1. Did you take part in any consultation exercise preceding the Bill and, if so, did you comment on the financial assumptions made?

Police Scotland has participated in the three Stakeholder Reference Group meetings. Whilst the existence of the Financial Memorandum was referenced in these events, there has been no opportunity for Police Scotland to view the document or make comment. This would appear to have resulted from the assumption that the legislation would have little financial impact on policing.

2. If applicable, do you believe your comments on the financial assumptions have been accurately reflected in the FM?

Police Scotland was not invited to make previous comment, therefore no account has been taken of the impact on Police Scotland. Police Scotland identifies and records the highest volume of GIRFEC wellbeing concerns compared to any other statutory agency or organisation. Each GIRFEC wellbeing concern is researched and assessed within Concern Hubs and are considered for sharing with the Named Person Service. In effect the journey of a high volume of wellbeing concerns and the interaction with children, young people and their families is likely to start with Police Scotland.

It is noted that the finance memorandum states “for staff delivering the named person role, or who will have significant contact with the named person or who will be primarily involved with the child’s plan, it is expected that there will be a requirement for training in relation to the amended provisions associated with information sharing.”

Given the emphasis on the rights of individuals and families in the new Bill, first responders to incidents within Police Scotland must get the management of sensitive personal data right at first point of contact and will require a detailed training programme to be developed and delivered to ensure consistency in practice in their interaction with children, young people and their families when identifying, recording and communicating these wellbeing concerns to individuals, sometimes in very challenging, highly emotional and fast moving circumstances. This must include detailed guidance on consent and operational practice. It is envisaged that new processes will have to be mapped, operationally defined and implemented to ensure the standards within the new Bill are consistently met.

Police Scotland will require a resource commitment to support the implementation of the new Bill and this is likely to go beyond the lifetime of the existing Risk and Concern Project which has a timeline to conclude prior to the end of 2017.

Likewise the design and delivery of a bespoke training package to all operational staff within an organisation the size of Police Scotland will require a finance /
resource commitment akin to other agencies that have been taken account of in the Memorandum.

3. Did you have sufficient time to contribute to the consultation exercise?

Yes, however it is widely acknowledged that continuing consultation is required to further shape the Bill taking account of the anticipated wide ranging impacts of the General Data Protection Directive (GDPR) due to come into effect in mid-2018, prior to the implementation of this Bill.

4. If the Bill has any financial implications for your organisation, do you believe that they have been accurately reflected in the FM? If not, please provide details.

As previously highlighted, there appears to have been no consideration given within the memorandum regarding financial commitments for Police Scotland.

The Police Scotland Risk and Concern Project have been in existence for over 2 years and have largely been focussed on Concern Hub improvement with the introduction of a standard business process to bring greater consistency to the management, assessment and sharing of wellbeing concerns with partners. This work has placed a great emphasis on the use of existing legal gateways to share information with partner agencies, with each and every concern report subject to an assessment where it is considered for sharing and then either shared or closed and the rationale recorded accordingly. This appears to be in accordance with the provisions of the new Bill.

A bespoke training package was developed primarily for Concern Hub staff and Divisional Coordinators. Several modules were developed that focussed on core aspects that collectively aim to deliver a high professional and efficient standard of practice. These modules include:

- Children and Young People (Scotland) Act 2014
- Assessment
- Business Process
- Information Management
- Youth Offending

To date there have been 25 individual training courses which have been undertaken, training approximately 215 specialist officers. These courses have been aimed at specialist officers and police staff working predominantly within Concern Hubs to embed this national business process.

This work now needs to be built upon right across the organisation in line with the provisions of the forthcoming legislation. As previously highlighted, the wider training implications for Police Scotland operational staff have still to be addressed and are unlikely to be taken forward by the existing project team.

Police Scotland identified the need to procure ‘Egress’ encryption software for the sharing of child wellbeing concerns with partners in anticipation of the original
statutory implementation of the Named Person Service on 31 August 2016. The projected cost implication for Police Scotland was approximately £90,000 over a three year period (2016/18).

The likely finance and resource commitment required by Police Scotland to effectively implement the new legislation within the required timescales should be considered on a par with our colleagues in local authorities and health boards.

5. Do you consider that the estimated costs and savings set out in the FM are reasonable and accurate?

Police Scotland is unable to comment on projected costs for partner agencies.

6. 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?

Training Implications

It is highlighted in the Memorandum that £310,000 has been allocated to NHS Education for Scotland in relation to the development of online modules and support materials. It is further noted that it states in the memorandum:

“the establishment of a small project team of 4 people to engage in a programme to design and co-produce generic and topical resources for stakeholder groups, e.g. NHS, education, social work and police.”

Without being fully sighted on the extent of this work in respect of the design and delivery of police training products by NHS Education for Scotland and the likely police staff required to support this, it is anticipated that this training provision will not meet the needs of all police operational staff for their individual roles and responsibilities. As such, Police Scotland will still require to develop and deliver its own bespoke training packages and additional support materials. Consideration should be given to funding this provision.

There also appears to be an assumption that Police Scotland will not require to backfill training abstractions when financial provision is being made in respect of other agencies. Police Scotland would hope that this would be subject of further consideration by Scottish Government.

7. 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?

The Financial Memorandum appears to only take account of costs for year one with no financial provision thereafter, with an expectation that all recurring costs of training will be absorbed into business as usual. This may not be viable across agencies in the current financial climate.
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?

The memorandum does not document the financial commitment which will be required by Police Scotland.

9. Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

Additional costs incurred from dealing with an increase in Freedom of Information requests and Subject Access Requests as a result of an increased focus on how agencies identify; record and share wellbeing concerns.