



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 19 August 2014

Session 4

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JUSTICE COMMITTEE
23rd 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:

Andy Cowie (Her Majesty's Inspectorate of Constabulary for Scotland)

Derek Penman (Her Majesty's Inspector of Constabulary for Scotland)

Steven Torrie (Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Committee

Tuesday 19 August 2014

[The Convener *opened the meeting at 11:02*]

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning and welcome to the Justice Committee's 23rd meeting in 2014. I ask everyone to switch off mobile phones and other electronic devices, as they interfere with the broadcasting system even when switched to silent. No apologies have been received.

Under agenda item 1, does the committee agree to consider in private item 3, which is on the committee's work programme?

Members *indicated agreement.*

Police and Fire Service Reform

11:03

The Convener: Item 2 is an evidence session on police and fire service reform with Her Majesty's inspector of constabulary in Scotland and HM chief inspector of the Scottish Fire and Rescue Service. The purpose of the session is to discuss inspection and thematic work in relation to the first year of the single services and to explore common themes that arise from the work of both inspectorates.

I welcome Steven Torrie, HM chief inspector of the Scottish Fire and Rescue Service; Derek Penman, HM inspector of constabulary in Scotland; and Andy Cowie, assistant inspector of constabulary in Scotland. I thank the witnesses for their submissions.

We have had additional submissions from the Fire Brigades Union and a petitioner, Jody Curtis. I put it on the record that, although I appreciate that there might be good reasons for making late submissions, they are not very useful to the committee or other witnesses. When we are meeting at 10 on Tuesday, members do not have the opportunity to read submissions that have come into our inboxes at 5 o'clock at night on Monday or—

Sandra White (Glasgow Kelvin) (SNP): This morning.

The Convener: Or even this morning—thank you, committee. It is almost impossible for committee members to give such submissions due consideration, although I know that they will try. I ask anyone else who wants to make a submission to try to provide it as early as possible, which assists us in considering it.

I understand that Mr Torrie and Mr Penman wish to make opening remarks. I ask for them to be brief, as they have provided submissions and I know that members want to ask questions. Who wants to kick off?

Derek Penman (Her Majesty's Inspector of Constabulary for Scotland): I will kick off. I just want to thank you for the opportunity to give members an explanation of our inspection work and how we fit into the police and fire services.

As you said, we have submitted a paper that outlines some of our thinking and some of the themes that we have identified. All that I intended to do was to echo the conclusion in the paper, which is that our joint view is that the single police and fire services have been effective to date. We believe that the police and fire services are operationally stronger than their legacy services. However, we also say in our paper that this is a

reform journey that has only just started and that there needs to be an on-going focus in both services on sustainability, localism and scrutiny, to ensure their success in the medium and long term. We did not intend to go through the paper in great detail; we felt that members would prefer to ask us some questions on it.

The Convener: You anticipated correctly.

Steven Torrie (Her Majesty's Chief Inspector of the Scottish Fire and Rescue Service): I add my thanks to Mr Penman's. In both inspectorates we are very keen to add value to the work of the organisations that we inspect. Talking to the committee helps us to do that, so we are very grateful for the opportunity.

The Convener: It would be useful for the record if you could explain how you work together frequently, such as in the context of road traffic accidents. Will you explain how the different services have to communicate with each other? You are not in silos.

Steven Torrie: Absolutely not. There is a long history of the organisations working together effectively at every level, from chief officers and chief constables down to local area managers and individual firefighters and police officers on the beat. There is a long-standing, close relationship between the services, which we reflect in the relationship between the two inspectorates.

The Convener: I invite committee members to ask questions. First I call Elaine Murray. I wish that I could read the clerk's writing on my list of who wants to speak. It might help if I put my glasses on—no, it does not.

Elaine Murray (Dumfriesshire) (Lab): I want to explore the issue of localism, particularly relationships with local authorities and community planning partnerships and so on across Scotland. As you may or may not know, I represent Dumfriesshire, where there has certainly been a feeling that there has been a lack of consultation between the services and the council and other community planning partners, to the extent that the police and fire plans were rejected by the council. Have you monitored how services are communicating?

Derek Penman: Our starting point is that localism will be key to the success of Police Scotland and the Scottish Fire and Rescue Service. My view is that the legislation allows for effective localism; it allows for the creation of local scrutiny plans and gives responsibility to the local commander. More can be done on engagement and ensuring that local policing plans reflect the local community's needs.

As part of our inspection process, we are looking at each division. We will go round each

division in turn and will take a great interest in how effective local engagement is.

Steven Torrie: It is absolutely accepted that although the Scottish Fire and Rescue Service might be run at a national level, it is fundamentally a local service. I think that the organisation recognises that local engagement is fundamental.

The inspectorate has a genuine interest in that, but it is still early days for us. When we looked at the issue at the beginning of the process of reform, it was too early to make detailed comment on it. We published a report in May, which reflected for the first time how we saw local partnership working. We looked at distinct areas and interviewed a few local partners. The picture that we got at the time was overwhelmingly positive. The people we interviewed in South Lanarkshire, Fife and so on said that they had a long-standing, good relationship with the Fire and Rescue Service and that that either had not changed or had improved during the 18 months of reform. That is our early picture.

Elaine Murray: In my locality the lack of consultation on the closure of the control rooms and so on has been a contributing factor. I am not trying to criticise the local commanders in either service, for whom I have a lot of respect. It is more about the way that things have been done. Latterly, there has been the issue of armed police, on which there did not seem to be any consultation with local people at all. People were perhaps not even aware that certain changes were taking place.

Steven Torrie: We have noted those comments, but it is too early for us and we have not looked in detail at how those engagements are working.

Derek Penman: We are keen to explore what the role is for the commander, what they can influence locally and how they work with the local scrutiny group. However, there is also the important point, which Elaine Murray mentioned, about how a national decision has an impact on a local area and, in particular, how it is communicated meaningfully so that local communities feel that they are involved in it.

In our road policing thematic report, we took the opportunity to recommend to the Scottish Police Authority that it work with each of the local scrutiny committees to tease out exactly what their role is in local policing and how national decisions are communicated.

The Convener: Does your inspectorate inspect not only the force but the SPA?

Derek Penman: Yes.

The Convener: Mr Torrie, do you have the same oversight of the fire service through its organisation?

Steven Torrie: We do, but it is a slightly different arrangement. The Scottish Fire and Rescue Service Board is not a separate corporate entity. The Scottish Fire and Rescue Service includes the board and senior management.

The Convener: So you do not scrutinise them in the same way.

Steven Torrie: We do, but simply because they are part of that single organisational structure.

The Convener: I just wanted to make it plain whether it was both.

Elaine Murray: I make a request that the inspectorates speak to people in places such as Dumfries and Galloway as well because of the levels of concern that there have been. They should not only consider where people are content but should speak to the local people who are discontent.

I am dealing with a case at the moment in which a constituent observed an armed police officer doing his shopping in Morrisons a couple of Saturdays ago. Issues such as that create a lot of concern in communities and, if we want Police Scotland and the Scottish Fire and Rescue Service to work, we have to ensure that we respond to such local concerns.

Margaret Mitchell (Central Scotland) (Con): Good morning, gentlemen. This question is really for Mr Penman.

The problems with information and communication technology integration have been highlighted and, a few weeks ago, Police Scotland was known to be two years away from having a fully unified ICT system. With a cost of £60 million, it is running nine months behind schedule. What effect will that have on the efficiency of Police Scotland, which is hampered by having eight systems that, as you note in your report, Mr Penman, do not talk to one another?

Derek Penman: ICT was always going to be one of the major challenges in bringing eight services together into one. Prior to Police Scotland being established, we had the i6 project, to which you referred, which looks to create the key systems in policing and roll them out.

Just now, there are a number of workarounds throughout the country that allow things to continue. The current divisional structure of policing is coterminous with the previous legacy forces, which minimises the impact on the legacy force systems.

The inspectorate is now keen to see the ICT plan for the future, what the timescales are for the roll-outs and what the costs will be.

Margaret Mitchell: I will give a specific concern that has been raised recently. The United Kingdom Statistics Authority refused to endorse the recorded crime figures amid claims that police officers had massaged them and not complied with elements of the code of practice. Have you examined that? Were you aware of it?

Derek Penman: I am aware of the UK Stats Authority report. My understanding is that some of the media reporting had asserted that officers may have massaged figures but the UK Stats Authority report related more to assurances that it sought from the Scottish Government on ensuring that the crime figures are accurate.

The inspectorate has had an interest in the ethical recording of crime and the crime recording standards since 2004. We have done a number of inspections since then. When Police Scotland was established in 2013, we took the opportunity to do a review of crime recording and published a report with recommendations.

As part of our scrutiny plan this year, we have also committed to a significant crime recording review that will take us into far greater detail than we have gone into before. That is partly to address some of the issues from the UK Stats Authority and partly to address some of the claims that have been made and issues that have been raised in the media. I would like to be in a position where we can definitively say, from our inspection, that the crime statistics in Scotland are valid and can be substantiated—we do that through a fact-finding audit.

11:15

Margaret Mitchell: That all sounded very good, but I have to say that I am none the wiser. Could you be specific as to the massaging of the figures? The figures have been passed on from the police. On the basis of those figures we are looking at—allegedly—a 40 per cent reduction in crime, yet some of the figures on homicide, serious assaults and so on are now in question. Where is the problem?

Derek Penman: In Scotland, since 2004, there have been specific requirements in relation to crime recording and crime recording standards. There have also been checks and balances within each of the legacy forces to check that those standards are met. There are daily checks and balances to make sure that a crime is properly recorded. It goes through a system of assurance. HMIC has previously been involved in making sure that the checks and balances are effective. Now we are looking to extend our work in this area and

give more statistical significance—in other words, we are going to check more records to ensure greater confidence in the figures.

I am not aware of a 40 per cent reduction in crime; I think that a 40 per cent reduction in stop and search figures has been reported. That is another area that we are keen to consider. We have made a commitment as part of our scrutiny review to look at stop and search operations, and stop and search recording in particular.

Margaret Mitchell: I am referring to the claim that crime is at a 40-year low. Could you give me an example of something that you are now checking more carefully because it could have been wrongly recorded?

Derek Penman: We send staff out around each of the divisions to check crime recording. They sit in front of the computer systems and listen to call records from someone who calls into a control room to report a crime. They will follow that all the way through in detail, checking all the systems to see what the person said on the phone, whether the crime has been properly recorded, whether the incident record goes into the crime record and whether the crime is properly established against the guidelines.

We are looking to increase the sample size and increase the range across the country. I would like to be in a position to come back to the committee and give an assurance—one way or the other—on the efficacy of the crime recording. I want to ensure that it has been done ethically.

Margaret Mitchell: The UK Statistics Authority is an independent watchdog and refers to a code of practice. Have you talked to or had meetings with that authority? What specifically in the code of conduct was causing problems and has not been complied with?

Derek Penman: Again, my understanding from the UK Statistics Authority report is that some of the issues relating to the code of conduct refer to the level of assurance that the Scottish Government gives on the statistics, and the HMIC review is part of that. The Government has codes of conduct in relation to official statistics and our role is to make sure that the police side is recorded ethically and properly.

The Convener: You said that you are going to increase your sampling size. Can you tell us the current sampling base and the level of increase?

Derek Penman: I will hand that over to Andrew Cowie, who will be leading that project for us.

The Convener: I wanted Andy Cowie to have something to say—I am glad that I asked the question.

Andy Cowie (Her Majesty's Inspectorate of Constabulary for Scotland): Thank you, convener.

For our last report in 2013, we looked at about 1,500 records of incidents that were reported by the public. We followed those incidents all the way through to see whether they were recorded as no crime or not. What we are now doing—we will kick this off in late August and report in October—is looking at a sample size of about 7,000 incidents, which is approximately five times bigger than before. I am a police officer, not a statistician, but the statisticians tell me that that will be statistically significant, not only at a Scottish level but at the level of each of the 14 divisions in Scotland, and also at the level of the types of crime.

Picking up on Ms Mitchell's point, we looked at sexual offences and violent crime the last time round. The performance was good, but we thought that it could be better, so we are looking at those categories again in greater depth in the follow-up audit. Having considered those issues from 2004 all the way through, we bring continuity and we will refresh our terms of reference for the audit. A key issue will be ensuring that that process fits in with the recommendations from the UK Statistics Authority about an independent and credible audit of crime statistics. We recognise the importance of that. In October, when we report to Parliament, not only will the public make a judgment based on official statistics, Police Scotland will need to have an accurate record if it is going to deploy its resources in the most appropriate way.

The Convener: Thank you for that additional information.

Alison McInnes (North East Scotland) (LD): Mr Penman, in your annual report last year, you looked at the issues that would need to be addressed post-reform. You highlighted

"The need for a robust and professional system of governance complemented by a clear definition of what the Chief Constable is solely operational responsible for."

I certainly contend that a robust system of governance is not yet in place, as is indicated by some of the issues that have arisen to do with stop and search and the routine arming of police officers. It has fallen to MSPs to raise concerns. Do you feel that there is much more to do on governance?

Derek Penman: That is a valid observation. In our submission, we talk about scrutiny. We are almost 16 months into the new arrangements and now is a good time to look at the scrutiny structures and work out the individual roles, responsibilities and boundaries that exist. It is helpful that we are 16 months into the process, as that means that we do not have to design things from scratch.

There are opportunities for everyone who is involved in that scrutiny to reflect on the difficult issues—some might have been dealt with well, while others might not have been dealt with quite as well—and to work out how we can build the scrutiny arrangements for a democratic Scotland in the future. We have a timely opportunity to do that.

Alison McInnes: On operational independence, surely it is not sufficient for the chief constable to assert that something is an operational matter that he has operational responsibility for. Perhaps it would be helpful to have a memorandum of understanding or some code that sets out parameters. Would that be a useful way forward?

Derek Penman: The concept of operational independence is based on case law and convention. There is certainly an opportunity to consider that and to have a constructive dialogue about what it means. In any case, operational independence still requires operational accountability—that is still necessary. Under section 2(1)(e) of the Police and Fire Reform (Scotland) Act 2012, it is the Scottish Police Authority's duty to hold the chief constable to account.

Although there are definitely decisions that, to my mind, are operational—in other words, decisions that must be free from political interference, with the result that the police cannot be directed to do certain things—the chief constable still needs to be accountable for those decisions. Through the Police Authority, the framework exists for that to happen.

Now that we are 16 months into the process, it is a good time to start a constructive and forward-looking debate about individual roles and responsibilities, including those of scrutiny bodies such as HMIC, and about where we all sit and how we feed in and add value.

Alison McInnes: That is important.

Roderick Campbell (North East Fife) (SNP): As Alison McInnes raised an issue that I intended to raise, I will move on to a new topic—police custody. Do you have any thoughts on Police Scotland's approach to single cell occupancy? What investigations have you carried out on that to date?

Derek Penman: As you will be aware, we have carried out a number of thematic reviews in areas in which a national dimension needed to be brought to what were eight forces. We took the opportunity to review custody early and we made a number of observations and recommendations. One of those was about single cell occupancy. Before Police Scotland was created, the Association of Chief Police Officers in Scotland guidance for the eight forces was that single

occupancy was desirable, and every effort was made to have single-occupancy cells. However, in times of peak demand, that was difficult for a number of legacy forces to achieve, so they moved to multiple-occupancy cells to manage the demand through custody.

With the creation of Police Scotland has come the policy of single occupancy, which we absolutely support, but if the infrastructure is not available to support it, that makes things more difficult. The result is a need to move prisoners around Scotland to accommodate them. In practice, we have said that Police Scotland should review its policy of single occupancy and look to establish whether, in the context of a proper risk-based approach, it can have some flexibility.

Roderick Campbell: Has Police Scotland given you any indication of when it will complete that review?

Derek Penman: We have only just published the custody review. We would normally give Police Scotland some weeks to consider our recommendations. We will work with it to take forward the recommendations and we will follow up on that.

John Finnie (Highlands and Islands) (Ind): My question is for Mr Torrie. The third section in the submission, for which I am grateful, is headed "Leadership and Governance". It states:

"In November 2013, HMIFRS made comment about the importance of effective working between the Fire Board and the Strategic Leadership Team. This has not been explicitly followed up to date but relationships continue to be a matter of interest in the Inspectorate's risk assessment."

Will you comment on that? To be parochial, will you comment particularly on the tensions that existed in the area that I represent, the Highlands and Islands—

The Convener: We wait for it every week.

John Finnie: It is my obligation, of course, convener.

Tensions existed there about deficiencies that had been identified. Has the move to a single service improved the situation at all?

The Convener: I say to Mr Torrie that I did not mean to be flippant—it is just that John Finnie mentions the Highlands and Islands every week and we wait for the trigger for it. The point is serious, though.

Steven Torrie: I have seen that reaction in the committee previously, so it was not a surprise.

There is pretty much a direct read-across from the previous discussion about the Police Authority and the chief constable. The Fire and Rescue Service is set up in a way that is intended to provide a healthy tension between the board,

which is made up of non-executive people who do not know how to run a fire service professionally, and the professional managers. The report to which you refer simply said that those things are fundamentally important and that, if we want a good and healthy organisation, that is a good way to set it up. We are interested in how effectively the two bodies work together.

The conversation is exactly the same as the one that we had about operational autonomy and independence versus scrutiny and challenge. The chief officer and his team need to make judgments and decisions on many things, but almost all of them—or all—are open to challenge and should be explainable to the fire board, whose job it is to hold the chief officer to account. We are interested in that.

To reflect on John Finnie's experience, in the past, we had to deal with eight sets of relationships, whereas now it is just one set. In a sense, life has become a bit easier for us. There is no doubt that such things are long term; they are all about human relationships and building confidence in the different bodies, which is why we say that we will take an on-going interest in how those things work out.

John Finnie: Has the specific question of plugging what was seen as a gap in the resilience of the former Highlands and Islands service area been addressed?

Steven Torrie: We have looked at that in great detail. Mr Finnie will remember the report that HMI published on the Highlands and Islands. We have said that, throughout our work, we will continue to take an interest in that and focus on it. We have commented on the gaps that have been plugged and said that we will continue to monitor whether that has been successful. Most of the observations that we have made and most of the things that we have reported on show that that has continued to be successful. However, if we see on-going issues or the potential for a fallback to something similar to what we saw previously, we will take an interest in and report on that.

John Finnie: I understand that the challenges about resilience exist across Scotland and do not relate exclusively to rural areas. Different lifestyle patterns are resulting in people working in central areas rather than towns, which makes it hard to find people to staff vehicles. Is that an on-going feature of your work?

Steven Torrie: Yes. We state in our submission that the fragility of the retained duty and volunteer system across Scotland needs particular attention. We know that the fire service is focused on that and we want to work with it to resolve the issue or to address it as best we can.

The Convener: Will you develop the word "fragility", please, in relation to retained firefighters?

Steven Torrie: That is a kind of management speak, is it?

The Convener: Yes, but I do not mean that unkindly. I am just asking you to put the term into people speak. Do you mean that people are not being retained? Are they giving up, or is there a morale problem? What do you mean?

Steven Torrie: In plain language, I will paint a picture of a typical village in Scotland. About 85 per cent of Scotland's fire stations rely wholly or partly on retained or volunteer staff. A typical village might have 15, 16 or 17 people who are trained to be firefighters and who carry a pager around. They will all have day jobs and other things to do. Nowadays, people who live in a village typically work somewhere else. During the day, there are many areas of Scotland where there is huge pressure and it is very difficult to manage that so that a crew is available.

That has a knock-on effect on retention. If someone has committed to giving 120 hours a week of availability but they also have to travel to do a job somewhere else in Scotland, that is a big challenge. The lifestyles of people in Scotland's towns and villages are changing, which is having a significant effect on how well we can manage volunteer and retained units.

11:30

The Convener: That is separate from the creation of a single service. The issue would have arisen anyway.

Steven Torrie: The issue is entirely separate and has been evolving over a long time.

Sandra White: Good morning, gentlemen. Thank you for your submission. I will pick up on some of the stuff in the conclusion but, first, I would like a bit of clarification about what was said in response to Margaret Mitchell's question about the UK's independent crime reporting unit. I believe that Willie Rennie and Graeme Pearson said that it was disgraceful that the Scottish Government was saying that the crime rate was falling, because it was falling all over—not just here, but in England as well. What authority does this so-called unit have to ask questions of the Scottish Government about reporting and to—I would say—cast aspersions on the numbers?

Derek Penman: I am perhaps not best placed to answer the entire question, but it might be helpful to explain the roles—

The Convener: I think that that would be better than being political.

Derek Penman: I understand that the UK Statistics Authority has responsibility for the accuracy of the official UK statistics, and a code of practice has to be followed if something is to be designated as an official statistic. Previously, the crime statistics have been so designated.

That is totally separate from our role through the crime audit. As I said, we have been involved in checking the official crime statistics since 2004. We are about to embark on a broader and more detailed study. Our independent assessment will be published in a report that will come to the committee to allow members to judge for themselves whether the figures are accurate. In deciding whether the figures can be designated as official statistics, the UK Statistics Authority will be interested in the extent to which the Scottish Government looks at our independent assurance and the extent to which that fits into its own framework of assurance.

Sandra White: That is helpful. Could we return the favour and ask to look at the crime statistics for the rest of the UK? I am just throwing that out there. I do not know whether we have the authority to do that.

The Convener: We will leave the issue open. Do you have another question?

Sandra White: Perhaps I will write to the cabinet secretary. If they are allowed to do that, we should be allowed to do the same in order to find out exactly what the position is.

The Convener: What is your next question, Sandra?

Sandra White: I will ask about sustainability and partnership working, particularly in relation to huge events such as the Commonwealth games and unfortunate and horrific accidents such as the one at the Clutha Vaults. How have such things worked since the single police force was established? Has it been better at reacting to emergencies and dealing with huge events?

The Convener: I think that the Fire and Rescue Service will be involved in such activities, too. That is what I was getting at earlier. The public do not always recognise that, because of what is taking place, the teams are there together. Perhaps the question could be asked of both services.

Sandra White: I was just going to do that, convener.

The Convener: I am so sorry—I pre-empted you.

Sandra White: That is why I mentioned partnership working. Both inspectors may answer the question.

Derek Penman: As we say in our joint submission, both services recognise the need for

that. The strength of the new arrangements has been in the ability to pool resources nationally and work better together across the country. The sad situations that have occurred across the piece have been dealt with extremely professionally. The strength of police reform is in the ability to move specialist policing assets—investigators or major inquiry teams for murders, for example—across the country. The same will apply to the fire service and I will let Steve Torrie speak about that.

Steven Torrie: The Clutha bar incident provides a good example of the situation with the national Fire and Rescue Service. Naturally, the initial response came from local crews but, within a short time, specialists and command team officers from across Scotland were at the site.

Prior to reform, that would have happened sometimes, but it would have been unusual. Now, it is normal. It is straightforward for the national Fire and Rescue Service to mobilise resources to any type of incident.

Sandra White: This is not another question; it is just a comment that, when you think about it, it is amazing that before the single service reform—

The Convener: Sandra, I love you dearly, but we are here to ask questions.

Sandra White: I am amazed that that approach would have been very difficult before the reform.

The Convener: I think that it has been said that one of the recognised advantages is the ability to deal with major incidents. We understood that, previously, a chief constable of a constabulary had to pay out of his budget for, say, a helicopter to come—the idea was that the helicopter belonged to someone in another constabulary or whatever. Now it belongs to the whole force. Is that correct? Is that putting it simply? I think that I have got that wrong; I can tell by Derek Penman's face.

Derek Penman: No, you have not. In effect, each force and each chief constable had responsibility for incidents in their area. When an incident became so large that it required specialist assets, they would be drawn in on mutual aid from other forces, including those in Scotland. Strathclyde Police was the only force that had a helicopter so, if another force used the helicopter, there was the potential to be cross-charged against that—although such things were often provided if they were required.

The Convener: There was the possibility that the constabulary would have to carry the costs.

Derek Penman: Absolutely. If other officers were needed for a large-scale demonstration or something like the Commonwealth games, a force would require mutual aid from other forces, and those forces could charge for that.

Christian Allard (North East Scotland) (SNP): Steven Torrie gave a good answer to the question about retained firefighters. I will ask a similar question on how challenging it is to recruit new police officers, particularly in the north-east. I represent the north-east and I know how difficult it is in the Aberdeen area.

Derek Penman: I do not have the figures to hand, and perhaps that question is more for Police Scotland. Generally, recruiting police officers is not hugely difficult—the issue is how we locate them across the country. There have been some challenges regarding officers in the north-east and attracting candidates to relocate to some of the islands. However, I do not have the figures on that to hand.

Christian Allard: To follow the same line of questioning as that regarding the fire service, have any issues been raised as a result of having a single service? Have there been any changes due to the change to a single service?

Derek Penman: Our assessment is that the single service is working very well. Our take is that the single force is stronger operationally than the legacy forces were.

There are opportunities to recruit nationally and to post people around the country. There is greater opportunity for people who want to join the police and move. People do not have to be recruited into the eight local forces; they can be recruited centrally and moved around the country to where the demand is. That has to be supported. People have to be able to relocate, and there is a cost to that.

Christian Allard: Have you found examples of that?

Derek Penman: I do not have anything to hand, but I know that Police Scotland is exercised about how it will get officers into the north-east and, in particular, on to the islands. I think that it is looking to actively recruit for that and to recruit individuals from their local area—for example, that could involve recruiting people for the north-east from the north-east.

Christian Allard: Can I ask another question, convener?

The Convener: I am just thinking that we have had questions on the Highlands and Islands, the north-east and Dumfries and Galloway. I am expecting to get—

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

The Convener: Motherwell and Wishaw is going to be punted. This is supposed to be a committee, not a meeting about constituency issues, but on you go.

Christian Allard: My question is on a different issue. I have spoken to armed officers in the north-east and found that some of them seem to be a bit frustrated by the recent news. They think that it is old news and that it has been done already—they were armed before. Are armed officers saying the same things to you about being a little frustrated about the news just now?

Derek Penman: HMIC has undertaken to do a review of armed policing and we published our terms of reference for that last week. Some of the review will be of the chief constable's decision on the standing authority. We have extended our terms of reference to things such as how firearms are carried and the deployment criteria.

Part of our agreed methodology is that we will speak to officers who carry firearms to seek their views. It is too early to comment on that, as we have not yet gathered the evidence or reported on that.

The Convener: The issue will come before the Justice Sub-Committee on Policing on Thursday.

Christian Allard: What is the role of commanders? Do they have a free hand? Maybe they have more of a free hand than they had before the creation of a single force.

Derek Penman: I suppose that it all depends on the definition of a commander. In Police Scotland, divisional commanders are responsible for each of the 14 divisions. They have statutory responsibility for local policing in that area, which brings us back to the earlier questions on the effectiveness of local policing plans and local engagement.

There has been meaningful engagement, and the divisional commanders are in their second year of producing local policing plans. More can probably be done in the third iteration to ensure that plans fully reflect community needs. Part of the localism to which we refer will involve greater empowerment of commanders in their areas as we move forward.

John Pentland: I suppose that one of the biggest challenges that you have faced over the piece has been workforce planning. Quite a lot of civilian jobs have been lost recently, and the posts have been taken up by police officers and police constables. Was that perhaps the wrong decision? What work have you done to square that circle?

Derek Penman: Workforce planning is one of the areas that we feel is still underdeveloped in Police Scotland, and we will seek more detail on that as we undertake our scrutiny programme this year. We are looking for Police Scotland to design the new service in a way that is sustainable for the future, which must include consideration of the appropriate workforce balance.

My understanding is that Police Scotland and the Scottish Police Authority are not looking to have police officers backfilling—or routinely backfilling—posts. We will look at that area as we go through our inspection programme in order to determine the extent to which backfilling may or may not exist.

John Pentland: Do you think that, at this moment in time, civilian jobs should be looked at more closely, and that we should not have police officers filling the backroom jobs?

Derek Penman: My professional view is that, as we move forward, we need a balanced workforce, which will involve an appropriate mix of police officers and police staff to provide the optimum service to communities.

I am not sure what that mix is. Police Scotland and the Scottish Police Authority have to work their way through that, looking at where they are now and where they need to be, and considering what a balanced workforce will look like and what the workforce plan should be to get them there.

John Pentland: With regard to the review that you are undertaking after 16 or 17 months, there have been quite a lot of police station closures and a reduction in opening hours over the piece. Will you be looking at that again? A great service was provided to the public, and we may have got that wrong, too, somewhere down the line.

Derek Penman: Our focus in inspections will absolutely be on service delivery to local communities. To my knowledge, there have been no—or very few—station closures; I think that there has been a reduction in opening hours in some stations, as opposed to stations physically closing. Resources are still working from those stations, which was the commitment that Police Scotland gave.

As we embark on our new inspection regime, we have brought in what we call local policing plus. That will take us around each of the 14 divisions, and part of the assessment will cover the services that are provided to local communities. It will include, for example, an assessment of the footprint of policing in particular local communities and, to be frank, consideration of how well some of the police offices are being used.

Margaret Mitchell: The thematic inspection of road policing, which reported in July, expressed concerns about the impact—again—of the absence of a national ICT integration, in that case on road policing, particularly with regard to variability in levels of local scrutiny and engagement. Will you comment further on that?

Derek Penman: We took the opportunity in our thematic inspection to look at road policing. The

issue with ICT was not unforeseen, but it is not of Police Scotland's making. It is inevitable, as we move from eight forces without a single national ICT system, that there will be difficulties with ICT, especially for officers who are moving across boundaries.

As I said, the majority of officers still work within their legacy boundaries, which minimises the ICT impact. However, if road policing officers, who might move across a region, cannot access legacy systems, there are impacts on them. In its defence, Police Scotland identified that issue early and has put in place ICT workarounds.

11:45

Margaret Mitchell: I will be more specific about the variability. Driver and Vehicle Licensing Agency figures that were released recently seem to show a disproportionate trend whereby people in Scotland are more likely to have points on their licences than those elsewhere in the UK. They also highlighted the fact that the G69 postcode area, which includes Baillieston, Garrowhill, Moodiesburn and Gartcosh—parts of Glasgow and North Lanarkshire—is being targeted. Your report referred to a lack of clarity about the priority that is given to road crime. Will you elaborate on that?

Derek Penman: In the report, we looked at the impact of performance management and how enforcement activities are driven by that. We identified significant increases across the country in the detection of speeding, seat-belt and mobile-phone offences. We said that, although detecting that is fine—people are breaking the law—we must ask to what extent that approach has an impact on and delivers outcomes in relation to driver behaviour. We asked Police Scotland to look at its performance regime across the country and to consider the extent to which it is confident that having officers target areas will produce the positive outcomes of reduced numbers of casualties and modified driver behaviour.

Margaret Mitchell: I mentioned one area, but other areas have been highlighted. If an area is a black spot and is targeted, should average speed cameras be looked at, if the aim is not all about collecting cash but about prevention and improving road safety? Have you looked at the outcomes of such approaches?

Your report says:

“The new road policing model is strengthening the connection between police services and communities”,

but you highlight the perception that the police are targeting a 10 per cent increase in the detection of such crimes. In fact, since Police Scotland was established, the rate has gone up by 37 per cent. Surely that raises a question about management

performance systems and the priorities that are being set, when many other serious offences do not seem to be getting the same priority.

Derek Penman: That is a fair point. You raise two issues. One is whether the new road policing structure strengthens the local connection. Our view is that it does, in as much as each of the 14 divisions has a dedicated road policing unit, which works to the divisional commander. That unit can deal with local priorities. To that extent, we feel that the local connection is strengthened.

The performance issue for us is about ensuring that the performance regime targets the right priorities in a community. If Police Scotland targets speeders—that is absolutely appropriate—it wants to do so in the highest-risk areas, such as those around schools and others where the community has concerns, and in areas where that will have the largest impact. We asked Police Scotland to look at that, assure itself and put safeguards in place to ensure that, if targets are set and officers are working to priorities, that happens in the areas where it will have the biggest impact.

Margaret Mitchell: Is a higher recorded rate of such crimes almost an admission of failure? If the remedy is effective, surely the figures should come down. If it is not effective, should other remedies be looked at?

Derek Penman: You make a valid point about the extent to which enforcement changes people's behaviour. If people are speeding, they are breaking the law. There is no doubt that speeding is a major factor in road casualties, so police officers should enforce speed limits. A bigger issue is how to modify driver behaviour and how Police Scotland satisfies itself that it has a range of tactics that will have an impact on that.

Margaret Mitchell: So there should be more concentration on analysing the outcomes to get the best policy.

Derek Penman: Our view is that, if Police Scotland is going to direct significant activity in policing, it would want to be satisfied that the target will allow it to achieve the outcomes that it seeks.

The Convener: I must mention the Scottish Borders, as that area has not had a mention yet. The police there have increased their activity by having unoccupied police cars sitting at the roadside, which have a great impact on everybody driving up and down. We all know where the speed cameras are, but we do not always know where the unoccupied police cars are. People just need to see the police sign on the side of a car and the brakes go on. You see all the brake lights go on in front of you and you wonder what is up—not that I am speeding; this is not a declaration.

I am interested in the fact that you are looking at what different areas are doing. You did not mention rural areas, where there is a separate issue to speeding outside schools and so on. At the weekend, motorcyclists are out on roads that they think are some kind of race track. I would be interested to see what is being followed up with regard to speeding in rural areas, rather than just outside schools and in communities.

Derek Penman: I think we said in our report that Police Scotland did analysis and identified where the hot spots were. It is still looking to shift resources into the north and the north-east in particular, so that it can deal effectively with the rural roads, which present a different issue from motorways and roads in other areas. Police Scotland is mindful that the casualty rate is higher in the north and the north-east and on rural roads.

Alison McInnes: I have two distinct questions.

The Convener: You always have, Alison, but on you go.

Alison McInnes: I will start with a question for Mr Torrie. Will you elaborate on the strand in your business plan for the forthcoming year on emergency medical services and the SFRS and explain a little more what you intend to do?

Steven Torrie: We are actively working on that at the moment and we expect to lay a report on it before Parliament in October. It is fundamentally about how the Scottish Fire and Rescue Service works with the Scottish Ambulance Service and, more broadly, how it deploys the equipment that it owns and the skills that its staff have.

We have been talking to the Scottish Fire and Rescue Service, the Scottish Ambulance Service and Scottish Government people. There is a big relationship between health people in the Scottish Government and fire and rescue people or justice people. Lots of interesting conversations are going on.

Our starting point is that although there is a good relationship, in practical terms it is not a deep relationship. I will give you an example of that. There are examples of what is called a co-responder, where the Scottish Ambulance Service might mobilise some firefighters at the same time that it mobilises an ambulance. However, only two stations out of the 359 in Scotland currently run that service. We have been up to talk to the staff and learn lessons.

The Convener: Where are those stations?

Steven Torrie: They are both in Aberdeenshire—at Maud and Braemar. They were inherited from Grampian Fire and Rescue Service.

We are very interested in the benefits that can be gained by rolling that model out more broadly

across Scotland. What we are not doing is trying to justify a business case. We think that there is a very strong argument; there are loads of examples in England and Wales and internationally where close working and collaboration between emergency ambulance and fire and rescue services brings great benefit.

We hope that what we are doing will be supportive. We hope also that it will tie in with something that the Scottish Government is looking at, which it is calling a community resuscitation strategy. We are having conversations with ministers' officials to see how those things can mesh together.

Alison McInnes: That is very helpful. Thank you.

I want to ask Mr Penman about the piece of work that is going to be carried out on stop and search. Would you consider within that the ethical issues that are raised by there being no power to search for alcohol, and yet there is recording of confiscations of alcohol—the use of consensual search to search for something that there is no power to search for in the first place? I hope that you would be able to explore that issue.

Derek Penman: We are just finalising our terms of reference for the stop and search work. Our original approach was very much to look at recording and the claims about underrecording or overrecording, to get to the bottom of that. The issue that you raise is certainly one of the things that we could take on board.

My view is that many of the interactions by police officers in relation to alcohol have a legislative framework. A lot of them happen under the legislation that allows for alcohol seizures, such as seizures from young people under 18. Quite often police officers will approach people and ask for alcohol to be handed over. That is permitted by the legislation, with safeguards relating to reasonable suspicion and asking for names and addresses. My understanding is that such seizures are currently recorded as consensual searches. If an officer went on to search the people, that would go beyond the power in the legislation.

I would quite like to do some work to understand police officers' actual practice. If they see people with alcohol and then seize it, they are doing that within a legislative framework. It may sound like a fine distinction to say that they are not searching people but merely seizing alcohol, but the legislation actually allows alcohol to be seized. My personal view is that, if that is being recorded as a consensual search, that will be slanting the figures significantly and giving the impression that there are a lot of consensual non-legislative searches when actually those interactions probably involve

officers exercising their powers under legislation. The issue comes down to recording practice and the distinction between a search and a seizure. If police officers go beyond a seizure of alcohol and basically have the young people turning out their pockets, that would be a search and would be moving beyond the legislation.

It is worth doing some work on that to find out the extent to which that interaction by officers has some legislative basis. That would bring down the number of genuine consensual searches to something that is perhaps a bit easier to understand.

The Convener: That is helpful.

Elaine Murray: Two concerns that have been raised about Police Scotland are, first, that it is becoming increasingly target driven and, secondly, that the methods of operation of the former Strathclyde Police are being rolled out across Scotland. Have you heard those concerns? Is there any justification for them?

Derek Penman: In our research and in looking forward to see what we will scrutinise, we look across media reports, engage with staff associations and pick up on any comments that are made. In relation to road policing, we have made recommendations about Police Scotland understanding the impact of a performance culture and how that drives operational behaviours and, in particular, what outcomes are achieved. That applies to road policing, but it goes beyond that into targets more generally.

Elaine Murray: What about the feeling that Police Scotland is Strathclyde Police writ large?

Derek Penman: Sorry—that was the second question.

It is probably not Strathclydisation. It is inevitable that the chief constable who leads the Police Service will move the force in the direction that he believes is right, so it is probably more about the chief constable's style than about Strathclyde.

With eight organisations coming into one, it is inevitable that there is a sharp focus on everybody understanding the priorities and on service delivery. That is inevitable in the initial period, to get everybody looking in the same direction and understanding the new organisation to bring some of that through. As I mentioned in the submission and as you mentioned in your earlier question, localism is key. The legislation is absolutely clear that we can have the national and the local and that local policing plans and local engagement from commanders are the way forward. I hope that, as policing starts to mature—after all, we are only 16 months into the new organisation—

localism and empowerment will start to move forward.

The Convener: The services are made up of people. It is hard for people who have had one way of doing things for many years to suddenly find that there is turmoil, perhaps not just in the organisation but in relation to where they live and their future. Will you comment on the morale of police and fire service staff, whether civilian or uniformed, and on whistleblowing? I know that you are not naive enough to just talk to the bosses all the time. Can you give us a picture of how the ordinary police or fire officer can say something to the inspectorates that they could not perhaps say in public to us at a committee about how they feel, whether rightly or wrongly, or about issues that they have?

Derek Penman: In our methodology, we look to involve police officers in all our scrutiny work. For example, in our methodology on armed policing, we have a commitment to speak to firearms officers as well as commanders and other people who are involved in policing. As part of our local policing methodology, we will run a series of focus groups—indeed, we have done so in Fife. We encourage police officers to come and speak to us—

The Convener: I will stop you there, because people will not tell you stuff in focus groups. The committee chats with people when we go round, but we are aware that we do not always get everything. How do people reach beyond those formal procedures? Their views might be right or wrong, but their voices have to be heard by you in your roles as inspectors. How do people get past the focus groups and formal things? Can they maybe just send you stuff to say, “Look here, look there—this is what I feel”?

12:00

Derek Penman: That is a fair point. In my experience, the people in the focus groups have been very forthcoming and a lot of officers have taken the opportunity to raise issues with us. We also try to link in through the staff associations, so we have a close link with the Scottish Police Federation and the Association of Scottish Police Superintendents. You raise a valid point about how individual officers can contact us anonymously or otherwise with any issues that they have. If that was done through existing channels, we would take it seriously, but you raise a fair point for us about how we might want to provide channels for officers to come to us directly.

The Convener: I ask the fire inspector the same question.

Steven Torrie: We have a similar approach. The majority of our work nowadays involves my small team and me travelling round Scotland interviewing individuals and small groups of staff. For example, every time that we are in a fire station, we insist that managers do not sit in the room with us, so that we can just talk to the local crew or to individuals in the team. When we talk to people, we give them a guarantee of anonymity and we explain how we manage things and deal with any comments that they have to make. My experience is that people are not nervous about that. Mr Penman says that people are forthcoming. Firefighters and fire and rescue service staff are the same—when they are in a room with us, they are happy to be frank and open.

The Convener: I thank you for being frank and open with us. I now bring this evidence session to a close. I thank members for their questions.

As we agreed earlier, we now move into private.

12:01

Meeting continued in private until 12:25.

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