



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE COMMITTEE

### AGENDA

25th Meeting, 2017 (Session 5)

Tuesday 5 September 2017

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Declaration of interests:** Maurice Corry and Liam Kerr will be invited to declare any relevant interests.
2. **Decisions on taking business in private:** The Committee will decide whether to take items 5, 6 and 7 in private. The Committee will also decide whether consideration of a draft Stage 1 report on the Domestic Abuse (Scotland) Bill should be taken in private at future meetings.
3. **Public petitions:** The Committee will consider the following petitions—
  - PE1370 by Dr Jim Swire, Professor Robert Black QC, Robert Forrester, Father Patrick Keegans and Iain McKie on Justice for Megrahi;
  - PE1501 by Stuart Graham on public inquiries into self-inflicted and accidental deaths following suspicious death investigations;
  - PE1567 by Donna O'Halloran on investigating unascertained deaths, suicides and fatal accidents in Scotland;
  - PE1510 by Jody Curtis on the closure of police, fire and non-emergency service centres north of Dundee;
  - PE1511 by Laura Ross on the decision made by the Scottish Fire and Rescue Service to close Inverness control room.
4. **Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill:** The Committee will take evidence on the Bill at Stage 1 from—
  - Hamish Goodall, Civil Law and Legal System Division, and Greig Walker, Solicitor, Directorate for Legal Services, Scottish Government.

5. **Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill:** The Committee will consider the written evidence received and potential witnesses for the scrutiny of the Bill at Stage 1.
6. **Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill:** The Committee will consider written evidence received and potential witnesses for the scrutiny of the Bill at Stage 1.
7. **Work programme:** The Committee will consider its work programme.

Peter McGrath  
Clerk to the Justice Committee  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 0131 348 5195  
Email: [peter.mcgrath@parliament.scot](mailto:peter.mcgrath@parliament.scot)

The papers for this meeting are as follows—

**Agenda item 3**

Paper by the clerk - public petitions J/S5/17/25/1

**Agenda item 4**

Paper by the clerk - Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill J/S5/17/25/2

Private paper 1 - Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill J/S5/17/25/3 (P)

[Civil Litigation \(Expenses and Group Proceedings\) \(Scotland\) Bill and accompanying documents](#)

[SPICe Briefing: Civil Litigation \(Expenses and Group Proceedings\) \(Scotland\) Bill](#)

[Written submissions received on the Bill](#)

**Agenda item 5**

Private paper 2 - Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill summary of evidence J/S5/17/25/4 (P)

**Agenda item 6**

Private paper - Offensive Behaviour at Football and Threatening Communications (Repeal) (Scotland) Bill J/S5/17/25/5 (P)

[Offensive Behaviour at Football and Threatening Communications \(Repeal\) \(Scotland\) Bill and accompanying documents](#)

[Written submissions received on the Bill](#)

**Agenda item 7**

Private paper - work programme J/S5/17/25/6 (P)

**Justice Committee**  
**25th Meeting, 2017 (Session 5), Tuesday 5 September 2017**  
**Petitions**  
**Note by the clerk**

**Introduction**

1. This paper invites the Committee to consider its ongoing petitions:
  - **PE1370**: Independent inquiry into the Megrahi conviction.
  - **PE1501 and PE1567**: Investigating unascertained deaths, suicides and fatal accidents;
  - **PE1510 and PE1511**: Police and Fire Control Rooms; and
2. The paper sets out the terms of each the petitions along with information on the most recent consideration by the Committee. It also provides updated information and links to other relevant documentation where appropriate.
3. The Justice Committee webpage summarising its consideration of these petitions in this Session can be found [here](#). All five petitions originate from Session 4 of the Parliament and information relating to their consideration by the previous Justice Committee can be found [here](#). Further information can also be found in the Session 4 Committee's [Legacy Report](#).
4. Further general background information on the petitions process, provided by the Public Petitions Committee, can be accessed on its dedicated [webpage](#).

*Options available to Committees considering petitions*

5. Once a petition has been referred to a subject Committee it is for the Committee to decide how, or if, it wishes to take the petition forward. Among options open to the Committee are to:
  - Keep the petition open and write to the Scottish Government or other stakeholders seeking their views on what the petition is calling for, or views on further information to have emerged over the course of considering the petition;
  - Keep the petition open and take oral evidence from the petitioner, from relevant stakeholders or from the Scottish Government;
  - Keep the petition open and await the outcome of a specific piece of work, such as a consultation or piece of legislation before deciding what to do next;
  - Close the petition on the grounds that the Scottish Government has made its position clear, or that the Scottish Government has made some or all of the changes requested by the petition, or that the Committee, after due consideration, has decided it does not support the petition;
  - Close the petition on the grounds that a current consultation, call for evidence or inquiry gives the petitioner the opportunity to contribute to the policy process.
6. When closing a petition, the Committee should write to the petitioner notifying the decision and setting out its grounds for closure. Closing a petition does not preclude the Committee taking forward matters relevant or partly relevant to the petition in another way.

**PE1370: Independent inquiry into the Megrahi conviction***Terms of the petition*

**PE1370 (lodged 1 November 2010):** *The petition on behalf of Justice for Megrahi (JFM), calls on the Scottish Parliament to urge the Scottish Government to open an independent inquiry into the 2001 Kamp van Zeist conviction of Abdelbaset Ali Mohamed al-Megrahi for the bombing of Pan Am flight 103 in December 1988.*

*Current consideration*

7. At its meeting on [2 May 2017](#) the Committee agreed, as it had at its meeting on 24 January 2017, to keep the petition open pending completion of Operation Sandwood. This is the operational name for Police Scotland's investigation into the nine allegations of criminality levelled by Justice for Megrahi at the Crown Office and Procurator Fiscal Service, the police, and forensic officials involved in the investigation and legal processes relating to Megrahi's conviction. The allegations range from perverting the course of justice to perjury.
8. The clerks understand from Police Scotland that the operation is ongoing and, although in its final stages, there are certain aspects that are not fully concluded. Once Police Scotland's report is completed, it will be submitted for consideration by an independently appointed Queen's Counsel appointed by Police Scotland, before going to the Crown Office. Clerks continue to seek updates from Police Scotland as to a likely publication date but Police Scotland is as yet not in a position to suggest when the report will be made public. (The JfM submission indicates that it believes the report will be available to the Crown Office at some stage this year).
9. The petitioners have provided a written submission (**Annexe A**) requesting the Committee to confirm that the petition will remain open until Crown Office consideration of the police report is complete and any related decisions are made. The submission also states, along similar lines to previous submissions, that the petitioners continue to have regular meetings with the Operation Sandwood police team and that they have faith in the integrity and completeness of the police inquiry.
10. On 4 July 2017, the Scottish Criminal Cases Review Commission (SCCRC) confirmed it had received an application to review the conviction<sup>1</sup>. The SCCRC may refer a case to the High Court if it believes that a miscarriage of justice may have occurred and that it is in the interests of justice that a reference should be made. The SCCRC stated that it will give careful consideration to this new application, but that it will not make any further comment at this time.
- 11. The Committee is asked to consider and agree what action it wishes to take in relation to the petition (see paragraph 5 for possible options), having regard to its decisions in January and in May to keep the petition open pending the completion of Operation Sandwood.**

---

<sup>1</sup> Mr Megrahi previously applied to the SCCRC in 2003, who referred his case to the High Court for appeal in 2007; however, this appeal was abandoned in 2009. After Mr Megrahi's death in 2012, a new application was made to the SCCRC on his behalf in 2014, which was rejected in 2015 as the SCCRC had not had access to appeal materials from 2007-09.

## **PE1501 and PE1567: Investigating unascertained deaths, suicides and fatal accidents**

### *Terms of the petitions*

**PE1501 (lodged 13 December 2013):** Calls on the Scottish Parliament to urge the Scottish Government to introduce the right to a mandatory public inquiry with full evidence released in deaths determined to be self-inflicted or accidental, following suspicious death investigations.

**PE1567 (lodged 28 April 2015):** Calls on the Scottish Parliament to urge the Scottish Government to change the law and procedures in regard to investigating unascertained deaths, suicides and fatal accidents in Scotland.

12. Both petitions essentially relate to circumstances where the family of a deceased do not have confidence in the findings of the police/Crown Office and Procurator Fiscal Service (COPFS) that a death does not appear to be suspicious, and that therefore there is no ground for a Fatal Accident Inquiry (FAI). To a limited extent issues raised in the petition were relevant to the last Justice Committee's scrutiny of the Fatal Accidents and Sudden Deaths (Scotland) Bill, now Act, near the end of Session 4. The Act itself does not generally deal with the preliminary stage to determining whether a FAI is necessary, which is the main concern of these two petitions, but it did lead to the introduction of a ["Family Liaison Charter"](#), which provides guidance on the different stages of the death investigation process and confirms what information will be provided to a bereaved family and when.

### *Current consideration*

13. At its meeting on 2 May 2017, the Committee discussed correspondence it had received from Mr James Jones (who is not one of the petitioners) in relation to the Tornado collision over the Moray Firth in July 2012, which resulted in the deaths of three RAF aircrew. The Committee agreed to write to the COPFS to seek further information on what legislative mechanisms are in place for the COPFS to notify the respective coroner that a deceased's body has been repatriated to another country within the UK.

14. In its response of 15 June 2017 (**Annexe B**), the Crown Office confirms that, while there is no legislative mechanism or requirement to do so, it sees no reason why the Scottish Fatalities Investigation Unit (SFIU) cannot liaise directly with the coroner to make the appropriate notification.

15. The Scottish Government wrote to the Committee in March to confirm that the Inquiries into the Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 would make it mandatory for an FAI to be held into deaths of service personnel in the course of military service in Scotland (or the offshore area of the continental shelf adjacent to Scotland), and that this Order will not have retrospective effect. These [Regulations](#) came in to force on 15 June 2017.

16. Mr Jones wrote to the Committee on 12 August 2017 expressing his views on the content of the Crown Office letter of 15 June (**Annexe C**). He welcomed the acceptance that the SFIU could liaise with the coroner to make the appropriate notification, while stating that he regrets this did not happen in the case of one of the three aircrew, Mr Poole. Mr Jones goes on to state that he believes the Lord

Advocate could and should hold an FAI into this case, or request that the coroner does so.

17. Mr Jones wrote to the Head of the COPFS Scottish Fatalities Investigation Unit (SFIU) in January 2017. This letter was copied by Mr Jones to Mr Poole, the father of one of the three airmen killed in the accident. The COPFS has issued a reply to Mr Jones and has subsequently been in correspondence with Mr Poole. We understand that Mr Poole by reply advised that he was satisfied with the response he received from the COPFS. The Crown Agent stated that Mr Poole and his family have never complained to the COPFS about the manner in which his son's death was investigated or the communications with the COPFS.

18. The clerks have not received further communications from the petitioners themselves prior to this meeting, or to the last meeting at which these petitions were discussed.

#### **Options for action on petitions PE1501 and PE1567**

**19. The Committee is asked to consider and agree what action it wishes to take in relation to the petitions (see paragraph 5 for possible options). The Committee may wish to consider that the Scottish Government and the COPFS have previously made their position clear on the petitions. The issue discussed above does not relate directly to the matters raised by the petitions, in relation to which there has been no recent correspondence from the original petitioners. While the Committee has discretion to deal with the petition as it considers appropriate, it would be unusual to significantly extend consideration of a petition into matters that are distinct from those raised in the original petition, on the basis of representations made by someone not connected to the original petitioner(s) and which now relate to an individual case rather than a general issue.**

## **PE1510 and PE1511: Police and Fire Control Rooms**

### *Terms of the petitions*

**PE1510 (lodged 23 March 2014):** *Calls on the Scottish Parliament to undertake a committee inquiry into the closure of Police, Fire, and Non-Emergency Service Centres north of Dundee. In particular, the major concerns raised have been the loss of public knowledge; public safety; officers being off the street and overwhelmed in managing the increased workload this would create.*

**PE1511 (lodged 27 March 2014):** *Calls on the Scottish Parliament to urge the Scottish Government to review the decision made by the Scottish Fire and Rescue Service to close the Inverness Control Room.*

### *Current consideration*

20. At its meeting on [2 May 2017](#) the Committee agreed to keep the petitions open pending the publication of HM Fire Service Inspectorate in Scotland's report on the way in which the Scottish Fire and Rescue Service (SFRS) is conducting its operations, and of a final report of an internal audit review of the Command and Control Futures (CCF) Programme deliverables.
21. HM Fire Service Inspectorate in Scotland has since published its [report](#). It found the CCF programme to be "well managed with good governance arrangements that linked to the Service's transformation arrangements", and "found systems and processes that are in common with the rest of Scotland" in the Highlands, Western Isles, Orkney and Shetland.
22. However, it also recommended that the staffing level and number of competent managers on duty in the Dundee Operating Centre should be monitored, and that a staff succession plan should be formulated and implemented. A recommendation was also made for a separate flexible duty management system to be designed and implemented for these island groups.
23. The Committee also raised the issue of control room closures with the SFRS when it gave evidence to the Committee on [23 May 2017](#). The Chief Office of the SFRS stated that the changes made were predicated on the model used during previous changes to control room structures, that they have put in a long-term succession plan for staffing of the control rooms, and that they were already taking action on the then-unpublished recommendations of the HM Fire Service Inspectorate in Scotland report.
24. The petitioners for PE1511 have written to the Committee (**see Annexe D**) with further information on the current situation in the Highlands and Islands, requesting an immediate investigation into their findings and a response from the Scottish Government.
25. In relation to PE1510, since the Committee last considered the petition, the Scottish Police Authority (SPA) has confirmed that it plans to seek approval to transition business from the Inverness Control Room at its public board meeting in Inverness on [28 September 2017](#).
26. No further communications have been received from the petitioners for PE1510 prior to this meeting, or the last meeting when the petitions were discussed.



**Options for action on petitions PE1510 and PE1511**

**27. The Committee is asked to consider and agree what action it wishes to take in relation to the petitions (see paragraph 5 for possible options). In relation to PE1511, the Committee may wish to note that the Inverness Fire and Rescue Service Control Room closed in [December 2016](#). The Committee may also wish to note its ongoing responsibility to keep the reform of the fire and rescue services under the Police and Fire Reform (Scotland) Act 2012 under review. It may therefore wish to consider asking the Scottish Fire and Rescue Service to confirm if it accepts the recommendations within the HM Fire Service Inspectorate in Scotland report, and to respond to the points made in the petitioners' letter to the Committee. It may also wish to return to these petitions once the final approval on transitioning business from the Inverness Control Room has been made by the SPA Board.**

**Letter from Justice for Megrahi  
25 August 2017**

**Justice for Megrahi submission to the Justice Committee of the Scottish  
Parliament's consideration of PE 1370 on 5th September 2017**

The position of Justice for Megrahi (JfM) remains largely as was following our last communication with your good selves on the Justice Committee of the Scottish Parliament (JC).

We reiterate the value we place on the continued JC scrutiny until Crown Office has considered the Operation Sandwood report and has reported on its findings. JfM's sole interest remains acquiring justice for the victims of Pan Am 103, their families and friends, and those whom we regard as having been wrongly accused and convicted.

As your committee members will understand this report is central to any further analysis of the Lockerbie tragedy, is of direct significance to the ongoing SCCRC consideration of the Megrahi family's submission for another appeal and is vital if the massive stain on the Scottish Justice System is ever to be removed.

Moreover, it should be added that JfM and Police Scotland continue to maintain a highly valued and constructive rapport.

In short, JfM has complete confidence in the work of Police Scotland on its behalf regarding JfM's various allegations of criminality associated with the conviction of Mr al Megrahi.

Our present understanding is that the Police Scotland Operation Sandwood Report is in its final stages and will be available to the Lord Advocate at some stage this year.

JfM wishes all members of the Justice Committee of the Scottish Parliament our very best and looks forward to being represented at your meeting on 5th September, 2017.

The Committee of Justice for Megrahi.

**Letter from the Crown Office  
15 June 2017**

**Public Petitions PE1501 & PE1567**

Thank you for your letter of 8 May 2017, in which the Justice Committee sought further information from COPFS as to what legislative mechanism is in place for COPFS to notify Her Majesty's Coroner that a deceased's body has been repatriated to another country within the United Kingdom.

As I mentioned in my letter to you of 17 March where a death that has occurred in Scotland is investigated by the Procurator Fiscal and the deceased's body is subsequently repatriated to another country within the United Kingdom, it is a matter for the respective Her Majesty's Coroner in accordance with their own system of investigation of deaths to decide if they require to investigate a certain death. There is no legislative mechanism or requirement for COPFS to notify the Coroner of such a death and the types of fatality that HM Coroner is obliged to investigate are prescribed by the Coroners and Justice Act 2009, but I see no reason why as a matter of professional courtesy our Scottish Fatalities Investigation Unit cannot liaise either directly (or via the relevant investigating agency) with the appropriate Coroner to make the appropriate notification and similarly to advise bereaved relatives of that position, in keeping with the spirit of our Family Liaison Charter.

Whether that fatality falls within the terms of the 2009 Act to investigate will be a matter for the relevant Coroner, and I am therefore not able to provide any further information on these criteria, but I hope this is helpful in setting out the COPFS position going forward.

**Letter from James Jones  
12 August 2017**

**Public Petition PE1501**

I am encouraged by COPFS letter, dated 15<sup>th</sup> June 2017, and the acceptance that there should be no reason why as a matter of professional courtesy the Scottish Fatalities Investigation Unit cannot liaise either directly (or via the relevant investigating agency) with the appropriate Coroner to make the appropriate notification and similarly to advise bereaved relatives of that position, in keeping with the spirit of our Family Liaison Charter. What a pity this did not happen in the Flt Lt Hywel Poole's case.

But that is not the whole picture. I have recently discovered, thanks to Police Scotland, that according to the COPFS Q&A web page, "*the circumstance in which a coroner may become involved is where the deceased was ordinarily resident in England [or Wales] and his/her body is sent back to England [or Wales] for burial or cremation. In these circumstances the receiving coroner will have jurisdiction due to the presence of a body within their geographical area, and will be required to investigate the death. Where the death has resulted from an accident in Scotland which is being investigated by the Procurator Fiscal, the coroner will ask the Fiscal for information, and in the majority of cases await the outcome of the Fiscals investigations*". Furthermore, Police Scotland informed me that it is the Fiscal who advises the coroner re the repatriation of bodies-just as their website states. The police deal with the families. It seems that the onus is on COPFS to notify the receiving coroner, and this did not happen in Flt Lt Poole's case.

However, this case has another dimension, which affects all those killed in the Tornado accident. According to Lord Cullen, in his 2009 FAI review, Lord Hope of Craighead pointed out that the European Court of Human Rights had made it clear that an FAI was a means of carrying out an investigation which would satisfy article 2. The same should apply to a public inquiry into the circumstances in which a death occurred. Lord Cullen went on to say that the practical difference which article 2 makes is that it may require an FAI or a public inquiry where neither would otherwise have been held. This therefore has implications for the exercise by the Lord Advocate of his or her discretion as to the holding of an FAI.

From the points raised by their Noble Lords it would seem that in the case of the Moray Firth Tornado accident on 2<sup>nd</sup> July 2012 the Lord Advocate had a procedural obligation to carry out an effective investigation (FAI) which is imposed on the United Kingdom by article 2 of the European Convention on Human Rights. Namely an investigation with certain features (*Jordan v United Kingdom* (2001),

- (1) The investigation must be independent.
- (2) The investigation must be effective.
- (3) The investigation must be reasonably prompt.
- (4) There must be a sufficient element of public scrutiny.
- (5) The next of kin must be involved to an appropriate extent.

It is clear that the investigations conducted so far do not meet the minimum standards required to satisfy article 2. In the *Jordan* case the judge concluded on the facts that

there had not been an effective official investigation into the death of the deceased and held that there should be an independent investigation, to be held in public, at which the family should be represented.

If the Lord Advocate felt, for whatever reason, that he could not hold an FAI it would have been appropriate, given the circumstances, to refer the matter to the Chief Coroner, under section 13 of the Coroners and Justice Act 2009 (Investigation in England and Wales despite the body being brought to Scotland)

This was an accident with Article 2 implications. At the 2012 appeal in the Smith v MoD (Snatch Land Rover) case, regarding loss of life due to inadequate equipment, Lord Neuberger said: *"The duty of care owed by the Ministry of Defence, **as employer**, to the members of the armed forces, **as employees**, does exist and has been recognised, without demur, by the courts. It includes a duty to provide safe systems of work and safe equipment"* In the case of the Tornado accident MoD (**the employer**) failed to provide a safe system of risk assessment and safe equipment for the three crew members (**employees**) who lost their lives.

Finally, with regards to the position adopted by the Crown Office that nothing could be gained by further investigation I refer to the House of Lords appeal in the case of *R (Amin) v Secretary of State for the Home Department*. In that appeal Lords Bingham, Slynn, Steyn, Hope and Hutton agreed that *"although there has not been an adequate inquiry, it may be refused because nothing useful is likely to turn up. That judgment cannot fairly be made until there has been an inquiry"* As yet we are not in a position to make that judgement, and the Crown Office was certainly wrong to make it in 2015.

Yours sincerely

James Jones

**Letter from the petitioners of PE1511  
31 August 2017**

The SFRS is now 42 months old and much of the warnings given to the Scottish Government prior to the creation of the centralised service have come to fruition. The Service has not made the savings promised to the Scottish Public and is heading towards a financial overspend crisis. It is worth reminding ourselves of the warnings given to Kenny MacAskill, the former Cabinet Secretary for Justice, as he consulted on the creation of a Single Service for Scotland.

1. Warnings were issued that a Single Service centrally funded would become liable for Tax to HM Revenue and Customs.
2. The proposed new Fire Board was not representative of the diverse communities across Scotland and would not be capable of providing effective governance and local accountability required, nor would it be effective in managing and controlling the Service.
3. The proposed centralisation of Control Centre's would mean a major loss of local knowledge and Command and Control. The proposed reliance on technology to replace local knowledge would not be reliable and robust enough to ensure a secure control and operational management of mobilising or operations command.
4. The major loss of senior and middle management across Scotland would result in a system where the remaining managers would have a far too large span of control. This would lead to Sharp End Failures and a breakdown of command and management across all areas of the Service.
5. The centralisation would inevitably lead to a one size fits all management which would lead to inappropriate decisions, equipment and procedures being forced on areas where they are not practical or suitable.
6. The Mott Macdonald Report which recommended the Single Service as an economical and viable option was fraud and was full of major inaccuracies and assumptions, such as the sale of properties in years 2 and 3 to help make savings, when many of these premises were grossly overvalued and indeed many of the properties and land were not owned but on 100 year leases for community good.
7. Moral and therefore sickness levels would be an increased issue due to ineffective management due to span of control. Freelancing would become an issue due to lack of sufficient middle management.

These warnings have all come true and we would offer the following as examples of some areas where this is the case for each.

1. The Treasury has repeatedly denied any exception to the TAX liability of the Single Service.
2. The Fire Authority is made up of paid volunteers none of whom have practical knowledge or understanding of the Fire Service. None of the Authority members are locally elected or representative of the highly diverse communities they represent. Repeatedly they have failed in managing the service effectively and have been found wanting in holding private behind closed doors meetings.
3. The Systems have failed repeatedly and continue to fail on a daily basis. These failures have been well documented in the press over the last year since the closure of Aberdeen and Inverness Control Centres. The lack of local knowledge has become very apparent with crews being mobilised from the mainland to Islands, Thurso called to

Dundee, complete radio system failures requiring crews to use private mobile phones to remain in contact with Fire Control.

4. Span of Control failure is demonstrated where Island Appliances and Equipment have not received statutory 13 week or annual tests for 18 months. The CFO informed an Island MSP that the work had been done which was incorrect this clearly demonstrates a lack of management control in the fact that the CFO obviously did not know he was going false information and you would assume the Senior management Team and SFA were not aware of the freelancing which lead to these 50+ Stations not having received legal required routine maintenance checks.

5. The Highlands had Community Response Units which were pertinent to the Highlands only. The SFRS repeatedly under uses these stations and has on record at Council Meetings stated that the SFRS does not really agree or understand the need for these stations.

6. Many Closed Facilities were considered for Sale only to be found to be not owned or overvalued. The old Sumburgh Fire Station and Inverness HQ Building are two examples.

7. Morale is at an all time low with resignations, retirements and sickness levels at an all time high.

It's worth elaborating on some of the more recent issues affecting the Single Service. The Dundee Control radio Communications System recently failed completely, which meant that for a few days the only appliance communication with control was via the crews own personal mobile phones. This is clearly a safety system failure and is totally unacceptable especially in most of the North of Scotland and Islands where Mobile Phone Coverage is very sparse. Repeatedly the public have reported Control Staff's inability to take a call without a post code, resulting in public concern and mistakes.

Back up Crews and Relief Crews have been sent out to the wrong location 10 miles apart, this could have had catastrophic consequences had it been a make-up request for help at a serious incident.

Since the inception of the SFRS on 1st April 2013 there has been in the former HIFRS area 5 station closures (2 Retained and 3 CRU according to the HMI's figures) and many more are on the brink of closing. This is mainly due to the inflexibility in Recruitment with the one size fits all SFRS policy. In some locations such as the island of Fetlar on Shetland the Retained Station has closed, this now has increased the attendance times dramatically as it requires the call out of a Ferry and a 35 minute one way ferry crossing as well as mobilisation of the nearest stations (Mid Yell and Baltasound) 15 miles away.

There have been two FOI requests by MSP'S which have failed in the last few months. Both failures identify and effectively admit that the Single Service is failing the public, they were as follows.

1 :- The first one was a request for the appliance and equipment maintenance inspection and test dates for the last couple of years

Response given to ourselves include -

Providing information was too big and difficult a task.

Vehicle maintenance and equipment test information is on "Fleet Management Computer System" with knowledge we know this information takes minutes to provide.

We believe that information on the FOI was disclosed because it showed that island Appliances were not maintained (5 x 13wk mandatory inspection) that no annual tests

were carried out in major safety equipment over this period. This raises severe concerns of Crew and Public safety, also the CFO clearly didn't know or we question the fact that , he in statements to MSPs Press and Public reassured that "All" routine maintenance had been undertaken.

2:- The second FOI request was for call handling times, mobilising times at the Dundee Control Centre compared with the historic information from both Aberdeen and Inverness Control Centres.

Responses given to ourselves were and indeed we question these.

SFRS no longer record call handling times, or record mobilisation times anymore, stating that there is no requirement to do so. A bold statement from SFRS as it prevents interrogation or comparison studies of data from the new Centralised Control Systems or mobilisations effectiveness in comparison to the previous services.

This draws attention and consideration to the fact that a single service cannot be measured against any other services provider. Previous services (8x) were KPI assessed against one another in order to provide the public with performance and quality information.

However more damning is SFRS admission that they no longer record Call handling and Mobilisation times shows complete contempt for their accountability to the communities and public they serve

We request on behalf of the petitioners of PE1511, and the communities of the Highlands and Islands, an immediate investigation and response on the findings from the Scottish Government.



**Justice Committee**  
**25th Meeting, 2017 (Session 5), Tuesday 5 September 2017**  
**Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill**  
**Note by the clerk**

**Introduction**

1. The Scottish Government introduced the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill<sup>1</sup> in the Scottish Parliament on 1 June 2017. The Parliamentary Bureau designated the Justice Committee as lead committee for Stage 1 scrutiny of the Bill on 13 June 2017.
2. The Committee agreed its overall approach to scrutiny of the Bill at Stage 1 at its meeting on 13 June 2017 and issued a call for evidence. The call for evidence closed on 18 August 2017. Responses are published on the Committee's [webpage](#).

**Justice Committee consideration**

3. At its meeting on 5 September 2017, the Committee will take evidence from Scottish Government officials assisting Ministers in taking the Bill through Parliament (“the Bill team”). This is the Committee’s first evidence session on the Bill. In future sessions, the Committee will hear from other witnesses with an interest in the Bill.

---

<sup>1</sup> <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/104998.aspx>