WRITTEN SUBMISSION FROM POLICE SCOTLAND

Introduction
Police Scotland has been invited by the Scottish Parliament Finance Committee to submit written evidence setting out their views on the financial implications of the inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Bill. The committee has provided several questions to consider and provide answers for, which are highlighted in this letter.

The Inquiries into Fatal Accidents and Sudden Death etc. (Scotland) Bill was introduced in the Scottish Parliament by the Scottish Government on 19 March 2015, the purpose of which was to ‘reform and modernise the law governing the holding of Fatal Accident Inquiries (FAIs) in Scotland’. The Bill implements many of the recommendations made by Lord Cullen from his review of the Fatal Accident Inquiry Legislation, which was addressed to the Crown Office and Procurator Fiscals Service (COPFS).

The estimated financial implications were set out in a Financial Memorandum (FM) which could be found in the Explanatory Notes (Page 21) accompanying the Bill itself. It is understood that these notes do not form part of the Bill and have not been endorsed by the Parliament.

Questions

Consultation

1. Did you take part in any consultation exercise preceding the bill and if so did you comment on the financial assumptions made?
2. If applicable do you believe your comments on the financial assumptions have been accurately reflected in the FM?
3. Did you have sufficient time to contribute to the consultation exercise?

In answer to questions 1-3

Police Scotland have no record of having been consulted in the exercise preceding the proposed Bill and therefore did not comment on the financial assumptions made. Due to this Questions 2 and 3 are not applicable in the case of Police Scotland and no comment is provided.

Costs

1. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM?
2. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?
3. If applicable, are you content that your organisation can meet any financial costs that it might incur as a result of the Bill? If not, how do you think these costs should be met?

4. Does the FM accurately reflect the margins of uncertainty associated with the Bill’s estimated costs and with the timescales over which they would be expected to arise?

In answer to questions 4-7

Police Scotland investigates under the instruction of the Crown Office and Procurator Fiscals Service (COPFS). The Bill itself does not outline any costs associated to Police Scotland but rather to the COPFS itself.

The financial memorandum outlines the number of FAI’s held over a three year period, and summarises’ that the new legislation and conditions where an FAI is conducted will not greatly increase the number of FAI being investigated. It is impossible however to predict the future number of FAIs as the nature of death investigation is volatile and in itself unpredictable.

The inclusion, for example, of the investigation of all child deaths in secure accommodation, deaths in prisons and deaths in police custody when not within a Police Station are areas already considered under current arrangements and it is not therefore envisaged that any additional costs would be absorbed in the current arrangements.

The investigation of a death abroad of a person ordinarily resident in Scotland whose body has been repatriated to Scotland has been outlined in the notes with a belief that it will be used in rare circumstances. The proposed nature of such investigations is being cited as one based within Scotland and to be undertaken in a manner similar to the current coroners system in England and Wales. The projected model of investigation is essentially a paper exercise; however currently there are no statistics for the volume of these types of deaths, with the outlined costs being based on estimates by the COPFS. The impact in this case to Police Scotland is difficult to measure and despite the stipulations within the FM that there is unlikely to be an increase in these or any other type of death resulting in an FAI, if the burden of the investigation lies with Police Scotland under instruction from COPFS this will have a financial impact.

Should this type of investigation become more common place than envisaged and there are some exceptional circumstances that differ from the current experience or inquiries that are of a large scale or disastrous nature, this would incur significant additional costs to those currently proposed.

Wider Issue

8. Do you believe that the FM reasonably captures any costs associated with the Bill? If Not, which other costs might be incurred and by whom?
9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation?

In answer to questions 8-9

The FM has provided projected and predictive costs which will occur to the various administrative and legal bodies associated with FAI’s. Police Scotland cannot at this time ascertain whether there will be any significant financial impact to them in adhering to the guidance of the proposed Bill until it has been implemented. When considering the impact laid out in the explanatory notes there is a suggestion that the costs will be minimal across the partner agencies, however it is impossible to predict the future trend of these types of enquiries and subsequently the cost Police Scotland.

Yours sincerely

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