

FOI RESPONSE ISSUED - 25 SEPTEMBER 2022

REQUEST

1. Please give me a list of human rights due diligence checks your organisation has conducted since the publication of the Scottish Government document, *Guidance on due diligence: human rights*, detailing in each case whether or not you proceeded with an investment relationship or business agreement following the undertaking of these checks. Please also detail any instances of non-compliance with the guidance that have been reported. If unable to provide such a list, please confirm for me whether your organisation was previously aware of or has ever given consideration to this guidance, including whether you are aware of having been notified of it by a representative of the Scottish Government or other public body.

2. Please also tell me how many investment relationships or agreements your organisation has engaged in since June 2018. This request relates to the types of relationship outlined in the aforementioned guidance as meriting a due diligence check: “any activity which could lead to an investment relationship or agreement with a third party” (source: [Guidance on due diligence: human rights - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/guidance-on-due-diligence-human-rights/pages/introduction/)).

If this request is too wide or unclear, please let me know. If you are unable to complete the second part of this request, relating to investment relationships engaged in since June 2018, I would be grateful if you could still work to answer the first part.

OUR RESPONSE TO THE INFORMATION REQUEST UNDER THE 2002 ACT

1. As part of the tender process we do ask the bidders to complete a company information form. This includes -

- Company name
- Postal address
- Contact name
- Telephone number
- Email address
- Website address if applicable
- VAT registration number if applicable
- Type of business
- Standard questions in relation to professional and business standing.

PROFESSIONAL & BUSINESS STANDING

Please state whether any Directors/Partners/Proprietors/Employees of your business (please mark “Y” or “N”):

9.	Is in a state of bankruptcy, insolvency, compulsory winding-up, receivership, composition with creditors, or subject to relevant proceedings	
10.	Has been convicted of a criminal offence related to business or professional conduct	
11.	Has committed an act of grave misconduct in the course of business	
12.	Has not fulfilled obligations related to payment of social security contributions	
13.	Has not fulfilled obligations related to payment of taxes	
14.	Is guilty of serious misrepresentation in supplying information	
15.	Is not in possession of relevant licences or membership of an appropriate organisation, where required by law	
16.	<p>Has your business ever compiled, used, sold or supplied a prohibited list which:</p> <p>i) contains details of persons who are or have been members of trade unions or persons who are taking part or who have taken part in the activities of trade unions, and;</p> <p>ii) is compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers within the meaning of the Employment Relations Act 1999 (Blacklists) Regulations 2010?</p>	
17.	<p>Has your business ever refused a person employment</p> <p>a) because they are, or are not, a member of a trade union, or</p> <p>b) because they are unwilling to accept a requirement</p> <p>i) to take steps to become or cease to be, or to remain or not to become, a member of a trade union or</p> <p>ii) to make payments or suffer deductions in the event of their not being a member of a trade union</p> <p>within the meaning of Section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992?</p>	

18.	Has your business breached the Data Protection Act 1998 or been served with an enforcement notice in relation to unlawfully processing personal data in connection with any blacklisting activities?
19.	If any of Q9 to Q18 above apply, or you have answered 'Y' to any of Q16 to Q18, please provide brief details below, including what remedial action has been taken to redress the situation.

The above is an extract of the company information that Scottish Legal Aid Board currently use.

2. We can confirm a nil response for this question as there have been none.

Further info requested

Please respond to this aspect of request - *If unable to provide such a list, please confirm for me whether your organisation was previously aware of or has ever given consideration to this guidance, including whether you are aware of having been notified of it by a representative of the Scottish Government or other public body*

Response

We are unable to provide a list, however I can confirm that Scottish Legal Aid Board do consideration to the guidance.

During my time with Scottish Legal Aid Board there have been no issues. If there were they would be reported.

Our policy is to use frameworks where possible and then to advertise on PCS.