

Submission from Scottish Police Federation

Hate Crime and Public Order (Scotland) Bill - Financial Memorandum

The SPF considers that the anticipated costs for the police service (£50,000 for training plus a share of £50,000 for ICT changes) as laid out in the financial memorandum to represent a gross underestimation of the costs that this Bill will, if passed, create for the Police Service of Scotland (PSoS).

Whilst not strictly within the remit of the Finance and Constitution Committee, we would implore members to read our submission on the Bill to the Justice Committee to help appreciate why we make such a statement.

Regrettably however the SPF has not been in a position to discuss the various complexities of our submission to the Justice Committee with the PSoS due to the current Covid-19 challenges.

The SPF considers that the timing of publication of the Bill and associated consultation period is unfortunate at best. The Bill was published on 24 April 2020 in the midst of a global pandemic. This pandemic required the police to enforce the “lockdown” provisions and therefore policing in Scotland has been under extraordinary pressure for the entire duration of the consultation period for this Bill. This is in addition to a proportion of police officers being off work for reasons related to the virus, and the adoption of wholesale changes to working practices over the same timeframe, has significantly hindered the ability to work with the service on realistic estimations for the costs of this Bill.

Absent the opportunity to be able to have meaningful discussions with the PSoS on this the SPF can only make the following observations;

For the reasons we have laid out in our response to the Justice Committee, we believe that training to help the police investigate crimes centred on subjective opinions would require to be much more involved than 2 hours of remote online training. It is simply beyond comprehension that on an issue as controversial as this, that training of this format or duration could come close to ensuring police officers are as prepared as they can be for the demands this legislation will place upon them. It is important to note that individual police officers do not choose or design the training they are given. These are matters for others.

Given the sheer scale of emotion that discussions on the hate provisions of the Bill are capable of, and have already generated the SPF would consider that as a minimum police officers would require detailed training (spanning several days) to learn from various groups and bodies on why their particular point of view required to be considered. Training of this scale results in abstractions that require to be covered at additional cost. A very conservative estimate of the cost of a single day's training for every police officer in Scotland is £3.5 - £4M.

If the members of the Committee truly believe that the training as laid out in the financial memorandum comes close to their own expectations of what might be required, they should dismiss this concern.

If the expectation (which we reject) that police staff are to have powers of search and entry (by force if necessary) is realised, it is inconceivable that this would not result in considerable and detailed training for police staff members. For reasons that are not clear to the SPF, the financial memorandum makes no mention of this. We cannot

foresee that such training, and all the ethical implications associated with it could be anything other than immersive, in order to secure basic levels of comfort as to the understanding and accountability such powers deserve. Regrettably we are not able to quantify this but suggest this omission points to the incomplete nature of the financial memorandum.

The financial memorandum makes no provision for the costs of investigation of complaints against police officers and staff, which we can only see as increasing exponentially (regardless of the professionalism deployed) should the provisions of this Bill come to pass. No one should be in any doubt that the provisions of this Bill are controversial and as the enforcing body, the police service will see the full backlash of it.

The financial memorandum also makes no provision for the inevitable costs freedom of information requests will create. It is again inconceivable that FOI will not be extensively used, particularly in the early years of this legislation. The limitations on the costs of FOI requests are capable of being worked around with careful request wording. We simply ask the Committee to consider the inherent logic of our observations here.

For reasons laid out in our submission to the Justice Committee, we consider a significant increase in police officers being called to court to give evidence is inevitable. The Bill will, if passed, criminalise an increased number of individuals who will legitimately believe that they have done nothing wrong. The likelihood of individuals willing to submit guilty pleas to "Hate Crime," or accepting non-court disposals is in our judgement vanishingly small.

Court abstraction continues to be one of the most significant uncontrollable costs that fall on the police service. We appreciate this is again difficult to quantify but consider that some provision should be made for it within the financial estimates on the costs of the Bill for the PSoS.

I regret that the SPF is not in a position to be more detailed but trust the Committee will find our submission to be informative given the limitations of our starting position.

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