

## GUIDE TO INFORMATION PUBLISHED BY THE SCOTTISH SENTENCING COUNCIL

*Last updated on 19 February 2019*

1. [Section 23](#) of the [Freedom of Information \(Scotland\) Act 2002](#) (“FOISA”) requires Scottish public authorities to adopt and maintain a publication scheme. Authorities are under a legal obligation to:
  - publish the classes of information that they make routinely available;
  - tell the public how to access the information they publish and whether information is available free of charge or on payment.
2. The Scottish Sentencing Council (“the Council”) adopted the Model Publication Scheme developed by the Scottish Information Commissioner (“the Commissioner”) on 14 December 2015.
3. The Model Publication Scheme is available here:  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/TheModelPublicationScheme.aspx>
4. There is more information about model schemes here:  
<http://www.itspublicknowledge.info/ScottishPublicAuthorities/PublicationSchemes/PublicationSchemesHome.aspx>
5. The purpose of this Guide to Information is to:
  - allow the public to see what information is available, and what is not available, in relation to each information class (which are listed at page 6);
  - state what charges may be applied;
  - explain how to find the information easily;
  - provide contact details for enquiries and to get help accessing information; and
  - explain how to request information we hold that has not been published.
6. The Guide is split into the following six sections:
  - Availability and formats
  - Exempt information
  - Copyright

- Charges
- Contact us
- The classes of information that we publish

### **Availability and formats**

7. This section provides details of the information we routinely publish under the classes of information in the Commissioner's Model Publication Scheme. Where the information is published online, links are provided to relevant website pages or other sites as appropriate. This publication scheme will be reviewed regularly to accurately reflect the full range of information published.
8. The information we publish is available on the Scottish Sentencing Council website at [www.scottishsentencingcouncil.org.uk](http://www.scottishsentencingcouncil.org.uk). If you do not have access to the internet you can contact us and request the information in paper form. In some instances a charge may be required for hard copy material. The section below on charges provides more information.

### **Exempt information**

9. We aim to be as open as possible. We take proactive steps to publish information that may be of public interest, and we endeavour to respond to requests under FOISA in accordance with the guidance from the Commissioner, and to any requests under the [Environmental Information \(Scotland\) Regulations 2004](#).
10. We do not provide access to information which is personal data under the [Data Protection Act 1998](#) or information where disclosure is prohibited by law.
11. In some circumstances we will withhold information where it is exempt under FOISA. Where this is the case we will indicate why the information has been withheld.

### **Copyright**

12. The information we produce is subject to Crown copyright unless stated otherwise.
13. Anyone wishing to use and re-use Crown copyright information published by the Council can do so free of charge in any format or medium, under the terms and conditions of the Open Government Licence. Where any of the Crown copyright items published by the Council are being republished or copied to others, the source of the material must be identified and the copyright status acknowledged.

14. The Open Government Licence is available at:  
<http://www.nationalarchives.gov.uk/doc/open-government-licence/>.

## **Charges**

15. All information contained within our scheme is available from us free of charge where it can be downloaded from our website or where it can be sent to you electronically by email. If you do not have access to the internet you can contact us and request the information in paper form.
16. We reserve the right to impose charges for providing information in paper copy or otherwise. Charges will reflect the actual costs of reproduction and postage, and are likely to be as set out below.

### *Reproduction costs*

17. Where charges are applied, photocopying and printing will normally be charged at a standard rate of £7 for each document up to 10 pages and £0.50 for each page in excess of 10 pages. Computer discs will normally be charged at the rate of £7.00 per CD-ROM.
18. These charges are based on fees charged by the Scottish Courts and Tribunals Service for certain court-related matters.
19. Enquiries about charges should be addressed to the Council's secretariat using the details provided in the 'Contact us' section of this guide.
20. Should a charge apply to the information you have requested you will be told about this at the time of your request and provided with the details of that charge and how it has been calculated. Any charges are payable in advance.

### *Postage costs*

21. We will pass on postage charges to the requester at the cost to us of sending the information by first class post.

## **Contact us**

22. You can contact the Council's secretariat for advice and assistance with any aspect of the information contained within this publication scheme, or for general enquiries, in the following ways:

Email: [sentencingcouncil@scotcourts.gov.uk](mailto:sentencingcouncil@scotcourts.gov.uk)

Post: Scottish Sentencing Council  
Parliament House  
Parliament Square  
Edinburgh  
EH1 1RQ

Telephone: 0300 790 0006

## THE CLASSES OF INFORMATION THAT WE PUBLISH

We publish information that we hold within the following classes of information as prescribed in the Commissioner's Model Publication Scheme. Where the information is published online, links are provided within this document to the relevant website page.

Once information is published under a class we will continue to make it available for the current and previous two financial years. Where information has been updated or superseded, only the current version will be available. You may request to see a previous version.

You can also ask for information we do not publish. Requests for information under FOISA should be made by post or email as detailed in the 'Contacting us' section, or by completing our online [Freedom of Information Request Form](#).

The classes are:

- Class 1: About the authority
- Class 2: How we deliver our functions and services
- Class 3: How we take decisions and what we have decided
- Class 4: What we spend and how we spend it
- Class 5: How we manage our human, physical and information resources
- Class 6: How we procure goods and services from external providers
- Class 7: How we are performing
- Class 8: Our commercial publications
- Class 9: Our open data

## CLASS 1:

### ABOUT THE AUTHORITY

**Class description:** information about the Council, who we are, where to find us, how to contact us, how we are managed, and our external relations.

#### Our enabling and related legislation

- [The Criminal Justice and Licensing \(Scotland\) Act 2010](#) (“the 2010 Act”) established the Council.
- [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Commencement No. 12\) Order 2015](#) established the Council as a legal entity on 7 May 2015.
- [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Commencement No. 13\) and the Courts Reform \(Scotland\) Act 2014 \(Commencement No. 4\) Order 2015](#) brought the Council fully into being on 19 October 2015.
- [The Scottish Sentencing Council \(Procedure for Appointment of Members\) Regulations 2015](#) regulate the process for appointing judicial and legal members to the Council.
- [The Scottish Courts and Tribunals Service \(Administrative Support\) \(Specified Persons\) Order 2015](#) gives the Scottish Courts and Tribunals Service responsibility for providing, or ensuring the provision of, the property, services, and staff required for the purposes of the Council, under section 62(1)(h) of the [Judiciary and Courts \(Scotland\) Act 2008](#).
- [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Supplementary Provision\) Order 2015](#) gives the Scottish Courts and Tribunals service power to make payments of expenses to Council members.
- [The Public Records \(Scotland\) Act 2011 \(Authorities\) Amendment Order 2015](#) makes the Council subject to Part 1 of the [Public Records \(Scotland\) Act 2011](#), which provides for the management of public records.
- [The Scottish Sentencing Council \(Submission of Business Plan\) Order 2016](#) sets the first submission day before which the Council was required to submit a three-year business plan to the Scottish Ministers.

#### About us

- [The Council's functions and statutory objectives](#)

- [Membership composition and current Council members](#)
- [Secretariat team](#)

### **Governance and accountability**

- [Accountability and reporting](#)
- [Expenses scheme for members](#)
- [Our relationship with the Scottish Courts and Tribunals Service \(SCTS\), Scottish Parliament, and other bodies](#)
- [Our external procurement contracts with a value over £25,000](#)

### **External relations and keeping others informed**

- [Contact us](#)
- [Complaints](#)
- [News, blogs and media](#)

### **CLASS 2:**

#### **HOW WE DELIVER OUR FUNCTIONS AND SERVICES**

**Class description:** information about our work, our strategies and policies for delivering our functions and services and information for our service users.

- [About the Scottish Sentencing Council's functions and statutory objectives](#)
- [Annual Report](#)
- [Business Plan](#)
- [About sentencing guidelines](#)

### **CLASS 3:**

#### **HOW WE TAKE DECISIONS AND WHAT WE HAVE DECIDED**

**Class description:** information about the decisions we take, how we make decisions and how we involve others.

#### **Decision making**

- [Our Standing Orders](#)
- [Who we consult on draft guidelines](#)
- [Latest public consultations](#)
- [How we assess of the impact of guidelines](#)
- [Meeting dates](#)

#### **What we have decided**

- [Agendas and Minutes of meetings](#)

#### **CLASS 4:**

##### **WHAT WE SPEND AND HOW WE SPEND IT**

**Class description:** information about our strategy for, and management of, financial resources (in sufficient detail to explain how we plan to spend public money and what has actually been spent).

23. The Council's Annual Report includes details on how the Council has spent its funds.

##### **Funding and expenditure**

- [Our relationship with the Scottish Courts and Tribunals Service \(SCTS\)](#)
- [Our Standing Orders](#)
- [Expenses scheme for members](#)
- [Annual Report](#)
- [Business Plan](#)

#### **CLASS 5:**

##### **HOW WE MANAGE OUR HUMAN, PHYSICAL AND INFORMATION RESOURCES**

**Class description:** information about how we manage the human, physical and information resources of the Council.

##### **Our resources**

24. Administrative and secretariat support, including staff and accommodation, is provided to the Council by the SCTS. For information on our relationship with the



SCTS, please see [here](#). SCTS Policies related to this class of information include the SCTS People Strategy, HR Annual People Scorecard, Digital Strategy and Annual Report. These documents are available via the [SCTS Reports and Data portal](#).

## Information

- [Privacy policy](#)
- [Cookies policy](#)

## Records

25. The Council's Records Management Plan is being finalised and will be published as an annex to the SCTS Records Management Plan in due course.

## CLASS 6:

### HOW WE PROCURE GOODS AND SERVICES FROM EXTERNAL PROVIDERS

**Class description:** information about how we procure goods and services, and our contracts with external providers.

## Procurement

26. As the SCTS provides administrative and staffing support to the Council, all procurement tenders are carried out in accordance with SCTS procurement policies.

27. Information on past, future or current tenders along with Contract Awards above £50,000 are published by the SCTS on the Public Contracts Scotland [Portal](#).

28. Contracts awarded with a value above £25,000 are [published](#) on the Council's website.

## CLASS 7:

### HOW WE ARE PERFORMING

**Class description:** information about how we perform as an organisation, and how well we deliver our functions and services.

- [Annual Report](#)
- [Business Plan](#)

## **CLASS 8:**

### **OUR COMMERCIAL PUBLICATIONS**

**Class description:** Information packaged and made available for sale on a commercial basis and sold at market value through a retail outlet e.g., bookshop, museum or research journal.

29. The Council is not a commercial organisation therefore we do not hold or publish any information under this class.

## **CLASS 9:**

### **OUR OPEN DATA**

**Class description:** open data we make available as described by the [Scottish Government's Open Data Strategy and Resource Pack](#), available under an open licence.

30. The Council does not currently hold data in a format suitable for open data publication but this position will be kept under review by the Council's secretariat.