



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Justice Committee

**Tuesday 30 October 2018**

**Session 5**



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**JUSTICE COMMITTEE**

**27<sup>th</sup> 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:**

Dr Kirsty Darwent (Scottish Fire and Rescue Service Board)  
Susan Deacon (Scottish Police Authority)  
Alasdair Hay (Scottish Fire and Rescue Service)  
Chief Constable Iain Livingstone (Police Scotland)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



## Scottish Parliament

### Justice Committee

*Tuesday 30 October 2018*

*[The Convener opened the meeting at 10:00]*

### Decision on Taking Business in Private

**The Convener (Margaret Mitchell):** Welcome to the 27th meeting in 2018 of the Justice Committee. We have received no apologies, but Liam McArthur has indicated that his flight has been delayed, so he will join us later.

Agenda item 1 is a decision on taking business in private. Does the committee agree to take in private agenda items 5 and 6, which are consideration of the committee's letter on its recent pre-budget scrutiny, and consideration of potential witnesses for its scrutiny of the Vulnerable Witnesses (Criminal Evidence) (Scotland) bill?

**Members** *indicated agreement.*

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

10:00

**The Convener:** Agenda item 2 is an evidence-taking session on post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012. I refer members to paper 1, which is a note from the clerk, and paper 2, which is a private paper.

We will hear from two panels this morning. I welcome our first panel: Chief Constable Iain Livingstone from Police Scotland—on behalf of the committee, I congratulate him on his recent appointment; and Susan Deacon, chair of the Scottish Police Authority, whom I welcome back to the committee.

I thank the witnesses for their written evidence, which is always helpful to the committee. Both witnesses have indicated that they do not wish to make opening statements, therefore we will move straight to questions from members.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Good morning, panel. We have heard a lot that the reasons behind the change to Police Scotland were mainly financial. Were the reasons for moving to a single police force sound?

**Chief Constable Iain Livingstone (Police Scotland):** The financial operating environment was undoubtedly a factor, and was given explicitly as a reason in the discussion and debate about moving from the nine previous operating arrangements to one.

In my view, there were also a number of other factors related to the current threats that we face, and to future threats, which are just as important. The need for policing in Scotland to be able to deal with the increasing threat from cybercrime, in which people are defrauded and exploited online; the threat from serious and organised crime in all our communities—not just in the central belt, but across the whole of Scotland—and increased vulnerability and the need for policing to respond to individuals who are vulnerable meant that our structures were not optimal.

I also think that one of the difficulties or challenges that we have had in articulating the value of the single service is that we did not reform from a position of crisis. If we look at international examples of significant police reform, we see that often that need has arisen after a real crisis in confidence—for example, the Belgian paedophile scandal.

Policing in Scotland was working and was effective, but it was working and was effective

despite the structures and the disparities in capability and capacity that existed across the country.

Finance was one reason for the change, because we wanted to maintain the service that we had. Another strong reason was to make sure that policing would be fit for purpose now and in the future—as has been shown to be the case in the past five years.

**Fulton MacGregor:** I will take the point further. What would the implications have been for operational policing had the reform not taken place?

**Chief Constable Livingstone:** It would have been difficult to maintain the structure under the financial arrangements. Year on year, about £200 million in real costs has been taken from the annual budget. That is in excess of the revenue cost of two or three of the previous forces. The structure that we had, which was effective as far as it went, had enormous inefficiencies and enormous gaps in effectiveness. Therefore, from my perspective, Scotland would not be as safe as it is now, had we not gone through that process of reform. That is the short answer.

**Susan Deacon (Scottish Police Authority):** Parliament did absolutely the right thing at the right time in reforming the police service. The more time I have spent in this role, and the more I have worked with people in policing across the United Kingdom and more widely, the more I have been struck by how much stronger the reform has made us, in terms of delivering a police service that is fit for the future.

John Finnie, one of the committee clerks and I attended a conference yesterday that was organised by the Scottish institute for policing research, the Scottish centre for social research and the what works Scotland initiative. The conference heard from speakers from other countries that have either gone through similar reforms or are identifying the need to do so. In some cases—I think in the Netherlands, for example—more than 20 forces have been brought together in one national force. They have encountered many challenges of change that are similar to those that Scotland has encountered, but without question there is a clear need to go in that direction.

South of the border, Westminster select committee inquiries are now looking at how to manage 43 regional forces in order to provide a police service that meets the challenges that exist in the world today.

There are real issues. I have been clear about the significant deficiencies in respect of early work that was done, or was not done, to build a police authority that works effectively. Over the past 10

months, I have worked very hard to turn that around. However, the legislative framework is right, and the reforms were absolutely the right direction of travel to choose. I think that the country is better for it.

**Fulton MacGregor:** Can you give any examples of where you think policing has become better as a result of the reform?

**Chief Constable Livingstone:** The investigation of death in certain circumstances goes to the heart of the legitimacy of policing. When it is clear that there has been a criminal death, it is vital that that is responded to fully, and that the family and the wider community are reassured that the death will be investigated thoroughly. More than 320 murders have been committed since Police Scotland came into being. With the exception of two current inquiries involving serious organised crime, every one of those murders has been detected. When I share that statistic with colleagues internationally, they are struck by its significance. We have been able to do that because we now have the capability to respond thoroughly to any death, wherever it occurs in Scotland.

The second point to make is that death investigations are not just about murder investigations; they are also about unexplained deaths. There is a need to respond properly in the first few hours—12 to 24 hours—in order to eliminate criminality. Police Scotland now has the capability to ensure that investigations are done properly and forensically, and that there is rigour and thoroughness, so that families are not left asking questions for years and decades to come. In cases of accidental death or suicide, we are in a far better position to liaise with the family. On where we were previously in the key area of investigating and responding to unexplained deaths compared with where we are now, it is night and day.

**Susan Deacon:** When we talk about the benefits that accrue from having a national force, we rightly often focus on, for example, murder or major investigations and sharing that specialist capability across the country. Of course, other areas including cybercrime and counterterrorism require the real strength that we get from having a national force.

However, we sometimes forget how much it matters to people that their communities get the same high standard of policing right across the country. I have read with great interest all the submissions to the committee. Two that really registered with me were those from Scottish Women's Aid and Rape Crisis Scotland. They point to the real benefits of there now being the same high standards across the country in the areas that they deal with. That is absolutely right.

A woman who experiences domestic violence in Inverness should expect exactly the same high standard of support from the police service there as she would get in Galashiels or anywhere else. It is important not to lose sight of those benefits.

**Fulton MacGregor:** I started my line of questioning by asking about the financial implications of reform. I am glad that the conversation went on to operational issues, but let us come back quickly to the financial question. The UK Government's budget yesterday has caused a headache. The police and fire services in Scotland are owed £175 million in VAT. Is Police Scotland making representations to the UK Government to reclaim that money?

**Chief Constable Livingstone:** I have not done that directly. I have certainly made representations to the chair of the Scottish Police Authority and to civil servants in the Scottish Government, saying that the money would be of assistance, but I do not feel that it is my place to speak directly to the UK Government. I have spoken to the chair of my authority, in that regard.

**Susan Deacon:** As members are aware, one of the provisions of the statute is that the accountable officer function sits within the SPA. That role is currently held by our interim chief officer, and from next week, our new chief executive will pick up the role. The SPA has worked really hard to develop and strengthen that accountable-officer function, because the accountable officer is responsible for the £1.1 billion budget for policing in Scotland. Part of that work has been to ensure that the accountable officer is more active and assertive in making representations, whether to the Scottish Government or within the slightly more complex landscape of intergovernmental issues.

Recently, among a number of issues that have been brought up at authority board meetings has been the potential additional policing costs of Brexit, especially in the event of a no-deal Brexit. We have also actively sought further information from the chief constable about additional policing costs that have accrued from operations such as the policing of President Trump's visit. We want the accountable officer to be stronger in negotiating directly with the UK Government, where that is appropriate, and—more often—with the Scottish Government, on issues such as the one that Fulton MacGregor mentioned.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Iain Livingstone started by saying that

"we did not reform from a position of crisis."

However, both witnesses will recall the tension that existed between Police Scotland and the SPA during the early days of reform. What steps have

been taken in the last five years to improve the situation?

**Susan Deacon:** I will pick up on that first point, as I have thoughts and observations on the past five years and have been accountable for the last 10, going on 11, months. I direct Ms Gilruth and other members to my additional submission to the committee last week, which set out the range of measures that I have driven forward to get the SPA into the shape that it needs to be in to be an effective and trusted public body. I hope that members found that submission helpful. I am happy to take questions on it.

As SPA chair, I have also driven work to strengthen leadership and governance in Police Scotland. To be frank, with regard to the SPA board, the leadership of Police Scotland and, increasingly, the progress in building capacity in the SPA, we are in a fundamentally different place to where we were back in January, when I and Iain Livingstone—who was then deputy chief constable—appeared before the committee. We are still on a journey. I am not for a moment saying that everything is exactly where it should be, but we have moved on dramatically from a lot of the early issues that were played out in public spats between the SPA and the chief constable, including in front of the then Justice Committee and others.

We are now working on ensuring that the governance and scrutiny arrangements that we have within the authority are absolutely fit for purpose and serve our dual role of supporting and challenging Police Scotland.

10:15

That is about holding the chief constable to account, but it is also about fulfilling our statutory obligation to maintain and improve policing. The latter role sometimes involves working very closely with Police Scotland—for example, in taking forward the change programme. On other occasions, it is our job to hold the chief constable to account for his work in leading the force. We have a new chief constable, two new deputy chief constables and three new assistant chief constables, who accounted for a large part of my summer, when I designed and executed the recruitment processes. That means that we now have a really strong team at the top of Police Scotland.

We are building strength in the SPA, and it is through that strength that we will be able to get to where we need to be—a place that is mutually respectful and which works for the benefit of policing in Scotland.

I hope that that answers the question. I am conscious that I did not talk about the first four years in any great depth.

**Jenny Gilruth:** Iain, would you like to add your thoughts?

**Chief Constable Livingstone:** I try to look forward; however, looking back, as a police service and as an organisation, we were moving into a completely new system of governance that nobody had experienced. That was the situation for the members of the authority, the officials supporting the authority, the officials in the Scottish Government and senior officers in the service, of whom I was one. We were used to local boards, with which there was familiarity, trust and understanding. Undoubtedly, the move to the new structure under the primary legislation meant that there was no shared understanding and no shared purpose, which caused an enormous amount of tension.

From a police perspective, we have undoubtedly recognised the value of scrutiny, the value of oversight and the absolute need for robust accountability. It is from those aspects that we get our trust and our legitimacy. I am very confident that the more people learn about policing and the more engaged people are with policing, the more reassured they will be about the motives, the good faith and the public service that lie behind it. That includes engagement with members of this committee and—as I hope members will agree exists—willingness to acknowledge shortcomings, to shine a light on issues and problems and collectively to put ourselves in a better position.

I think that the relationships are entirely different, and from a police perspective we are much more open to accountability and more welcoming of it.

**Jenny Gilruth:** I note that Susan Deacon's submission says:

"The SPA would ... be concerned that uncertainty and disruption caused by opening up the Act at this time would be destabilising and could create risk".

You have also spoken about your role in providing both challenge and support, which some might view as a conflict of interest. Is the legislation still fit for purpose in relation to governance and accountability between the SPA and Police Scotland?

**Susan Deacon:** Those are important questions to address. I will deal first with the second point, which relates to the dual challenge and support function.

It is often suggested that there is a tension, or a difficulty, in that dual function. I completely disagree with that. In many ways it is akin to the role of a Government minister, who is obliged to

be the biggest ambassador and advocate for the public services for which they are responsible but also to challenge and hold those services to account; or akin to the many different forms of boards—public, private or in the third sector—on which trustees or directors have the dual function of supporting the organisation while, at the same time, challenging its executives. I honestly do not see any conflict in that at all.

What the SPA lacked but has started to flesh out—in articulation and in our governance frameworks and practices—is a bit of clarity and intellectual rigour about what the different functions are and how they are performed differently. As an organisation, the SPA was not built properly—it did not have clarity of purpose. It would be boring if I talked through the huge job of work that has been done, but I assure the committee that we have addressed the issue at a range of levels, so that we are clear about performing both roles.

The short answer to the question of whether the legislation is fit for purpose is yes. If we did post-legislative scrutiny of any act of any Parliament, we could always find areas to amend, but the fundamental structure is right. Not least because of challenges that Police Scotland and the SPA have faced in the early years, it is critical for the organisations to have the chance to stabilise, develop and deliver policing.

A formidable programme of change needs to be taken forward. That is why the SPA said clearly in its submission that, although we absolutely welcome the post-legislative scrutiny process, which is hugely important for learning, we urge caution about making further changes to the 2012 act. We hear all the time from police—I know that the chief constable hears this, too—that the service needs clarity. As an authority, we need clarity and a stable structure, which we can then make work well. We are focused on that.

**Chief Constable Livingstone:** The governance that was intended and built into the 2012 act never operated properly, for various reasons. We have never had a period of stability in which the respective roles of the chief constable, the Police Authority, the Scottish ministers and the wider public have been properly discharged. We have had people in interim roles and we have had interim measures in place.

Rather than judge the act, I would continue with it as it is and ensure that the structures are properly implemented and understood. If we had done that, I would be in a better position to give a view, but the act has never worked in the way that was intended, because of various issues and changes that have arisen.

**Jenny Gilruth:** At last week's meeting, the Scottish Police Federation said that overt media interest in the reform process had been detrimental to the development of the organisations. Do you both recognise that from your roles? Has negative media interest—perhaps about tension between the organisations, which my first question was about—created barriers that might not otherwise have existed?

**Chief Constable Livingstone:** I was part of the legacy arrangements in Edinburgh before moving into the national service. Collectively and as individuals, all of us underestimated the media interest and—to be blunt—the political interest in Police Scotland's internal workings. That has caused a lot of disorientation for everybody who is involved in policing, but I would not define such interest as always being negative.

The interest has been robust. As I said in answering one of your earlier questions, we need to be, and I certainly am, in a position of greater visibility, greater knowledge and greater awareness about what is actually happening—not what people are speculating about or what they are leaking about because of partiality and self-interest—in our communities, in the police service and among the people we serve. The more people find out about that, the better, because they can then see the service for what it is—an excellent service.

**Susan Deacon:** As I have said, I submitted to the committee a paper setting out the improvements that I have made and actions that I have taken over the past 10 months, but I also called out some of the areas where I think we still need to make big improvements. Something that we discussed at the last SPA board meeting—and which I and the chief constable have discussed, too—is the huge issue of communication. Media scrutiny, parliamentary scrutiny and public scrutiny are all good, necessary and healthy parts of any democratic process and of the oversight of our police service, and they form part of how we ensure that there is public trust and confidence in what the police service does. However, it is incumbent on the police authority and Police Scotland to get an awful lot better at how we communicate, and I think that the SPA, in particular, can play a big role in helping to facilitate and foster a good, informed public discourse about what is actually going on in policing. In that respect, I noticed that some of the submissions to the committee referenced practices in Police Scotland and issues with it and the SPA that were two or three years old. They were the very visible things—and very often, not the positive ones. It is absolutely incumbent on both organisations, individually and jointly, to engage actively and effectively in that space to ensure that there is

informed coverage and discussion of what is going on in policing.

**The Convener:** Is there an issue with who is responsible for appointing the SPA chair?

**Susan Deacon:** That is a matter for Parliament. I applied for the role and went through the process that was set out and in which I had to engage; on that occasion, the former convener of the Justice Sub-Committee on Policing sat on the panel that interviewed me. How that appointment is made in future is entirely a matter for Parliament.

I have been looking at police governance in a lot of different systems. For what it is worth, although I know that members have expressed concern—and understandably so—about whether ministerial appointments to this or any other role compromise the postholder's ability to perform effectively and, where required, independently, I have to say that I have not found that to be an issue thus far. In other systems that have comparable organisations, there are confirmation hearings and the like. However, I genuinely think that the matter is one for the Parliament to consider in future.

**The Convener:** It is a matter of perception. If the role requires the approval of Scottish ministers, people might feel that the post is not so independent and that could restrict the officeholder. I fully appreciate that you have not found that, but I think that it could be a perception.

I want to ask about the recent interim appointments and secondments to the SPA. Where did they come from?

**Susan Deacon:** I am very happy to explain that, convener, and to take the opportunity to explain to members a little bit more about where the SPA, as an organisation, is at.

Members might be surprised to hear this, but I think that it is important to share it: when I took up the post as chair of the SPA, it had 27 members of staff. On its initial establishment, the figure was set, at different points, at 50 or 60. The Crofting Commission, the Scottish Housing Regulator and the Office of the Scottish Charity Regulator all have around 50 staff; the Cairngorms National Park Authority has around 70; and the Scottish Futures Trust has around 80. Having only 27 members of staff was a decision made not by the Scottish Government but by my predecessor and the then board, who decided to leave a number of posts vacant and not to build the organisation. Frankly, it is hardly surprising that the SPA was struggling to perform some of its duties effectively.

To address your question, convener, I can tell you that, by May, we had taken the number of staff to 40. To do that quickly, the interim chief officer took a number of steps to bring in the

secondments and interim appointments that you mentioned.

10:30

We have taken and continue to take such measures, as well as making permanent appointments, which I will touch on. We have brought in people from the Scottish Government and reached out to other parts of the public sector, such as local authorities—the interim deputy chief executive and chief operating officer is on secondment from Highland Council. A member of staff from Her Majesty's inspectorate of constabulary in Scotland worked with us for about nine months to help us to develop governance improvements.

We have drawn up a revised structure for where the organisation needs to be in steady state. Under that, the organisation would have about 68 people. We have also made and are making a number of permanent appointments.

All those things take time and need to be managed carefully. As the convener will appreciate and as members will know from experience, if we simply draft lots of people into an organisation, we create different problems. We must manage people into the right roles and manage how the team develops. That big job of work is still in progress.

I hope that that helps to set in context the interim appointments, which members have asked about before.

**The Convener:** Where did the secondees and interim appointees come from?

**Susan Deacon:** As I said, people came from a range of places. Some came from the Scottish Government; I mentioned an example from HMICS; and we have worked with local government. Somebody from Police Scotland is seconded to us to support development work on improvements to the complaints process.

We have been careful to have a managed process for building capacity and capability. I stress that, as I said, we will need to focus on that even more in the period that is to come. The new chief executive will start on Monday, and he is well aware that we expect him to build on the interim chief officer's work to build the organisation effectively.

However, even after we have done such work, I will strongly support secondments and interim arrangements from time to time, not least because they cross-fertilise knowledge and experience in public sector organisations. Such arrangements enrich the individuals and both organisations that are involved.

**The Convener:** The issue is about perception; and you have responded by saying that you feel that the balance is right. A separate review has been suggested, which would set out clear governance structures and cover the Cabinet Secretary for Justice, Police Scotland and the SPA. We have heard clearly your view that you are working well together and that improvements have been made, but we are on the third chief constable and the third SPA chair. Do we just need to get the right personalities? Has the governance structure now been changed fundamentally so that it is right? Could a separate review help to provide reassurance about what has been put in place?

**Susan Deacon:** One of the worst things that could be done at this point is yet another review of the SPA. When I appeared before the committee in January, Mr Johnson asked me a similar question, and I said the same thing then.

As my submission said, we are working through the implementation of an improvement plan for the SPA, which has been set out publicly—it is all on the website—was discussed in public at a board meeting and was submitted to the committee. The improvement plan takes account of 14 separate reviews of the SPA just in the past financial year. Those reviews make well in excess of 100 recommendations—in fact, it might be up to a couple of hundred; I have forgotten the exact figure.

We are working through a process to address each of those points in turn. I am pleased that when the chief inspector of constabulary and the Auditor General appeared before the committee, they said that tangible action was taking place. As I mentioned, we have put in place an entirely new governance framework. The board approved it in June and we made further changes at last week's board meeting—we changed the committee structures. I could go on, but I am sure that the committee does not want me to. The point is that that is not just mood music; tangible changes are being made.

I am sorry—I have forgotten the second point that you asked about.

**The Convener:** I think that I have forgotten it, too. [*Laughter.*]

**Susan Deacon:** I am happy to come back to it.

**The Convener:** No doubt we will come back to it.

In your submission, you say that the authority "would strongly caution against legislative change to the Act at this time and believes that the focus should be on delivering further improvement within the existing legislative framework",

which you say you have made. However, are those two things mutually exclusive? Could changes be made to legislation that might lead to the improvements that you want to make?

**Susan Deacon:** As I say repeatedly to my board colleagues, we all need to remember what we are there for, which is to make sure that the people of Scotland have a police service that is fit for purpose and fit for the future. For reasons that I can understand, energy and attention have been displaced on to the internal workings and structure of the police service and the governance and scrutiny arrangements for it, instead of there being a focus on policing. That absolutely has to change.

One of the greatest challenges facing our police service in Scotland is the need for it to adapt for the future—and to do so quickly. That issue has been discussed very fully by the SPA board and with this committee in relation to information and communications technology and the major programme of investment and change that needs to take place in that respect.

Again, I come back to the statutory responsibility of the authority that I chair, which is to maintain and improve policing. I want to be absolutely sure that we are working very hard to take that change forward in an effective and accountable way that is communicated effectively to the public, so that they know why and how policing is changing. That is why it is essential to have stability in the statutory framework; it will allow all of us, including colleagues in the Parliament, to get on with the job of developing and delivering policing, which is, after all, one of our most important public services.

Forgive me for being quite passionate about this, but I genuinely think that that is where the focus needs to be as we go forward.

**The Convener:** Just to make it crystal clear, you are saying that there will be no independent review, because you are confident that, regardless of who is in position, the governance arrangements that you are putting in place are robust enough to deal with, for example, the personality clashes that happened in the past.

**Susan Deacon:** I passionately believe in the need for continuous improvement; indeed, it is a mantra that I have applied in this role. We will continue to learn and to build and improve the governance, but we now have in place much more robust arrangements that members would recognise as being what one would expect of a public body. For the reasons that I gave earlier, I think that it is important to have stability in the overall framework in which we work. When I say that there is no need for a review, that is because we need to act on the recommendations of the 14 reviews that we are working through at the moment.

**Shona Robison (Dundee City East) (SNP):** Good morning. As I think Susan Deacon has just alluded to, there has been a lot of looking back, but I want to bring us to where we are now and your confidence in the SPA's ability to challenge Police Scotland effectively when required. In summary, your submission suggests that in your 10 months in the role you have focused on building the organisation's capacity. I want to probe that a little more. Is the practical effect of that capacity building and the skills that you now have around the board table a far more probing, questioning and confident approach by board members not only in holding Police Scotland to account but in questioning the executive team? Have you seen a visible practical demonstration of that improvement?

**Susan Deacon:** I am inclined to say that, to some extent, it is for others to judge what they see us do. However, in my opinion, the answer to your question is yes, there has been change in that area.

I agree that a lot of the focus over the past 10 months has been on building capacity. I know that this is not what you meant, but when I talk about building capacity, I do not mean that in a quantitative sense; I am talking about the skills, the capabilities, the behaviours and the culture.

More than half the board, including me, came on in the past year. The most recent new addition, who joined two weeks ago, is the last of the seven new members that we announced earlier in the year. We have been working through a rapid programme of change both in the governance framework and in board development. I recommended to the board, and it agreed, the appointment of a new vice-chair, David Crichton, and he has been focusing a lot of time on board development. We are building capacity in exactly the areas that you talked about. Some of that is about questioning skills and some of it is about understanding the environment within which we as an authority work and within which policing operates. The new members that we appointed were very job ready in that respect. That is what we specified in the public appointments process and that is what we got. We had a lot of interest and a lot of really strong candidates came forward. I was really heartened by that.

Some of that is about what you see in how we question the chief constable at the SPA board. It is a public forum; it is webcast and so on—I do not know whether members ever watch our board proceedings. However, it also takes place at a lot of other levels, through our committees and the one-to-one discussions that I and the chief constable have. Now that we have some stability in the leadership of both organisations, we have increasingly been trying to build more collective

engagement involving the senior leadership teams of both organisations to thrash out what the key issues are. Where necessary, we will push and challenge Police Scotland, but we will do so in a constructive way.

**Shona Robison:** What you describe is an organisation that has been through quite a difficult period. You have been in post for 10 months and you have brought what appears to be stabilisation and the building of capacity, including skills. Looking ahead to the next period, you have a new chief executive coming in, and you set out in your written submission some priority areas for improvement and development, which seem to be a bit more outward looking than the internal focus that there has been.

The top three priorities that the new chief executive is going to be tasked with are communication, which you have talked about, enhanced local accountability and external relationships. If you are back here in a year's time, what are the key things that you will want to have progressed, if not achieved?

**Susan Deacon:** That is a very fair challenge. I suspect that you will have me back here in a year's time and will be holding me to account on these things.

I am pleased that you picked up on the point about the SPA being more outward facing. That is absolutely the shift that I want us to make. I said from day 1 that I wanted the SPA to be a much more outward-facing organisation—it is an area that this Parliament, HMICS and others have made a lot of critical comment on in the past. We have done some of that in changing many of our board practices and the like, but there is a whole capability that the organisation needs but does not have, and it is something that this Parliament and members of the committee have called out a number of times, not least with reference to the Justice Sub-Committee on Policing. I have frequently heard it said in the chamber and elsewhere that the sub-committee has had to do some of what it has done because the SPA was not doing its job in that space, and I think that that is a legitimate comment.

We need to build that capability so that we can, at scale, engage in and facilitate high levels of public communication and stakeholder engagement. We have started to do that through the main board meetings and our focus on major strategic challenges in policing. Last week we looked at local policing, the previous board meeting was about ICT, and the one before that was about people in the organisation. That is quite different from where the board had its focus previously—it was not on the big strategic developments.

A year from now—I put this on the record—I want the SPA to be a body that is outward facing. I want it to be the lens through which the public and others can view policing in Scotland, and a body that facilitates a good and informed discussion about the future of policing.

10:45

You mentioned local accountability, which is also hugely important. We discussed it at length at the board meeting last week. Enormous progress has been made on the delivery of local policing and on Police Scotland's involvement in the community planning process with regard to police plans and so on. That has come through in any number of the submissions that you have received and the evidence that you have taken. However, we still do not have a good understanding of and shared best practice around the relationship between the SPA and local authorities and local scrutiny committees.

One of the first things that I did when I came into post was meet with the Convention of Scottish Local Authorities. All year, we have had an officer working group comprising members of the SPA, COSLA, Police Scotland and the Society of Local Authority Chief Executives and Senior Managers. Some of its work is now coming to fruition and will be discussed at COSLA's local scrutiny conveners meeting next week, which I will attend. As Councillor Elena Whitham, COSLA's community wellbeing spokesperson, said when she appeared before you as part of this inquiry, that has been the vehicle through which we have been working together to ensure that we are working effectively. It is still work in progress.

I know that local accountability is of interest to members. I have noticed that some of the submissions have made comments about the variation in local scrutiny arrangements, as if that were somehow a bad thing. The idea that local authorities can and should decide on their local scrutiny arrangements within their structures and practices is built into the system. I think that that is quite an important principle. Part of the challenge for the SPA is to ensure that we can engage effectively with what are really quite different models in each local authority.

**The Convener:** You have moved on to the line of questioning that John Finnie was going to ask about.

**John Finnie (Highlands and Islands) (Green):** I will carry on with that line. Professor Deacon, you have been clear that you do not want there to be any more reviews and that you are not supportive of legislative change, but I do not sense that you are being complacent.

On the comments in your submission that Shona Robison mentioned, it might be too early to talk about the work that has been done with COSLA. However, is there potential to consider the model that exists for scrutiny and whether it is absolutely the finest, or is there scope for some of the work that is presently undertaken by the SPA to be devolved to the local scrutiny committees, however they are configured?

**Susan Deacon:** It is important for us to keep coming back to the principles of the legislation. The Parliament took a conscious decision to create a single police service and a single national oversight body for that police service. There was good reason for that, some of which we have touched on today.

When Gill Imery spoke to the committee, she noted the fact that, having moved from eight different police boards, we have to be careful that we do not inadvertently do things that create 32. That being said—and you are absolutely right to say that I am anything but complacent—I think that, fundamentally, we need to strengthen that relationship with local government. One of the keys in that regard is communication. What we do not have at the moment but absolutely must have—this will require some changes at Police Scotland's end, although, again, to be fair, it is work in progress—is a clear plan ahead for the year. There should be clear visibility around what key decisions will be coming up at different times. There should be active communication with local authorities and other stakeholders about when the policy decisions and so on will come up. There must also be advance notice of major changes in policing. Those might be operational matters for the chief constable to decide, but they rightly require levels of visibility and scrutiny at the national and local levels.

With the best will in the world, the local scrutiny committee in a local authority cannot reach into our work and try to influence it as effectively as it ought to be able to. Similarly, we are not reaching out sufficiently and are not seeking often enough the views and opinions of others.

In summary, I do not think that the issue is about structures; it is about communication, culture, practice and openness. Scotland is not a big country—we have 32 local authorities, not 300—so we ought to be much better at relationships and having a good flow of communication. As I said in answer to Ms Robison, that is an area in which I hope that we will be in a different place in a year's time.

**John Finnie:** In all but two of the eight previous force areas, there were joint boards. Policing was not seen as being the responsibility of the entire local authority; it was seen as being the responsibility of three or four folk from the

authority. Is that a factor? If we went round the table, we would all have different interpretations of terms such as “local accountability” and “scrutiny”. Is there recognition that people feel disenfranchised, albeit that the legislation would suggest that they have been given something?

**Susan Deacon:** Perception is really important. It is often said that perception is reality, and I tend to hold to that view. From local elected members to other key stakeholders, there are many individuals and organisations that have entirely legitimate interests in what is going on in policing, and if they feel that they do not have a stake and that they do not know what is happening, we must take that at face value and address it.

Quantitatively speaking, and as a matter of fact, there are now far more elected members involved in the scrutiny of policing across Scotland than was ever the case with the former police boards, as a result of the different scrutiny arrangements that local authorities have put in place. I read Scottish Borders Council's submission to the committee, which sets out fully and in helpful detail the model that it has developed, which is very different from the approach of the other 31 authorities. It is incumbent on us to work with councils.

There is a policing side to the issue, to which I should let the chief constable speak. Police Scotland has got much better at its local and public engagement; it has built capacity in that area. As the chief constable and I know from experience, many of the perceptions that people have of policing and how it is delivered are not reflective of what is happening, but that is not their fault—it means that Police Scotland must work harder at communicating.

**John Finnie:** I wonder—

**The Convener:** That was an extremely lengthy exchange, and we have a number of questions to get through.

**John Finnie:** I will be very brief. Maybe the chief constable could help the situation by devolving responsibility. To get people's interest in holding the divisional commanders to account, they must have something meaty to scrutinise. What opportunities are there for you to maximise the devolution of decision making and, more important, the allocation of resources?

**Chief Constable Livingstone:** Lots of issues came up in the previous exchange, and you have raised some more. I will make a couple of brief observations. As chief constable, I do not feel that there is a lack of scrutiny—I feel highly and intrusively scrutinised, and that is rightly the case. The local authority scrutiny panels and the Scottish Police Authority are at the forefront of that scrutiny, but so are the Justice Committee,

community councils and, indeed, every citizen. We have just had the Investigatory Powers Commissioner's Office all over Police Scotland for a week. That involved 12 judicially led individuals looking at our ability to adhere to the law and act proportionately in relation to covert policing, which is an extremely important area and one that is of interest to many. In addition, Audit Scotland recently concluded its review and annual report on Police Scotland. Therefore, I think that, as an organisation, Police Scotland is—rightly—highly scrutinised at many levels and tiers.

On the local scrutiny panels, it is early days, but the feedback that I have had from chief executives and local elected members is that there is now a feeling of much more openness as well as much more specific scrutiny by the panels of what is happening in each of the 32 local areas.

You mentioned local commanders. The local commander is a key player, but their role is just one factor in the delivery of the policing service in an area. I have said to my officers and staff, and I have shared with local elected members, that what we look for and what I would seek to encourage is not greater scrutiny of local policing; it is greater local scrutiny of policing.

Every element of the service that Police Scotland provides to a local community should be discussed as best we can at that local forum to make it quite clear that although the local commander and the local area team are at the forefront of service delivery, they are supported by a network of mechanisms, the strength that Police Scotland brings to bear and the impact that those brigaded resources and capabilities can bring to that local area.

On your second point about increased delegation and autonomy, I have publicly and personally stated that it is my intent to deliver that. I would like, as best I can, to devolve greater financial autonomy so that local commanders can find creative solutions with local partners. I have already commenced that by increasing the level of financial autonomy to local commanders for them to deploy.

I have also already allowed local commanders to look at their specific shift patterns and specific deployment models because—as you know as well as anyone, Mr Finnie—even within a local division or a local command area, those things are not necessarily consistent. There are different areas within geographic areas. My intent in doing that is that I think it will add value by increasing that level of empowerment within the consistent corporate structure and framework that Police Scotland provides. That is what I seek to do in the next number of years.

**John Finnie:** Okay, thank you.

**The Convener:** I ask for brevity—we have another two major areas to cover and we have not quite finished this area. I hope to get through as much as possible.

**Daniel Johnson (Edinburgh Southern) (Lab):** Before my main questions, I will ask a supplementary that relates directly to what has just been raised. Local accountability serves two functions. First—along the lines that John Finnie set out and, indeed, Iain Livingstone just explained—it is about reflecting local needs and adapting policing practice accordingly. Secondly, it is to do with policing by consent. Local accountability is, in a sense, a proxy for policing by consent.

If you look at the central structure of the SPA, however, Susan Deacon as the chair of the SPA is appointed by a minister; subsequently, the SPA board is appointed. Susan Deacon is accountable to the minister and the minister is then accountable to the Parliament. The public are several steps removed. I am encouraged by what you say about public engagement and public dialogue, which I think are the right things to do. However, is there a need to look explicitly at policing by consent and where that sits within the governance function? How can you be sure that policing practice, both nationally and locally, is what the public want and therefore consent to?

**Susan Deacon:** I will be brief. The concept of policing by consent should run like a thread through all that we do. The focus on communication and accountability, including with this Parliament, is a key part of that. As policing changes as significantly and rapidly as it is having to do, that communication function is not just desirable, but utterly essential. Otherwise, the public often feel that they might be losing something when in fact something else is being provided in its place in order to keep them safe. We have a job of work to do in taking it forward, but policing by consent is absolutely at the heart of the ethos of the delivery of policing in this country—it must be.

**Chief Constable Livingstone:** I agree with Daniel Johnson's observation. I was talking about legitimacy and where we get our authority from.

I say to my officers and staff that we do not get legitimacy from an act of Parliament but from our fellow citizens. That is where the office of constable rests in terms of the traditions of Scottish policing. That is why it is so important to have that level of accountability. I agree with Daniel Johnson that without that consent, the bond between citizens and policing will not be as strong. That is why it is so important for all of us to get the right level, structure and system of accountability.

11:00

**Daniel Johnson:** I will ask about the fundamental aims of reform, particularly with respect to the consistency and effectiveness of policing across Scotland. You have both cited examples—murder detection rates and policies on rape. On the latter, Professor Deacon highlighted comments from Rape Crisis Scotland. No integration is instantaneous or effective from day 1, and there have undoubtedly been shortcomings in the consistency and effectiveness of policing. What might some of those shortcomings have been? What lessons have been learned in those instances?

**Chief Constable Livingstone:** I have a number of observations. My first observation—perhaps inevitably, although that would be for others to judge—would be that in the early years of Police Scotland we were very introspective. I was there and contributed to that, as did many others. We were very focused on our internal structures, divisional models, tasking arrangements, systems and processes. With hindsight, we were not as engaged as we could have been with our officers, support staff, communities and elected members, including people who were on the Justice Committee at the time. We were not outward looking.

There was a sense that change was being imposed—perhaps that was also the reality. We decided what was needed, and we needed to implement it quickly. There were lots of reasons for that. We were bringing together a high-risk public service, in which our appetite for risk was very low. We had significant operational challenges. We were about to police the Commonwealth games and, in some instances, we were bringing together very diverse organisational traditions.

We were not as outward looking as we should have been. We did not listen as well as we could have done to our own people or to the public that we serve. As a result, a bit of distance was created and some mistakes were made in the implementation of the changes—again, mistakes that I was party to.

We have learned. I will give two examples that are the foundation for a lot of our work now. The first is armed policing and armed carry. Members of the Justice Committee were extremely critical, and robustly so, of the introduction of a national change to armed policing. The policy had been implemented in significant parts of the country that officers in armed response vehicles would openly carry a sidearm when responding to jobs. However, in other communities that was something new. We had not explained the rationale behind that or taken into account what people's perceptions would be. We tried to impose

that centrally. We addressed that by getting local, trusted commanders and officers to go and listen to communities. We had a consistent national model but applied it locally in ways that people understood.

My second example is the changes to our control rooms and operating model. We moved far too quickly on that—we did not have robust enough governance and mistakes were made. We learned some hard lessons from that and have made significant improvements in how we implement change. We now engage our local commanders, officers and staff. We also put in proper governance and structures, and involve external partners when we are making significant changes such as those that we made to the control rooms.

**Daniel Johnson:** Talking of shortcomings, it is hard to sit here this week without being mindful of last week's reports about home detention curfew breaches. There were issues with interagency working, but there was also the timeline: the police were first made aware of the issue in February but did not confirm the suspect's address until months later. There was also the fact that, although a number of offenders were unlawfully at large, that was not registered on the police national computer.

The critical point is that you had 44 people at large but, when an acute focus was put on the issue, you were able to reduce that number to eight in very short order. That raises a fundamental question about the police's competence with regard to recording the right information and acting on it—in other words, their ability to identify and respond to information. Indeed, the same thing arises with regard to issues with control centres. What are your reflections on that? Is that a hangover from integration and the multitude of information systems, or is it something more fundamental?

**Chief Constable Livingstone:** I do not think that it is a fundamental issue. Errors were made, and there was poor communication. The home detention curfew system had evolved almost on an ad hoc basis, without any structure or statutory basis; however, that will be rectified. There were different experiences in different parts of the country, and the information exchange was not as robust as it should have been. The status of a recall was not always clear to officers and staff, which, if anything, is an example of the lack of consistency at a national level. I have accepted all the observations and recommendations made by both inspectorates and I recognise that the police service needs to improve its response in that respect.

**Daniel Johnson:** Control rooms have already been mentioned, but, at a more prosaic level,

there are also issues such as the lack of a human rights assessment on the implementation of cyberkiosks, with letters in the name of your predecessor calling into question the ability to enforce their use. To what degree are we still dealing with the question whether the police are on top of fundamental issues such as identifying matters and acting effectively? Looking at home detention curfews, in particular, why does it take a major incident for there to be a major focus on identifying and addressing such problems? Do we need to look at that and improve the ability of the police and indeed the SPA to spot and respond to what are fairly fundamental issues? You mentioned the investigation of deaths—I am talking about their prevention.

**Chief Constable Livingstone:** A number of things arise in the transitional arrangements that are put in place when there is a change in chief constable or in the structure. I know that there have been reports in the media about the notices that have gone out in the name of a previous chief constable and the authority for that. They set out one position, but I do not think that it is a determined position.

There will be instances when the police service does not get everything right. We cannot eliminate all risk, but our duty—indeed, my duty—is to make sure that we minimise it as best we can. We are still bringing together a host of legacy structures and systems, and a lot of the challenges that we face are about trying to rectify the systems and structures that we have inherited. With regard to information, intelligence and ICT, you could have said, “We want to create a single service, but one of the precursors to doing so is the creation of a single ICT structure—and then we’ll move to the single service.” Earlier, the convener alluded to other jurisdictions that tried to standardise and harmonise things before putting a single structure in place; we moved to a single structure first and then inherited the multitude of different systems and approaches that existed. That has made the challenge harder.

I recognise the challenges that we face, and I give you a commitment to being entirely open and transparent and to recognising when we do not get things right. However, I think that, by an overwhelming margin, far more has been achieved by Police Scotland than has not been achieved.

**Daniel Johnson:** I wonder whether Susan Deacon can reflect on those questions, too. Does the SPA have the ability to identify and address those sorts of shortcomings before things end up like this?

**Susan Deacon:** That links to the previous question that you asked me, which was about priority areas for improvement. In the coming period, an awful lot of the SPA’s focus needs to

move on to how different parts of wider systems work together—again, that has been discussed openly by the SPA board.

The example that you gave involves different agencies working with each other, and one of the things that we discussed at the board meeting last week was the fact that somewhere in the region of 80 per cent of calls to the police are not connected to crime, but are to do with mental health or vulnerable people. The police service increasingly addresses situations that, arguably, ought to be addressed by other public services for best use of the public pound and, critically, to give people the right response and support.

One of the key jobs of the SPA and one of the priorities of our new chief executive is to build strategic conversations with other partners, public service providers and agencies and to look at those interfaces. The chief constable just spoke about things that can be done at his hand in Police Scotland with our oversight, but getting our police service working effectively in the future is also all about seeing where it sits in the wider system.

**Liam Kerr (North East Scotland) (Con):** I will briefly focus on the complaints handling process. In its written submission, the SPA indicates that there is a need to review the conduct regulations for senior officers. Before I explore that further, how does the SPA see that being done to ensure the confidentiality of the complainants and those who are complained against?

**Susan Deacon:** Our submission to the committee predated the announcement by the then Cabinet Secretary for Justice and the Lord Advocate that they were initiating an independent review of the police complaints and investigations process, which I strongly welcomed. The review is an important vehicle for looking at the issue that Liam Kerr mentioned, as well as a host of other aspects of the way in which that system works, not least in relation to senior officers, which is the area in which the SPA has specific responsibilities. How that is done and how it translates to changes to the regulations is a matter for the review to consider and, ultimately, for the Scottish Parliament to decide.

The general principles and areas of improvement that need to be delivered include confidentiality for those who are complained against and those who make the complaints. There is an issue about anonymous complaints and how they are managed—the Parliament has worked through such questions itself at various times. There is definitely an issue about the speed and time that it takes to deal with complaints, and I have sympathy with some of the comments in that regard that the Scottish Chief Police Officers Staff Association made in its submission.

Another important point is that some of the language that is used is problematic in terms of public awareness, understanding, confidence and trust. Ultimately, the police complaints and investigations system should be about ensuring that there is public confidence and trust in policing. It has historically been the case in policing that many situations have been dealt with as complaints and conduct issues that would have been dealt with in other walks of life and organisations through different processes. Different language would have been used and they would have been seen as grievance issues, for example. My hope is that a holistic look at the system can address the confidentiality and all other issues. I have channelled those views into the independent review, as has the SPA's complaints and conduct committee.

**Liam Kerr:** You mentioned the Scottish Chief Police Officers Staff Association, from which the Justice Committee heard about the reputational damage that can be caused to senior officers when the SPA and the Police Investigations and Review Commissioner publish releases on their websites about inquiries. Will there still be occasions on which the SPA provides updates on its website about referrals to PIRC? If so, will that continue until the 2013 regulations are changed?

11:15

**Susan Deacon:** I ask members to note the SPA's additional written submission to the committee, made after you met to consider complaints issues, in which we gave further information on our practice. It is not the case that the SPA routinely publishes such information. The PIRC has a different practice. Very often, the SPA is required to comment in response to statements and announcements that have been made on the PIRC website. As members will be aware, at the time that I came into office there were very significant issues in that space. I was quite directive about some matters in our organisation, one of which was that whereas we needed to open up and be much more transparent across our wider areas of work, we should absolutely not comment in this area, as individuals are involved. It is a fundamental aspect of any process—whether it is looking at complaints, grievances, employment situations or anything else—that it is robust, but confidential in the way in which it is handled. I can speak only for the SPA's practice; other organisations and agencies are involved, which makes it difficult for people to follow how the process works.

**Liam Kerr:** Chief Constable, the committee heard in evidence that investigations are not progressed if officers leave the service. Of course, that can be terribly frustrating for both complainers

and those who are complained about. Should the relevant conduct regulations be amended so that they also apply to officers who have retired or resigned?

**Chief Constable Livingstone:** That is a matter for the public—through Parliament—to determine. There are many interests to balance: those of the individuals who have raised legitimate complaints and who need resolution; those of the individual officers who have been complained against; and, above all else, the wider public interest. My position is that, if there were to be a change, whatever is to apply should apply to all officers; there should be no distinction based on rank or position. If one were to make such a change, it would put police officers in quite a distinct position from other professions.

As you will be aware, Mr Kerr, if an allegation was of a criminal nature, resignation or retiral would make no difference, and any investigation would continue until its resolution and decisions were made. However, as to whether there should be a prohibition on somebody retiring or resigning or whether an inquiry should continue are broader questions that are probably for the Parliament to consider.

**Liam Kerr:** Perhaps, but do you as chief constable take a view on whether that should be permissible? As I understand it, if an officer resigns, that is a guillotine on any complaints process. Is that appropriate, or would it bear review with a view to change?

**Chief Constable Livingstone:** I have not taken a position on that, but it is a legitimate question to ask. Again, with the forbearance of the committee, I would rather take time to consider that fully. There is probably a distinction, in that there may be organisational and public interest needs for an inquiry to continue and for outcomes to come from it. It is crucial that, if there has been a flaw in process or practice in any part of the system—specifically if it related to policing and Police Scotland—we are able to learn from that.

That might be distinct from a restriction on an individual officer retiring or resigning. It might be in the public interest to continue with the inquiry so that there can be learning and feedback can be given to the complainer without any inhibition of individual officers' human rights, if you like, to go and retire or resign in their and their family's interests.

It is a legitimate question. I do not have a position on it at the moment—those are just some observations.

**Liam Kerr:** I am grateful. Professor Deacon, do you have a view on the matter?

**Susan Deacon:** My focus has been on ensuring that we improve and strengthen our practices and act in accordance with the regulations. As I said, it is important that there is reflection on the regulations, not least in the light of experience, and that is why I am pleased that the review process is under way.

**Liam Kerr:** Thank you.

**The Convener:** We have gone over time, but I will allow another five minutes.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Professor Deacon, can you explain how the 2013 regulations could be amended to enable the SPA to make initial inquiries before it refers a complaint about a senior officer to the PIRC?

**Susan Deacon:** Again, I think that changes to the regulations are best considered fully through the review. However, we have endeavoured to take forward changes to practice within the SPA. I think that your question alludes to the fact that, under the current provisions and supported by independent legal opinion that the SPA has received at various points, there are limitations to what the SPA can do at the initial assessment stage, which therefore creates quite a low threshold for complaints to be referred to the PIRC.

As our director of governance and assurance set out when she appeared before the committee, within the SPA, we have been endeavouring to be as effective as we can be and, to be frank, to apply common sense as best we can within our powers, and we have been working with other stakeholders on that, too. I am deliberately not saying what changes I think need to be made to the regulations, because it is for others who are more knowledgeable about the system as a whole to make those specific suggestions.

My concern is to ensure that we improve our practices and make the system operate better and more effectively within the current regulations and to input to the review some of the views, experiences and data that we have.

**Rona Mackay:** I apologise for the slightly technical nature of my questions. Can you say how the Police, Public Order and Criminal Justice (Scotland) Act 2006 could be amended to clarify when the SPA can treat an allegation as a misconduct allegation?

**Susan Deacon:** I genuinely believe that that is a matter for the review and, ultimately, the Parliament to think about what the statutory position should be. However, I note that this links to my earlier point that there are particular definitions in the regulations as to what constitutes misconduct and gross misconduct, which are open to lots of interpretation. I think that many of us as

laypeople or non-police people, if you like, would look at some of the way in which the regulations are constructed and say, "Surely there are other, better and different ways of dealing with issues, complaints and concerns."

I do not know the answer. Again, I am glad that the question is being asked.

**Rona Mackay:** You are saying that the SPA would take a commonsense look at that side of it in order to see whether it is proportionate, but that that does not relate to any change to legislation.

**Susan Deacon:** I stress that that would be within the powers that we have, because many of the issues are matters for the PIRC to consider.

**Rona Mackay:** Okay—thank you.

**The Convener:** Due to time constraints, we have been unable to ask a number of questions. The clerks will follow them up with the witnesses in order to get some responses in writing.

It remains only for me to thank you both very much for appearing. It has been a worthwhile session.

I will suspend the meeting briefly to allow a change of witnesses and a five-minute comfort break.

11:24

*Meeting suspended.*

11:30

*On resuming—*

**The Convener:** I welcome our second panel: Alasdair Hay, the chief officer in the Scottish Fire and Rescue Service; and Kirsty Darwent, the chair of the Scottish Fire and Rescue Service Board. I thank them for submitting written evidence, which we always find helpful, and invite Kirsty Darwent to make a brief opening statement.

**Dr Kirsty Darwent (Scottish Fire and Rescue Service Board):** Thank you for inviting me to talk to you about the benefits of reform. To be clear from the outset, the 2012 act is one piece of legislation, but it created two completely distinct organisations. The remit of the Scottish Fire and Rescue Service is to save lives, protect property and render humanitarian assistance. Reform did not change that, but it allowed us to protect that role while delivering the service more effectively and efficiently.

Failure to reform would have meant a wholesale cuts agenda, and the benefits of reform have outweighed the challenges that we have experienced during that period of change. Reform has given the people of Scotland more equitable

access to the vast combined resources of the UK's largest—and the world's fourth largest—fire and rescue service. We take the responsibility that that involves seriously, and we understand that the public turns to us in their times of greatest need. We have responded to every emergency call with, we believe, the right resource at the right time and in the right place. We have been able to be there and do that despite repeated and significant challenges, such as the fires at the Glasgow School of Art and Cameron House hotel and some of the severe weather incidents that we have seen across Scotland, such as the effects of storm Frank in Ballater.

The legislation has also ensured that the people we serve have had a greater say in local service delivery through local plan consultation and community planning partnerships, in which we are active participants, and through robust scrutiny by their locally elected representatives.

Our spending power, different from that of the legacy services, has meant that we have been able to better invest in improving firefighter and community safety through equipment, facilities and training. That has happened across Scotland.

Reform has also allowed us to achieve significant operational and financial efficiencies, and we have been able to take £55.3 million out of our annual cost base on a recurring basis. That is a significant achievement and was part of the ambition of reform. That change was delivered in partnership with our staff and our trade unions. We recognise that it has impacted on many of our people, but we have looked to deliver that sensitively and wish to put on the record our gratitude for their outstanding contribution to what we have been able to achieve over the past five years. Indeed, successive reports by Audit Scotland and Her Majesty's fire service inspectorate for Scotland support our achievements and progress, and the facts show that the SFRS continues to improve outcomes.

The legislation gave us the foundations on which we can now move to truly transform the service and do more for the people that it serves. Therefore, I believe that the creation of the Scottish Fire and Rescue Service has been good for the people of Scotland.

**Rona Mackay:** I was going to ask you whether you thought that the initial case for reform was sound in terms of the financial implications and so on, but you dealt with that in your statement—thank you for that.

Can you hypothesise about what the implications would have been if the legacy services had remained and the single service had not been created?

**Dr Darwent:** I think that it is inevitable that we would have moved to a cuts agenda rather than an integration, reform and improvement agenda. We know that we inherited a very significant capital backlog—you might want to ask us more about that. We also know that a number of brigades were doing their best to deliver in heavily constrained financial circumstances. We have seen no evidence to suggest that that situation would have changed. We believe that the creation of the national service has meant that we have been able to protect our front-line service delivery from potential cuts and that, in many cases, we have been able to improve outcomes, in particular by being able to access on a more reliable basis a much wider range of specialist resources. We think that we have managed to save money and protect front-line service delivery.

**Rona Mackay:** Mr Hay, would you like to comment?

**Alasdair Hay (Scottish Fire and Rescue Service):** I have no doubt at all that, if we had not created the national service, with all the economies of scale and scope that it can bring to bear, we would have faced a significant cuts agenda. It is worth remembering that, given the financial challenges that local government faced, the conveners of the previous eight fire authorities recognised the need to reform fire and rescue services. At the time, they hoped that fire and rescue would remain within the local government family, but they certainly recognised the need to reduce the number of services to bring about the economies of scale and scope that were required.

It is worth stating that there were 356 fire stations in Scotland prior to the reform process and that there are still 356 fire stations in Scotland. At this point, we have not changed their duty systems. We faced a reduction in our cost base of £55.3 million, which we have been able to take out of our enabling services predominantly, vital as they are. I believe that, if we had not reformed, that would have had to have come out of front-line service delivery, which would have been unforgivable.

**The Convener:** The opening statement and Mr Hay's response were very positive, but last week the Fire Brigades Union challenged the assertion that the creation of a single force had been

“an unambiguous ‘good’ for Scotland.”

Unison Scotland stated:

“work related stress is high and morale is at rock bottom.”

Do the witnesses recognise that picture?

**Dr Darwent:** There is absolutely no doubt that change creates additional stress and challenge for our staff. We have worked incredibly hard to limit

the challenges that our staff faced and to deal with those sensitively, but with a reduction in the number of control centres from eight to three, it was inevitable that there would be some difficulties. We absolutely believe that the benefits outweigh those challenges, but that does not mean that we have not had to think very carefully about our change processes to ensure that we offer support to those who face the most difficulties. We have not had any compulsory redundancies and have been able to retain very large numbers of our staff, and we believe that the fact that we have extremely low turnover in our staff indicates a commitment to the service and an understanding that the service is equally committed to its employees.

**Alasdair Hay:** As was said in the opening statement, we owe a huge debt of gratitude to staff, regardless of whether they are in an operational role or one of our enabling roles. To date, their commitment to the service and their perseverance in delivering the reform agenda have been remarkable, but there is no doubt that people are feeling the pressure. We have tried hard to put in place the right change management policies and to do that in a supportive way. We have also tried hard to listen to our staff and to engage with and listen to our trade unions, but we have not been able to duck some of the hard decisions that had to be made.

After five years, I think that the process is impacting on staff, but that must be set in the wider context. Not just in the Fire and Rescue Service but across the public sector, we have had 10 years of austerity, and people are feeling the pressure in their pay packets each month. In addition, significant changes have been made to their pension schemes. Given the cumulative effect of all those factors, I have no doubt at all that people in the Fire and Rescue Service are feeling the pressure.

At least once a week, I go out to speak to front-line staff. They say, "Morale is at rock bottom, boss—not here, but in the organisation." There has to be an element of truth in that, because too many people are telling me it. We need to understand the pressures on staff and the wider context. The organisation needs to do what we can, and my plea to the Scottish Government and Parliament is to recognise those challenges.

**Liam Kerr:** I will follow up that line of questioning, if I may. The FBU said that

"500 frontline wholetime firefighters and 200 ... retained firefighters"

have been lost. Do you accept those numbers? If we accept that staff have been lost, what has been the impact on the delivery of fire and rescue services across the country?

**Dr Darwent:** We accept that there has been a reduction in the number of firefighters. There could be some debate about the exact number on either side.

**Liam Kerr:** How far on either side?

**Dr Darwent:** We have accepted that the reduction is about 400 whole-time firefighter roles, at every level including many at the most senior, which was part of our integration agenda.

We argue very strongly that the issue is not just head count or numbers, but what firefighters do when at work. The nature of risk has changed across Scotland. Although every fire death is a catastrophe for those who are affected and for society more widely, the number of fire deaths and fires has come down massively, by more than 40 per cent, in the past 10 years. At the same time, firefighter numbers have reduced. When we had the highest numbers of fires, we also had the highest numbers of firefighters, so there is not a direct correlation with head count. The issue is what we do, which is largely about prioritising where firefighters are most effective, which has to be in prevention. We need our firefighters to work differently and to do more about prevention, because that has worked and has made the difference for outcomes in Scotland. The outcomes are very important; it is about how we use our resources to deliver better, rather than counting.

**Liam Kerr:** The second part of my question was about whether there has been an impact as a function of having fewer firefighters. Is it your position that the reduction is 400 whole-time firefighters, give or take, but that that has not had a negative impact on the delivery of fire services?

**Dr Darwent:** We are clear that fire deaths and fires are on a downward trajectory. Effective prevention is very important, as is being able to respond quickly with the appropriate resource. We are doing that, despite the fact that our numbers of firefighters are down, because we are working more effectively. We understand that working harder can put stress on members of staff, but we believe that we have capacity to do more, through changing the way we work and delivering at different times. I am sure that Alasdair Hay will add to that.

**Liam Kerr:** I am conscious that we are a bit tight for time. You have mentioned capacity. We heard from the FBU that senior managers have almost a mantra that the SFRS will always have

"the right resources in the right place in the right time".

The FBU suggests that that might not be accurate. In Aberdeen, where I am based, as you know, it was reported three or four weeks ago that fire engines had been off the run 340 times in 10

months due to staff shortages. In that context, how do you respond to criticism that perhaps the right resources are not in the right place at the right time?

**Dr Darwent:** We have responded to every single emergency call with an appropriate response. I go back to the point that the issue is not about inputs or technical measures around pumps being on or off the run for whatever reason—it is often not to do with staffing numbers but to do with repairs and other things. The important issue is whether we can respond in the right way—and quickly—to an incident. We can do so; because of our national footprint, we can breathe in and out and respond as appropriate to incidents that we are required to respond to. We have demonstrated as much at the Glasgow School of Art and Ballater—we can draw from resources from everywhere.

11:45

For example, we might need to move a resource from Dundee to Aberdeen or from Perth to Dundee. Those things always happened in the legacy services, but there are things that we do now to ensure that appropriate cover is available, based on the risk at the time. The pumps belong not to their geographical localities but to the people of Scotland, and they need to be moved as appropriate to reduce risk and to ensure that the appropriate response is made. We believe that that is what we are doing. We want to focus—and indeed are focusing—on outcomes and on protecting front-line service delivery, not on technical issues of counting inputs.

**Shona Robison:** I absolutely appreciate your comments about head count, but it is my understanding that the fire service is having a recruitment campaign at the moment. Can you say a little bit more about that? Are you recruiting for front-line posts and, if so, how many do you expect to recruit?

**Dr Darwent:** One of the great joys of being part of the service is attending graduation ceremonies. I have attended a number this year, and I am looking forward to attending more. Only a few weeks ago, Alasdair Hay and I were in Portlethen to welcome the new recruits there.

We expect to recruit almost 100, I think, or 102—

**Alasdair Hay:** It is 105.

**Dr Darwent:** We are welcoming 105 new recruits into the service. Clearly, we need to have the right number of recruits in the right places. We did not increase our head count for some time for many reasons, but partly because we were not sure about our future budget. Now that we have

some clarity about that—we hope—we are making sure that we recruit in the areas that we believe need to be shored up. We can specifically do that to ensure that the areas that need additional resources are better staffed, but it is important that we focus not on absolute numbers—indeed, it is easy to get tied into that—but on what we are doing with those individuals and how we are supporting them to work differently.

**Shona Robison:** It would be helpful if you could follow up in writing with information about the geographical locations and the roles involved in that recruitment.

If you were present for the previous session, you will have heard quite a lot of discussion about issues to do with the SPA. There is a perception that the SFRS and its board have not experienced the same tensions that Police Scotland and the SPA had—at least, in the early days of reform—with regard to their respective roles. It would be interesting to hear your views on that. In any case, there is no room for complacency, so can you tell us where you see the need to build capacity? Is the board looking at governance and capacity issues as part of its plans?

**Dr Darwent:** It is important that I reiterate my earlier point: we might be talking about one piece of legislation, but it deals with two very different organisations that have different governance structures. From the very beginning, therefore, each organisation faced a different set of challenges.

I believe that our board has functioned effectively—indeed, Audit Scotland has recognised that—but I entirely agree that we cannot afford to be complacent, and we are looking to continue to improve our performance. In fact, if you look at the Audit Scotland reports on our governance, you will see that they show us moving from a position where we were beginning to perform well to a position where we are performing strongly.

In the past six months, we have recruited six new board members—three joined at the end of July, and a further three joined us at last Thursday's board meeting in Peterhead. They were recruited specifically for their competences and skills, and they have significantly strengthened our scrutiny, particularly with regard to financial issues. We were already strong in that area but, with the challenges that we face, we felt that we had to focus on it. We are also focusing on digital technologies; given the complexity of digital and IT change, we felt that the board needed some capacity in that area.

As I have said, we recruited specifically to shore up and support our board and its governance, but we are continuing not only to review the board's

composition through skills audits but to think about our governance and committee structures. Every March, the board and the senior leadership team spend some time together to look at the issue and make any improvements that are required to further strengthen our governance and ensure that we are prepared for the challenges that we are going to face.

**Shona Robison:** One of the criticisms—made by the FBU, I think—was that there is insufficient knowledge or experience of operational matters on the board. Is that a valid criticism? Do you feel that you have the right skills mix on the board or, if you have not got the right balance, do you intend to add to the skills in that area?

**Dr Darwent:** We believe that we have the right skills on the board and do not intend to add any in that area. Both for us and for other parts of the public sector, the board's role is recognised as including being able to direct strategy and scrutinise effectively while bringing difference and challenge.

We have expert advice and input to our board from our four most senior officers, from Alasdair Hay, from our deputy chair and from our two members of the uniformed senior leadership team. They have in excess of 120 years of firefighting experience across four brigades—in fact, it is five brigades if we count Alasdair's time in Essex. Therefore, we have very significant expert advice from across five brigades and two continents to make sure that we understand the implications of all the decisions that we make.

If we need an additional expert view, we have the chief inspector of the Scottish Fire and Rescue Service. He attends our board meetings and I meet him regularly. If we want additional input in a particular area, I simply pick up the phone and speak to him. We are very well served with expert opinion.

**Shona Robison:** Okay. Thank you.

**Fulton MacGregor:** The line of questioning that I was going to follow has mainly been covered, so I will not labour it. Will the chief fire officer give any examples of local services that have improved as a result of the reform?

**Alasdair Hay:** A significant example is our ability to provide proper training facilities in some very remote and rural parts of Scotland. An earlier question asked about the reduction in the number of firefighters, and the loss of 200 retained firefighters was mentioned. That reduction is a fact. It is not that we do not want to recruit retained firefighters; we actively encourage members of the community to join the service, but we have heard about the challenges that have face.

Constantly being drawn to the mainland for their training was putting off people in island communities who had their lives and businesses, or full-time employment, to pursue. We have been able to invest in significant facilities locally, so that firefighters can train against the risks that they are likely to face—and those risks are inherently dangerous, so we need to invest in that training. The antecedent services were not able to do that, but we have. It is a tangible example of the benefits of the national service.

**Dr Darwent:** I could not agree more. Two or three weeks ago, Alasdair and I were out in Benbecula and Stornoway in the Western Isles. We saw the new Stornoway fire station and I visited the new training facility. We were also up in Kirkwall, opening the new training facility there—Mr McArthur was with us.

We have significantly invested in remote and rural communities, because we know that they cannot draw on outside resources in the same way as those on the mainland can. We have also put some of our new technologies in more remote areas—our rapid response units, which are lighter and fleeter vehicles equipped with brand new technology that makes the survivability of a fire much more likely much more quickly. We have been able to do that by investing our resources.

We see ourselves as a national service that is delivered locally, and we prioritise building strong relationships with local communities. It was a genius move to enshrine the role of local senior officers in the legislation, and they have built strong relationships with the local authorities and other key partners. The local plan structure that sits underneath that means that we have been able to tailor and adapt what local service delivery models and interventions look like.

We have been able to tailor that so that we are contributing to councils' local outcome improvement plans and better local outcomes at community level, as we know from the feedback that we are getting from meetings with leaders and chief executives of councils. The only way that we know that we can do that, as a national service, is through strong and frequent engagement, which is what we are prioritising.

Either I or Alasdair Hay—or Pat Watters before me—have met every chair and chief executive of every council in Scotland. In the past two months, we have met four chief executives and chairs. For example, in Peterhead last week, we were able to get good feedback and heard directly from a number of the councillors who wanted to put on record their belief that the local services are more attuned under the national service than they had been previously, specifically because of their ability to directly influence and scrutinise local plans. They said that, instead of six councillors

being on a fire board, all 70 of the councillors were able to directly influence the use of resources. That is a key factor for us. It is important that councillors have influence over how resources are shared in order to deliver better local outcomes.

**Fulton MacGregor:** Let us stick with the theme of local services. You might remember that, earlier this year, I accompanied the then Minister for Community Safety and Legal Affairs, Annabelle Ewing, on a visit to Coatbridge fire station. It was a fairly positive visit, and we discussed operational stuff—you raised the matter earlier—such as pumps being moved from Coatbridge to Bellshill and vice versa. I know that that is happening up and down the country.

You have explained the operational issues and how you respond as a national service. How are the firefighters who are carrying out work kept in the loop about that? Are their concerns heard in a way that ensures that there is no disconnect?

**Dr Darwent:** Alasdair Hay can talk about the local structures.

**Alasdair Hay:** I will start at a slightly higher level than the local structures. We have an employee partnership forum in the organisation that is currently chaired by a representative of the FBU. The chair rotates between a board member and someone from one of the representative bodies, who directly represent the voice of front-line firefighters, and the unions, which directly represent the voice of the staff throughout the organisation. Ensuring that we have such formal structures in place to enable voices to be heard and views to be captured and, where appropriate, acted on is key. Supporting that is a strong partnership agreement with the trade unions, which ensures that the voice of front-line workers is heard.

We have just concluded a staff survey that asked a number of specific questions and gave people an opportunity to contribute directly to the development of the service. Again, that has enabled their voice to be heard. Beyond that, there is a public consultation process, which we have called your service, your voice. That works with the public, because it is their service at the end of the day. However, for those who work in the service, it is very much their service, so we actively encourage staff to get involved in defining the future of the service, alongside other key stakeholders. There are a number of formal and structured ways to ensure that staff have their voice heard, and I believe that that is key to success in the future.

We are also engaged in a series of visits. There are 356 stations in Scotland, and I have been to almost all of them over the past five years. Earlier, you were told that Scotland is quite a small

country, but it does not feel like that when you are travelling about. It has been a real privilege to get out and about in Scotland. As the chief officer, I make it part of my mission to get out and listen to what staff are saying. I go to them; I do not make them come to me. That is one of the key things that I have to do, and I have to be honest when I do that. Many of my directors feel uncomfortable afterwards because I put to them the very challenges that, rightly, firefighters and other staff put to me. Voice is key.

**Fulton MacGregor:** I was going to ask about that. It is encouraging to hear that you go around the fire stations. Do you believe that the staff are open with you and feel that they can talk to you about any concerns that they have as well as the positives?

12:00

**Alasdair Hay:** I believe so. I have been in the fire service for more or less all of my adult life—it is coming up to 36 years now. I started as a firefighter, and I hope that I have not lost the ability to communicate with people who are doing the job that I joined the fire service to do. I hope that I am approachable and that the staff feel that they can raise anything that they wish. Certainly, from the range of issues that are raised, I believe that they do that.

**The Convener:** Will you make the results of the staff survey available to the committee?

**Alasdair Hay:** Absolutely.

**The Convener:** Thank you.

**Liam McArthur (Orkney Islands) (LD):** Scrutiny by 70 people rather than six does not necessarily lead to better scrutiny. As a committee that has just gone from 11 members to nine, we are conscious that the issue is the quality of the scrutiny rather than the quantity of those carrying it out.

I can confirm what you said about the investment in training facilities in Orkney and the ability that it gives retained fire crew to get the training that they need in a way that does not disrupt their other commitments.

Last week, we heard from the FBU and the retained fire service union about the deployment of rapid response vehicles, which, as you will recall from our conversations, seems to me to at least open up an opportunity for stations to remain running for more of the time. However, I was struck by the health and safety concerns that union representatives raised. Will you address those issues while setting out how that sort of equipment can help with the delivery of crucial retained stations in Orkney and other rural parts of the country?

**Alasdair Hay:** For me, as the chief officer, the creation of the national service has been almost like an immersion in cold water, as we have been asked to deliver all the benefits, to adjust to a new scrutiny regime and to deliver significant savings to the public purse. That is a huge task but the two things that keep me awake at night are the need to ensure that firefighters remain as safe as possible in an inherently dangerous environment and the need to ensure that what we do helps the public when they call on us in their time of greatest need. Those are the two things that genuinely keep me awake despite all the challenges of trying to bring about reform and maintain services, and we look at those things seriously every day of the week.

We have new technologies such as the rapid response units with high-pressure injection systems—the trade name of the version that we have is coldcut. A number of committee members recently attended demonstrations of that technology. Liam McArthur attended one at Portlethen, and we also held one at Cambuslang. Using the coldcut system, we took the temperature of a fire from 540° to about 80° in 30 seconds. When we attacked the same fire using a traditional technique, after two and a half minutes we had taken the temperature down to about 300°. As well as that speed in knocking down the fire and the improved weight of attack that we can bring to bear, we do not have to commit a firefighter into the hazard zone until we have brought the temperature down to 80°, which is helping to keep firefighters safer.

We have adopted that technology particularly in rural communities. It helps to keep people safe, and that rapid knockdown is undoubtedly beneficial for anybody who is unfortunate enough to be trapped in a fire, but we can also use it with fewer people—ultimately, with three people. We understand the challenge relating to the reduction in the number of firefighters, but the system is built on providing a safe system of working. We have looked not just at the United Kingdom but at countries around the world where such technologies have been deployed. We have looked particularly at Scandinavia, where the technology was initially developed, and at many other places to ensure that we provide our firefighters with a safe system of working.

**Liam McArthur:** Do you have a timeframe for rolling that technology out? I know that some vehicles have been delivered.

**Alasdair Hay:** The initial batch that we have brought into the service will be rolled out by the end of this financial year, and there will be roughly 35 new vehicles in rural Scotland.

**John Finnie:** I will go back to an issue that has been touched on. You have been positive about having an identifiable local senior officer for

liaison, and I think that I noted the phrase “building strong relationships” being used a few times. A specific policy intention was to strengthen the Fire and Rescue Service’s connection not only with communities but with elected representatives. I do not mean to be glib, but it is easy to say, “There are 32 local authorities and everyone is involved.” To what extent is it measurable that more local elected representatives are involved than before?

**Dr Darwent:** There cannot be any doubt that more representatives are involved. I noted that Susan Deacon said that the arrangements for scrutinising the fire service and the police differ across local authorities, but we have visited all the authorities, asked them about their scrutiny arrangements and sat in on many scrutiny committees, and our experience is that significantly more local elected members are involved.

I gave the example from Peterhead that the 70 representatives in Aberdeenshire Council are involved. They do not just sit round one table at a big scrutiny committee; they have said that, even at ward level, they have the opportunity to scrutinise performance data and have conversations around the community planning table.

I have recently been to the Borders, Dumfries and Galloway and the Highlands, and we have been out to talk to people in the Western Isles. In all those areas, which I believe are representative, more elected members are more involved. They report to us that they believe that they are doing more effective scrutiny and are more involved in shared decision making, particularly at the community planning forum.

**John Finnie:** Will you give examples of good practice for community involvement in the development of local fire and rescue plans? That would be a manifestation of delivery of the policy.

**Alasdair Hay:** A key strength of the legislation is that it recognises that one size does not fit all for scrutiny. It also creates connectivity with legislation on community planning. We will write with a number of examples to demonstrate how the ability to flex, so that one size does not fit all, means that we meet our statutory responsibilities. We recognise that, as part of community planning and the creation of local outcome improvement plans, we can make a difference in different ways around the country. We will give examples of the variety of ways in which we assist in the delivery of good outcomes locally.

**Dr Darwent:** The outcomes are sometimes unexpected. At Scottish Borders Council, I heard quite a lot about the fire service’s significant role in intervening and helping women to feel safer when they have experienced domestic abuse. I had not

expected to hear a lot about that but, if we think about community safety and women feeling safe in their own homes after they have experienced violence, we need the police, the third sector, the fire service and local authorities all sitting together round the table to develop safety plans and work in that context. I had not imagined that we would be likely to be so involved in that. We hear about a multiplicity of examples when we go out and about.

**John Finnie:** That is interesting. Does that arise because of fire prevention visits? I am trying to understand the manifestation of the Fire and Rescue Service's input.

**Dr Darwent:** The issue could arise on home fire safety visits or other safety visits but, in the Borders, the fire service is part of the multi-agency public protection arrangements and the relationships to deal with community safety and domestic violence. We sat in with planning groups on that.

That is one of the areas that we often get reflections on. Whatever the councils are talking about, the fire service will ask, "What part can we play in that?" That is entirely to do with the commitment and enthusiasm of our local firefighters and their managers, who say, "We think that we can help here." We believe that widening the role, which is something that we very much hope we can get signed off, will allow that approach to be rolled out even more effectively and give us the ability to intervene in even more areas. One of my FBU colleagues said to me, "We should have these wider roles and do these less traditional activities not just because we have some capacity but because we are the right people to do them." The skills and training that our firefighters already have can be usefully applied in many different contexts.

**John Finnie:** I understand that firefighters have many skills, but are you alert to what might be called demarcation issues and the possibility of treading on one another's toes? It is accepted that firefighters have medical skills, but so do the Scottish Ambulance Service and other people. Are you alert to any unintended consequences?

**Dr Darwent:** We want to be a good partner, and that means having communication channels and using them frequently. At the very highest level, we, the police and the Scottish Ambulance Service meet regularly as the reform collaboration group to think about service integration, co-location and working more closely together. We know that we work effectively together at local level and on the ground, and part of our transformation consultation specifically asked for partners' views on the widening of the role and our intentions for where we wanted our organisation to go. We have had some very constructive feedback to that; in fact,

we had almost unanimous support for widening the role, working more closely together and co-responding where possible. Some terms and conditions issues need to be resolved, and we will be delighted when that finally happens not only because it will allow us to deliver more but because we will be able to pay our firefighters more to deliver those services.

**John Finnie:** Of course, resolution will be more likely if individuals can come to the table. Are the trade unions and staff associations involved in those discussions, or is this something that will simply be presented to staff?

**Dr Darwent:** They are absolutely involved. In fact, you might have heard Chris McGlone—who I believe is here today—agree that widening the role is the right thing to do in Scotland. In the UK National Joint Council for Local Authority Fire and Rescue Services, there is broad agreement that widening the role to include other aspects and new workstreams is absolutely the right thing to do for communities and firefighters. The only thing that is holding us back is getting the money settled, and we are optimistic that we will be able to do that in due course. That will allow us to deliver even more within the current confines of the legislation.

**John Finnie:** This question might seem pedantic, but does that approach entirely square with the legislation that we doing post-legislative scrutiny of? Does the legislation facilitate that, or are there any inhibitors to your ability to broaden the roles?

**Dr Darwent:** There are absolutely no such inhibitors. The current legislation facilitates the approach, and we can do all of this work within it.

**John Finnie:** Thank you.

**Daniel Johnson:** I notice that you mentioned Chris McGlone in your previous response. He told us that there is not sufficient time for training, and that view was reflected in the comments of his colleague who was representing retained firefighters. Are they wrong in saying that?

**Dr Darwent:** I will kick off with that, and then Alasdair Hay might add some comments.

As was iterated by Chris McGlone, our firefighters have 300 hours of training per year. Although we would all argue for more time for people to be trained, that is already an enviable amount of time.

The retained duty service issue is slightly different, so I propose to park it for the moment—I am not putting it aside; I will come back to it—but our whole-time firefighters already have the skills that are required in many of the additional roles that we want to expand into. For example, we are already doing medical interventions at road traffic incidents. We respond as we need to, and many of

those skills exist already. As a result, we believe that the training time is enough. If we are going to be expanding into new roles, we want to ensure that any such expansion is appropriate, and we are undertaking a training review to ensure that we provide training for what is specifically needed instead of unnecessarily repeating any training.

There are larger issues with the retained duty service other than training. As our retained colleague said, it has been a challenge and a difficulty for probably more than 20 years and, in fact, it is a problem across the UK and the rest of Europe. For that reason, we have specifically referred our concerns about the long-term sustainability of the retained duty service to the National Joint Council for Local Authority Fire and Rescue Services, which is a UK-wide body, because there are national terms and conditions involved, which makes it quite difficult to resolve concerns locally.

12:15

**Daniel Johnson:** I am slightly confused. Last week we heard that the training time that firefighters receive is necessary given the scope of their current roles and that they will need additional training time for the additional roles. Are you saying that there is a surplus in training time and that the training can therefore be accommodated, or are you saying that no additional training is required? I am just not quite sure how your comments square with what we heard last week from the representatives of firefighters.

**Dr Darwent:** There are issues of judgment, are there not? As a panel, you would need to make a judgment about whether 300 hours—several days of training each month—was enough for the roles that are undertaken. We are not saying that we will keep doing the same training and add other things on. Much of the training that we are doing is highly relevant, but we are undertaking a training review so that we can make sure that the training that we deliver best suits the new roles going forward.

As Alasdair Hay said, health and safety and the appropriateness of training for our firefighters are key and we need to get all that right.

**Daniel Johnson:** What training are you proposing to cut in order to make time for training for the additional roles?

**Dr Darwent:** It is not about cutting.

**Daniel Johnson:** You said that you will reduce the amount of training so that you can create time for the new roles. That is the implication of what you said.

**Dr Darwent:** It is about doing things differently. Alasdair Hay can give some practical examples. It

is not about adding things on or taking things away; it is about making the training that we do more effective and efficient. It is about making the training more tailored and ensuring that we deliver exactly what our firefighters need. That is why we are undertaking the review.

**Alasdair Hay:** I restate that up to 300 hours training a year for a whole-time firefighter shows the priority that we give to training as part of creating a safe system of work to ensure that our firefighters are safe, given the inherently dangerous environments in which we ask them to operate—that is what a whole-time firefighter does.

We are already training people to do many of the expanded role tasks that we will ask them to do. The focus is often on emergency medical responses—specifically, responding to out-of-hospital cardiac arrests. All firefighters are trained to perform that role already.

As Kirsty Darwent said, much of the training is extremely relevant already. However, the things that I trained on as a firefighter 30-odd years ago are not the things that firefighters train on now, because the risks, the technology and the tasks that we are asking people to perform change. As we expand and change our role, we will look at the syllabus and make sure that we still give firefighters a massive amount of training—because it is extremely important—but focus on the skill areas that they require to do the jobs that we are asking them to do. I see that as part of a natural evolution, in the same way that what I trained on 30-odd years ago is different from what is trained on now.

I see that Daniel Johnson is desperate to come back in but, if he will allow me, I will just touch on the retained firefighter role. Retained firefighters do between two and three hours a week. We ask them to take on many of the tasks and jobs that we ask a whole-time firefighter to do. We have what are called national occupational standards in the fire service. Firefighters get an award at Scottish vocational qualification level 3 that tells them that they are safe to operate in the community, and there are 46 different modules. A retained firefighter gets that for covering 19 modules over three years, but a whole-time firefighter has to cover 46 modules. That demonstrates that there is a flex in the system. It is about training firefighters within those national occupational standards to do the tasks that we expect them to turn out to do on a daily basis for their communities.

**Daniel Johnson:** I just want to clarify this—I am not trying to be tricky. You have 300 hours. Either the additional roles require new training that you are not currently delivering or they do not. Therefore, either that training needs to be

incorporated in the 300 hours, or it does not. That is all that I was trying to establish. There seems to be a difference of opinion between the people representing firefighters and you on that point. That might not have been bottomed out now, but it would certainly be useful to understand it in the fullness of time as those plans mature.

**Alasdair Hay:** Yes. I think that we and the FBU are frantically arguing to agree. We do not and will never compromise firefighters' safety by not giving them sufficient training for the tasks that we ask them to take on. Equally, we do not want to compromise public safety. If firefighters are not properly trained to carry out a task, how will they keep the public safe? As we have pointed out, there will need to be a fundamental review of the 300 hours and how we use the time to best effect.

**Daniel Johnson:** I will ask my main question briefly, because I have been slightly diverted. One of the stated fundamental aims of the integration was to bring the ability to deploy specialist resource more consistently throughout Scotland. Will you give some examples of the types of specialist provision? How do you ensure that it is consistently available? It is clear that there is a tension between specialisation and availability, especially in a fire service and in a country the geographic size of Scotland.

**Alasdair Hay:** An obvious example is water rescue. This is Scotland, and there is water everywhere.

**Daniel Johnson:** I have noticed.

**Alasdair Hay:** Increasing the number of water rescue assets is important for helping communities. Water is a great asset for our lifestyles, and particularly leisure. It is a magnet for people. We have increased the number of specialist water rescue assets from 14 to 20, and there is far better distribution of them around the country.

We are far more an intelligence-led organisation than we were previously. There is the challenge of how we can have the right resources in the right places at the right time. We cannot have everything everywhere all the time.

I will give an example from storm Frank. We work very closely with other agencies, such as the Scottish Environment Protection Agency and the Met Office, so we are aware of when and where a storm is likely to impact most on communities, and we can forward deploy specialist assets from other parts of the country. Therefore, when the worst happened, we were already set up in the locality to deal with the incident.

Having more resources is part of the issue, but it is also a matter of deploying them in an intelligence-led way and having the logistical

support behind that to ensure that the approach is effective.

**Daniel Johnson:** Is there a specialist/generalist tension? Do you keep a watch on that, or is there a clear view of the core skills that every firefighter has to have?

**Alasdair Hay:** At the moment, there are core skills that every firefighter must have but, if they do things that are beyond the role, they attract additional payments. Roughly 220 of the 300 hours are core and 80 are for specialisms. That is how we divide the time at present. However, there is a very real discussion and debate about how many skills an individual can have. My personal view is that there is a limit, but we need to look at the team and whether it collectively has the skills to be able to deal with the huge variety of incidents that the Fire and Rescue Service is likely to be deployed to. We use the concept of team typing in the service to a limited extent, but I see us increasing that in future.

**The Convener:** That concludes our questions. I thank the witnesses very much. It has been a very good session with very detailed answers to our questions.

## European Union (Withdrawal) Act 2018

### Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019

12:24

**The Convener:** Item 3 is consideration of a proposal by the Scottish Government to consent to the UK Government legislating using the powers under the European Union (Withdrawal) Act 2018 in relation to the proposed UK statutory instrument, the Criminal Justice (Arrangements for Compensation) (Revocation) (EU Exit) Regulations 2019. I refer members to paper 3, which is a note by the clerk. If members have no views, questions or comments, is the committee content to recommend that the Scottish Parliament gives its consent to the UK Parliament to pass the statutory instrument?

**Members indicated agreement.**

**The Convener:** Do members agree that the clerks and I will produce and publish a short, factual report?

**Members indicated agreement.**

## Justice Sub-Committee on Policing (Report Back)

12:25

**The Convener:** Item 4 is feedback from the Justice Sub-Committee on Policing on its meeting of 25 October. Following the verbal report, there will be an opportunity for brief comments or questions. I refer members to paper 4, which is a note by the clerk. I invite John Finnie to provide the feedback.

**John Finnie:** At the meeting on 25 October, we agreed our draft report on the pre-budget scrutiny. We also considered our work programme and agreed that, at some future date, particularly given today's scrutiny, we would invite the chief constable and the chair of the Scottish Police Authority to give evidence.

We requested a written update from Police Scotland and the Crown Office and Procurator Fiscal Service on the review of the justice services that they can provide to migrant communities. Leading on from that, it is our intention to take evidence at a future meeting on Police Scotland's role in the immigration process.

We also agreed to write to Police Scotland, the Scottish Human Rights Commission and the UK Information Commissioner's Office on Police Scotland's proposed roll-out of digital device triage systems, which are often referred to as cyberkiosks. There are several issues around that and we agreed to monitor the implementation of Police Scotland's digital data and ICT strategy and policing 2026, as well as the significant sums of money that are connected to that proposal.

**The Convener:** If members have no questions or comments, that concludes the public part of the meeting. At our next meeting, on 6 November, we will continue with our post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012.

12:27

*Meeting continued in private until 13:01.*

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