



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 11 March 2014

Session 4

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JUSTICE COMMITTEE
8th Meeting 2014, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Elaine Murray (Dumfriesshire) (Lab)

COMMITTEE MEMBERS

*Christian Allard (North East Scotland) (SNP)
*Roderick Campbell (North East Fife) (SNP)
*John Finnie (Highlands and Islands) (Ind)
*Alison McInnes (North East Scotland) (LD)
*Margaret Mitchell (Central Scotland) (Con)
*John Pentland (Motherwell and Wishaw) (Lab)
*Sandra White (Glasgow Kelvin) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Nick Croft (Edinburgh Community Safety Partnership)
John Duffy (Fire Brigades Union)
John Hackett (Unison Scotland)
Chief Officer Alasdair Hay (Scottish Fire and Rescue Service)
Steven Torrie (Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service)
Pat Watters (Scottish Fire and Rescue Service Board)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 1

Scottish Parliament

Justice Committee

Tuesday 11 March 2014

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

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning. I welcome everyone to the Justice Committee's eighth meeting in 2014. I ask everyone to switch off mobile phones and other electronic devices completely, because they interfere with the broadcasting system even when they are switched to silent.

Under agenda item 1, the committee is invited to agree to consider in private item 5, which is consideration of a draft response to the Standards, Procedures and Public Appointments Committee in relation to that committee's inquiry into legislation procedures in the Parliament. Are members agreed?

Members *indicated agreement.*

Fire and Rescue Service Reform

The Convener: Our main item of business is evidence on fire and rescue service reform. We will hear from the Scottish Fire and Rescue Service and from Her Majesty's chief inspector of the Scottish Fire and Rescue Service in our second panel today, but for now I welcome John Duffy, who is Scottish secretary of the Fire Brigades Union; John Hackett, who is regional organiser at Unison Scotland; and Nick Croft, who is corporate policy and strategy manager at the Edinburgh community safety partnership. That is a long title, Mr Croft; we will see where it takes us.

I invite questions from members. There is a flurry of hands—I have such a selection. I will go to my left for a change and take Sandra White first.

Sandra White (Glasgow Kelvin) (SNP): Good morning, gentlemen. I have a general question. I have read the evidence that has been submitted, and the vast majority of responses seem to suggest that the reform is working very well. Has the reform been a step forward in bringing together the various agencies and enabling them to work together?

The Convener: The witnesses should indicate to me when they want to answer a question. Your microphones will be switched on for you.

John Hackett (Unison Scotland): For support staff, there is not yet light at the end of the tunnel, so it is hard, at present, for our members to judge whether reform has been good or bad because about half of support staff are yet to find out to which jobs they have been matched.

Nick Croft (Edinburgh Community Safety Partnership): When I appeared before the committee previously, I noted that there had—certainly in Edinburgh—been no discernable negative impact on partnership relations. That has been the case since then. A number of initiatives have been delivered locally through the community planning partnership, and there were good results from bonfire night and from the new escalating concerns process for adults who may be vulnerable but are not covered by legislation. There has also been some excellent work in our neighbourhood partnerships on community safety and on antisocial behaviour and fire-raising, so in general progress has been positive on partnership working.

The Convener: Why did that not happen before?

Nick Croft: Partnership working did happen, but not to the same extent. Wind has been put in the sails of community planning generally throughout

Scotland; there is more impetus behind it, which has encouraged more partnership working.

John Duffy (Fire Brigades Union): From our perspective, so much effort is being put into getting the eight services together that we have not been focusing on the external. However, nothing has been done in the past year that has put back that work or prevented it from happening. It is on-going, but it has not been our focus.

The Convener: Would you say that the work is at a standstill? I see that Mr Duffy is nodding.

Sandra White: I am interested in what Mr Hackett said. I have visited fire stations in my constituency and spoken to the people there. Can you elaborate slightly on your concerns about the reform not working for Unison members? Is it because there has been a lack of consultation or because of redundancies? All the councils from which the committee has heard feedback seem to be very happy with what is going on.

John Hackett: My previous response was that there is not yet light at the end of the tunnel. The problem is that people do not know what the future holds; it is difficult for them individually, without knowing the future direction of the service, to say whether reform has been good or bad. At present, they are probably edging towards thinking that it has been a bad experience.

Our members respect the political decision that has been made, but they are the people who deliver it, and there have been difficulties in communicating some of the changes to them. Things such as the strategic intent have not been communicated in the best way, which is leaving people with low morale.

I spoke yesterday to people who do not have a line manager; they have people whom they report to, but no one has overall responsibility for their work. There are 228 employees who are affected by an admin review that was due to be finished in December. We are still waiting for the results of that. I have spoken to managers in that area who told me that no one has spoken to them to find out their opinions on what the admin support for the service should be. That strikes me as being quite alarming, to be honest.

Sandra White: We can perhaps ask the next panel more probing questions about what Mr Hackett said, so I will leave it there.

The Convener: Whose fault is it if heels are being dragged? I see that there are no compulsory redundancies, but there is insecurity for people, because they do not know where they are going and timetables are slipping.

John Hackett: The fault has to rest with the senior leadership team, because they are ultimately responsible. I have been asking about

the admin review and I get told that it is one person's responsibility. I have not had the opportunity to speak to that person, but from speaking to colleagues I know that that person has been tasked with gathering information, but not with making a decision on the review. We are edging towards the middle of March; the review was meant to have been completed in December. I am dealing with members who are managers of people in the admin side but who have not been asked what sort of admin support they think is needed in their area. We are now nearly three months behind.

The Convener: Does anyone else want to comment on that issue? If not, we will put it to other witnesses later.

John Finnie (Highlands and Islands) (Ind): Good morning, panel. The evidence from the Scottish Fire and Rescue Service alludes to the Audit Scotland reports that were produced in respect of the eight previous services in 2011. The evidence states:

"Their work showed some significant differences across the country in respect of governance, operational policies and practices, performance, workloads and costs. Not all of these variations were consistent with best and safe practice, nor with efficient service delivery."

If I may be parochial for a minute—

The Convener: You are always parochial, John. It is perfectly all right. You are going to talk about the Highlands, are you not? I knew it.

John Finnie: Yes, indeed. Thank you.

In the evidence there is specific mention of the Highlands, where

"there were serious gaps in a number of operational areas."

I appreciate that it is very early in the process, but can Mr Duffy tell us whether there has been general progress across Scotland and specifically in relation to the identified shortcomings in the Highlands and Islands service?

John Duffy: The shortcomings have been well identified—the service knows where they are. One of the big pieces of work that have been done was to identify the legacy issues. That, more than anything else, is what is causing the difficulties. The problem is not in our moving forward into the new service, but in trying to recover what was hidden, masked or disguised by the eight previous services. Some of the things that have been discovered in the past year are quite shocking.

The number 1 priority for the FBU will be the retained duty system, which is on its knees; large areas of our country do not have fire cover. How do we address that? For years, that problem has been put in the drawers marked, "five to 10 years away" or "too hard to do". The new single service

is now starting actively to tackle issues that should have been tackled years ago. That is positive and encouraging.

It would have been hard enough to put the eight previous services together into a single service at the best of times, but we are doing it against a background of a £45 million cut to the budget, which is making the transition incredibly difficult.

There are also timing issues. There is a need fully to use and take advantage of transitional funding. That funding starts, in effect, on day 1 when the service starts, but people were not ready to deploy it on day 1—it has taken time to identify the problems and potential solutions. We have noted that the timing of the transitional funding has caused more difficulties—I will not say harm—than it has solved, because there has been urgency to get into the funding and to use it to shape the service before all the steps of the process have been planned.

I have previously commented that people in the rural areas suggested that everything would go to the central belt, while people in the central belt suggested that everything would go to the rural areas, but the truth of the matter is that it is a blend of both. The legacy that we inherited had the wrong things in the wrong places. We had urban search and rescue and mass decontamination in rural environments and we are now capable of spreading that differently across the country. The problem that the service faces is that when it suggests moving a piece of kit from location A to location B, it gets decried for taking resource away.

Work is going on into how we can better support the retained duty system by putting more resources into those areas, but we are doing it in the wrong order. The order is being dictated externally and principally because of funding. We should get the resources into the areas first, then move the specialist kit around.

John Finnie: Is that funding time limited? Is there urgency?

John Duffy: Yes.

John Finnie: So, an extension of the time limit would be beneficial.

John Duffy: Yes—as would more flexibility. The ability to hold over reserves from one year to another would be hugely beneficial.

The Convener: What is the time limit? When must the transitional funding be used by?

John Duffy: My understanding is that it has to be used over the length of the project, which is three years from 2013.

Alison McInnes (North East Scotland) (LD): I want to take Mr Duffy back to his statement that

the retained duty system is “on its knees”. Rural Angus and rural Aberdeenshire, in the region that I represent, are covered fairly effectively by retained fire services; the system is valued. What is the solution if it is “on its knees”? Can you give us more detail of the problem?

John Duffy: I did not say that the retained duty system is not valued: it is. I said that it was struggling. It is on its knees. If you check on any day how many appliances are unavailable because we cannot get a crew, you will see that the number is staggering. That is not a criticism of the individuals, nor is it a criticism of the crews, and neither is it a criticism of the service, in fact. It is recognition that we, as a society, work and live differently from when the retained duty system was created, which goes back to after world war two.

The Convener: You looked at me when you said that. That is cruel.

John Duffy: It was purely coincidental.

A lot of our towns and villages that have retained stations were, even a few years ago, almost self-sufficient. People lived and worked within a relatively short distance of the location. The retained duty system is based on call-outs and pager operating. People attend the fire station, take the vehicle out and attend the incident. However, you need only consider how many people commute into and out of our bigger towns and cities. If you are located in a town or village and you have to drive any length of time to go to the supermarket, while you are driving there and back you are not available for a fire call.

My comment was not a reflection on individuals; the system has not adapted to modern society and how we live and work.

Alison McInnes: I asked what the FBU's position is and how you would solve the problem.

John Duffy: We would solve it by considering areas' needs better. We are really talking only about the emergency side at this point. We need to be able to deliver a fire engine with crew and equipment, as required at an incident ground.

10:15

How we do that—whether through the retained duty system or a blend of full-time, part-time and retained staff—is what we are discussing just now. Work is ongoing on how better to deliver what is needed. The minimum crew is a team of four, so if there are only three crew members, the whole appliance is off the run and unavailable. Often, only one more person would be needed to guarantee the appliances attendance. Work is needed to identify exactly where the worst gaps are and what solutions can be used in the short

term. I think that we have options for the short term.

We must then look at the medium term. We cannot simply employ more and more people on RDS contracts; we have tried that. There are stations in Aberdeenshire that have more people than the normal requirement, but that still does not guarantee that a crew will be available. We need to examine the crewing model and the contractual arrangements, and we need to look at the numbers of people and where they are located.

The commitment from the Fire Brigades Union is that we will get round the table, discuss the matter openly and try to find a solution. As far as I am concerned, it is our number 1 concern, at the moment.

The Convener: I will bring in Elaine Murray and then Roderick Campbell. I am sorry, do you want to come back in, John?

John Finnie: My question would be on a different matter, convener.

The Convener: May I let someone else in with a shortie? Then, you can come back in.

John Finnie: Of course you can.

The Convener: That is very kind of you. That is just so sweet. I will bring in Elaine Murray, Roderick Campbell and then John Finnie, because he has been courteous.

Elaine Murray (Dumfriesshire) (Lab): I am not promising that my question will be short.

The Convener: It might be. That will be up to me.

Elaine Murray: I want to ask about the process that the Scottish Fire and Rescue Service went through when it decided to reduce the number of control rooms. In particular, was there adequate consultation of staff and adequate discussion about redeployment opportunities for staff who would be affected?

John Duffy: That brings me back to what I said about timing. The "Property estate: strategic intent" document almost superseded work that had been done previously. Work had been going on to consider the best option for control rooms, including what would happen to the people who would be displaced. The impression was certainly given that the strategic intent document superseded that work, and that there was an urgency about getting the estate strategy in play. That takes me back to my point about the transitional funding.

It seems that the SFRS knows the solution but has not worked out all the creases; it has not gone through all the detail. Our members would have appreciated the work's having been done in such

a way as to give them more assurances about their future. Members would have appreciated being told, "Here's what's going to happen, and here are the consequences and how they'll affect you, as individuals."

There has been positive support from the chief of the service and the chair of the SFRS board, who have tried to reassure people. However, following on their heels was the human resources department, telling them what could not be done. What we need now is to get further into the detail, because individuals need to know whether they have a secure future, and what options are available to them. It is not sufficient to say to people, "Yes, something will be available." That is not reassuring. People need detail.

The FBU will be looking for continuity of uniformed grey-book posts. We know where people will be displaced and we know that jobs need to be done in those areas, so we will look for our members who are currently in control rooms, but who will be displaced to be moved into uniformed grey-book conditions posts that will enable them to have continuity in the service.

The Convener: I do not know what grey-book-condition posts—

John Duffy: The grey book is our scheme of conditions.

The Convener: Mr Hackett, do you want to come in on this subject? You were nodding in agreement with Mr Duffy.

John Hackett: One of the big issues that I am getting fed back to me, particularly by our rural members, is that there is a sense that all the jobs are being sucked into the central belt. We welcome the commitment to no forced redundancies, but that is meaningless if someone is transferred to a post that is a two-hour journey away. People are expressing that concern.

Although someone may have had a supervisory or managerial role in their previous service, they are being matched into a job in the generic pool that has not been job evaluated yet, so they do not know what the salary or responsibilities will be. That makes it very difficult for them to make a decision about their future, and it suppresses morale.

Our view is that the uniformed staff and the support staff will deliver the reform, so we need them to have good morale and to want to be part of the project. Sadly, people are starting to make the decision to leave.

Elaine Murray: If I may, I will be parochial on this issue. There are 15 staff at the firefighters control room in Dumfries. They are not all uniformed staff; they are all women, some of whom are in their 30s and 40s and are unlikely to

be able to retrain to ride in appliances. They seem to be being offered a 170-mile round trip to the control centre at Johnstone.

John Duffy: Nobody is suggesting that going on to a fire engine is the only alternative. It goes back to the timing issue. There are other posts available, and we are working closely and positively with the service to develop those other posts and what will be available. There are many more jobs in the fire service than riding on a fire engine, and there are many more ways of progressing towards the fire service's strategic objectives than riding on a fire engine.

There are jobs available for people, and there will be jobs available for our members who are displaced from Dumfries. At this stage, we do not have the black and white of what those jobs are, and that is unsettling for those members. I understand that, but they need to appreciate that, because of the timing, we have had to put the cart before the horse. We are now actively working on specifics for those individuals and, beyond those individuals, our members in the other control rooms that will be affected by the change.

The Convener: I appreciate that it is important that you represent your members, but the public would like to know whether you have any views on how the proposed closure of control rooms might affect the delivery of fire and rescue services in their communities. I intend to put that question to the next panel, so if you do not want to comment on it you do not have to. Do you think that there may be any possible impacts on the delivery of the service to the public?

John Duffy: The service that the public get is determined by the professionalism of our members, which is unquestionable. No matter where they are located or where they work from, the members who do that job do it with the utmost professionalism. Where they are located will have no bearing on the level of service that the public get.

The Convener: There will be no delays or words that someone does not understand.

John Duffy: No.

The Convener: It can be difficult for people from Edinburgh to know what someone from Hawick is saying—not that I represent Hawick. It is a strong accent and there have been issues before about people in control rooms that are not local simply not understanding what someone is saying.

John Duffy: I am from Dundee, so English is a second language to me.

Scotland has a wide-ranging population. We have lots of people who bring lots of accents—

The Convener: Or local knowledge—it is about not just accents, but local knowledge as well, such as knowing where a farm is.

John Duffy: Nobody is born with local knowledge; it is developed as people work and train, and it reflects on the professionalism of our members that they do the job. Just now, we have control rooms that cover huge land masses, and they manage perfectly well because that professionalism is embedded into the individuals. It is their job and it is how they deliver that service. There is no magic formula for that.

The Convener: It would be helpful for us and the public if you were to explain the roles that the fire and rescue service plays in different parts of the country. In certain areas, it might be more of a rescue service than a fire service. The service also plays a role in road traffic accidents, hill fires, drownings and mountain incidents. Could you tell us a bit about those roles? That would be helpful, because they might impact on rural and urban areas in ways that mean that resources, including knowledge, must be deployed differently.

John Duffy: That is a very fair point. Aberdeenshire was mentioned earlier, and in that part of Scotland there is a real problem with road traffic collisions. It seems that quite a number of people in that area think that they can drive faster than they really can. We have a lot of road traffic collision activity there. That is an example of the service's flexibility, because crews train to do different things in different parts of the country.

One of the things that was missed when the Police and Fire Reform (Scotland) Bill was going through Parliament—I kept harping on about it at the time—is our statutory duties. We have a statutory duty to attend a road traffic collision, but we do not have a statutory duty to try to prevent them. The service takes that on over and above its statutory duties.

Around the country we are starting to see one of the benefits of the single service, which is its ability to deploy more specialist resources. We can keep throwing more and more equipment at the same firefighters, but they just cannot keep learning more and more skills—that is finite. We have stations that are expected to put out fires, deal with road traffic collisions and do community fire prevention work, as well as to do urban search and rescue, mass decontamination, water rescue, line rescue and so on ad infinitum. We cannot continue to do that.

A piece of work is being done in the single service on a specialist resource review. The service is starting to look at using the kit and equipment for specialist work. For example, there will be a station that specialises in water rescue, a station that specialises in line rescue and so on.

The more we get a chance to get into that, the more it will develop and the more we will see the ability to deploy specialist resources across the country.

The Convener: That helps the committee and the public who might be following the meeting, or who will read about it, to understand the range of work that the service does.

Some members have supplementary questions, but I want to take members who have not asked questions yet. I will take Roderick Campbell, then John Pentland, followed by Margaret Mitchell. Yours is a supplementary question, John, is it not?

John Pentland (Motherwell and Wishaw) (Lab): Yes.

The Convener: So it is Roderick first, then John. Is your question on this issue or on something different, Roderick?

Roderick Campbell (North East Fife) (SNP): Something different.

The Convener: I will take John Pentland before you, then.

John Pentland: Mr Duffy, in response to Elaine Murray's question about the closure of control rooms, I think that you said—correct me if I am wrong—that you knew the solution. How did you know the solution if you did not believe that there had been adequate time for consultation? Was the proposal to close control rooms evidence based?

John Duffy: I am not quite sure what you mean by a solution. A piece of work was done on how a single service would organise its command and control function. We moved to a single service because of the scale of cuts that were coming to the service's budget.

To go back a stage, the closure of control rooms has been considered for years. In the run-up to the creation of the single service, the eight previous services were already looking at how they dealt with their command and control structures. For example, the Dumfries control room was earmarked for closure long before the single service came along. Lothian and Borders had been talking to Fife about pairing up and had talked to Strathclyde about taking all their calls. Tayside, Fife and Central were looking to merge, Tayside did a piece of work with Tayside Police on a merger, and Grampian was looking to take over Highlands and Islands. However, it was all disconnected.

10:30

Since the start of the single service, the service has looked at how to provide command and control for a single unit, which gives a more cohesive view. Whether the solution was three or

four or whatever number was almost a secondary concern. We do not represent desks, chairs and computers. We represent people, and our priority is what happens to the people. In a move from eight control rooms to fewer than eight, people will be displaced. Some people may want to move and some may not want to move. As the representatives of those individuals, our concern is what we do for them and how they see their future. That is exactly what we are doing now. Some people want to relocate, but we need to ask what we can do for those who do not want to relocate.

There is not one answer to the control room question. The service could have decided to deliver its control rooms in a number of different ways. There was no right or wrong answer, but for each answer there were consequences. I absolutely understand that constituency MSPs will argue for their local communities, but as a representative for the whole of Scotland—

The Convener: That is not the committee's job. Committee members might have given examples from their constituencies, but they are here not as constituency members but as members of the Justice Committee. In fairness to committee members, we are looking at the Scotland-wide picture.

John Duffy: I accept that. What I am reflecting is that there are local MSPs who are running specific campaigns for control rooms in their areas.

The Convener: That is understandable.

John Duffy: I understand that, but as a representative of Scottish members, I cannot set one group against another. We must look at what we provide for a union member who currently works in a control room and who is then displaced.

The Convener: I had not appreciated that there had been negotiations—if I may use that term—about how various control rooms might reorganise prior to the single service coming into being. I think that you described the historical picture as patchy and disconnected.

John Duffy: Yes. It was patchy.

The Convener: I can see that John Pentland wants to ask a further question, but I would like to let other members in. You look a bit peeved, John.

John Pentland: Yes.

The Convener: You are peeved, but I do not care. I shall let Roderick Campbell, Margaret Mitchell and Christian Allard ask their questions, as they have been waiting.

Roderick Campbell: Good morning, gentlemen. In the written submission that we received from Unison yesterday, there is a paragraph that states:

“Sections of the staff fear that as a cost cutting exercise areas of support services will be privatised. The poor level of communication and slow pace of Job Matching and Job Evaluation have given considerable weight to these concerns.”

What is the evidence for that?

John Hackett: I will be honest with you. There is none, but that does not detract from people’s fear. If you look at the course of events in other areas that are under reform, such as local government and colleges, that tends to be the case. Privatisation is slowly creeping in. We have members who provide catering and cleaning services. There is a mixed economy across the eight previous services for occupational health, and that is also currently under review, but the fear is probably focused on catering and cleaning.

As I said, the fear is unfounded at this point, but if you are a cook in one of the previous fire service headquarters and you look around and see what is happening in other areas of the public services, if you do not know what is happening because your employer is not communicating with you, and if you have yet to be job matched—catering is another area in which there have not been job offers for the future—questions will naturally arise about what the future holds, and privatisation is one of the fears that people have.

Roderick Campbell: Does anyone else want to comment? As no one wants to do so, I will ask a supplementary question.

The Convener: You are having a Margaret Mitchell moment, but that does not matter. However, I remind you that I am the convener.

Roderick Campbell: Unison’s submission dwells heavily on the question of poor communication and lack of direction from the top. To what extent have you made known your concerns about those issues?

John Hackett: Every time that we meet. We have an employee partnership—all the staff representative bodies and senior management are represented—that meets every six weeks. On an alternative six-weekly basis, we meet the head of HR or the head of the pay and reward project team. Our reps also meet managers and senior managers regularly. Communication remains a constant issue.

I appreciate the challenges for senior management—there is a lot going on—but the difference is that they are in control of the decisions whereas our members are not. When people do not have control over the direction of their life, that can be worrying and challenging.

Margaret Mitchell (Central Scotland) (Con): Good morning, gentlemen. A huge problem in the transition to a single force is job matching and

ensuring that displaced staff are part of that process and that that is done efficiently and effectively. Therefore, I was astounded to read in the Unison submission that jobs are advertised without salary or location. Will you elaborate on that situation? Who is responsible?

John Hackett: There have been challenges with regard to how posts have been advertised, and that is compounded by the fact that eight different sets of terms and conditions are in play. An advertised post must include the bottom and top pay scales, but that has not always happened due to human error. The errors are identified and rectified as quickly as possible, but that requires a level of vigilance on our members’ part. They are keen to know what the future holds for them, so I would hazard a guess that all our members visit the vacancy site every day to see what opportunities are available.

The Convener: Have the adverts been corrected?

John Hackett: Yes.

The Convener: The matter is no longer a problem.

John Hackett: A couple of weeks ago, I asked questions about how the adverts are quality-proofed. I am led to believe that one or two people are now responsible for clicking the button to post the adverts online. I like to think that the issue is resolved but, given our experiences, we are keeping an eye on the situation.

Margaret Mitchell: The salary and location issues have been resolved.

John Hackett: Yes. There was previous uncertainty about where some of the posts may end up. I will give you an extreme example. We had a member who was to be displaced but they decided not to take a job because it was too far way. It then transpired that the postholder was required to be at that location only once or twice a week and that a pool car would be made available for their use. Who knew about that? How was that expressed to people? How many people did not apply for that job on the basis of the travel arrangements that they thought they would have to make? To be fair, the HR team is aware of and looking to address the issues.

Margaret Mitchell: As far as you are aware, will the compulsory redundancy guarantee continue after April 2014?

The Convener: You mean the no compulsory redundancy guarantee.

Margaret Mitchell: Yes.

John Hackett: After when? I am sorry, but I did not catch that.

Margaret Mitchell: After April 2014.

John Hackett: That is our understanding at this stage. We are operating on the basis that everyone will be in a post that they are meant to be in by April next year. We have fears that the timeline is slipping a bit on a few issues, particularly job evaluation. As I said, we operate on the basis that the service will be in place, if you like, for the support staff, by April next year.

As in all public sector agencies, change is inevitable, but part of our bargaining position will be that no forced redundancies will be made in the future.

Margaret Mitchell: The impact of the staff who have left will be part of that, too. Your submission says that many of your members' workload is increasing because the staff who have left under voluntary or retirement are not being replaced. The feeling is almost that staff are paying the cost of the no compulsory redundancy guarantee.

John Hackett: The difficulty we face is that a vast array of projects is on the go to get in place the support staff structure, all the terms and conditions and everything else that goes with it. That requires staff time—for example, job analysts have to go through the job evaluation process. One of our members might express an interest in becoming involved. However, they may be in a team of three that used to be a team of five, their manager may have left and their senior manager may be on a project and in the office on only two days a week. The service is struggling to get staff into the projects to get the structures and the terms and conditions in place. Mr Duffy referred to a horse and cart; I have probably said chicken and egg more times than I would care to mention in my meetings with the SFRS.

The Convener: I will move on, unless anyone indicates that they want to comment, because quite a long list of members want to speak. Is that all right, Margaret?

Margaret Mitchell: That is fine, convener.

The Convener: Christian Allard will be followed by John Finnie, Alison McInnes and John Pentland—so John Pentland will get back in.

Christian Allard (North East Scotland) (SNP): I will follow up on Margaret Mitchell's question, Mr Hackett. You indicated that there was a problem with getting vacancies filled. To what extent does the service have difficulty in recruiting staff? I represent North East Scotland and I know that there is a lot of competition for jobs. Is recruitment a big problem across Scotland?

John Hackett: I do not think that the issue is recruitment; it is that posts are deleted. Someone has been doing a job and when they leave the

post is deleted. That has an impact on the overall workload.

There are some geographical recruitment issues. I think that those issues rest around mechanics in the Aberdeenshire area. The obvious issue is that the service is competing against the oil industry; the situation is perhaps similar in HR.

We are trying to address those issues with the service. We are keen to get the job evaluation process on the go and finalised by next year, so that we can address very quickly the areas in which the service is having trouble recruiting staff, because that has an impact on the service and on employees.

Christian Allard: So there are vacancies that have not been filled so far.

John Hackett: There are not vacancies as such; the issue is that posts have been deleted. I am not aware of any vacancies sitting there for an extended period of time, except perhaps in one or two specialist areas.

Christian Allard: Do some people who think that they might lose their job in the distant future take the opportunity to leave the service beforehand?

John Hackett: Yes, quite a number of people are doing that.

Christian Allard: Is that causing a problem across Scotland or is it regional?

John Hackett: If someone has 20 years of service in the fire brigade, the service loses a huge body of knowledge when they leave. It is not one or two people who are leaving, but a number of people. We have not nailed down how many people have left since the formation of the single service. However, we are now down below 1,000 and voluntary severance is being relaunched, so we expect to see some take-up of that over the next few months.

The Convener: Can I check something? In Police Scotland, voluntary severance is not automatic. We have evidence that the police sometimes do not want to give key workers voluntary severance. I take it that the situation is the same in the fire and rescue service; it is not an automatic process.

John Hackett: That is our understanding and that is why work is being done to review the applications.

The Convener: In order to get the balance back, the fire and rescue service would not want to see a key worker with experience go; it would not allow them to go under the voluntary severance scheme.

John Hackett: With half the staff yet to be job matched, how can the service make that judgment?

The Convener: I think that we have got the message about job matching and evaluation.

Christian Allard: Do other panel members want to comment?

The Convener: I have given up—members will take over the convening duties. I try to run my empire but I am crushed, because it is a democracy; it is most unfortunate for me.

Does Mr Duffy or Mr Croft wish to comment?

Nick Croft: No.

The Convener: You are happy to be entertained.

John Duffy: We have a specific problem in Aberdeen and the north-east generally. The issue is not firefighters but middle managers, who are leaving in such significant numbers that it is certainly on our radar as a problem that needs to be addressed.

A number of factors are contributing to that situation. One is obviously the fact that the skill set that we give to our middle managers is ideally suited to that which is required in the oil industry. We also have difficulties with accommodation. We are finding that house prices and rental prices mean that more and more people who want to join the service are sharing accommodation, which is not normally ideal. Contributing to that are the decisions that have been taken at the UK level on fire service pensions, which would previously have anchored people to the service but are no longer as attractive as they were. A move to a higher paid job in the industry is very attractive. So yes, we have a distinct problem in the north-east.

10:45

Christian Allard: Do you have a solution? I know, for example, that the colour of the fire engines has been put back to red, which is maybe a good idea. Have you got a legacy—

The Convener: What colour were they in Grampian?

Christian Allard: They were white. That was decided by the previous board.

The Convener: Strange people in the north-east.

Christian Allard: It is a very strange place, indeed. *[Laughter.]*

The Convener: I want to move on from talking about the various local areas, because I would like to get on to the next panel.

John Finnie: In the evidence that we received from the Scottish Fire and Rescue Service board, we were told that it approved a working together framework. Are you involved with that, Mr Hackett? We were advised that it is a partnership working group that was

“established between officers and Fire Brigades Union officials to consider the implications of estate proposals.”

Are you involved with that in addition to your employee partnership forum?

John Hackett: One of the first pieces of work that I was asked to do when I started with our members in November was to sign the working together framework, but I must confess that I was not involved in the discussions that formulated it. I work on the basis that all our discussions work within that framework. It is not something that I tend to refer to, but we are seeking to work on a partnership basis.

I will give you a good example of that. We have obviously expressed very strongly some of our members’ concerns. We have a lot of pressure from people who want to lodge grievances. They want answers and they want things to be done formally. We have tried to support our members, but we have also asked them to hold off from lodging formal grievances to give the service space to start addressing some of the issues. We will have to be careful about how long we take that line because we could start to lose credibility. The members’ desire to get responses will become overwhelming, and they will start to lodge their own grievances.

John Finnie: So you have personally always worked under that working together framework.

John Hackett: Absolutely.

John Finnie: I presume that it lays down guidance on time frames and the integrity of engagement in every issue.

John Hackett: There is an expectation that communication with staff will be clear. There is consultation and so on. When we feel that any action of the service does not meet that standard, we let it know and, to be perfectly fair to the service, it takes measures to rectify the situation. Therefore, on the classic issue of communication, human resources and some of the directorate heads are well aware of our concerns. They have assured us that things are improving—and they are, slowly.

John Finnie: That is good.

The Convener: May I move on now, Mr Finnie?

John Finnie: I have a specific question about the estate issue. Does Mr Duffy want to comment on the number of properties that are to be disposed of?

The Convener: He did not indicate that he did, but he might.

John Duffy: The primary concern for us in the estate strategy was the control room issue. Most of the rest of the estate strategy falls in with Mr Hackett's remit. The control room was our big concern.

John Hackett: I will give two contrasting approaches. I am led to believe that control room staff were given one-to-one time with managers to discuss the impact of the closure of the control room in their area. People in a workshop were notified of when they were moving through an email that was pinned up on a noticeboard. Those are the two extremes and, as I said earlier, I would like to think that the service is improving.

The Convener: That is not good people skills—and it is not rocket science to remedy that.

John Hackett: No.

The Convener: Right. We will move on to Alison McInnes, John Pentland and, at a pinch, Sandra White.

Alison McInnes: I have a follow-up question. Mr Duffy talked about representing all his members across Scotland in relation to the fire control room closures, but he has not reflected the views of members in the north and the north-east.

We have a written submission from someone working in the Inverness control room, who says:

"To say that local knowledge is not important and can be easily transferred is naive at best and at worst insulting".

In relation to providing a "generic response" to the more than 90 retained stations that Inverness control room is responsible for, that person concludes:

"it would be impossible for a large control room in the central belt to provide the level of support that these stations and communities currently receive."

I know that, when I visited Aberdeen, the FBU there told me that the importance of local knowledge is being underestimated for rural non-postcoded areas. The FBU was particularly concerned about when the system crashes and people resort to pen and paper, which is when they really need the local knowledge. Can you respond to those particular issues that your own members have raised?

John Duffy: Members are absolutely entitled to raise those issues, and of course they are going to make the strongest argument that they can to defend their own location. I do not have the luxury of considering the situation from just one perspective. The Scottish officials need to consider the situation across the whole of Scotland.

Alison McInnes: No—I am not talking about defending a particular station. I am asking you to address the concerns that have been raised about whether you are underestimating the importance of local knowledge of a rural area.

John Duffy: That is simply down to a difference in opinion.

The Convener: I have to say that I have had difficulty sometimes finding farms in my constituency when I just have the name of a farm and I think that I know where it is. They say, "Turn left at the red pillar box past the wood and you'll find us." Those are the instructions and such farms are not particularly well indicated on a map. In some instances, there is an issue across rural areas of knowing exactly where a particular farm or hamlet is that is not easy to find otherwise. Alison McInnes has raised an important issue.

Alison McInnes: I also have a discrete question about the fire service college at Gullane. Do witnesses have any concerns about the closure of the college or about the relocation of staff to the main centre at Clydesmill?

John Duffy: Sorry, I did not hear the question.

Alison McInnes: Do the witnesses have any concerns about the closure of the college at Gullane?

John Duffy: No.

The Convener: Right. We will move on to Sandra White.

Sandra White: I have a small question for Mr Hackett just to clarify something in the extra submission from Unison.

Margaret Mitchell challenged you with regard to how jobs have been advertised. You said that that issue was now resolved. The other point, which Rod Campbell has already raised, is with regard to the paragraph in the Unison submission that mentions that

"support services will be privatised."

Those are your very words.

You said to Rod Campbell that there is no evidence of that happening. I was a shop steward myself and I think that it is irresponsible for a trade union to put out such a statement. To me, that will make staff more fearful when there is absolutely no evidence that such a thing will happen.

John Hackett: If you read the paragraph—

Sandra White: I have read it.

John Hackett: The paragraph says:

"Sections of the staff fear that ... areas of support services will be privatised."

I am expressing people's fears. They are not my views; they are views that people hold. We have given members assurances that I have not heard anyone from the senior leadership team talk about privatisation. I was asked for evidence; the view is one that has been expressed by sections of the staff.

Sandra White: I just wanted to clarify that point because in your answer to Rod Campbell you gave examples of privatisation happening in other areas that are under reform and you said that, given those examples, privatisation might happen. However, what you are saying now is that there is no evidence of privatisation and that, basically, you are giving members assurances that it is not going to happen.

John Hackett: I will take you back to one area—occupational health and wellbeing, where there is a mixed economy. Some services deliver provision in-house; some services deliver it outside the service. It is currently undergoing a best value review and we do not know what the outcome will be. It might be to keep all the services in-house; it might be to privatise all of them; or it might be a mixture of both as it is today. That is the only area in which I have had any sort of discussion around privatisation. In the submission, I was expressing a view that some members held.

The Convener: I think that you have clarified your position. The submission simply says that

“Sections of the staff fear”

that privatisation of some areas might happen but you are not saying that privatisation is happening. We will leave it at that.

Sandra White: As long as that is on the record.

The Convener: It is on the record—several times. I thank the witnesses for their evidence. I suspend the meeting until 11 o'clock.

10:55

Meeting suspended.

11:00

On resuming—

The Convener: I welcome to the meeting Pat Watters, chair of the Scottish Fire and Rescue Service Board; Alasdair Hay, chief officer of the Scottish Fire and Rescue Service; and Steven Torrie, Her Majesty's chief inspector of the Scottish Fire and Rescue Service. Thank you all for joining us. I know that you sat through the previous evidence session.

By special request, John Pentland will ask the first question.

John Pentland: Thank you, convener.

As the convener has said, you listened to the previous evidence. I am sure that you will agree that much of that evidence was in and around the submission from Unison Scotland, which spoke about a serious lack of consultation, with people feeling as if they had been cut out of the loop when decisions were made. Was that deliberate on your part?

Pat Watters (Scottish Fire and Rescue Service Board): I will answer that initially, before bringing in the chief officer, Alasdair Hay.

I did not recognise some of the stuff that was discussed by the previous panel. As regards the employee partnership forum, I chair that committee, and there has been little controversy at it. I have no doubt whatever that there is detailed discussion at other meetings that are attended by officers from the Fire and Rescue Service and by employee representatives, but when it comes to the partnership forum, an issue of real concern that I would want to take forward has never been raised.

At one point at the back end of last year, I questioned the value of the committee to my colleagues in the trade union movement, because reports were just being nodded through rather than being discussed. To me, that indicates that the work being done elsewhere was proceeding quite well. Subsequent to the evidence that has been presented, I am happy to go back and ask about the discussions that have been going on and whether there is any concern.

It is absolutely right that an email was pinned to a noticeboard to inform employees of discussions that had taken place. That was to reaffirm that individual meetings had been held at workplaces, so that people were aware that they had taken place. What was discussed at those meetings was contained in that email. It was not a matter of informing people by email; it was a case of confirming the individual discussions that had taken place. It is absolutely right that there was an email on a noticeboard. Why was it there? It was to confirm that meetings were already taking place and the content of those meetings. I am quite happy to take that forward.

It is important to mention that the strategic intent document was vital to the service and to our staff in the service. Without agreeing the strategic intent document, we had no way of letting staff know where they were going to be working, who they were going to be working to and what jobs they were going to be going to.

We have reaffirmed on various occasions, at every time possible, that there will be no compulsory redundancies in the Scottish Fire and Rescue Service. That is part of the guarantee that

Government gave to staff when the single service was formed. I say again: there will be no compulsory redundancies in the Scottish Fire and Rescue Service.

Chief Officer Alasdair Hay (Scottish Fire and Rescue Service): I listened to all the evidence, and I was quite concerned about some of it. Like the chair of the board, I did not recognise all of it. If that is the evidence, however, I will certainly go back and examine the practices in the service to ensure that we are treating our staff—the people who work in the Scottish Fire and Rescue Service—as equitably and fairly as we can.

We must recognise that we are going through a major transition process. It is absolutely understandable that staff are anxious about the changes that are going on. We are trying to set things out to them. The expression that was used earlier was

“light at the end of the tunnel.”

We are trying to ensure that we set out for staff, as early as we can, the direction of travel and where we are going to end up.

You asked specifically whether we are excluding Unison. We are not excluding any of the trade unions or representative bodies.

I am very encouraged by the fact that we have produced a partnership framework, and we have the supporting structures to enable that to work effectively. It is the early days of a different approach, but the success that we have had in bringing the service from where it was to where it is at this moment—while not underestimating the challenges that lie ahead—is due in no little part to effective partnership working. When issues are raised by Unison or any other trade union, we are absolutely in listening mode, and we will seek to improve that.

I think that that is the essence of partnership working. Partners cut each other a little bit of slack at times and work together for the greater good. That is the approach that we are adopting. We are sympathetic to staff and we understand their anxiety. What we can do in the short, the medium and the long term to quell that anxiety, we will do.

John Pentland: I welcome that assurance and your other points. I hope that Unison will be kept up to speed on what is happening. It is a major change in the service and everybody must be aboard the bus to go on that journey. We need to ensure that people are not cut out of the loop.

My next question is on the control rooms. Will the panel expand on the inspectorate’s view that retaining more control rooms would risk confusion and failure in the service’s work?

Steven Torrie (Her Majesty’s Chief Inspector of the Scottish Fire and Rescue Service): I will start with that one, given that it is based on my written submission. I will expand a wee bit on what I said in the submission.

It is a straightforward logical argument that, if we were to design the fire and rescue service in Scotland starting with a blank sheet of paper, we would not design it with the eight control rooms that are in place, one of which covers about half the population while the other seven cover the other half. When the eight fire and rescue services were operating, it was normal but reasonably unusual to cross borders, so most of the work was done within individual service areas. The Scottish Fire and Rescue Service has started to change that. A lot of appliance mobilisation has taken place across the previous borders. My argument is that that will continue. At least, I hope that it will, because it provides good value for the public in Scotland.

The argument is that, if we have eight different groups of people trying to co-ordinate the assets across the country when they have been mobilised in a very different way from previously, we will be building in an additional risk of some sort of operational failure, loss of control and difficult decision making. The simple argument is that having borders in place where they are not necessary might cause confusion and difficulty.

The Convener: Does that reflect the changing nature of the service that the fire and rescue service has had to deliver over the past 50 years? I raised that earlier when I mentioned road traffic accidents, chemical spillages and so on. Does the new service reflect the fact that it must do many different things rather than just have fire engines going out to fires?

Steven Torrie: Yes. It actually reflects two angles, one of which is exactly as you have described, in that specialist resources are being made more available across the country rather than being retained in a service area. In addition, there are examples of front-line fire appliances being mobilised and getting to areas more quickly than would have been the case in the past when they were retained in an individual service area.

The Convener: Mr Hay, do you wish to say something about that from an operational point of view?

Chief Officer Hay: Yes. It is certainly the case that fire control rooms are integral to the operational effectiveness of the Scottish Fire and Rescue Service. The eight legacy control rooms that we have inherited were designed to support eight separate fire and rescue services. We must put in place a control room infrastructure that supports the single Scottish Fire and Rescue

Service. I agree with John Duffy's earlier comments that it is undoubtedly the professional knowledge, skill and expertise of the staff who work in the control rooms that ensures that they are an integral part of an effective fire and rescue service.

On our proposals, what is foremost in our minds is not to compromise the safety of the communities that we serve or the safety of our firefighters. We intend to implement our proposals in a controlled, methodical way to ensure that the staff's professional knowledge is effectively transferred into the new infrastructure that we are putting in place.

In my mind, it will certainly be a far more resilient infrastructure. Mr Torrie has just alluded to the fact that, at present, each of the eight separate fire and rescue services sees the resources that are available to it within the legacy fire and rescue services. We want to be able to put in place a control room infrastructure whereby they can see all the resources that are available and mobilise any resources from anywhere in Scotland at any time. In that way, we will not have artificial boundaries. We will have the appropriate resource being mobilised immediately by the control room that identifies where the risk is. That will lead to us having a safer service. By working on a single mobilising platform, we will ensure that any opportunity for there to be confusion or delays will be absolutely minimised.

The Convener: We move on to some questions from Roderick Campbell. He will be followed by Elaine Murray, Christian Allard and John Finnie.

Roderick Campbell: Good morning, gentlemen. Police Scotland's submission states:

"Discussions continue between the two services as we move to implementation of our respective change projects with a view to seeking opportunities for collaboration on issues such as procurement ... ICT and joint working where appropriate, such as in facilities from which major incidents and planned events might be commanded."

Will you tell us a bit more about the discussions that are taking place?

Chief Officer Hay: A whole series of discussions are taking place between us, Police Scotland and the Scottish Ambulance Service, which we have brought in. We are not the only emergency services in Scotland, but we are the three major ones.

On the enabling of infrastructures, we seek to spend public money as effectively as we can. Only in the past fortnight, the respective chairs and chief officers of the services came together to discuss the progress that we have made to date. We have set up a working group of senior management in the three services, which will bring

its work directly to the chairs of the respective services and, through them, to the boards.

We are looking at our intentions for property, information and communications technology systems, vehicles and so on to see whether there are opportunities for us to share where our plans coincide and where we can get better value. At an operational level, we have ensured that we are coterminous with the police in what we call service delivery areas and what they call local policing areas.

At the moment, we are working on a memorandum of understanding that builds on the legacy ones that were in place in the previous services, to ensure that not only the police, fire and ambulance services but anybody else who can add their skill set, such as people in the voluntary sector, will come together and respond more effectively if and when citizens of Scotland require the response of an emergency service.

Roderick Campbell: Are there any particular difficulties with collaboration?

Chief Officer Hay: No, because people come with a willingness to collaborate, where that is appropriate. There are different needs within the three services, as we are not the same and we operate on different statutory footings and to different operational protocols, but by speaking to one another, discussing and exploring issues, and not allowing artificial barriers to arise, where there are opportunities for us to be more effective either in service delivery or in the way in which we spend public money, there is an absolute willingness to do that.

The Convener: I have attended incidents at which operational collaboration took place, including a scene where the ambulance service was there, the fire and rescue service was getting somebody out of a river and the police were there as well. That already happens. What level of collaboration are we talking about now? Is it a higher level than applies at an incident scene?

Chief Officer Hay: It is important that the collaboration at an operational level continues—

The Convener: Yes—it is excellent.

Chief Officer Hay: —and I am sure that evidence has been brought to you that reform has in no way jeopardised that.

The Convener: Yes. I was there when that incident happened and I was very impressed. I am talking about the managerial level.

Chief Officer Hay: The collaboration at that level will continue. As I said, we are speaking at chair and chief officer level to ensure that, where there are opportunities to collaborate and improve our service delivery or get better value from

spending public money, we seek to do that. That is taking place at all levels, from the front-line operational level right up to the chair and chief officer level, including everything in between.

11:15

The Convener: I am quite simple, so can you give me an example of what that collaboration might be?

Chief Officer Hay: An example of something that is happening now is the sharing of premises. We have discussions on collaboration along the road in Newbridge, for example, where there is a legacy arrangement from Lothian and Borders Police. One of the bays in the workshops is occupied by what was Lothian and Borders Police and is now Police Scotland. We are looking to collaborate on things such as workshops and ICT systems. Some of that collaboration is in place and there are on-going discussions about how we can enhance it.

Pat Watters: There are good examples, particularly in the rural communities, where the police, fire and ambulance services share one facility. We would like to see that practice expanded as we develop new services and talk to one another. If a new service is developed, can we fit in with one another? For instance, where does an emergency ambulance or a paramedic sit when they are not in their station? We have facilities all over Scotland where it would be much more appropriate for them to sit, rather than have them sit in lay-bys or industrial estates.

That is the type of discussion that we are having. As well as talking about sharing services, we are talking about how we can mobilise and operate together.

The Convener: Thank you. It is helpful to give examples.

Roderick Campbell: In its written submission, the SFRS said:

“The strategic challenge for the new single service is to bring consistent good practice to all parts of the country”.

At this early stage, are there any straws in the wind that you would like to comment on?

Chief Officer Hay: I will contextualise that comment. We had far more in common across the eight services than separated us. However, particularly with the introduction of integrated risk management plans in the past decade, the approaches of the eight legacy services to driving down risk for communities have differed. There is a great opportunity to look at the approaches that were taken in the different services. Yes, we should contextualise them, but where they are best practice, we have the opportunity to roll them

out across the whole of Scotland. By doing that we will continually improve the organisation.

Of course, when you make changes you have to understand that they have an impact on staff, so you need to support staff appropriately, particularly on operational matters, by developing training and equipment.

The process is on-going. We have made very good progress until now, but it will take a number of years before we completely harmonise the service. The challenge then will be what is next, because we need continually to improve the service that we deliver.

Roderick Campbell: Can you draw any examples to our attention?

Chief Officer Hay: Examples of some of the practices?

Roderick Campbell: Examples of the good practice that you are trying to roll out.

Chief Officer Hay: One of the best examples that we have is from the Glasgow Housing Association, which is one of the biggest social housing providers in Europe. Through the partnership work that was initiated by Strathclyde Fire and Rescue Service, there has not been a single fire death in the Glasgow Housing Association's housing stock in almost three years. How did that come about? How were the challenges there addressed? How did the communication processes between the different agencies work? If we could roll that out across the rest of Scotland, we could see a significant reduction in risk for the people of Scotland. That is an example of excellent practice that we have picked up and, through discussions, are trying to share across the rest of Scotland.

Elaine Murray: My first question is on displaced staff from control rooms. Mr Watters said that there would be no compulsory redundancies, but if people will have to travel 170 or 200 miles to get to work, they might not be able to accept the opportunity offered. Can you guarantee that people will be offered appropriate redeployment and retraining by April next year?

Pat Watters: Yes.

Elaine Murray: Good. You also mentioned work on shared facilities. Was there discussion about the possibility of sharing control rooms with other blue-light services when you were considering the rationalisation of control rooms?

Pat Watters: Yes, we had detailed discussions about that. There is a difference between a joint control room and a shared control room. In a shared control room we share facilities; in a joint control room we share the control. Both the fire service and the police were looking to bring control

rooms together, and the Scottish Ambulance Service had set out its national control room facility. When we considered the issue, we found that the risk of trying to integrate control rooms and at the same time marry up our service with other services that were trying to bring their control rooms together was too great.

Would we look to do that in future? We absolutely would. As you know, when we put in a new control room it is not there for ever; we have to refresh such facilities. When we look to refresh facilities, we will start discussions with our partners in the police and ambulance services about whether we could have truly joint control rooms. It was felt that the risk to the people of Scotland of trying to do that now would be too great.

Where there have been opportunities to share facilities, we have tried to take such opportunities. Currently we and the police are looking to use existing facilities, so that there is no additional cost. We are not going for a new facility.

Elaine Murray: New technology is being used in the new police control room system, and there has been concern about whether it will be operational in time. Are there similar concerns in the fire service? Are you using existing technology in the new control rooms?

Pat Watters: We are developing new technology and we are in discussions in that regard. You will remember that our strategic intent is to have a three to five-year programme. We are looking to develop and test new technology, to ensure that it is operational before we change any of the control rooms, with the exception of Dumfries and Galloway.

Elaine Murray: There is a statutory community planning obligation on the Scottish Fire and Rescue Service. How will that operate in practice?

Pat Watters: I will pass that question to the chief officer.

Chief Officer Hay: A benefit of reform is the appointment of local senior officers, each of whom must, in conjunction with the local authority, agree the local fire plan for the local authority area. That is one of the main vehicles for the production of an effective local fire plan.

We are all about driving down risk, and we understand that we cannot do that in isolation. We play a major part, but it is the contribution from partners in health and social care, education and so on that makes a difference. We are committed to partnership working. The responsibility will be delivered through the local senior officer, in developing the local fire plan, but the plan must and does link directly to the single outcome agreement in the local authority area.

Elaine Murray: There will not be just a bilateral discussion between the local authority and the fire service; the other players and blue-light services will be involved. Is that correct?

Chief Officer Hay: We absolutely have widened out the discussion. If you look at the consultation on the production of our first local plans, which will come into effect in April, you will see that we had responses from a wide variety of partners and stakeholders in given areas of the country.

We are committed to working in partnership, not just because it is a legal obligation but because it is the right thing to do. We can empower others to help us to meet our outcomes; equally, we are a fantastic organisation, which brings with it a lot of know-how and resource. We have a fantastic brand and we are brilliant at engaging with people. We want to bring that resource to local partnerships through the community planning process.

Elaine Murray: I know that it is early days, but has the process resulted in any changes or recommendations about how things might be done better?

Chief Officer Hay: One of the great things about community planning is that it takes place within communities. There is good practice and—I am sorry, but I am beginning to sound a little bit like a management consultant.

The Convener: Oh, please don't.

Chief Officer Hay: I know.

The Convener: My eyes will blur and my brain will certainly blur.

Chief Officer Hay: I am trying to stop myself. We have to make sure that we are a learning organisation. When good practice happens anywhere in the country, how do we ensure that other parts of the country pick up on it? It does not mean that it will work in the other parts of the country, because circumstances may be different there, but at least they will have the opportunity to consider why things went well and whether the practice is appropriate for them.

One of my favourite examples is from my time with Tayside Fire and Rescue Service. We in the fire service had quite a few problems with what we call secondary fires, which are bins catching fire and people just setting fire to any bits of rubbish that are lying about, for example. It was predominantly youths doing it on summer nights. At the same time, the police were receiving lots of nuisance calls because kids were just being kids. They were not necessarily doing anything bad, but when people see large groups of kids hanging about on street corners, they get concerned, so the police were getting lots of calls. The fire service just turned up in our fire appliances, which

are like magnets for young people. We parked them up in the local parks and all the kids started coming along and speaking to the local firefighters.

The firefighters then started playing football with the kids around the fire appliances, and we noticed that the calls to secondary fires just disappeared. Equally, the number of nuisance calls that the police were receiving disappeared. Over time, we started to develop relationships with those youngsters, so we would say to them things like, "What did you do at school this week?" and they would say, "Nothing. I don't go to school. I don't like school." The conversation would continue and we might ask them what they wanted to do when they left school and often they would say, "I'd like to be a firefighter," and we could then tell them that if they did not go to school, they would never become a firefighter.

Those are just little things, but we saw real benefits in the reduction of the number of nuisance calls to the police and the number of secondary fires. The big lesson for us there was about our ability to engage with people at different levels. That engagement is often the first step in improving any outcome, whether it be in education, health, or social care. We see that we can be key in all types of activities such as community planning partnerships and we will encourage that engagement right across Scotland.

The Convener: I am going to move on but I should say that politicians are attracted to fire engines as well. I guarantee that, if you park one outside, they will all get their picture taken in front of it for Facebook, and they will climb on board and try on a helmet.

Christian Allard: We do not get attracted to fire engines in the north-east because they have been white for some time.

The Convener: Yes, we learned that this morning whether we wanted to or not.

Christian Allard: I want to talk about community planning partnerships and community safety partnerships. I am struggling to understand. We got a lot of feedback in written evidence from local authorities and they all seem to be quite happy and content with what is happening. We took evidence earlier this morning from Nick Croft of the Edinburgh Community Safety Partnership, and he is quite happy with what is happening and thinks that community planning is now at the top of the agenda. What is the legacy of the previous services? How did we arrive here? Is the position the same across Scotland, or is it still a bit patchy?

Pat Watters: Before I became the chair of the Scottish Fire and Rescue Service, I stood down from local government in 2012. Prior to that, I was an elected member for 30 years in Strathclyde

Regional Council and then South Lanarkshire Council. I was never a member of the joint board that was formed in 1996 when local government reorganisation took place; I was never a big fan of the joint board set-up. I thought that the joint board did not serve the local authorities particularly well. As a matter of fact, in all my time as an elected member in South Lanarkshire Council, I never heard a report from Strathclyde fire authority, and I was on all the major committees in my local authority, including the executive and the labour executive of the council.

11:30

We did not have a particularly difficult job to improve on the communication with local authorities in the previous regime, with two exceptions: Dumfries and Galloway, and Fife, where the fire and rescue services—and the police—were part of the council.

We have tried to develop a positive working relationship with our partners in local government. We were acutely aware as a board and management team that we are now charged with running their service. We took over a service that was extremely highly regarded in the communities and by any inspectorate that examined it. It was a highly performing service, and we wanted to maintain that high performance and improve the communication with local authorities.

That process is not yet complete; we have a way to go. Part of the key to it is not only the board's communication but our local senior officers, who are based within the authorities and work within them day to day. That never happened before. The legislation that put that in place and says that we should have local senior officers who work with the local authorities is to be congratulated. It is a vast improvement.

We have set up the board in geographical areas so that there is a relationship between board members and the authorities within an area. That has also improved the situation, and I hope to see continuous improvement. The job is not finished. We are at the start of the process and we need to ensure that we continue along those lines until local authorities and other partners are content with the communication and relationship that they have developed with the board and the service.

Chief Officer Hay: I cannot add much to what Pat Watters said. I pay tribute to the eight previous services. When I joined the fire and rescue service, we were very much about emergency response. It was only in the late 1990s that we determined that prevention needed to be put on at least an equal footing with emergency response. At that point, we started to get involved with our local communities. It is no coincidence that, in the

past decade, there has been a 40 per cent reduction in the number of primary fires and fatalities in Scotland. It is because of that equal footing.

As I said earlier, one of the key things that we are really good at is engagement with people. People respond to the fire and rescue service. We should build on the work that the eight antecedent services did and recognise that we have an almost unique ability to engage with a cross-section of the community working with local partners. It is only the start of the journey. I have great hope for the future that, as part of team Scotland, the Fire and Rescue Service will play a full part in improving outcomes for people throughout the country.

John Finnie: Part of what I was going to mention has been picked up by Elaine Murray.

Mr Hay, you talked about engagement with partners to build on the transformational change in the number of fire deaths, casualties and calls. In your submission, you talk about hard-to-reach groups. I will touch on two. How do you envisage that you will be able to deal with the challenges of people with drug and alcohol dependencies and inexperienced youngsters in motor vehicles, who are one of the categories to which you refer?

Chief Officer Hay: To tackle both those issues, we need a partnership approach. There are bigger health and social care aspects to drug and alcohol dependencies. All too often, drugs and alcohol are contributory factors to the fire deaths that, sadly, still occur in Scotland and, indeed, the number of accidents that occur on the road.

We need to influence people in whatever way we can, through early years-type initiatives, not to get involved in that journey. Equally, it might be the case that, because fire stations are public buildings that are seen as neutral venues, we can make them meeting places for people in the voluntary sector who have specific skills and who work with some of those hard-to-reach groups. That is not just about our ability to engage with people but about making use of our physical assets, which are public assets, and making them available and accessible in communities throughout Scotland, so that skilled local people can get together to do the work that they need to do.

Unfortunately, a number of young people continue to die on our roads. We are committed to and involved in preventative programmes. Safe drive stay alive is one of the big examples of an initiative that many of the antecedent services have been involved in. To be honest, it employs shock tactics, confronting young people with the consequences of unsafe driving. It is a terrible statistic that the biggest killer of teenage girls is teenage boys driving cars. It is good just to tell

young people that and to let them hear it from a respected member of the community such as a firefighter, who can often tell a personal story of their experience, and there are many such examples of initiatives on which we can work with partners so that we can continue to improve and to deliver those messages in an appropriate way. That is how I see us taking those agendas forward.

John Finnie: That is helpful.

Alison McInnes: Does it disappoint you that Police Scotland has withdrawn from those road safety initiatives?

The Convener: You may answer if you wish, but we are really here to talk about fire reform.

Alison McInnes: We were talking about a partnership approach to dealing with—

The Convener: I knew that you would find a way in with that question, but Mr Hay may answer if he wishes.

Chief Officer Hay: I would not want to comment specifically on the reasons why Police Scotland has made or not made that statement. However, our experience on the ground is that that work still carries on in the police community.

Alison McInnes: I have to ask you to respond to what Mr Duffy said earlier—that the retained duty system is “on its knees”.

Steven Torrie: Convener, could I give Mr Hay a break and answer that question? I was hoping that someone would ask that, because I wanted to add something to Mr Duffy’s evidence.

Over the past three years, my team and I have been out and about over large parts of Scotland, and we have interviewed and met many retained and volunteer firefighters, so what I have to say is based on those discussions.

First, I agree almost entirely with what Mr Duffy said in his evidence, although the strength of language might vary between us. I would not describe the service as being “on its knees”, but it could be described as fragile. The inspectorate is due to lay a report before Parliament in May, and I think that it will pick up on that theme.

Just to be clear about where we could report, I should say that there are areas of Scotland where there are strong RDS and volunteer units. However, Mr Duffy is correct to say that there are also many areas where things are fragile, and there are issues of recruitment, retention and availability during the day, where staff do not work in town, for example.

The main point that I want to make to the committee is that, if you are considering the effects of reform, you should be aware that none

of those things is an effect of reform. All those problems are of long standing and predate reform. If anything, there is an opportunity for the new national service to start to address those issues. They are big, long-term challenges that we face across Scotland and across the United Kingdom, where exactly the same pressures are felt. I hope that the new national service will be able to rethink those things and come up with a different model.

Pat Watters: We have looked seriously at the issue that Alison McInnes raised, and I agree with John Duffy that it is probably one of the biggest priorities facing the service at present. Many attempts have been made to massage the retained duty system to make it work better. We cannot do that any more; instead, we must look at how we deliver the service in the community.

It is absolutely right to say that, as we sit here, some engines will be unable to get out of the station because we cannot get a crew to take them out. We know that that is the case. We have set up a working group to look into the situation in great detail, and it will provide the service and the board with a report about how to progress the issue.

One of the biggest priorities that we face is to ensure that what we have a system that operates, delivers and reduces the risk right across Scotland. We must address and find a solution because people, whether they live in Glasgow, Edinburgh, Dundee or Inverness or in our most rural areas, have the right to expect us to deliver a fire and rescue service and that is what we aim to do.

The Convener: That is one of the most serious points to come up. Do you want to comment, Mr Hay?

Chief Officer Hay: The retained duty system is one of the biggest issues facing the Scottish Fire and Rescue Service. I underscore the chief inspector's point that this a long-standing problem that we have inherited. However, we have an opportunity, as a single Scottish Fire and Rescue Service, to address the matter in a way that was more difficult to do for each of the eight antecedent services.

We have appointed Assistant Chief Officer Peter Murray to instigate a whole programme of projects that will begin to address some of the challenges in the retained duty system. We will do that work in partnership with others. Indeed, we are involving in the programme the Fire Brigades Union, the Retained Firefighters Union and, not least of all, the staff who work the retained duty system.

Our challenge is about the attraction and retention of staff, because people's lifestyles have changed since the 1950s. It is also about the availability of our fire appliances and fire cover.

For example, between 60 and 100 of our fire appliances are regularly unavailable—what we would call off the run—from 9 to 5, Monday to Friday. We must address that challenge.

Part of people's different lifestyles relates to where they work. You have heard evidence from the previous panel about firefighters' different skills. A competence question arises. How do we equip them? How should we support them? We must ask all the questions and discuss all the issues.

A question was put to John Duffy about how the Fire Brigades Union sees us resolving the issue. There is no easy solution, but the rewards system in place will be a part of that solution. The essence of the retained system is that you get paid a retaining fee and the more fires or emergencies you attend, the more money you get paid. Who designs a reward system that goes against the number 1 aim of their organisation? Our number 1 aim is to prevent emergencies occurring in the first place, so we must ask serious questions. I do not think that we will resolve that matter in the short term. We will tackle some of the efficiencies in the short term, but we are on a journey with the bigger questions. Those are the questions that we are attempting to address at this time.

Alison McInnes: Thank you—it is helpful to have that information. Do you anticipate that retained firefighters will always have a role to play in the service, in some form or another?

Chief Officer Hay: I do not know whether we will call them retained firefighters, but a combination of people who work for us part time and who respond from their local communities as volunteers will always be part of the Scottish Fire and Rescue Service. Our retained firefighters comprise 40 per cent of our operational workforce, covering 90 per cent of Scotland's land mass, so they are integral to the service's success.

Pat Watters: On behalf of the board, I agree on the need for retained firefighters. The chief is absolutely right—whether or not we call them retained firefighters, we not only need that part of our service but we need it working.

Last weekend, I was up in Oban with 25 volunteers whose commitments and skills are unquestionable. They had given up a whole weekend just to get an additional skill or to upgrade or maintain their skills. That is a tremendous commitment from people who have other jobs and who work Monday to Friday. It is not a lack of willingness that is an issue; rather, it is people's availability. If we were to look at delivering the service in another way, we would be asking you to double our budget.

11:45

The Convener: For me, it is a bit like having an army that does not go to war. The retained firefighters are a pool of people who are available all the time, even if nothing happens. Have there been instances of there being consequences at an incident because there have not been sufficient retained firefighters to crew a fire appliance?

Chief Officer Hay: Thankfully, I do not know of there having been any serious consequences. Mr Torrie has used the term “guilty knowledge” in speaking with me previously. We are now using electronic systems called Gartan and Rappel that tell us exactly what appliances are available where in the country so that we know when appliances are unavailable. If something went wrong, people would rightly ask, “What did you do about it, chief officer?” We move appliances around the country to give the best strategic fit that we can in relation to where the risks are. Ideally, we want to reinvigorate—in whatever form—a retained duty system, because it has provided a fantastic service for local communities and the people of Scotland in general.

The Convener: Mr Torrie, do you have any comment to make on the concern that there might be delays at an incident because there are not sufficient firefighters to crew an appliance where one is required?

Steven Torrie: I have not heard of any specific examples of that. In the background, there have always been standard operating procedures, which will allow the next nearest station to cover.

Alasdair Hay has talked about the new electronic availability system. We are seeing evidence that that is improving the situation a bit because it allows the service to react when it knows that a station is undercrewed at a particular time. There was an example of that last month, in the east neuk of Fife, and the service was able to react and send additional staff to cover during the day.

The Convener: It is important to have clarity on that. People have told us that there are times when there are insufficient crew to man all the fire appliances, and they would like to know that that has not affected an incident in their area.

Alison McInnes: I have two small follow-up questions. You have set up a working group and you are trying to be inclusive. Any changes to the structures in local communities will clearly concern local communities. Have you involved local authorities or local elected members in your discussions, and what is the timescale for your working group? When do you think that you will come up with a way forward?

Chief Officer Hay: We will seek to be inclusive of local elected members, whether they be members of the Scottish Parliament, members of local authorities or members of the Westminster Parliament. We will also engage the local communities in how they can support their fire and rescue service, which is there for them. I suspect that the project will run for a number of years, as we face some really tough challenges. However, it is not going to be a matter of waiting until we finish that piece of work and report; the process will be an iterative one.

For example, when we spoke to the retained firefighters in Beaulieu, they told us that they used to have a vibrant retained unit up there. There were three shops—one was a chemist’s, one was a grocer’s and one was a butcher’s—whose owners were all members of the crew as well as local businesspeople, and they would drop everything to jump on the fire appliance and go to support the local community. Now, a multinational company owns a facility there and it does not let its staff go. A lot of the people who are in the crew at Beaulieu fire station are tradespeople and they are having to travel further afield to get suitable work. That is a real example of the challenges that are being faced.

We were also told that, when the service was approached by a local person who wanted to join, it took nine months for that person to get through the process. It is invaluable that I get out and about around the country and hear about those issues. One of the big challenges that I have set for Peter Murray as he takes things forward is to address such inefficiencies. People drift off and lose interest if the process is going to take nine months. If we need people on a fire appliance, we should get them on that fire appliance. We will be addressing issues as we go along, as well as doing the bigger piece of work.

Sandra White: My question perhaps concerns what Alison McInnes was discussing. Elaine Murray also raised this point.

I refer to some of the questions that were asked to Unison and the FBU earlier, and to some of the replies that they gave. The witnesses spoke about the issues of no voluntary redundancies, people waiting for such a long time and filling the space. Is there a timescale, which can be made known to staff, for their getting redundancy and for someone else being put in their place? Mr Watters said to Elaine Murray that people will be in place for April next year—April 2014, I think you said. People from the trade unions come to speak to me—

The Convener: It is April 2015, Sandra.

Sandra White: Thank you for that clarity, convener. I am sure that Mr Watters would have clarified that.

The Convener: It is a team effort.

Sandra White: The concerns of the trade unions are that, although some people want to take redundancy, they have not been told about it yet, so they are in limbo as regards what will happen to them in the future. I would like a wee answer to that point, and—

The Convener: Could we have the answer to that point first, before we get a whole panoply of questions?

Pat Watters: I will address Sandra White's point, and I will then ask the chief officer to come in.

There is a whole mix. For instance, we cannot shut our control rooms and we cannot let our control room staff go. We have been in discussion with the Government, which has kindly extended the arrangements for how we deal with our control rooms. If we allowed other staff to go under voluntary arrangements now and then had to change the voluntary arrangements in the future, it would seem unfair on control room staff when we are asking them to stay just now, even if they want to go in the future. There has to be an opportunity for those staff to get the same arrangements.

It is undoubtedly the case that, as our trade union colleagues said, we are holding some vacancies. We are doing that because we know that we have people who will want to move into vacancies. That is causing us a problem with regard to the timescale that is required to get that done properly. There are areas where we will be holding vacancies to allow staff who are displaced to consider what they want to do and whether they want to retrain to go into those posts.

As regards the voluntary redundancy situation, we went out for a trawl, there are people applying for it, and we will consider having another trawl before the end of this financial year. The numbers are not big at present. The bigger numbers will probably phase in over the three to five-year period that we discussed, when we bring in the strategic intent and as we look to merge facilities and to move forward. We have to ensure that, when we do that, there are sufficient posts for people who have been displaced to make applications if that is what they want to do.

We will offer retraining, redeployment and transfer, and there are already some tremendous examples. As we sit here now, there are staff from the Aberdeen control room working in Dundee, sharing local knowledge. There are staff from Dundee working in Aberdeen. That is being done absolutely on a voluntary basis, because the staff wanted to do it and to share their knowledge. I cannot overemphasise our appreciation of the co-operation that there has been from our staff in order to get this thing working properly.

Chief Officer Hay: It is absolutely understandable that staff are anxious: they want certainty. If I could give them that certainty today, I would, but it is just not possible. We set out the aim for all the transfers and matching to be finished by April 2016, which is two years from now. That is in our strategic plan. We are striving to reduce that timescale by a year if possible, to give as much certainty to staff as we can, as early as possible.

For example, one of our projects is bringing in a new payroll system that is also a new HR system. That system has to be specified and installed, and until it is brought in it is almost impossible to know how many staff we will need to administer and use it. The matching of staff coming in has to coincide with rationalisation, legacy contracts and so on. There is always that little bit of delay.

The Scottish Government's promise that there will be no compulsory redundancies is absolutely supported by the board and senior management of the Scottish Fire and Rescue Service. That gives staff some reassurance. One of the reasons why we decided the strategic intent of our property rationalisation as early as possible is that it indicates our direction of travel and where our main buildings and the main places of work for staff will be. The strategic intent has a footprint right across Scotland and we are trying to give assurances to staff.

Although we cannot tell staff exactly what jobs they will get and when they will get them, we have tried to demonstrate a genuine intention to bring in change management policies that will support them as individuals by, for example, offering up 40 firefighter jobs solely to support staff. On Friday, I was fortunate enough to be at the second graduation of staff that have taken up that opportunity. When staff take on those jobs and we say that there will be retraining, there are retraining opportunities, so that is a genuine example. Some of the staff who have moved into those firefighter posts have left vacancies that have allowed other staff to move. We are very sighted on that.

I listened to the evidence that was given this morning, particularly by Unison, on communication. We are trying really hard. We have held one-to-one meetings with staff in the control rooms, and there is also a promise that we will hold one-to-ones with staff who work in all the premises that will be affected. It just takes time. For me, nothing can be more effective than sitting down in front of somebody to tell them what is happening and then to listen to their views of what is happening within the organisation. We cannot give certainty, but we are trying to demonstrate a genuine intention to support people, and we will certainly build on the good start that we have

made with communications. We will redouble our efforts there.

Sandra White: Thank you. I appreciate the honesty of what you have said. Obviously, no compulsory redundancies means that there is some certainty in that people know that they have a job and that, if something comes up, they can retrain or move on.

John Duffy raised a point about transitional funding and timing and about perhaps asking for an extension of the time of transitional funding. Does anyone want to comment on that?

Chief Officer Hay: The financial challenges that face us are not unique to the Scottish Fire and Rescue Service. We have seen a reduction in the amount of money that is available right across the public sector. Obviously, certain sections have had more protection depending on the priorities of the Government and Parliament.

The whole reason behind a single Scottish fire and rescue service was to protect the front line and to improve front-line outcomes. It was also to give people across Scotland more equitable access to some of the national and specialist resources that the committee has heard about, and to reinvigorate the relationship with local communities through things like community planning and local fire plans.

We have to do all that for less money, and we therefore have to drive cost out of the organisation by removing any unnecessary duplication. There is a recognition that, to drive unnecessary cost out of the organisation and to remove duplication, we need to pump-prime the changes, so we have been supported for a period of three separate financial years with transitional funding. We have used that transitional funding to pump-prime some of those changes, including voluntary severance and early retirement as well as investing in new systems and processes within the organisation. I respect John Duffy's view, but personally I do not see that we have had a problem with the transitional funding.

Looking to the period of the next three to five years, I add that we received confirmation this week from the Scottish Government that we can keep the capital receipts as we dispose of assets. These are indicative figures, but we anticipate that, as we rationalise our property, we will get about £18 million in capital receipts, and we intend to reinvest about £17.5 million of that in the infrastructure of the service.

We are trying hard to make the best use of the money that is made available to us through transitional funding and the normal money that we get, and we are getting support from the Government in the way that I have described. We have to look at the money as a whole and decide

on the most sensible approach in order to make the reform of the service successful.

12:00

Sandra White: Thank you. I am pleased to hear about the capital receipts. It is a pity that we cannot do something about the VAT, which would give us lots more money—but I do not know whether you want to comment on that.

The Convener: You have commented on it, Sandra, and that is fine. I call Margaret Mitchell, to be followed by John Pentland.

Margaret Mitchell: I want to pick up on something that we heard from the first panel and some of the comments that you made about the holding of some vacancies that have occurred under the voluntary severance and retirement plans. I understand that some of the posts are being held so that people can retrain for them and that they are important jobs that involve strategic decision making. However, if I understood the first panel correctly, there is concern that the delay in filling the posts means that the proper decisions are not being implemented to allow more job matching and things to move on a little. Will you comment on that concern?

Chief Officer Hay: I heard that concern being expressed this morning. I will go back and have a further discussion on it with my trade union colleagues.

There is a fine balance to be struck. We are trying to manage the vacancies within the organisation carefully so that, as the new structures begin to roll out and come into place, there are opportunities right across the country for people to move into the jobs. I recognise that, sometimes, people are still dealing with their old job while they are transitioning into their new job, and the workloads are different. I would say to staff that, if they find that a difficulty, they should speak up. We will listen to that, and we can take work away and get it done elsewhere within the organisation.

I have no doubt that we have sufficient capacity to deal with everything that we have to deal with within the Scottish Fire and Rescue Service. It is not necessarily all in the right place at the moment, but communication is a two-way process: I encourage my managers to speak to their staff, and I encourage staff to speak to their managers. If local issues come up, we will certainly seek to address them.

Margaret Mitchell: Both Mr Watters and Mr Hay have said categorically that there will be no compulsory redundancies in the service. That answers the question whether the guarantee will

continue beyond April 2014. However, I ask you to comment on Unison's submission, which states:

"Whilst we appreciate the policy of no compulsory redundancies remains in place, we cannot ignore the fact that travel costs for many staff will increase massively as a result of these changes."

Mr Hay mentioned Newbridge. Unison states:

"the facility at Newbridge has no direct access to public transport making travel to the site near impossible for those without a car."

The inference is that there are, de facto, compulsory redundancies. Has that issue been addressed?

Pat Watters: I will initiate the discussion, and then Alasdair Hay might want to comment.

We certainly have areas where that is the situation, and we are in discussions with staff. If staff are going to transfer, we will discuss what the transport issues are for them. For instance, if it is necessary to put on transport to allow our staff to access accommodation that is difficult to get to, we will look at that and its on-going costs and we will consider whether it is sustainable in the short, medium and long term. That is something that we have discussed and we will investigate it as we find out who will be transferred where and what options will be there for them. That will be part of the discussions that we have with staff, if that is an option that they want to take up.

Margaret Mitchell: I am sure that that will give staff a lot of comfort, because it seems to be a major issue.

John Pentland: Mr Hay, in response to Alison McInnes you mentioned that there is an issue with retained firefighters and the 70 to 80 fire tenders that are parked up every week. How will you square that circle if you are working on a reduced budget? Will some other parts of the service need to be reduced or taken away?

Chief Officer Hay: We have to look at what our priorities in the Scottish Fire and Rescue Service are. The issue boils down to the fact that we provide two services to our local communities. The first service that we provide is prevention and protection: we want to prevent emergencies from occurring in the first place. The second thing that we do is provide an emergency response service. There are a lot of flavours and variations in both those services, but that work is predominantly delivered by firefighters working in fire stations, irrespective of the duty system that they operate in.

We are looking at our budget as a whole. As I have said, the number 1 aim of reform is to protect the front line and protect front-line outcomes. We have to do that with a reducing budget, but we are

removing duplication wherever that is within the Scottish Fire and Rescue Service.

For example, with our strategic intent we will save £4.7 million simply in property costs and maintaining properties. It is difficult for staff to see us proposing to dispose of buildings that they may have worked in for a number of years and it is difficult for staff who have done a great job of delivering a service to see changes coming, but the reason why we are taking these extremely difficult decisions is to remove duplication and release costs from the organisation so that we can spend money where it is most appropriate, which is the front line. We will direct resources to protect and improve the retained service as best as we possibly can now and in the future.

John Pentland: John Duffy said that you cannot carry over surpluses—I assume that he was talking about year-end underspend. Is that right?

Chief Officer Hay: That is correct.

John Pentland: Is that a problem?

Chief Officer Hay: We used to work under local government finance rules, with which we could hold reserves and carry over surpluses. We now work under the rules of the Scottish public finance manual and we cannot hold reserves. We are part of a wider justice family that includes police, prisons, the Scottish Court Service, and there is opportunity for underspend to be moved between members of that family. However, if I was being honest, I would say that the flexibility of the opportunity to carry over reserves would be helpful in managing a budget.

Pat Watters: The ability to carry over reserves certainly would be helpful in managing a budget. However, as a service we have benefited this year from funds being transferred. We received £1.6 million, which we will put into delivering 60 new fire engines. Two red ones will go to Grampian, of course. That money has assisted us, but it would be helpful to have the ability to carry over reserves on a year-to-year basis.

The Convener: So you are telling us that it is a two-way flow.

Pat Watters: Yes. We have gained already.

The Convener: Why did you not spray-paint those white fire engines red? I am most concerned about them.

Pat Watters: The cost would have been too much.

The Convener: Would it really?

Pat Watters: As we replace or service the engines we will deal with that matter, but we will

not have a wholesale respraying of Grampian fire engines.

The Convener: John, have you finished? Can we finish there with the white fire engines?

John Pentland: I thought I was finished when you intervened, convener.

The Convener: Well you have been in twice; you must not be grumpy.

John Pentland: I have no more questions.

The Convener: Okay. I thank Chief Officer Hay and Pat Watters very much for their evidence. We will move straight on to the next item on the agenda.

Petition

Supreme Court (Civil Appeals) (PE1504)

12:10

The Convener: Item 3 is consideration of petition PE1504. The petition was considered by the Public Petitions Committee on 18 February, and it asks the Parliament to urge the Scottish Government to consider changing the current legislation on civil appeals from the Court of Session to the Supreme Court. That committee agreed to refer the petition to us for consideration as part of our scrutiny of the Courts Reform (Scotland) Bill. We could consider the petition as part of our scrutiny of part 4 of the bill, which deals with civil appeals.

Roderick Campbell: Could I make a comment, please?

The Convener: You may comment, yes.

Roderick Campbell: First of all, I declare an interest as a member of the Faculty of Advocates. The key point in this—

The Convener: I cannot hear you.

Roderick Campbell: The key point is whether the notice of appeal is required to be signed by two Scottish counsel who must certify that the appeal is reasonable. What is reasonable was reaffirmed by the Supreme Court in the case of a constituent of mine in April last year that referred to a previous House of Lords case, which reminded Scottish counsel:

“It is contrary to the public interest that the time of the House should be taken up with appeals which do not raise an arguable question of general public importance”.

In its submission on the question of appeals to the Court of Session, the Faculty of Advocates noted:

“such party litigants often have difficulty obtaining signatures. If this arises, the party litigant requires to seek assistance direct from the Faculty and the Faculty requires to nominate Senior Counsel to review the case (pro bono) and decide whether or not he or she is prepared to certify the case as reasonable”.

It goes on:

“between 2005 and 2010 the Faculty received five such requests from party litigants, one in 2010, four in 2011, two in 2012 and six (so far) in 2013.”

From looking at the petition, it is not clear whether the petitioner made that approach to the faculty and it is not clear what the point of general public importance is. We are proposing to change the situation with the Courts Reform (Scotland) Bill. We should make some of those points to the

petitioner now. I am minded to keep the petition open and refer those points.

The Convener: It would be kept open. I am glad you put that on the record; you are right to do so. The point is that the petition will stay open and we will consider all those points again when we come to our scrutiny of the bill.

Elaine Murray: Roderick Campbell suggested that we ask the petitioner whether she has sought the advice of the Faculty of Advocates.

Roderick Campbell: Yes. I have had a quick look at the case, but I do not know what the point of general public importance is.

The Convener: That is now on the record so, if the petitioner wishes to write to me as convener to answer the points, she can. In the meantime, I confirm that the petition will stay open in any event. It is all in hand so members need not look puzzled.

Subordinate Legislation

Prisons and Young Offenders Institutions (Scotland) Amendment Rules 2014 (SSI 2014/26)

12:13

The Convener: Members will recall that we first considered this instrument last week when we agreed to write to the Scottish Government and Association of Visiting Committees for their views on the lack of transitional arrangements on this instrument as highlighted by the Delegated Powers and Law Reform Committee. We also asked for their comments on similar concerns regarding the proposed draft Public Services Reform (Prison Visiting Committees) (Scotland) Order 2014, which we considered late last year. These responses have been received and are provided in paper 3.

Do members have any comments on the responses received?

Margaret Mitchell: I draw the committee's attention to the final paragraph of the Association of Visiting Committees' submission, which says:

"we would question yet again, the appropriateness of leaving it to the Scottish Prison Service to lead on drafting legislation in relation to VCs when SPS is the very body that VCs are established to monitor."

If that is the case, it would be good to have confirmation of it, and it would be a matter of some concern for the committee.

The Convener: If the cabinet secretary wishes to, he can write to advise us of his responses to your concerns and those of Neil Powrie, the chair of the AVC—I think it is the cabinet secretary who would do that.

Margaret Mitchell: The issue is sufficiently serious because the AVC is the body that is being looked at.

The Convener: I hear you. I can write to the cabinet secretary formally—it will be important to get a response.

Alison McInnes: There is another thing that I would ask you to include, convener. The AVC submission also says:

"In relation to the completion of an Annual report, we regard it as essential that the legal requirement remains in place for this to be undertaken by the Aberdeen and Peterhead VCs".

However, the Government does not appear to intend to do that.

The Convener: Right. We will raise that as well. We will refer to those two paragraphs and ask for

the Government's comments. That is not a problem.

John Pentland: Can we also ask about the transitional arrangements? When one body moves in and the other one just stops, what will happen to those people who are involved with cases?

The Convener: The cabinet secretary has said that the cases are concluded. Annex A of paper 3 states:

"there is no need for any saving and transitional requirements for this statutory instrument to allow the Visiting Committees to complete their investigations, as SPS have confirmed with the relevant visiting committees that at the time of their abolition there were no on-going investigations."

Christian Allard: It is on page 10 of the papers.

The Convener: Yes. It is in the papers.

With that agreed, we will move into private session.

12:16

Meeting continued in private until 12:40.

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