KC. [REDACTED] was also present at the meeting to discuss [REDACTED] Opinion and any questions arising from this.

I have authority to share Mr Campbell's paper and [REDACTED] Opinion with you on the understanding that you will respect the confidentiality of these documents, and that they will be used only for the purpose of considering approval of the proposed expenditure.

Police Scotland are seeking authority to settle all claims raised by the [REDACTED] relatives, fully and finally, in the total sum of up to £[REDACTED]. Having considered the paper prepared by Police Scotland, Senior Counsel's Opinion, and the


representations made to the Legal Committee, I am satisfied that a settlement up to this figure represents best value.

It has been confirmed that there is sufficient provision within the Police Scotland budget for 2024/25 to cover the proposed maximum level of settlement.

The Legal Committee agreed subject to the necessary approval being forthcoming from Scottish Government, to provide authority to the Chief Legal Officer to settle the claims, fully and finally in the total sum of up to £[REDACTED].

I am keen to progress this matter as quickly as possible. Please advise if you are willing to approve this settlement, or if you require any further information prior to making a decision and the likely timescale of that response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lynn Brown'.

LYNN BROWN OBE
Chief Executive

Enc

Copy to: Penelope Cooper, Deputy Director, SG

Lynn Brown
Chief Executive
Scottish Police Authority

By email: [REDACTED] [spa.police.uk](mailto:[REDACTED]@spa.police.uk)

6 March 2025

Dear Lynn,

SETTLEMENT OF LEGAL CLAIM

Thank you for the letter and accompanying papers, outlining Police Scotland's proposal to settle a legal claim for damages resulting from the death of Sheku Bayoh, which you sent to [REDACTED] on 27 February 2025.

I have noted that this paper has been considered by the Scottish Police Authority's (SPA) Legal Committee, and that it has granted approval for Police Scotland to engage with the pursuer's lawyers to secure a full and final settlement on best terms up to a total of £[REDACTED]. I can confirm that Ministers have noted this position.

The Justice Finance Business Partner has been consulted on your proposal, and based on the information provided, considers that the settlement represents value for money, [REDACTED]

I have also noted that you, as Accountable Officer, are satisfied that a settlement up to the value noted above represents best value, and that there is sufficient provision within the SPA/Police Scotland 2024-25 budget to cover the maximum level of the settlement [REDACTED].

I am therefore content for SPA and Police Scotland to take the actions required to secure a settlement on the basis outlined above, and as detailed further in the SPA Legal Committee paper.

Yours sincerely,



PENELOPE COOPER
Deputy Director, Police Division