



HEADQUARTERS
One Lochside
1 Lochside Avenue
Edinburgh
EH12 9DJ

Our Ref: HQ24147

1 October 2024

Dear

Thank you for your request dated 3 September 2024 under the Freedom of Information (Scotland) Act 2002 (FOISA).

For reference, you requested.

RFI 1: “Of the 16 and 17 year olds removed from Polmont Young Offender’s Institution following the passage of the Children (Care and Justice)(Scotland) Act 2024, please list the offences these individuals had been convicted or accused of. Please list every offence if they were convicted or accused of if there were multiple offences. For those who have been sentenced, please state how long each individual had been sentenced and how long was remaining before their earliest liberation debate when they were transferred from Polmont to alternative accommodation.”

RFI 2: “For the victims of these individuals, please state whether the victims were informed of their transfer from Polmont to alternative accommodation and if so were they informed before or after their transfer.”

RFI 3: “Please state whether the governor of Polmont YOI objected to any of the transfers of these individuals from Polmont to alternative accommodation and if so please state which individual (denoted by the crimes they had committed rather than the individual’s name).”

We have now completed our search for the information you requested.

RFI 1 Response: We do endeavour to provide information whenever possible. However, in this instance an exemption under section 38(1)(b) (personal information) of FOISA applies to the information requested. Personal data is exempt from disclosure if disclosure would contravene any of the data protection principles in Article 5(1) of the UK GDPR and in section 34(1) of the DPA 2018. The Scottish Prison Service seeks to be as open and transparent as possible, while also upholding our statutory obligation to protect the personal information of those in our care. The information you have requested relates to a small group of individuals and providing the information requested could, together with other available information, lead to their inadvertent identification.

RFI 2 Response: No, section 16 of the Criminal Justice (Scotland) Act 2003 does not provide for this type of information to be provided to a victim.

RFI 3 Response: SPS supports ‘The Promise’ of the Independent Care Review, including that prisons are no place for children aged 16 and 17. We are pleased that the Scottish Government has led the way on this important issue through the Children (Care and Justice) (Scotland) Act 2024. The Governor of HMP & YOI Polmont fully supported Scottish Government, secure care

centres and other key partners in preparing for commencement and the safe transition of children in SPS custody to secure care accommodation.

This concludes our response to your request.

If you are unhappy with this response to your request, you may ask us to conduct an internal review, by writing to The Chief Executive, One Lochside, 1 Lochside Avenue, Edinburgh, EH12 9DJ. Your request should explain why you wish a review to be conducted and should be made within forty working days of receipt of this letter, and we will reply within twenty working days of receipt. If you are not satisfied with the result of the review, you then have the right to make a formal complaint to the Scottish Information Commissioner.

Yours sincerely

Freedom of Information Manager