



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Committee

Tuesday 25 September 2018

Session 5



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JUSTICE COMMITTEE
24th Meeting 2018, Session 5

CONVENER

*Margaret Mitchell (Central Scotland) (Con)

DEPUTY CONVENER

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

COMMITTEE MEMBERS

- *John Finnie (Highlands and Islands) (Green)
- *Jenny Gilruth (Mid Fife and Glenrothes) (SNP)
- *Daniel Johnson (Edinburgh Southern) (Lab)
- *Liam Kerr (North East Scotland) (Con)
- *Fulton MacGregor (Coatbridge and Chryston) (SNP)
- *Liam McArthur (Orkney Islands) (LD)
- *Shona Robison (Dundee City East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Yvonne Beresford (West Lothian Council)
Caroline Gardner (Auditor General for Scotland)
Gill Imery (Her Majesty's Chief Inspector of Constabulary in Scotland)
Chief Superintendent Campbell Thomson (Police Scotland)
Councillor Ross Vettraino (Fife Council)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Justice Committee

Tuesday 25 September 2018

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (Margaret Mitchell): Good morning, and welcome to the Justice Committee's 24th meeting of 2018. We have received no apologies.

Agenda item 1 is a decision on whether to take item 5 in private. Item 5 is to consider our approach to statutory instruments related to the European Union (Withdrawal) Act 2018. The Government has laid down a certain protocol to ensure that we scrutinise those instruments effectively. As when we approach new legislation, we will decide on witnesses and have a full discussion in private. That is the reason for holding the item in private. I believe that they are the first such instruments to come to the Parliament, so we want to ensure that we understand exactly how they work. Do members agree to take item 5 in private?

Members indicated agreement.

Police and Fire Reform (Scotland) Act 2012 (Post- legislative Scrutiny)

10:00

The Convener: Agenda item 2 is an evidence session as part of our post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012. I welcome Councillor Ross Vettrano, convener of Fife Council's environment, protective services and community safety committee. Have I pronounced your name correctly, councillor?

Councillor Ross Vettrano (Fife Council): That is correct. People often call me Vettriano.

The Convener: I was really tempted to do that.

Councillor Vettrano: He is an artist with money and talent—I have neither. [Laughter.]

The Convener: We also have Yvonne Beresford, policy and performance officer with West Lothian Council, and Chief Superintendent Campbell Thomson, divisional commander of A division with Police Scotland. I thank the witnesses for providing written evidence, especially those who did so at very short notice—the committee appreciates that.

I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper. We will move to questions.

John Finnie (Highlands and Islands) (Green): Good morning, panel, and thank you for your written evidence. I want to ask about the word "local", which peppers a lot of our conversations here. To what extent does the term "local policing" mean different things for different people in its application?

Chief Superintendent Campbell Thomson (Police Scotland): The term "local policing" is absolutely embedded in what we do and, since the Police and Fire Reform (Scotland) Act 2012 has come in, that has been even more the case. In the north-east division, which covers the former Grampian area, we have local policing teams. That was the policing model that we adopted prior to Police Scotland being formed and we have continued with it. There is real strength in having local officers in an area dealing with local issues, whether those are about crime, preventative measures or partnership issues.

I hear much about the term "localism" but, for me, there is absolutely no question but that local policing is rooted in communities. A further strength is the relationship that we have with partners on strategic, tactical and operational levels, which is as strong as it has ever been.

John Finnie: For clarification, do you understand the term to have changed from pre-Police Scotland days in any meaningful way?

Chief Superintendent Thomson: The term “local policing” has changed, simply because, when Police Scotland was formed, it was adopted as a name for one of the divisions—the local policing division, which was not one of the legacy forces. However, that is just a change of name. Certainly in the north-east and, I suggest, the Highlands and Islands, we still adopt that same local policing model, with policing embedded in communities. I appreciate that, in some other divisions, the model is different. It is more bespoke to their needs and can definitely have a local embedded element, but with community-based officers and response officers.

Yvonne Beresford (West Lothian Council): I concur with that. Certainly for West Lothian Council, localism reflects the fact that we have officers who attend calls and deal with community issues in West Lothian, which is known as F division. J division is the wider division, with which our resources are shared. We still think of our local issues as being those in West Lothian and not encompassing other local authority areas.

Councillor Vetraino: To the local community, “local policing” means that, when someone picks up the phone and wants to speak to the police, they can do so and they expect an immediate response, which just is not going to happen. The communities we serve do not seem to understand the pressures that are on the police service. They do not seem to understand that, when the police have a call for antisocial behaviour, they might also have another call for a stabbing, a serious injury or a fatal accident, and that there is a question of priorities.

As an elected member, I frequently hear the complaint that there is no point in phoning the police, because it does not do any good. I try to reassure people that they must always phone the police and I say that, if the police cannot respond, let the police decide that and not the community. The issue might simply be a consequence of reducing budgets, but the expectation that the community has of the police and the fire service is increasing all the time and we as a society do not have the resources to meet those expectations. We can do more to explain the limitations on our protective services.

John Finnie: I have a question for Mr Thomson. Ms Beresford talked about sharing local policing. Is that resource shared with specialist services? To what extent do scrutiny bodies have a say on the degree to which local policing is shared?

Chief Superintendent Thomson: As you know, as the divisional commander, I prepare local

policing plans for three local authority areas. The approach is heavily weighted towards that set out in the Community Empowerment (Scotland) Act 2015 and the partnership approach to problem solving. We present our performance on the plan on a six-monthly basis. Interspersed with that, we bring thematic reports to the scrutiny board on issues such as roads policing, which is a separate division within Police Scotland. Although it is a separate and national division, it is very much embedded in local communities. In the communities in the north-east, road safety is one of the most significant priorities that people always bring up, so it is absolutely right that that division is represented. Although road safety is covered in the local policing plan, roads police are not local policing officers; they are part of a separate national division. However, they are most definitely embedded locally, performing locally and delivering on that priority.

John Finnie: I get that, but can the resource of the local policing division officers be shared across divisions? I imagine that it is shared within the division.

Chief Superintendent Thomson: To give an example, we have had many events over the summer, and there are many events in the north-east, including football matches. Where there is a requirement to flex resource across for such special events, that takes place.

John Finnie: Ms Beresford, you mentioned sharing. Is sharing a two-way thing or are you concerned that the sharing sees only a removal of officers?

Yvonne Beresford: Police Scotland has a number of officers who cover West Lothian but who are based in J division. Those officers will cover East Lothian, Midlothian, the Borders and West Lothian. We will have a number of officers dedicated to the West Lothian area, but that number is not shared by Police Scotland. It would be nice if we had clarity on what we can expect the local policing number to be, but we do not have that.

John Finnie: Is there an explanation of why you do not have it? Surely that will impact on your ability as a scrutiny body to determine local priorities, for instance.

Yvonne Beresford: It has been requested, but the information has not been provided. The information from Police Scotland is that it will risk assess daily the need across the larger division and place its resources accordingly, so that each of the communities has resources to meet the highest demand. We do not have further information locally for that.

The Convener: Does it make it difficult to plan for the future if you do not know on a day-to-day basis what numbers you can rely on?

Yvonne Beresford: Yes. It also makes things difficult in interacting with communities who ask us about policing numbers and staffing levels. As a partnership in West Lothian, we work well together and we want to maintain that, but when we make plans and go ahead with changes in services, we just have to work round the outcomes of the resourcing level. For instance, at a daily tasking meeting, if we are reviewing previous incidents of, say, antisocial behaviour, which is one of the areas that I cover, we will look to see where we can put in place partnership working in order to make best use of resources and so that communities get the quickest response and one that is targeted and from the service that gives the best provision. That early intervention can often be crucial to prevent escalation, further incidents and further victims. If Police Scotland cannot respond, either because of a reduced resource level or because the demand for resourcing has outstretched the availability to attend incidents, as a partnership, we cannot say what should happen next until the police get to the incident and take the initial report.

That is difficult for us. We cannot assess whether that is because there have been other more serious incidents in our local area or whether demand has been met elsewhere within the bigger division; we are just told whether the job has been attended or is still outstanding. As a partnership, we work round that and do the best we can. We monitor the situation and get information to the communities as quickly as we can. That does not stop the partnership working, but it means that our approach wholly reflects how quickly Police Scotland can react.

The Convener: If not having that knowledge stops preventative measures, clearly that should be looked at.

Yvonne Beresford: Yes—it would be very helpful.

Liam McArthur (Orkney Islands) (LD): I want to follow up with Chief Superintendent Thomson on Councillor Vettrains's point about the tension arising from the resources that are at the disposal of Police Scotland and the expectations of communities. That tension has always been there, but is there a feeling that it has come into starker relief over recent years, either as a result of the restructuring that has taken place or as a result of the way in which Police Scotland manages the resources that it has at its disposal? Has the process of prioritisation changed at local or national level?

Chief Superintendent Thomson: For the north-east division, which is the only division that has amalgamated two divisions since Police Scotland has started, numbers of local policing officers have by and large remained the same. We need to be very clear that that is the case.

Since the Police and Fire Reform (Scotland) Act 2012, a number of other changes have occurred, not least the introduction of the Community Empowerment (Scotland) Act 2015, which I very much welcome and which has given us an opportunity to be smarter and wiser in how we deploy our resources. Police Scotland is not the only organisation that is always challenged to meet a demand and prioritise so that its resources go to dealing with the greatest threat, risk and harm, as the councillor said. That has always been the case.

I disagree with Ms Beresford in relation to the availability of resource for preventative measures. We have embedded officers working in partnership with local authorities. For example, that happens in the priority families service, which is a preventative measure that is very much about early intervention. At one level, we are absolutely committing resource to partnership. At another level, we are committing resource to some of the more serious threats, such as terrorism and cybercrime. We have a pool of resource that we have to make the best use of according to the greatest threat, harm and risk that we face in communities.

I have been in the police for 28 years, and we have always faced a dilemma as to where it is best to put our resource. However, I suggest that Police Scotland, through the processes that it has embraced in relation to putting that resource in the right place and at the right time, has never been better at that and that the preventative measures are working to take away some of the demand. I can only speak for my division, but the performance statistics—which are just one reflection of how we are keeping communities safe—show that crime continues to fall and detection rates continue to rise. I make absolutely no bones about the fact that it is a challenge. Officers are challenged every single day, as are special constables and police staff. However, I suggest that they deliver an excellent service.

10:15

Liam McArthur: Councillor Vettrains, you raised the issue. In your experience, has the feeling in communities that it is not worth calling the police got better or worse or has it remained the same?

Councillor Vettrains: It has pretty much remained the same over the past few years. That

concern is repeated by the community, which is worrying, because we as a society are doing nothing to change it.

I want to touch on partnership working. P division gets roughly 10 or 11 calls every day about missing persons, but those persons are not missing at all, and some of them have repeatedly "gone missing". We need to work more closely with social work, because that is not a police issue; it is a social work issue. If police officers have to deal with a missing person who is not really missing but who has just wandered off again, perhaps because they are suffering from dementia, that is an unnecessary drain on police time. I would venture to say that, although police officers are well trained and expert in the things that they do, they are not particularly well trained in social work. We need to look at the way that we work with partners so that the resources that we have are best targeted.

The statistics show that over 300 calls a day are made to P division and more than half of those are nothing at all to do with crime. We need to try to get those calls directed to the resources that can best address the issues, so that the police service can do what it does best.

The Convener: That issue has been raised in the Justice Sub-Committee on Policing. The police are the responders of last resort, and they could have to deal with a mental health issue, for instance. I entirely take your point.

Councillor Vettraino: Like all our public services, the police service wants to do the very best that it can and does not want to turn anybody away. However, the temptation to help should be tempered by the fact that somebody else is better placed to do that. As a society, we have to organise our resources so that those other specialist resources are readily available.

Daniel Johnson (Edinburgh Southern) (Lab): My supplementary question has been partially answered but it is worth asking anyway.

Councillor Vettraino, you said that there has been an increase in demand. Might you be able to characterise the components of that increase? Do people have higher expectations of the police? Is it increased levels of issues from the general public? Is it the police having to compensate for withdrawal of services, or is it something else? How would you describe the increased demand? I am also interested in the other panellists' reflections on what Councillor Vettraino said.

Councillor Vettraino: Public expectations are increasing all the time. There is absolutely no doubt about that in my mind.

All sorts of improvements have taken place in the police and the fire service, and those

improvements have little to do with the Police and Fire Reform (Scotland) Act 2012. In P division, recorded crime is falling all the time but the number of calls the police have to address is increasing all the time. There is no correlation between them; I cannot find any sense there at all.

In Fife, we have seen an increase in the number of domestic fires but a reduction in the number of casualties of domestic fires, and that is all because of the proactive stance taken by the Fife fire and rescue service in making sure that everybody has a smoke alarm in their home. There has been a reduction in deliberate fire setting and in unwanted fire alarms, again because of the proactive response of the Fife fire service, which has appointed a champion to talk to people whose fire alarms have gone off in their premises unnecessarily. That has brought about a reduction in the number of unwanted fire alarms, which were a huge drain on time.

That has nothing to do with a single fire service. It has to do with local initiatives, which could or would have happened even if the Police and Fire Reform (Scotland) Act 2012 had never taken place.

Yvonne Beresford: I am not so sure that this relates to increased demand but possibly to the nature of the inquiries that come to Police Scotland now. A lot of the calls that come in relate to persons with mental health issues. Often members of the public need support for different reasons and they might be known across different service providers. That makes it all the more important that we continue with our partnership working to make sure that there is collective provision to meet the needs of communities. We also need to be smarter about the way in which we meet demand, so we are not putting in lots of work on numerous occasions and so that families that are in need of a lot of support get that tailored support, while we are reducing some of the possible duplication of service provision, which is what we are all looking to do.

Chief Superintendent Thomson: "Prevent" has to be the main word we use in relation to the delivery of our services, but if we park the level of demand to one side, the strength in that is the opportunity offered through the local outcome improvement plans and the locality plans. That has given us an opportunity to truly demonstrate that we are following the Christie commission's report on the future delivery of public services, whether we are working with the health service or local authorities on some of the big issues that have an impact on some of the other issues that could previously have been seen through a siloed organisation. Having that coming from the bottom up within localities aligned to local policing teams ensures that it is not just the statutory services that

are responding but the communities themselves. Tremendous work has been done in communities throughout the north-east through the voluntary sector, faith groups and so on.

It is about ensuring that we are taking a different tack. The Police and Fire Reform (Scotland) Act came in in 2012 but more has come in since then that has enabled us to view policing in a different way, not least policing 2026.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I return briefly to the local policing element. The majority of the evidence that we have heard suggests that local policing plans are working well. I am struck by the contrast in evidence from Ms Beresford and Campbell Thomson. With respect, I thought that Ms Beresford's submission was extremely negative. Is it the case that West Lothian should learn from good practice from the north-east? You have explained the background to your submission but what do you see happening going forward? Do you see West Lothian's situation improving?

The Convener: I should also say that, with all submissions, we accept what people write. It is your view of things and it is for us to understand why that is being said. We very much appreciate frankness.

Yvonne Beresford: Partnership working in West Lothian has always been strong and it remains so. It is just about the changes that are happening because of the reform and subsequent budget changes.

As Mr Thomson has said, Police Scotland puts a lot of effort, particularly through partnership working, into prevention, and that is definitely seen as the case in West Lothian. I also accept that lot of work goes into the violence against women agenda. The prevention is there. There is no dubiety about any of that work, or similar work.

My earlier reflection was focusing on officers being available to attend calls from members of the public. Prevention is strong. The 2017 three-year local policing plan reflects quite strongly where West Lothian's priorities are and sits well with West Lothian Council. We have no issues with the plan itself and we are working daily with our partners to assist its delivery.

Rona Mackay: You do not see West Lothian progressing to the sort of model that the north-east is using. You say that you do not share practice. You will admit that your submission was extremely negative on the police front. You were more positive about the fire service but on the policing front, you were pretty negative. I am wondering how that will move on. If it is negative now, will it always be negative, or will it move on?

Yvonne Beresford: That is absolutely not the case. Any comment that we made was made because of what we have seen and been party to as we have progressed through some of the work during the past few years. We are working strongly with Police Scotland and we do so continually on a daily basis. We share information and are working well in partnership. I do not see that as being negative whatsoever.

The comments in the submission perhaps relate to some of Police Scotland's policies, such as the removal of traffic wardens and how that impacted on communities, and were really about consultation and communication with West Lothian Council during or prior to any consultation taking place, in contrast to what happened with the Scottish Fire and Rescue Service, whose communication with West Lothian Council has been better than that shown by Police Scotland. If you are making comparisons—

Rona Mackay: Does an area commander come to your council to be the liaison, as happens in every other local authority?

Yvonne Beresford: Yes, we do, on occasion.

The Convener: If all the submissions were totally positive and there were no problems with legislation, we would wonder exactly what we were doing. Obviously no organisation is perfect and we learn from all the submissions and appreciate them all as being the perspective of the witnesses. I would not like you to think that because some views appear to be negative, we do not appreciate them. We are just singling out why those views have been expressed. That is often how we learn more and can make improvements.

Liam Kerr has a supplementary question.

Liam Kerr (North East Scotland) (Con): Campbell Thomson talked earlier about numbers remaining the same in the north-east division. Some have suggested that, since the 2012 act came in, the tasks that officers are required to do have been rebalanced so that many front-line officers are having to do back-office tasks, if I might put it like that, instead of being out in the local community doing the jobs that the councils require to be done. Is that a fair assertion? If so, can it, or will it, change?

Chief Superintendent Thomson: As far as the local officers are concerned, the number of 17,234 officers has remained constant throughout Police Scotland, and the numbers are more or less constant in the north-east division. That is not exactly the same situation for police staff and I must say that it is extremely disappointing that police staff terms and conditions still have not been resolved. They are a key part of my team in delivering to the communities of the north-east of Scotland.

On the point about officers backfilling—I think that that is the term that Liam Kerr used—during the past couple of years, we have got ourselves to a point at which we are starting to make better use of technology. As you know, there have been reforms around the delivery of criminal justice and the time that individuals spend in custody or otherwise. The main proportion of our officers are on the street doing the job, but it would be remiss of me to say, and I could not say it, that there are no officers performing back-office functions.

There might be good reason for that. There might be an illness or some other reason why the officers are performing that function, but I could not say that every single officer that I have at my disposal is performing a front-facing duty. I have to say, however, that that situation would have been the same even in a legacy force.

10:30

Liam Kerr: The local policing plan was mentioned earlier. I know that the fire and rescue service does its own local plans. Can we talk generally about how individuals, communities and local authorities contribute to a local policing plan?

Councillor Vettrains: There have been several initiatives in Fife. One was an initiative called your view counts, which sought comments from the community on a range of issues, principally to determine P division's priorities. There were more than 1,880 responses, which, in this day and age, is not a bad response at all. It defined the division's five priorities in general.

There are seven local policing plans and the top priority in six of them is exactly the same—antisocial behaviour. That tells P division that antisocial behaviour is its number 1 priority and that is the right thing to concentrate on as far as the community is concerned.

That was achieved by not just the your view counts initiative, but through consultation with people who had been the victims of crime, and by talking to local councillors and community groups. P division—and I am sure other divisions also did this, although I have no knowledge of them—did a great job of sounding out local opinion to see what really matters to the community. The one thing that it has not addressed is the thing that I started off with, which is the response times to the community, and that is because it does not have the resources to do that.

I might not get the opportunity to mention the changing nature of policing later, so I will take it now. We are asking different things of the police. A piece of legislation has increased the age of criminal responsibility from eight to 12. That must have changed the way that the police can deal with people under the age of 12. Different rules

apply and the police no longer have some powers. Are the police going to have to depend more on social services to deal with people who are no longer criminally responsible? I do not know if that sort of thing was taken into account when the legislation was cast.

IT was also mentioned and we certainly need to get up to speed on that. Everybody is out there, streamlining their back-office functions by doing them on the job. I do not know if that is possible in the police service but I think it is something that we need to look at.

The Convener: I should clarify that the Age of Criminal Responsibility (Scotland) Bill is at stage 1 at the moment. It has not been passed yet. However, your comments are noted, councillor.

Councillor Vettrains: Forgive me. I thought that it had been passed.

The Convener: I am going to bring Shona Robison in because Liam Kerr inadvertently pinched one of her questions and went into an area that she was going to ask about.

Shona Robison (Dundee City East) (SNP): I forgive you, Liam.

Good morning. Following on from the discussion about local policing plans, we heard evidence last week from the Convention of Scottish Local Authorities that, in summary, suggested that there had been an improvement in local authorities' involvement with Police Scotland in the development of the local policing plans. According to COSLA, that best practice had been built upon and the outcome in relation to local authorities was now better than it had been. I know that we have touched on the matter already, but it would be helpful to hear the panel's views on that.

There has also been some commentary about the ability of individuals, local community groups, faith groups and others to influence the local plans. The Community Empowerment (Scotland) Act 2015 was referenced in that regard, and I am interested in hearing whether you think it has been a catalyst for improving local people's influence on the plans. What more can be done about that—obviously within resources, given the pressures that have been described? How can local resources be deployed and what influence can be brought in that respect? What improvements have been made, and what more can be done to ensure that local people as well as local authorities influence those plans?

Chief Superintendent Thomson: The Community Empowerment (Scotland) Act 2015 has been a key that has unlocked a door. I truly believe that, before the Christie commission, we talked about partnership but never really did it. We

also talked about co-location but, for me, the issue is integration.

I want the policing plan in its next iteration to be embedded in the local outcome improvement plan, and I want it to sit under the umbrella of community planning. As you know, it has a top-down and bottom-up approach through locality planning, which ensures that there is a voice right across communities, particularly the voice of those in communities who are facing challenges.

We in the north-east will be embarking on opportunities to integrate local services over the next year and a half. What has happened in Peterhead is perhaps an example of that. That move, which was approved by the Scottish Police Authority board, is not about co-locating the local authority with the police but about integrating services to ensure that when a problem comes in, we look at whether it is a social work issue, a housing issue, a police issue or a health issue instead of trying to work out the best person to deal with it. It is a truly different way of doing business.

However, if you are going to do that, you cannot have a siloed policing plan sitting to one side. I can speak only for the north-east division, but I would suggest that the current plans point towards delivering services in partnership. We deliver the counter-terrorism strategy—or CONTEST—road safety and so on in partnership. There has to be a new and more efficient and effective way of doing our business, and for me it is all about integration. Co-location does not go far enough. Through integration and the alignment of the policing plan with local outcome improvements, we will truly make a difference.

We have talked about demand, and that might be the catalyst. We are all shrinking as organisations, and we are all being challenged by budgets, but we can truly do our business in a more innovative way. The time is right for that and some tests of change are happening in the north-east.

Shona Robison: Are West Lothian and Fife looking at that integrated model, too?

Yvonne Beresford: I am not sure whether we in West Lothian will be looking at the same model—I have not heard much about it.

On your question about communicating with communities, the local policing plan was shared with the local authority when it was being developed. Moreover, we have looked at different functions for obtaining information from local community groups, individuals and hard-to-reach groups in communities. For example, when reducing reoffending was changing to community justice, a consultation document and survey put together by the fire service, the police service and

the council went out to members of the public and to specific groups, because it was important to get their feedback, too. It is all about our being as proactive as possible in accordance with both the Community Empowerment (Scotland) Act 2015 and the Equality Act 2010 to make sure that we are getting that breadth of return from communities and that we are communicating with all members of the public to get their views on developments in service provision.

Councillor Vettrano: My impression is that, as I have said, senior police management in Fife is well aware of the need to work more closely with partner organisations. One classic example where that is already happening is antisocial behaviour, but we need more integration to ensure that we have the right resources doing the right things. I do not know how much latitude police management has to make changes or whether there has to be a national directive, but certainly there is an awareness of the need to work together better and the benefits that accrue from that are manifest in Fife.

Shona Robison: On the point about influencing police policy, my next question is about the link between your local work—in other words, the local scrutiny committees, the local plans and so on—and the work of the Scottish Police Authority board. Are you able to contribute to policing policy at a local level and at an early enough stage through interaction with the board? If you cannot do so through that board, how can you do it?

Councillor Vettrano: I do not think that local authorities have been getting involved at an early enough stage. I am new to this job; I have been the convener of the police and fire scrutiny committee for only a year and, like everybody else, I am still learning how to do it. I hope that I am getting better at it.

Last year, we were presented with the policing plan, which we approved. As I was sitting there during the meeting, I thought, “I wonder what the chief superintendent would say if I said, ‘No, I don’t like that. You need to change that.’” He would say, “Excuse me, but this is my job. You do not get involved in management or operations”—and he would be absolutely correct to do so. It would be so wrong for us to do that. However, we must be able to flag up at an earlier stage the things that we think the police are doing so that they can say, “Yes, we understand what you’re talking about, and we’re doing it” or “No, we’re not doing that, and this is why.” We need to get involved earlier. We have just got a new commander in Fife, and I am going to address that very issue with him in the near future.

Shona Robison: Okay. That was helpful.

Yvonne Beresford: West Lothian Council would welcome earlier interaction with and communication from the SPA or Police Scotland on future changes. In fact, in our submission, we point out that we have had greater communication from the SFRS than we have had from Police Scotland. That sort of thing would be welcome.

Shona Robison: It sounds, though, as if being proactive at a local level is equally important. Indeed, I think that Councillor Vettrainso has suggested is that this is a two-way street.

Councillor Vettrainso: Absolutely.

Chief Superintendent Thomson: An issue that has been raised for a number of years now is about how local authorities can influence the SPA and the gap in that respect. A lot of work has been done to try to bridge that gap, and all I can say from a north-east perspective is that both the chair of the authority and the chief constable have visited us and absolutely support the move to a far better integrated model in Aberdeen city and the north-east. Autonomy is being given to commanders and our partnership approach is being respected, but that has not always been the case, and the situation can improve further.

The Convener: Daniel, I noticed that you wanted to ask a supplementary question. Has it been answered?

Daniel Johnson: The moment has probably passed, convener.

The Convener: Okay.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I want to ask a couple of questions about domestic abuse in light of the submissions that we received from Scottish Women's Aid and Rape Crisis Scotland prior to today's evidence session.

Chief Superintendent, you mention in your submission the creation of a national unit to tackle domestic abuse and talk about how

"a strong and continued focus on domestic abuse has contributed to an improvement in the safety of victims".

With regard to what happened before, Scottish Women's Aid says in its submission that

"Responses to domestic abuse varied, not just among the eight regional forces but within these forces themselves; a postcode lottery was very much the picture for women and children experiencing domestic abuse."

Moreover, Rape Crisis Scotland says in its submission:

"In our experience, the move to a single police force has transformed the way rape and other sexual crimes are investigated in Scotland. It has allowed far greater consistency of approach, including to the training of police officers and to the use of specialist officers."

I would appreciate getting a better understanding of what went before and how that

situation has changed, specifically with regard to the reporting of domestic abuse.

Chief Superintendent Thomson: Speaking from a north-east perspective, I think that it would be fair to say that domestic abuse was treated in a different way from how it was treated in other parts of the country. With the formation of Police Scotland, we in the north-east learned a lot—indeed, it is so important that we keep learning. The establishment of the national divisions has been a key move. When Police Scotland started up, I was responsible for the major investigation teams, and I absolutely understand the benefit of and the strength in having one consistent way of doing our business.

Speaking again from a north-east perspective, I would say that this marries with another kind of group that I think has been newly formed since the legislation came into force—the chief officer groups that are being formed in the 32 local authorities. Representatives from the health service, the police, the local authority and, in the north-east, the fire service sit on a number of those groups, which look at planned public protection across the piece, including child protection, adult protection and protection with regard to violence against women.

In the north-east, there is above that an overarching tier of chief executives—the leaders group for public protection—and it has commissioned a piece of work taking stock of where we are in relation to the subjects that you have highlighted. After all, this is not just a policing issue, albeit that the national divisions have very much lifted the standard; this is about having better interaction with the voluntary sector, which does tremendous work, and with other partners. We can do far more in that respect.

10:45

Jenny Gilruth: I am particularly interested in this issue, because one thing that came up at a recent meeting that the committee had with the domestic abuse team in Forfar as part of its ongoing work was that the force certainly felt that it was working in a much more joined-up manner: people were sharing information, and they were much better equipped to tackle cases of domestic abuse and join up the dots from historical cases. However, one challenge that they faced was the general data protection regulation. I am interested in getting your thoughts on that, particularly with regard to any lessons that the committee can learn for its future work, because there was something of a challenge with regard to sharing data between third sector organisations and the police and a feeling of reluctance in that respect because of GDPR.

Chief Superintendent Thomson: That sort of thing has always been there in some form. However, given the new legislation and in relation to your specific point, I wonder whether a written response can be sent back, perhaps from someone who can speak on the matter far better than I can.

I assure the committee that when there is an issue involving someone at risk, information is shared. However, there are complexities to take into account, so it might be best if I try to articulate them in writing to the committee. Would that be acceptable, convener?

The Convener: Absolutely. That would be very helpful.

Liam McArthur: It would be worth acknowledging that we heard police concerns about the willingness of the third sector to be able to share and concerns from the third sector that the blockage was the other way. Something that captures that slightly anomalous situation would be very helpful.

I want to follow up Shona Robison's line of questioning about the development of local plans. Obviously, in order to develop those plans properly, a good flow of information both ways is required. What observations can you make on the way that information flows? We have heard from Ms Beresford about the local community feeling unsighted in relation to decisions around the withdrawal of traffic warden services—certainly, that was the case in my constituency—and the closure of police counters. The roll-out of taser use is another illustration of a situation in which a national policy appears to have been put in place, but, because of the way that information has flowed down, local communities have not been as engaged as we would expect them to be and have not had sufficient influence.

Chief Superintendent Thomson: I have probably said where I think that we need to get to, but I will go back to an earlier stage. I do not think that anyone should underestimate the task of establishing Police Scotland. It was a huge challenge. There were a number of things that could have been done better, on reflection, but I would suggest that we delivered safe communities and ensured that we were operationally competent. However, I have travelled about the country, including the north-east and the Highlands and Islands, where the impact of, for example, the withdrawal of traffic wardens and the reductions in public counters was felt very strongly.

I think that we are now in a better position in relation to how we communicate change. We have to do that better. Policing 2026 makes it very clear that we have to engage. You can engage and say,

“We have engaged”, but it is a bit like partnership working—it needs to be a bit more than that. Moving forward, we are going to get better at engaging. We have to learn from the mistakes of the past. I am not going to sit here and defend everything—we got some things wrong—but I would have to suggest that we got the vast majority of things right, including the most important elements, such as keeping people safe.

The Community Empowerment (Scotland) Act 2015, which came into force after the act that we are discussing today, has given us a tool for proper engagement.

Liam McArthur: You are right. We can all have a debate about what has happened in the past and the rights and wrongs of it but what is important now is that lessons are learned from those experiences. Are you seeing evidence of a willingness in your organisation to share information ahead of time—possibly even ahead of formal decisions being taken at a senior level in Police Scotland—with the local communities that will be dealing with the consequences of those changes? Has that changed meaningfully in the past number of years?

Chief Superintendent Thomson: I can give you an example. I went to a locality meeting in one of the areas in Aberdeen and sat with a local area inspector, representatives of the Fire and Rescue Service and the local authority, and members of the community. Among various issues, we discussed domestic abuse. I cannot believe that that would have been discussed in such an environment before, but the discussion was open, and it was really refreshing to hear how much the community wished to support a preventative agenda.

We have definitely not yet got to where we need to be, but we are definitely on that journey and have learned from the mistakes of the past.

Liam McArthur: Going back to Councillor Vetraino's earlier point about antisocial behaviour coming consistently at the top of the list in local surveys of communities' concerns, is the view of Police Scotland that the priority for resources needs to be in other areas, whether it is knife crime, cybercrime, trafficking or whatever? How do those discussions take place? Presumably your position is, “We hear what you are saying but, with due respect, we disagree”. Is the relationship mature enough and functional enough to enable you to say, “We disagree. This is the reason why we disagree and the local plan needs to reflect your expectations but also our views on where resources need to be deployed”?

Chief Superintendent Thomson: Antisocial behaviour is a very broad descriptor. Behind a lot of the antisocial behaviour that I see lies serious

organised crime. We tackle serious organised crime at a strategic level and through national resources and local resources. However, there is partnership working that looks to support vulnerable people who are taken advantage of by those who are involved in serious organised crime. We also come together at community safety hubs such as the ones that Yvonne Beresford has mentioned, where we talk about issues such as antisocial behaviour in an area and how we can come together in partnership to deal with it.

I would never dismiss antisocial behaviour but I have to prioritise where I put resources at a particular time. Sometimes that involves a split-second decision by, for example, a sergeant on the ground, with regard to what incident he is going to respond to.

We have better strategies in relation to tackling some of the causes of antisocial behaviour and supporting some of the victims.

Liam McArthur: I would be interested in the perspective of Yvonne Beresford and Councillor Vettrainso on how the information flows are functioning and whether that process has improved. We have talked about early engagement but, presumably, early engagement will work only if the information flows are working as they should be.

Councillor Vettrainso: It is difficult to know how to bring about early engagement. Some years ago, there was an initiative that involved community engagement meetings. I thought that it was a great idea. There were several community engagement locations in the ward that I represent, but they have all petered out because people did not come. That formula is not right. People were not engaging as it was hoped that they would.

I do not know what the best way is. I thought that the your view counts initiative was good because it relied very much on modern technology and the internet, and it got a positive response from people. We need to look at ways to engage meaningfully with the community.

Liam McArthur: But the scrutiny role that you have in relation to a discussion about local priorities can function only on the basis that the information that you get from the engagement that you do with the community as a councillor and that police get through their own activities is being shared at an early enough stage.

Councillor Vettrainso: There is no problem about getting good information from the police. The trick is turning that information into actions that meet the communities' demands. It is a question of priorities. I am sure that the chief superintendent will agree with me that you have only so many resources and that one thing is

important and that another thing has to take a back seat. Joe Public cannot understand that.

Liam McArthur: Yvonne Beresford, you cited a number of examples in your submission. What is your experience of this?

Yvonne Beresford: My submission related to the response resources when it comes to partnership working. West Lothian Council's partnership with Police Scotland and the Scottish Fire and Rescue Service remains strong.

Recently, we had cause for concern about a particular area. The community was suffering from antisocial behaviour. Our partnership analyst was able to pool all the information from all services so that we had a clear description of the issue in front of us, which meant that we knew what exactly we were dealing with. There was a partnership discussion and a plan was drawn up. The plan included using resources from youth justice services, criminal justice, the voluntary sector, community groups, the community council, Police Scotland and West Lothian Council, and a communication plan.

The information was relayed back to the communities. They were informed that collective meetings were going to take place, posters were put up and information was given to primary schools. There was a series of meetings to address the antisocial behaviour. For some of the issues, individual letters were put out to the small areas of the community as well.

That took place over the summer period. There were interventions with some of the young people who were involved in the antisocial behaviour. We have had great success. The issues have not completely gone away. They are being closely monitored by the partnership and they are still being addressed, but the antisocial behaviour has almost stopped. It is still there, although only very slightly, and the interventions are in place, looking to the longer term. Some of the young people are in positive destinations already and their behaviour appears to have changed.

It is vitally important that, when we look at issues affecting the community, we do so collectively, as a partnership. We cannot work in silos. Information has to be shared in order to meet the outcomes that we need to meet and that the communities deserve. In order to address these issues, we have to continue to work in that way. West Lothian has good practice in that respect.

Daniel Johnson: We have talked a lot about resources and the interplay at a local level. I am interested in looking at it the other way around. One of the key drivers for the creation of Police Scotland was about having flexibility and, indeed, anyone who reads Police Scotland reports will be

very familiar with the cartwheel organisational diagram for any local division. To what degree is that a reality?

Campbell Thomson, how regularly do you have national resources under your command and how does that drawdown work in practice?

Chief Superintendent Thomson: Every day, I chair my morning management meeting at which we review the 24 hours of crime that has taken place—hopefully little of it—and take a look ahead. Seated at that table are representatives from my division and other divisions, such as the national resources of roads policing, who we interact with on a daily basis.

Thereafter, tasking is taken in relation to the serious crime division and the various areas that it represents with regard to the types of crime that we face and who is best to deal with it. Is it best dealt with by a national resource, which is located within my area, or is it best dealt with by a local policing resource?

I am sure that you appreciate that we have a significant number of events in the north-east of Scotland—some that we probably would not want to discuss here—which demand a resource to support us. We have that resource consistently. For football matches, particularly those that are more challenging, we have access to resource. On a weekly basis, we deal with the issue of missing persons, and to cover some of our terrain, use of the police helicopter is critically important.

11:00

On a daily basis, on a weekly basis and on a monthly basis we have access to specialist resources as and when we require them. There is always going to be a challenge with regard to where the priority lies for those resources. However, in some of those day-to-day situations—the high-risk missing person, the roads policing, the football match that is on-going or certain events—it is an absolute given that those resources come under my command.

Daniel Johnson: What sort of numbers are we talking about? I was just reading the Police Scotland report, which describes there being 3,356 officers available to A division. By comparison, you have 1,164 officers in your division directly. Would you ever be able to deploy 3,356 officers in your division? Is that a fair and realistic way to present the resources that are available to you?

Chief Superintendent Thomson: I sincerely hope that I do not need to deploy that many officers in my division. The way in which that information is presented is sometimes not helpful, to be honest. My divisional resource is probably

slightly less than that, given some of the changes that there have been. Generally, it is about 1,100 officers.

That figure is the national resource that could be taken to a division should we wish to draw on it. Realistically, though, it is not going to be that number. The greatest numbers of extra officers that we require, whether for public order or for other duties, are for some of the bigger events, and I imagine that the resource may be, at most, 100 or 200 officers—no more than that.

That figure is perhaps not helpful in the context in which it is provided to you.

Daniel Johnson: I am interested to hear from Ms Beresford and Councillor Vettraino about their experience of the ability to have that national resource deployed locally.

Councillor Vettraino: It seems to me that it is nothing more than good sense. We have specialist resources, and there is no point in duplicating those specialist resources all over the country. There is a central resource that the eight divisions can call upon at any time. That is just good sense—it is no more than that.

The important point is that, although that change was envisaged with the single police force, territorial policing seems to have suffered as a consequence of it. That takes me back to where we came in—the perception that the public have of the police. It seems to me that there are fewer community police officers available for territorial policing, and that is what registers with the communities that we serve.

Daniel Johnson: You feel that there has been a reduction in the number of such officers in favour of establishing a national resource.

Councillor Vettraino: No, I am not saying that that has happened in favour of establishing the national resource. It might just be a symptom of reducing budgets all the time, and both resources might have suffered equally. I am saying that territorial policing has suffered as a consequence of one of the changes that I perceive to have been made since the single police force was introduced.

Yvonne Beresford: West Lothian Council welcomes the reassurance that is provided by the availability of a large number of officers who are specialists in their field. Thankfully, we have not needed to use them.

If Police Scotland needs more officers locally for a particular event or to deliver a policy—it might be for the night-time economy in the run-up to Christmas—it can bid for further officers to come in on a particular night or weekend. That resource is then brought into our local area to assist. That is as much as I know about the involvement that we have had. We will have had other officers in,

perhaps, when there has been a murder inquiry or something like that. That flexibility would come into play with officers not just from F division but from the wider J division.

Daniel Johnson: You have mentioned something quite important, which has been mentioned to me privately in discussions about these matters—the issue of bidding for resources. Is it your experience that, when bids are made, the resource is delivered when local officers need it?

Yvonne Beresford: I cannot comment, because I do not know how many times Police Scotland locally will bid for additional resources. West Lothian Council is informed when there are additional resources coming, so that we can prepare joint work in the area and help to deliver on Police Scotland's strategy—whatever it is. We are informed when we have extra officers in our area.

Daniel Johnson: If the model is predicated on a national resource being available to be deployed according to local need as and when it is needed, it is important that local thoughts, priorities and experiences feed into shaping that national resource. Does that happen adequately? Are local views reflected in Police Scotland's national planning? That is the reverse of Liam McArthur's earlier point about information flows.

Chief Superintendent Thomson: Sorry—could you ask that question again?

Daniel Johnson: Do views about the shape of national police resources and plans flow upwards adequately? If national resource is available to meet local demand, it is important that those views are reflected up the way in the planning of that resource. Is that happening?

Chief Superintendent Thomson: It is happening to an extent, but it is in the more extreme cases that the resource is actually deployed and I am not sure whether there is an opportunity for the public to have a say.

For example, we have horses at the football in Aberdeen when there are high-profile matches. Some people say that we never had horses at the football before Police Scotland existed, and they ask why on earth we have horses at football matches. However, horses are extremely beneficial for police officers who are trying to separate a small minority of people who are less intent on watching the football.

In the example that I provided, we never had access to a helicopter from Grampian Police per se. We might have had search and rescue, but that has changed as well. The resources are welcome in the high-risk circumstances in which we have to deploy them, although I am not quite sure how we engage with the public in relation to

their deployment. I am not sure whether I have answered your question, but I am just not sure how we do that in relation to those specialist resources.

Daniel Johnson: Let me put a similar question to Ms Beresford and Councillor Vettraino. Do you feel that you have adequate opportunities to feed into Police Scotland's national planning and national policies, so that local priorities and experiences are reflected in national policing plans?

Yvonne Beresford: I am not aware of any particular consultation that reflects that. I think that, if there was a local need—whether a yearly event or something that required policing on a bigger scale—communities would want to have a say. Generally, if we are getting any national resource locally, that is due to an urgent matter and Police Scotland will deploy that resource appropriately according to risk, threat and demand.

Daniel Johnson: It is very ad hoc rather than planned at a strategic level.

Yvonne Beresford: Absolutely.

Councillor Vettraino: I do not know whether I have the opportunity to feed into the national strategy. If I felt that something needed to be said or done, I would have to go through my local divisional commander and I would have no idea whether he had passed it on. There is no formal chain of communication to allow me to input.

You are talking about national strategy, and that is way above my pay grade. I can only give an account of the community's reaction to changes in the police and to police action and involvement; I am not well placed to say what we should be doing in practical terms or when we should meet them.

Daniel Johnson: I think that, as the chair of the local police scrutiny panel and as a local representative, you are very well placed to provide a perspective, but that is just my personal view.

John Finnie: I have a question for Mr Thomson. With respect, you are of an age such that you will recall that the idea of bidding for a national resource is not a new one but goes back a long way to the Scottish crime squad—it subsequently became the Scottish Crime and Drug Enforcement Agency—which was comprised of officers from all the forces. I wonder whether there is a tension there.

This example was given to the committee when we were out and about. It comes from your area and predates your time there. The fact that there is an issue regarding the proliferation of drugs in some Moray seaside towns will be seen as an important issue in the division but, in the scheme

of things and in the context of dealing with organised crime gangs and drugs, it is not. There is, therefore, inevitably going to be a tension around access to the national resource. Do some areas that have contributed to the national resource potentially lose out because of that?

Chief Superintendent Thomson: Scotland as a whole faces threats from serious organised crime, cybercrime and counterterrorism, albeit that they may be more evident in some of the more urban areas. It is therefore right that we have a nationally brigaded resource—which, I have to say, is probably one of the best in Europe—that tackles those threats. It is a national resource that is absolutely accessible to me, as a divisional commander, and that operates as such in local communities right across Scotland. There is a bidding process in relation to it, as you would expect—there always has been.

In relation to public influence, there is a difference between the public influencing particular tactics—which is what I think Mr Johnson is referring to—and the public having an opportunity to influence national policy, which I think is absolutely key.

John Finnie: The public might influence priorities on the basis of understandable concern about a number of drug deaths. That would not necessarily be their involving themselves in police operations, but it would be quite legitimate for that to be an influencing factor that you, in turn, would feed into the tactical task force.

Chief Superintendent Thomson: Absolutely, yes.

The Convener: Let us return to the communication of national priorities and how resources are allocated. Ms Beresford, you mentioned that there is no transparency in how Police Scotland resources are allocated across Scotland. There is a bidding process, but how is the decision made? There will be certain priorities, but I get the feeling that, if there was more transparency and an explanation of the decisions, that would help communication and improve relationships. Can you comment on that?

Yvonne Beresford: There is a feeling across West Lothian Council that it would be beneficial to have more transparency about the scale of the resources that are available in our local area and to understand the demands, the numbers and the flexibility that Police Scotland has within J division.

We do understand that the flexibility is there if we require a certain resource, which is often available in order that the police can carry out what they need to do in West Lothian. Something happened last week, for instance, and a police resource was available that is not normally there. We know that they are able to do that, and that is

welcome. However, it would be beneficial to have the numbers. We could then put plans in place with realistic expectations, knowing what may be achievable or delivered, when we are working out future work in partnership.

11:15

The Convener: In your submission, you say:

“Much of the current allocation to Divisions appears to be based on historical practice and little evidence that it is based on need.”

Transparency in communication seems absolutely vital if that need is to be teased out.

Yvonne Beresford: Yes, and that sometimes shows even in our partnership working, where some officers would like additional resources. To a degree, that will always happen but, until there is transparency in the figures, we will not know where the demand is because of conflicting demand elsewhere or conflicting demand within our local community. To understand the demand in our local community, it is really important to get that information. It gives a better picture, and more clarity would be good.

The Convener: I take it that others would welcome that transparency.

Councillor Vettrano: Yes. In everything, the more transparency there is, the better, but I wonder how much meaning that information would have for somebody in my position. The local police commanders know what they need and will understand what they are asking for. I would have no idea why they were asking for a particular resource or a particular number of personnel.

The Convener: I suppose that, if you can analyse why resources have been deployed in a certain way, that will strengthen your ability to argue in a certain way when you want the resources. That would be my reasoning. The need to get more information—more data—and transparency without unnecessarily burdening the police has come up in discussions of governance generally.

Councillor Vettrano: Would that not mean my getting involved in management and operational matters?

The Convener: No, I think you would simply be expressing a view on what you thought was needed and noting how resources were deployed. You would be not interfering with the process but noting how resources were deployed and proffering an argument that would resonate with the decisions around that deployment.

The Convener: I think that Liam Kerr had a supplementary that I did not take before.

Liam Kerr: Yes. Councillor Vettrainso talked earlier about public perception; it was a fair comment. I have an awful lot of people contacting me—I am sure that my colleagues do, too—about the challenges of policing in rural areas. Campbell Thomson talked about front-line resources and some of the challenges of keeping people out there. Are the challenges in rural areas that I am hearing about a reality or a perception? If they are a reality, is there scope within the act, or within the changes that have been made, to address them?

The Convener: This has been a good session but we have overrun, so please be brief, if possible.

Chief Superintendent Thomson: I personally do not see a difference—although I know that there is a difference—between policing a rural community and policing an urban community. The north-east of Scotland, for example, is made up of various different communities, which all absolutely deserve the best policing service that we can deliver to them.

We have talked much about local outcome improvement plans and locality planning. In the north-east of Scotland we have a rural crime strategy, which embraces a number of partners with regard to us all understanding that there is a different dynamic within the rural community and how we can all work together collectively. As you are aware, Mr Kerr, I have a division that has double the ratio of probationers of anywhere in Scotland. Managing that is easier in an urban environment than it is in a rural environment, because we cover a huge geographic area in which the demand can be challenging. As we do in an urban environment, it is important that we work with partners and acknowledge that communities are the best eyes and ears in the preventative agenda. There is a real strength in that and we need to build upon that, but I do not see a difference per se. Absolutely everyone is entitled to the very best policing service that they can get.

The Convener: Shona Robison also has a supplementary question. Please be very brief, if you can.

Shona Robison: I want to return to the deployment of resources, in order to clarify whether I am understanding this correctly because I think that we are talking about two things. First, when there is a serious crime such as murder or sexual assault there would be a reactive deployment of resources on the basis of need. Secondly, there is the on-going day-to-day work. If, for example, there was a rise in drug crime because serious organised crime was beginning to operate in an area in which it had not previously operated, presumably a case would be made for additional resources. Are we talking about those two slightly different things?

Chief Superintendent Thomson: You are absolutely right and that is indeed what happens. Should we require specialist resource, as Mr Finnie said, there is a tasking process in which we bid for that resource. Sometimes we do not even have to do that, because the nation is already being covered and some of the work that is being done in one part might well be covering our part as well.

Fulton MacGregor (Coatbridge and Chryston) (SNP): At present, local authorities are asked to confirm the appointment of a local police commander. Does the panel think that that is the right approach?

Chief Superintendent Thomson: I am happy to opine on that. It would be a great opportunity to invite local authority chief executives to inform such panels. That has not happened in the past, but I know that they are very much involved in selecting senior police officers. I think that that would be a step forward.

Councillor Vettrainso: I think that they have a role to play, yes.

Yvonne Beresford: I agree. It would perhaps be a good step forward.

Fulton MacGregor: Thank you for the quick answers, and for your honesty.

There has been a lot of discussion today about local and national policing, so I do not think that there is any need for me to go over that again in great depth. The missing persons situation has been talked about today—I led a debate on that in the chamber not long ago—as has mental health. As a commander, does Campbell Thomson have the power to implement national strategies at a local level, not just by himself but in conjunction with local authorities? With the missing persons framework, for example, which has been widely applauded by civic Scotland, the mental health strategy, the suicide prevention strategy and so on, there is an incumbency on everyone to be involved and there are different needs in different areas. How do you see that working? What more can be done to make sure that the strategies work effectively?

Chief Superintendent Thomson: There again—I alluded to this already—there is a national strategy or a national policy, in which we most definitely have influence. Thereafter, that allows us the tools to work along with partners. If it just becomes a Police Scotland strategy, it is of little or no relevance; it means that we are just doing things consistently within a siloed organisation. Where we have used the missing persons framework as an enabler in the north-east, we have worked with partners around care homes in Aberdeen city and we have seen a

significant reduction in the number of missing children.

We still have work to do on mental health; we are not there yet and we can continue to improve. The national strategy is fine in itself and it deserves the plaudits that it has received, but it is not until it has actually been delivered in a place that we will see real benefits there.

Yvonne Beresford: We have had to look at the way in which the data on missing persons is being used, because in the case of some of the young people and the premises from which they are absconding, it may be known where they are and they may not actually be missing. We know where they are, but they are not where the authorities would like them to be. They are not back and safe within the dwelling, but they are elsewhere. The issue is finding a way of recording that. Data from Police Scotland might show that the number of missing persons for a particular area is on the rise, but we may know where the young people are and there may just be issues around ensuring that they are safe and getting them back to safe accommodation.

The Convener: We are running short of time. Is your question really pressing, Fulton?

Fulton MacGregor: No. It is a continuation of that line.

The Convener: We are vastly over time.

Fulton MacGregor: Okay. I will finish on a final question, which is not a continuation of that line but is about the SFRS. Most of today's discussion has been on police matters, because of the panel we have in front of us. I know that the SFRS is to appoint a local senior officer for each local authority area. Could Ross Vettrains and Yvonne Beresford comment on how that role is working just now?

Yvonne Beresford: It is working well. Our commander for the SFRS covers Falkirk and West Lothian and the time is shared relatively equally. Communication is working well. There is a change of staff within the ranks below him, but as ever the communication about who is taking over the new roles, and when, is communicated across the partnership.

Councillor Vettrains: I think that it is working well, too. The consultation document that was issued recently is the easiest to read consultation document that I have seen in 35 years' experience. As a society, we should be excited about some of the proposals for the fire service. They are meaningful, they are long overdue and they will improve the service.

The Convener: Well, you have a different perspective. On that happy note, I thank our witnesses for attending. It has been a very helpful

evidence session. I suspend the meeting for a five-minute comfort break

11:26

Meeting suspended.

11:31

On resuming—

The Convener: We now continue with our second panel. It is my pleasure to welcome Caroline Gardner, the Auditor General for Scotland, and Gill Imery, Her Majesty's chief inspector of constabulary in Scotland. I congratulate Ms Imery on her appointment and we look forward to working with her in the committee.

We will move straight to questions as there are no opening statements.

Shona Robison: I would like the panel to turn its attention to the relationship between Police Scotland and the Scottish Police Authority, and how it has developed since 2012. We are aware of the particular challenges in the early days, which have been rehearsed and talked about a lot. I am interested to hear whether you think that those issues have been resolved satisfactorily or are in the process of being resolved—not least through improvements that have been made since last year, when the new chair of the SPA arrived. It would be useful to hear your summary of whether things are improving and what more needs to be done, referencing in particular the clarity and understanding of roles and responsibilities.

Gill Imery (Her Majesty's Chief Inspector of Constabulary in Scotland): Thank you. It is very encouraging to see coming to fruition the words of the new chair at the start—it is coming up for a year that Susan Deacon has been in post—about making the authority more outward facing, and equipping it with the experience and expertise that it needs in order to hold the chief constable to account.

Over the past just shy of a year, Her Majesty's inspectorate of constabulary in Scotland has been encouraged to see that much effort has been put into wider outward engagement, and to bolstering the authority's officer team. We are also encouraged to see the plans that have been approved by the board in public to augment that team with other posts, and to augment the board membership with members who bring a wide and eclectic mix of experience to scrutiny of Police Scotland. All those things give HMICS a lot of optimism that things are moving in a much better direction.

Caroline Gardner (Auditor General for Scotland): I agree; Audit Scotland is also seeing

signs of progress. Parliament decided, for reasons that we all understand, to have a structure in which the SPA exists to hold Police Scotland to account. My view—the work of Audit Scotland has shown this—is that it has taken a while for them to be in that position. There were disagreements and uncertainty about the roles of the different players, to start with.

The situation has moved on a long way. There are the changes that the chief inspector described around new appointments and strong leadership for the SPA and Police Scotland that have moved the situation forward, and we are seeing improvements in day-to-day work through simple things like the appointment of a single chief financial officer with a reporting line to the new chief executive of the SPA and to the deputy chief officer in Police Scotland. Those are signs of progress.

The one caveat that I offer at this stage is that there is still not the amount of real performance information about policing available to the SPA that would enable it to hold Police Scotland to account, in the way the Police and Fire Reform (Scotland) Act 2012 envisaged in order to deliver the strategy for policing for Scotland and the ministerial priorities on that. It is a work in progress.

Shona Robison: Do you agree that the improvements that are being made and that still need to be made, including the one that Caroline Gardner just referred to, can be made within the parameters of the 2012 act?

Gill Imery: I do. I think that the 2012 act is fit for purpose, but implementation has clearly faced challenges, over the piece. I have said and I believe that there are grounds for optimism, but clearly we have been here before. There is a new chair of the authority, a new chief constable and a new cabinet secretary; in the past it felt as though the planets might be aligned to achieve the improvements that we all want. This time we really have to be cautious that all the signs are positive; what we do still needs to be backed up by learning from the experience of others to ensure that the challenges are minimised.

Caroline Gardner: I agree. The legislation is clear and there is now a much better working understanding of the roles and responsibilities of Scottish ministers, the SPA and Police Scotland. It took a while for those roles and relationships to settle down—time that could have been spent transforming policing, although we are starting to see that coming through now. The real challenge will be to make the fundamental change in how policing is delivered at local level and nationally, which the committee explored earlier.

Liam Kerr: On that point, it seems to me that what is coming out a lot in evidence is that when the 2012 act was brought in there were different interpretations of the roles and responsibilities, and that personalities played quite a big part in interpretation and implementation. You have said that things are being resolved and are looking much better, but the 2012 act has not changed, which suggests to me that that is because the personalities have changed. If the personalities can change for the better, it is logical to suggest that the personalities could change for the worse in the future. You could be back in the situation in which a strong chief constable is in conflict with a strong SPA. Is that a fair conclusion? If it is, do we need to revisit the 2012 act to clear up some of the ambiguities that have crept in?

Caroline Gardner: I completely recognise the concern that Liam Kerr is raising. I would say that some of the problems around relationships reflected roles and responsibilities, but were about some quite nitty-gritty things—for example, where responsibility for the finance function should sit. For a big part of the first five years of the SPA, we were sitting with a finance director in Police Scotland and a director of financial accountability in the SPA. You could almost characterise it as a turf war between the two over who was managing the finances of the organisation.

It took a long time for the SPA and Police Scotland to work that out—the Government intervened eventually to help them to clarify that—but that was not to do with the legislation. The legislation is quite clear about the role of Scottish ministers in setting priorities for policing, the role of the SPA in setting the strategy for delivering those priorities and holding Police Scotland to account, and the role of Police Scotland in doing it. There is always a risk of personalities throwing up the sorts of tensions that Liam Kerr referred to, but we are now in a much more stable position in respect of the roles of the SPA and Police Scotland, so such tensions would not have the same impact on the structure and, therefore, the policy aims of the legislation that they did in those very early stages. For me, there is a lesson about the importance of good implementation, but not a problem with the legislation.

Daniel Johnson: Caroline Gardner touched on an important point about the roles of ministers, the SPA and the police. You have said that you feel that the SPA is addressing some of the points of technical competence, especially around finance. However, there is a bigger point. The SPA is important not just because it provides financial governance; it also provides a fundamentally important buffer that prevents direct Government direction of the police. Is it improving its functioning in that role as well as in the more technical financial roles?

Caroline Gardner: The SPA is building its capacity, as the chief inspector has said, in order to be able to do that. My caveat is that the information that it gets as part of the performance framework, and the more detailed performance management information that it will need are still developing.

That is partly a result of the slow progress in modernising the information technology systems. A lot of the IT issue is because there are still systems that were run by the eight previous forces, and beneath that, systems that were not well integrated in the individual forces. Without progress on getting that clear information about how well the priorities for policing and the strategy for policing are being delivered, that will always be an area in which the SPA finds it hard to carry out its role. Gill Imery will have a clear view on that, as well.

Gill Imery: Yes. I agree that there are still challenges, particularly in respect of performance information. On equipping the authority with the means of properly holding the chief constable to account, the focus of the new performance framework, from April this year, is outcomes and the impact of policing activity on communities, whereas the previous model was target driven. Police Scotland is still evolving: it has not arrived at specific measures that demonstrate delivery of the outcomes and the impacts that are experienced by people. That, as I said, inhibits the SPA's ability to hold the chief constable to account for delivery.

That is still very much work in progress. HMICS is very interested in it and is involved in scrutinising it and delivery of the "serving a changing Scotland" strategy—the longer-term 10-year strategy. We are very interested in implementation. Most recently, over the summer we have been doing field work on how Police Scotland identifies its priorities, which the committee explored with the previous panel, and how identification of those priorities leads to informed decision making about allocation of specialist resource and support. We will report on that later this year.

Liam McArthur: I will turn to finance, but will first ask briefly about the topic that you have just been covering. You have described teething problems in terms of implementation, but what you have described in terms of strong leadership and learning lessons could have equally applied—in fact, I think it almost certainly applied—at the appointment of Michael Matheson, Phil Gormley and Andrew Flanagan.

Therefore, I suppose the concern that some of us have is that although the personalities have changed, the rhetoric may have changed and acknowledgement of where mistakes were made

has been offered, we are still reliant on the roles and responsibilities of a very limited number of individuals whose personalities will come to bear, as well. Is that something that we need to look at quite closely in respect of how the legislation is working now and is likely to work in the future?

Gill Imery: I acknowledge that point and the point that Liam Kerr made earlier. However, one of the main things that HMICS said last year about the openness and transparency of the SPA was about the fundamental importance of having public board and committee meetings, which has happened. There is now visibility of personalities and behaviours in that much wider context, which I think will help to minimise the risk of repeating the mistakes of the past.

11:45

Liam McArthur: There is increased visibility of the SPA board and how it interacts with Police Scotland. I suggest that there is perhaps less visibility of the relationships between the Cabinet Secretary for Justice and the SPA board and the chief constable.

Gill Imery: The Cabinet Secretary for Justice is, of course, responsible to Parliament for all justice matters, but the day-to-day operational independence of the chief constable and the duty of the chair of the police authority to call the chief constable to account are very deliberately set out in the 2012 act. That distinction—the buffer layer between Government and direction of the operational business of policing—is very important and needs to be protected.

Liam McArthur: About this time last year, however, concerns were raised about the justice secretary's engagement in discussions about the potential return to work of the former chief constable, which flagged up anxieties about how that relationship worked. Are there lessons that we can learn from that in terms of how the legislation will be applied going forward?

Gill Imery: Of course the legislation allows the cabinet secretary to intervene in particular circumstances, and he would be required to come to Parliament to intimate that intention. The situation last summer was certainly very challenging for a number of parties, which is a matter of public record. HMICS's report, "Thematic Inspection of the Scottish Police Authority—Phase 1 Review of Openness and Transparency", shows the levels of dysfunction that existed at that time. I characterise the intervention to which Liam McArthur refers as a symptom of that dysfunction; not all was working as it should. Had the cabinet secretary not intervened in that particular set of circumstances, I am sure that there would have been equal, if not more, criticism of that lack of

action. That action was, some might argue, actually the cabinet secretary discharging his duty to Parliament.

Liam McArthur: On dysfunction, obviously there have been well-publicised concerns from Caroline Gardner, among others, about financial management in SPA and Police Scotland. You touched on that a little in your answers to earlier questions from Shona Robison. What do you see as having been the root of those problems? Can we have confidence that they have been resolved?

Caroline Gardner: You are right that I have reported a number of times on the SPA and Police Scotland since it was established in April 2013. I think that the rate of my reporting is unprecedented for a public body. There was a combination of things. First, there was local lack of clarity, or disagreement, about who would take responsibility for key functions including financial management and financial governance. There being dual roles left both overlaps and gaps, and there was not a focus on the longer-term issues of financial sustainability and good financial management that will enable policing to respond to the challenges in the 21st century.

Secondly, as I have reported elsewhere, straightforward weaknesses in leadership and governance within the SPA led to decisions being made without a clear audit trail, without good options appraisals and without it being clear to us, as auditors, what information had been taken into account and who was involved in decisions. That would not be good practice in any public body—certainly not for one that spends a billion pounds a year and has direct effects on people's lives throughout Scotland every day.

We are now seeing real progress in that. It has taken five years to get there, but I welcome the fact we are seeing the cornerstones of good governance and good financial management being put in place. I plan to report to Parliament again before the end of this year on the progress that we have seen as part of our audit of the financial year 2017-18. There is a long way to go, but I am happy to be able to give the assurance that we are seeing signs of progress.

Liam McArthur: I do not want you to break any embargoes, but in terms of where the focus needs to be concentrated, are you able to suggest where that improvement needs to be built on? We all accept that there have been challenges in the past, but there are arguably more significant challenges in what Police Scotland needs to do going forward.

Caroline Gardner: What I would like to see, and what we are seeing to an extent, is a move away from the challenges of day-to-day financial

management towards the question of a longer-term financial strategy that is not just about balancing the books in terms of the amount of money that is likely to be available with the Government's protection, and what it will cost to deliver spending. The priority now is how to use that resource to transform policing and deliver policing 2026 and, in particular, the detailed strategies that will be required for investing in information and communications technology; for looking at the police estate; and for looking at the ways in which the police work with other public bodies, as you have been exploring this morning. It is about putting the detail into the vision that is in the 2026 strategy and the plans that will turn it into reality.

Liam McArthur: You are confident that there is a structure now in place that, almost irrespective of who performs the individual roles within it, is robust and resilient and can give us confidence that we should see a far less haphazard management of finances in future.

Caroline Gardner: I think that we have the two fundamental building blocks in place. One is clear agreement between the SPA and Police Scotland over, and clear respect for, who does what and who is responsible for it; and the second is that the systems and the processes are in place that will let them use that to make much more robust decisions and decisions that are much more accountable for the way public money is used in future.

Daniel Johnson: You have touched on your quite deep criticisms of the financial management and the accountability, including the fact that very basic things such as audit trails simply were not taking place, but you also touched briefly on ICT and future finance. I understand that Police Scotland has just submitted a request for just under £300 million-worth of investment in ICT, which would make it one of the largest ICT projects not just in Scotland but in the United Kingdom. Given that those measures, as you describe them, are work in progress rather than complete, does that not raise some concerns about a very large ICT project that even a very capable organisation might struggle to manage? We do not need to think very long and hard to come up with some examples where that has not gone right. What would your thoughts be about Police Scotland embarking on a £300 million IT project?

Caroline Gardner: We have always recognised, as has Police Scotland, that investing in ICT is a fundamental way of modernising policing and transforming it for the 21st century. I reported on the failure of the i6 programme probably two years ago now, which was intended to deliver some of that and did not. There is no

doubt in my mind that that set policing back in those terms for a number of years.

I probably would not characterise the proposals at the moment as being for an IT project; rather, they are for a programme. That is an important distinction. My sense is that the SPA and Police Scotland have learned some important lessons about how you break down a project of this scale into manageable chunks while still keeping the big picture visible and working towards the overall aim. It is something that we will be looking at closely through our audit work. As you say, we know that there are big risks in such projects, not just in Police Scotland but in public bodies across the country that I have reported on before. We will be looking closely at the governance and the approach to being a skilled client that Police Scotland is bringing to that.

Daniel Johnson: Indeed, there is a big difference between a programme and a project, but I would also argue that a programme brings with it more risks because, unless you make sure that each of the individual programmes is sufficiently well defined, managed and delivered within the broader strategic context, those are precisely the areas where large programmes get into trouble. What measures would you be arguing that the SPA and Police Scotland need to put into place so that they can both frame and deliver a programme of this scale effectively, ensuring essentially that the taxpayer gets good value for money? I do not think that anyone would argue about the need for this IT integration; the concern is just about confidence in its delivery.

Caroline Gardner: On the back of the various reports that I have produced on IT problems and IT failures across Scotland over the past six years, we have produced a fairly short publication that sets out the principles for managing digital programmes. They are things that are quite straightforward in principle to talk about, such as having a clear vision of what you intend to achieve, making sure at the beginning that you have the skills and expertise that you need to be able to act as an intelligent client, and monitoring against clear timescales and milestones for what is being delivered. It is easy to say those things but much harder to do them in practice. That is why my digital team will be looking closely at the way in which this is being taken forward in Police Scotland and aiming to test and challenge what it is doing and also looking at the challenge that the SPA itself is providing, which we would expect to be an important part of managing the risks. There are no guarantees; we know that such programmes are big and complex. We are looking at this closely for that reason.

Daniel Johnson: In recent weeks, one of the concerns has been some of the bills incurred from

external consultants. Does Police Scotland currently have sufficient IT, programme management and strategic capacity and capability among its own people?

Caroline Gardner: I am not in a position to give you that assurance yet or, indeed, to say they it does not. It is one of the things that we will be looking at closely. We will also be looking at the way in which Police Scotland made the decision to procure the external skills. We will be looking at the way in which it has tried to balance the need for expertise, which is quite scarce and expensive in the market, with the need to demonstrate good use of public money. All I can give you at this stage is my assurance that we are looking closely at it.

Gill Imery: I was pleased to hear Mr Johnson say that nobody would question the need for ICT integration. Certainly, HMICS has mentioned that inhibitor in a number of policing inspection reports of local policing and the specialist functions. The service absolutely does need an integrated, cohesive approach to ICT.

We have commented in the past on the use of consultants and the marriage of their expertise with the policing experience. There is no doubt that Police Scotland needs rigour in relation to the distinction between programme and project management. There is evidence that it has achieved that. It has business change experience coming into the organisation in quite senior support roles, which is then married up with the operational experience of police officers in order to arrive at the best use of public money and the best impact operationally. Again, that is an area in which HMICS is very interested.

The Convener: Before we leave the line of questioning that Liam McArthur started, Ms Gardner, in your submission you said:

“The structure served to ensure that the chief constable was not directly accountable to Scottish Ministers. There has been recent public and political debate (regarding the former chief constable) over the extent of Scottish Ministers’ involvement in the Scottish Police Authority’s operations.”

Are you content that section 5(2) of the 2012 act—which basically says that the cabinet secretary may not give directions in relation to specific policing operations and any ministerial direction must be published and laid before Parliament—is fit for purpose? Does that need to be looked at again given that there was a huge debate around this whole issue?

Caroline Gardner: I think that it is fit for purpose. I agree with the way in which Gill Imery described the events of last year. It is clear that the overall way in which the chief constable’s leave of absence was handled left confusion about

what the position was. I think that the justice secretary's involvement in that was appropriate and was in line with the legislation.

Conversely, I have previously reported that the Scottish Government was slow to get involved in the early years of the SPA in clarifying what the roles of the SPA and Police Scotland ought to be around things such as financial management. Both of those I think fit well with the section of the legislation that you have just pointed the committee's attention to, and I think that we are now in a much better position for them to work in practice in the way that was intended. I do not think we have seen anything that breaches that provision in the five years that the SPA and Police Scotland have been in operation.

12:00

The Convener: The debate, therefore, did not raise any issues that you had any concern with?

Caroline Gardner: The overall situation was clearly a difficult one for everyone involved and it was difficult to untangle, but I do not think that that was as a result of the legislation. I think that it was as a result of actions that were taken within the SPA and Police Scotland at that stage about the leave of absence that was granted to the chief constable. We have not moved to this yet, but I think that it is clear that there are questions about the provisions in the legislation for complaints handling, which I think is related to that. I know that the review that Dame Elish Angiolini is carrying out on that will be an important source of evidence. If you are asking me about the legislation, that is the only area that it seems to me important to have another look at in quite that way.

Rona Mackay: It appears that the Scottish Fire and Rescue Service did not encounter the same initial problems with financial management. I was going to ask you whether Police Scotland and SPA could have learned from that, but from what you have said we have gone beyond that and we seem to be on the right track.

In May, you did an audit of the SFRS. You complimented the board on working well and you talked about the strengths and quality of discussion and scrutiny and challenge of management. You also recommended that it needed to increase its pace of reform and implement its plans for transforming into a more flexible, modern service. Could you expand on that and say what led you to that conclusion?

Caroline Gardner: You are right. I think that the two section 23 reports that I have produced on the Fire and Rescue Service have recognised that it made faster progress in terms of both overall governance and financial management. We have seen some of the benefits of that in, for example,

the long-term financial strategy and the clarity about the investment that is needed to transform the service for the longer term.

In relation to your question about the pace of change, we recognise in the report that there was a deliberate decision by the board and senior management of the Fire and Rescue Service to take people with them—both people in councils and communities across Scotland and firefighters and fire officers. They are working with the particular challenge that the Fire Brigades Union organises on a UK-wide basis and that the Scottish Fire and Rescue Service needs to play into that while having its own quite different vision for the way in which the service will be provided and will deliver in future. I recognise the thought that they put into that decision. I think that they have had some benefits from it in the harmonising of firefighters' terms and conditions across Scotland. However, I also think that it is now important for them to pick up the pace of reform, building on that achievement but looking at the ways in which they can genuinely modernise the service for the longer term and put it on a financially sustainable footing given the amount of investment that is needed, particularly in equipment and the firefighting estate across Scotland.

Rona Mackay: I take it from that that you are confident that the SFRS will achieve the transformation that hopefully has been planned,

Caroline Gardner: I think that it has laid some very strong foundations, both in building that sense of confidence and trust with the workforce and with councils across Scotland and in having clarity about the investment that is needed. The service and I do not underestimate the challenges of doing that more widely when we are potentially talking about quite significant changes to the way in which the service is organised and the things that firefighters spend their time doing every day. It is a big challenge, but I think that it has laid some strong foundations for it.

The Convener: You will be aware that, in the first panel, there was a line of questioning about resources and about transparency in the allocation of those resources and the reasons behind that. Given that HMICS has stated that there is a need

“for the SPA to strengthen its governance through increased transparency, focused scrutiny, improved relationships with local authorities”

and stakeholders, does that also apply to Police Scotland when the resources that are allocated at a national level cascade down and it looks at the impact on local needs?

Gill Imery: We have commented a number of times on the link that should exist between the 32 scrutiny committees at the local authority level and

the national decision making. I was privy to part of that discussion this morning about both the local influencing the national and the national communicating at a local level. There are a number of areas that HMICS is encouraged to see: the national conveners forum—the conveners of each of the scrutiny committees have a forum—and the joint chief officer group, where we see COSLA, the Society of Local Authority Chief Executives, Police Scotland and the SPA being represented. It certainly is evolving, developing and moving in a better direction.

Key to some of this discussion is another topic that was touched on earlier: an accurate analysis of demand across the country. That is part of an on-going programme within Police Scotland to look at demand, productivity and performance. However, we have expressed some concern about the pace of that work because it is pivotal to a lot of these discussions about understanding before we talk about any officer numbers, whether we are starting with the right number and whether those posts are distributed where and when they need to be across Scotland.

The Convener: Ms Gardner, does a more tangible exercise need to be carried out to provide transparency on why certain resources have been allocated in certain ways?

Caroline Gardner: My starting point is that, as we are talking about public services and public money, openness and transparency should be the norm. Clearly, that is not possible, for good reason, when it comes to some decisions about specific services, but people should be very clear about when and why they cannot share information of that sort.

Significant progress is being made in the way in which the SPA carries out its business. Its default position was moving very much in the wrong direction—it was moving away from being transparent and making it easier for the Parliament, the media and local communities to see what was happening. The SPA's default position has shifted, and there is probably room for the same shift to take place in policing, at least in some parts of Scotland, so that people understand what resources are available and how decisions are made, and have the chance to have their voices heard. We know from examples in health and social care that that often has real benefits for the people who are responsible for public services in the Parliament, in Government and at a local level. People do not expect there to be a magic wand that can meet their every preference and every wish that they express but, these days, they do expect to be involved in the discussions on those matters. There is room for more of that at a local level in policing.

The Convener: That is a case of Police Scotland giving information about the resources nationally in the way that the SPA now does. The SPA has opened up considerably and is much more accountable and transparent.

Caroline Gardner: As the chief inspector of constabulary has described, we have the mechanism for doing that through the local scrutiny committees. It is now a question of making a reality of making that information available and genuinely entering into a discussion about it.

Daniel Johnson: The issue is not just about good governance and transparency; it is more fundamental than that. Do you agree that, if we believe in policing by consent, good governance and transparency are not simply good to have but vital if we are to have policing policies that are genuinely consented to by the public?

Gill Imery: Absolutely. Policing by consent is pivotal to everything, and Police Scotland has done quite a bit of work on public confidence. It has a public confidence steering group, through which it is trying to learn from the findings of the Scottish crime and justice survey, as well as its own user satisfaction survey. There is a need to differentiate between satisfaction and confidence. Confidence comes partly from having good scrutiny, and from having checks and balances in the system on which society can rely. It is important that we can all show that that scrutiny is independent from the Government and that it is evidence based.

Caroline Gardner: I agree. Policing is different only by degree. Policing by consent is important, because the police have the power to deprive people of their liberty and to use force. Any public service is provided by and on behalf of people for people. We know that there are difficult decisions to be made about a number of areas of public services, given the financial pressures and the way society is changing. Much more involvement along the lines of the principles that are set out in the Community Empowerment (Scotland) Act 2015 and the open government partnership that the Government has entered into will help us to make those decisions better and with more public support in future.

Daniel Johnson: Are there any structural changes that you could make, such as local scrutiny panels having nominees on the SPA board itself? Are there other ways in which the SPA board could be comprised differently to reflect the public view?

Gill Imery: Previously, there was an allocation between the board members for certain scrutiny committees across Scotland, and in our submission we make the point that we felt that to

be valuable in providing a formal link between the business being discussed at local scrutiny level and the national considerations. That was partly because there needed to be visibility of resource allocation and benchmarking between areas, and I know that members of local scrutiny committees would find it very useful if that information were more overt and more easily accessible.

The Convener: We have moved on to John Finnie's questions. I am very generous in allowing supplementaries, but I ask members to pay attention to what they are asking to ensure that they are not moving on to a line of questioning that is just about to be covered.

John Finnie: To build on that, it is acknowledged that some tensions remain between the central scrutiny role and the role of the local bodies. I note what HMICS says about the national conveners forum and the joint officer group, which is a positive step. I have long been of the view that we should try to devolve as much resource as possible, but there are limitations to that.

Do you think that there is an opportunity for a more enhanced local scrutiny role, which might be seen by some local authorities as a more meaningful role? People like something meaty to scrutinise, and the meaty thing that can be scrutinised is resource, which, invariably, is money. Do you see there being a greater role for local scrutiny? Would that have more of a gelling effect on the relationship between national scrutiny and local scrutiny?

Gill Imery: I understand that point, but there is an inherent risk that we would replace eight territorial police forces with 32, so—

John Finnie: How is that?

Gill Imery: You might think that that would be a good thing, but that is another discussion altogether. The intention with the current structure is that there should be autonomy on the part of the 13 local police commanders, each of whom personally attends 32 local authority scrutiny panels or committees. There are limitations on that autonomy to provide a national delivery framework so that the main aims of reform can be achieved. There are many more voices at a local level, but there is also the framework of a national structure.

John Finnie: It was accepted that one of the benefits of having the shared resource of a national police force was that it would be able to do the strategic work in areas such as counterterrorism, cross-border crime, organised crime and human trafficking, but what comes below that? Surely there is an opportunity for greater and more meaningful local involvement.

Gill Imery: The arrangement that you are describing sounds very similar to the previous

arrangement involving the Scottish Crime and Drug Enforcement Agency and the eight forces, which HMICS, as you will recall, previously criticised. Indeed, one of the drivers for reform was the lack of connection between delivery of the national function and local ownership of issues that affect communities who live in local areas.

John Finnie: For me, the difficulty is that there is a lack of local ownership. Policing is now seen as something that is done from outwith. If, as I do, you like local empowerment, there is an opportunity—accepting that there is strategic work that will be done and scrutinised at national level, not least because, under the previous regime, there was a lack of people who had a sufficient level of clearance to do some of the scrutiny that is required in relation to counterterrorism, for example—for the local scrutiny committees to be built on and to form a meaningful part of partnership working at local level. Such an arrangement would not undermine anything—quite the reverse. It would provide the fullest possible engagement, and would give the scrutiny committees something meaningful to scrutinise.

12:15

Gill Imery: I agree that the key to the success of reform lies at a local level. None of what you described as the national challenges happens anywhere other than in local communities. Local commanders have the opportunity—which they take up—to have people who work on some of those national functions come and speak to local members of scrutiny committees to engage with them on activity that is being undertaken in communities at local level.

John Finnie: For the avoidance of doubt, I was not suggesting that there was no engagement on such matters. Some of the difficulties have arisen because of central direction on, for example, armed police or stop and search, but there is still the potential for local scrutiny committees to have a greater role.

Do you have a view on that, Ms Gardner?

Caroline Gardner: I will start with a disclaimer: I know much less about the mechanics of local policing than Gill Imery does because of our different roles. We work closely together, but we have different roles.

To a great extent, the attention of the SPA has been on the national operation of Police Scotland, and we know that some of the benefits of that are now being delivered. There is more consistency and more access to specialist services. Some of the well-documented difficulties with policing in Scotland since 2013 have got in the way of people being able to think about local scrutiny and what local involvement in that might look like.

My sense is that, with the local scrutiny committees, we have the right mechanism, but we know that they are very variable in practice. I think that it is important for the SPA to engage in looking at how they are working across the 32 local authority areas and, by doing so, to get much more of a sense of the extent to which the principles that were set out in the Community Empowerment (Scotland) Act 2015 are being followed and dialogue is taking place with local communities and their representatives, and of the scope that exists to flex local policing while maintaining, protecting and investing in the national capacity, where that is required. From my perspective, that is the unanswered question about the reform process so far.

The Convener: Ms Imery, you mentioned that the 13 local commanders have to service 32 local scrutiny bodies. That is not prescribed in the legislation. Could the legislation be improved? Could consideration be given to whether that practice is cumbersome and is not working as well as it should be? Should the committee look at that area with a view to pinning down what might work better?

Gill Imery: The system as it stands works, but there are anomalies whereby one divisional commander might have to attend four separate scrutiny committees. For example, West Lothian Council, from which the committee heard earlier, is one of four local authorities whose areas lie in one policing division.

That issue is linked to the discussion about integrated IT systems, because all 13 divisions' boundaries are in part dictated by the legacy IT systems of the previous eight forces. P division in Police Scotland was previously Fife Constabulary. E division is Edinburgh, which, because of its size, has a single divisional commander and a single council. J division is the rest of the Lothian and Borders area—in other words, West Lothian, Midlothian, East Lothian and the Scottish Borders. You can see that right across Scotland. It is possible for commanders to service more than one committee. It is a slightly anomalous situation. I heard the representative of West Lothian Council talk about the fire structure, which is obviously slightly different. It could be argued that there is more synergy between West Lothian Council and Falkirk Council than there is between West Lothian Council and Scottish Borders Council, for example.

That is an indication of the speed with which reform took place and the challenge that existed in trying to ensure that operational policing and delivery continued on day 1. As the service moved into reform, there was an element of "as is". With the developments that we are talking about today, the ICT enabler, along with the demand analysis

that I mentioned earlier, would invite a revisiting of the decisions on division boundaries, which could be more sensitive to the boundaries of communities at local authority level.

The Convener: Do you have any comment on that, Ms Gardner, or do you simply concur?

Caroline Gardner: I echo exactly what Gill Imery has said. We have always known that the real benefits of reform would come when we are able to transform the police service and the fire and rescue service. So far, for different reasons, people have been focused on a smooth transition within the existing services. Until we can start to rethink that, along with all the underpinning enablers for things such as IT and the harmonisation of terms and conditions, we will not get the full benefits, but the potential is definitely there.

The Convener: You touched on the complaints process and the problems and shortfalls in terms of the previous chief constable. The HMICS submission says:

"HMICS has previously commented on the impact of public commentary on complaints against senior officers and the potential to undermine public confidence in policing. Recent experience in Scotland raises questions about the procedures in place to deal professionally with complaints, ensuring that the duty of care towards complainers and those subject to complaint is fulfilled."

Could you both comment on that? It is a crucial aspect.

Gill Imery: HMICS very much welcomes the review that the cabinet secretary invited, which Dame Elish Angiolini is now undertaking. I know that she has started to have meetings with key people as part of that review.

It certainly was a difficult time towards the end of last year, when there was a very public surfacing of allegations that had been made against very senior people in Police Scotland. There is a balance to be struck between absolutely having confidence that any complaint or issue will be thoroughly investigated and having a means of assessing the veracity of complaints or allegations before they are in the public domain. There is a body that carries out that thorough investigation, independent from Police Scotland, in the form of the Police Investigations and Review Commissioner.

We also need to ensure that there is consideration of the impact of some of that public display on the public's confidence in their policing service, as well as the impact on people who might be considering making a complaint and disclosing something that is sensitive or difficult but who would be inhibited from doing so because of that very public reaction.

Caroline Gardner: There is no doubt that the nature of policing means that it is more important in policing than it is anywhere else to have that very fair and balanced approach in which everybody is clear about how complaints will be taken forward and which balances the needs of the person being complained about and the complainant or complainants.

My perspective is that the handling of last year's events around the chief constable did not help to generate confidence in policing in Scotland, both among people close to the situation but also much more widely. I have noted that, in a number of the submissions that the committee has received in response to this inquiry, some of the same concerns are being raised, particularly in the PIRC's submission; I also noticed the same point in the chief inspector's submission. There is enough evidence there to suggest that that part of the legislation can usefully be reviewed. Like Gill Imery, I welcome the review that the cabinet secretary has commissioned.

The Convener: Should a complaint that involves the very top of the police force—the chief constable—be fast-tracked? There is justification for doing that, because that paralysis is deeply damaging to the whole force.

Gill Imery: Absolutely. The more quickly such an issue can be addressed and concluded one way or another, the better. Indeed, one of the concerns in some of the submissions is about whom the Police Investigations and Review Commissioner is accountable to and to what extent any relevant party can intervene and establish the priority given to investigations.

The Convener: Liam Kerr has a supplementary question.

Liam Kerr: It is on that point. In a situation such as the one that the convener described, in which an officer is facing allegations, my understanding is that if that officer resigns or leaves the force, the investigation stops at that moment, so there is no resolution for either the accused or those accusing them. Do you have any comment on that?

Gill Imery: That is an accurate description of the situation as it stands. It is unsatisfactory both for the person making the complaint and for the individual who has been publicly accused of the behaviour. I know that the PIRC has raised that in its submission to the committee.

The Convener: That concludes our questioning. Thank you both very much for attending and for submitting your written evidence to the committee, which, as always, has been extremely helpful.

Subordinate Legislation

Firefighters' Pension Scheme (Scotland) Amendment Order 2018 (SSI 2018/215)

Firemen's Pension Scheme (Amendment) (Scotland) Order 2018 (SSI 2018/216)

Regulation of Investigatory Powers (Prescription of Offices, etc and Specification of Public Authorities) (Scotland) Amendment Order 2018 (SSI 2018/218)

Licensing (Fees) (Scotland) Amendment Regulations 2018 (SSI 2018/256)

Licensing Register (Scotland) Amendment Regulations 2018 (SSI 2018/267)

Scottish Administration (Offices) Order 2018 (SI 2018/781)

12:27

The Convener: Item 3 is subordinate legislation. We have six negative instruments to consider. I intend to take them en bloc. If members have no comments, do we agree that we have no recommendation to make on any of the instruments?

Members *indicated agreement.*

Petitions

Judiciary (Register of Interests) (PE1458)

12:28

The Convener: Under item 4, the committee will consider two petitions. I refer members to paper 4, which is a note by the clerk, and paper 5, which is a private paper. The committee is asked to consider and agree what action, if any, it wishes to take in relation to each petition. Possible options are outlined in paragraph 5 of paper 4. I remind members that if they wish to keep a petition open, they should indicate how they would like the committee to take it forward. If they wish to close a petition, they should give reasons. We will consider each petition in the order in which they appear on the agenda.

This is the first time that the committee has considered PE1458. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce a register of pecuniary interests of judges bill, or amend existing legislation, to require all members of the judiciary in Scotland to submit their interests and hospitality received to a publicly available register of interests. Do members have any comments or questions?

John Finnie: I seem to have mislaid the paper, but from memory there were a number of recommendations around requiring further information. I would support that approach. Future generations will be surprised that we do not have such a register already. We need to be best informed, so I suggest that we get that additional information and consider the petition again.

Rona Mackay: I agree with my colleague, John Finnie. The Public Petitions Committee believes that a register is not unworkable and recommended it. As John Finnie said, we need to explore the petition further and get as much information as we can so that we can take it forward.

12:30

Daniel Johnson: We all need to be mindful that we have a legal duty to uphold the independence of the judiciary, but transparency enhances independence. I very much support the comments that colleagues have made. We should take the petition forward. It makes an awful lot of sense to do exploratory work.

The Convener: Is it the committee's wish, therefore, that we keep the petition open and seek further information?

Members indicated agreement.

Private Criminal Prosecutions (PE1633)

The Convener: We move to PE1633. Members have a submission from the petitioner. I invite comments or questions.

Rona Mackay: I have an interest in the petition, as the petitioner is a constituent of mine.

I will raise a couple of the points in the petitioner's submission. The issue is complex, but I have put down some bullet points to try to simplify it. The petitioner believes that there is a clear gap in the law, particularly in relation to the Health and Safety Executive, which must produce a report before the Crown Office can act in relation to private criminal prosecutions. The Health and Safety Executive has admitted in a response to a freedom of information request that sportsmen and sportswomen are treated differently from other employees and that private criminal prosecutions are based on a random process. The petitioner believes that people should be able to make a report directly to the Crown Office after an incident, rather than a report being made by one of the various bodies that are entitled to do that. He has a list in his submission.

I am in favour of keeping the petition open, getting more information from the Lord Advocate and perhaps inviting the petitioner to give oral evidence.

John Finnie: Health and safety is an important matter for the trade union movement. I do not know whether the Public Petitions Committee received comments from trade unions, but I would certainly welcome their views on whether they feel that there a gap in the law.

The Convener: I am interested in how the rest of the UK dealt with the issue. The petitioner referred to that. We seem to see it as a problem here, but the rest of the UK does not, so perhaps we could get some more information on that.

At the same time, could we reflect on the wording in the petition and whether it seeks to remove the requirement that the Lord Advocate must first give permission before a private criminal prosecution can be commenced? There is a suggestion that a private prosecution can go ahead without the concurrence of the Lord Advocate, although a high test of exceptional circumstances would need to be met before the High Court permitted that.

I would like to tease out those issues and bring the petition back to the committee, for the reasons that I have just given. Do members agree?

Members indicated agreement.

The Convener: That concludes our consideration of the petitions.

Our next meeting will be on 2 October, when we will continue with our post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012; we will also hear evidence as part of our pre-budget scrutiny.

12:33

Meeting continued in private until 12:59.

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