



Scottish Government Building, 1B-Bridge, Victoria Quay, Edinburgh, EH6 6QQ

By email only to:

Telephone: 0844 5613936*
*calls cost 7p per minute plus your
phone company's access charge
Email – coqltr@copfs.gsi.gov.uk

<http://www.qltr.gov.uk>

Our ref: GE/1/17

Date: 24/05/2017

Dear

SCOTTISH ARCHAEOLOGICAL FINDS ALLOCATION PANEL (“SAFAP”)

Thank you for your request dated 16 May 2017 under the Freedom of Information (Scotland) Act 2002 (FOISA), sent to the Treasure Trove Unit (TTU) and to which we are responding under agreed arrangements with the TTU that we handle such requests to them.

Your request is for the following:

Information about the membership and processes of SAFAP, particularly in relation to the recruitment and selection process for the Panel, who determines their expertise and their independence and how conflicts of interest are avoided.

Information as to whether the basis for the Panel's decisions is made public anywhere and if there is any form of independent oversight or accountability.

Information “on appeals and complaints and how to make one against the Panel”.

With regard to the membership and processes of SAFAP, information about those is contained in Treasure Trove in Scotland: A Code of Practice which is published on the websites of both the TTU (www.treasuretrovescotland.co.uk) and the QLTR (www.qltr.gov.uk). In relation to the appointment of the Panel we would refer you to Appendix A of the Code of Practice and paragraphs 3-5 in particular. Of the seven member of the Panel over and above the chair, three are members *ex officio* – one each from National Museums Scotland, Museums Galleries Scotland and Historic Environment Scotland. You may find it helpful to know that details of the current membership of the Panel can be found on the TTU website. The remit of the Panel is set out in paragraphs 10-14 of Appendix A.

In order to avoid a conflict of interest any member of the Panel will remove himself or herself from the Panel's discussion (e.g. if a Panel member is connected to a museum seeking allocation of material which is being considered).

In relation to the second and third strands of your request, for the avoidance of any doubt, the Panel is not a decision-making body – rather, it makes recommendations to the QLTR on allocation of treasure trove and the amounts of *ex gratia* payments. (Fuller information about the role of SAFAP can be found in part 14 of the Code of Practice.) It may assist you to know that each year the QLTR publishes an Annual Report – the latest is on the QLTR website – which includes details of the QLTR's allocation decisions in the period concerned. It also includes details of the Panel members in that period.

The QLTR is a public official and his administrative decisions can be subject to review in the courts (the process known as Judicial Review). A request for such review can be raised by any party that can show interest to raise it. It would be for you to seek your own legal advice in relation to that aspect as we are unable to provide such advice. We would refer you also to the QLTR's customer feedback policy, which also deals with complaints policy and is in the public domain (being accessible via the "contact us" tab on the home page of the QLTR website).

If you are dissatisfied with the way in which your request for information has been handled, you do have the right to ask us to review it. Your request should be made within 40 working days of receipt of this letter and we will reply within 20 working days of receipt. If you require a review of our decision to be carried out, please write to The QLTR, Scottish Government Building, Victoria Quay, 1B-Bridge, Edinburgh, EH6 6QQ, or for requests sent by e-mail to coqltr@copfs.gsi.gov.uk.

The review will be undertaken by staff not involved in the original handling of your request.

If you are not satisfied with the result of that review, there is a right of appeal to the Scottish Information Commissioner under section 47(1) of FOISA.

The Scottish Information Commissioner's contact details are as follows:

Online Appeal Service: www.itspublicknowledge.info/Appeal

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610

Fax: 01334 464611

Email: enquiries@itspublicknowledge.info

Should you subsequently wish to appeal against the Commissioner's decision on such an appeal, there is a right of appeal to the Court of Session on a point of law only.

Yours faithfully