JUSTICE COMMITTEE

AGENDA

3rd Meeting, 2017 (Session 5)

Tuesday 24 January 2017

The Committee will meet at 10.00 am in the Mary Fairfax Somerville Room (CR2).

1. **Decisions on taking business in private:** The Committee will decide whether to take items 5 and 6 in private and whether its consideration of a draft report on the legislative consent memorandum on the Criminal Finances Bill should be taken in private at a future meeting.

2. **Demand-led policing - service of first and last resort:** The Committee will take evidence, in round-table format, from—
   
   Amy Dalrymple, Head of Policy, Alzheimer Scotland;
   
   Cameron Black, Care Van and Care Shelter Manager, Bethany Christian Trust;
   
   Dr Peter Bennie, Chair of the Scottish Council, British Medical Association;
   
   Malcolm Graham, Assistant Chief Constable, Strategic Development, Police Scotland;
   
   David Liddell OBE, Director, Scottish Drugs Forum;
   
   Calum Steele, General Secretary, Scottish Police Federation;
   
   Bob Leslie, Chair of the Mental Health Sub-Group, Social Work Scotland.

3. **Public petitions:** The Committee will consider the following current petitions—
   
   PE1501 by Stuart Graham on public inquiries into self-inflicted and accidental deaths following suspicious death investigations;
   
   PE1567 by Donna O'Halloran on investigating unascertained deaths, suicides and fatal accidents in Scotland;
PE1510 by Jody Curtis on the closure of police, fire and non-emergency service centres north of Dundee;

PE1511 by Laura Ross on the decision made by the Scottish Fire and Rescue Service to close Inverness control room.

4. **Justice Sub-Committee on Policing**: The Committee will consider a report back from the Sub-Committee meeting on 12 January 2017.

5. **Limitation (Childhood Abuse) (Scotland) Bill**: The Committee will consider written evidence received and proposed witnesses for its scrutiny of the Bill at Stage 1.

6. **Work programme**: The Committee will consider its work programme.

Peter McGrath
Clerk to the Justice Committee
Room T2.60
The Scottish Parliament
Edinburgh
Tel: 0131 348 5195
Email: peter.mcgrath@parliament.scot
The papers for this meeting are as follows—

**Agenda item 2**

Paper by the clerk - Demand-led policing  
J/S5/17/3/1

Private paper - Demand-led policing  
J/S5/17/3/2 (P)

*Written submission from Alzheimer Scotland*

*Written submission from the British Medical Association Scotland*

*Written submission from Police Scotland*

**Agenda item 3**

Paper by the clerk - Petitions  
J/S5/17/3/3

**Agenda item 4**

Paper by the clerk - Sub-Committee on Policing  
J/S5/17/3/4

**Agenda item 5**

Private paper - Limitation (Childhood Abuse) (Scotland) Bill  
J/S5/17/3/5 (P)

*Limitation (Childhood Abuse) (Scotland) Bill and accompanying documents*

*SPICe Briefing: Limitation (Childhood Abuse) (Scotland) Bill*

*Written submissions received on the Bill*

**Agenda item 6**

Private paper - Work programme  
J/S5/17/3/6 (P)
Introduction

1. The Committee agreed to hold a roundtable evidence session on demand-led policing: service of first and last resort.

2. The evidence session will explore in more detail an issue raised during the 24 November and 8 December Justice Sub-Committee on Policing evidence sessions on financial planning and the 2017-18 draft budget.

3. The Sub-Committee heard that the police service is increasingly spending time dealing with non-criminal activity. Examples given included responding to accidents, helping vulnerable people in the community, such as those who are homeless or who have mental health issues and/or drug and alcohol addictions, and looking for missing persons.

Committee consideration

4. At its meeting of 24 January the Committee will hear from representatives from Police Scotland, the British Medical Association, the Scottish Police Federation, the Scottish Drugs Forum, Social Work Scotland, and Alzheimer Scotland.

5. The Committee requested written evidence from those attending and the written responses can be found here.

6. The evidence session will focus on the breadth of, and type of, non-criminal work that the police service deals with, with a particular focus on how the police help vulnerable people, how these demands are met, the skillsets and resources the police service have in relation to this work, and the type and level of assistance provided by police service’s working relationship with other public bodies and third sector organisations working in this field.
Justice Committee

3rd Meeting, 2017 (Session 5), Tuesday 24 January 2016

Petitions

Note by the clerk

Introduction

1. This paper invites the Committee to consider four of its five ongoing petitions (PE1370: Justice for Meghrafi, was taken at the 17 January meeting):
   - PE1501 and PE1567: Investigating unascertained deaths, suicides and fatal accidents;
   - PE1510 and PE1511: Police and Fire Control Rooms; and

2. The paper sets out the terms of each of the petitions along with information on the most recent consideration by Committee. It also provides updated information and links to other relevant documentation where appropriate.

3. The Justice Committee webpage summarising its consideration of these petitions in this Session can be found here. All four petitions originate from Session 4 of the Parliament and information relating to their consideration by the previous Justice Committee can be found here. Further information can also be found in the Session 4 Committee’s Legacy Report.

4. Further general background information on the petitions process, provided by the Public Petitions Committee, can be accessed on its dedicated webpage.

Options available to Committees considering petitions

5. Once a petition has been referred to a subject Committee it is for the Committee to decide how, or if, it wishes to take the petitions forward. Among options open to the Committee are to:
   - Keep the petition open and write to the Scottish Government or other stakeholders seeking their views on what the petition is calling for, or views on further information to have emerged over the course of considering the petition;
   - Keep the petition open and take oral evidence from the petitioner, from relevant stakeholders or from the Scottish Government;
   - Keep the petition open and await the outcome of a specific piece of work, such as a consultation or piece of legislation before deciding what to do next;
   - Close the petition on the grounds that the Scottish Government has made its position clear, or that the Scottish Government has made some or all of the changes requested by the petition, or that the Committee, after due consideration, has decided it does not support the petition;
   - Close the petition on the grounds that a current consultation, call for evidence or inquiry gives the petitioner the opportunity to contribute to the policy process;

6. When closing a petition, the Committee should write to the Petitioner notifying the decision and setting out its grounds for closure. Closing a petition does not preclude the Committee taking forward matters relevant or partly relevant to the petition in another way.
PE1501 and PE1567: Investigating unascertained deaths, suicides and fatal accidents

Terms of the petitions

PE1501 (lodged 13 December 2013): The petition calls on the Scottish Parliament to urge the Scottish Government to introduce the right to a mandatory public inquiry with full evidence released in deaths determined to be self-inflicted or accidental, following suspicious death investigations.

PE1567 (lodged 28 April 2015): The petition calls for the Scottish Parliament to urge the Scottish Government to change the law and procedures in regard to investigating unascertained deaths, suicides and fatal accidents in Scotland.

7. Both petitions essentially relate to circumstances where the family of a deceased do not have confidence in the findings of the police/COPFS finding that a death does not appear to be suspicious, and that therefore there is no ground for a Fatal Accident Inquiry (FAA). To a limited extent issues raised in the petition were relevant to the last Justice Committee’s scrutiny of the Fatal Accidents and Sudden Deaths (Scotland) Bill, now Act near the end of last session, although the Act itself does not generally deal with the preliminary stage to determining whether a FAA is necessary, which is the main concern of these two petitions. The Act did, however lead to the introduction of a “Family Liaison Charter”, which provides guidance on the different stages of the death investigation process and confirms what information will be provided to a bereaved family and when.

Current consideration

8. At its meeting on 27 September 2016 the Committee agreed to write to the Lord Advocate to seek his views on the information provided by one of the petitioners on the level of public inquests into deaths in other countries / regions and to ask for the reasons for the apparent discrepancy between the numbers of inquests in Scotland and those in other jurisdictions. The Committee also asked for information on how often relatives are given full disclosure.

9. In his response of 2 December (Annexe A), the Lord Advocate repeats the view of his predecessor in correspondence with the last Justice Committee that the system of investigation of deaths in Scotland is not truly comparable with that of systems which use a coronial inquest system. The letter argues that while there may be more coroner’s inquests in England and Wales than there are FAIs in Scotland this does not mean deaths are not investigated thoroughly and appropriately. The letter also says that the procurator fiscal may be involved at a very early stage in the investigation of a death and may also direct the police investigation.

10. In response to the question on how often relatives are given full disclosure, the letter explains the COPFS limits on disclosure and its commitment to keeping bereaved relatives informed.

11. The same petitioner has provided a response (Annexe B) to the Lord Advocate’s letter. It states that the petition is not about how the investigation is carried out or intended to criticise Police Scotland; but is a suggestion on how to help families that feel the need for greater insight into the death of loved ones achieve closure. The petitioner states that the Lord Advocate’s response does not address this gap, and comes from the COPFS perspective of what it thinks the family needs.
12. The Committee has separately received a letter from Mr James Jones, concerning communications by the COPFS in relation to a case concerning the death of serving Member of the military in which cross-border issues arose. The Convener has determined that this should be considered as a relevant correspondence in relation to these petitions (see Annexe C).

**Options for action on petitions PE1501 and PE1567**

13. The Committee is asked to consider and agree what action it wishes to take in relation to the petitions (see paragraph 5 for possible options).

**PE1510 and PE1511: Police and Fire Control Rooms**

*Terms of the petitions*

**PE1510 (lodged 23 March 2014)** calls on the Scottish Parliament to undertake a committee inquiry into the closure of Police, Fire, and Non-Emergency Service Centres north of Dundee. In particular, the major concerns raised have been the loss of public knowledge; public safety; officers being off the street and overwhelmed in managing the increased workload this would create.

**PE1511 (lodged 27 March 2014)** calls on the Scottish Parliament to urge the Scottish Government to review the decision made by the Scottish Fire and Rescue Service to close the Inverness Control Room.

*Current consideration*

14. At its meeting on **27 September 2016** the Committee agreed to seek further information from Police Scotland in relation to its anticipated closures. Since the Petitions were last considered, the Inverness Fire Service Control Room has closed, with emergency calls for the Highlands and Islands now being handled by staff based in Dundee. (reported on BBC news 6 December)

15. In relation to police control rooms the Committee received a response from Police Scotland on 18 November (Annexe D) stating that the SPA has approved a revised indicative timetable for the planned closure of the Aberdeen Control Room in March 2017 and the Inverness Control Room in June 2017. The letter says that, until SPA give formal approval to change the sites, the Aberdeen and Inverness rooms will remain fully functional and are responsible for the management of incidents in their command area. Control room staff have not yet been moved from Aberdeen on Inverness to Dundee, but some control room staff from Dundee have been deployed in Aberdeen to support the existing model and gain experience.

16. Both petitioners have responded (Annexe E) expressing their concern and disappointment; in the case of PE 1511, that the Inverness Fire Service Control Room has closed despite the petition remaining open, and, in the case of PE 1510, that plans to control the two Police Control Rooms remain in place.

17. Correspondence has also been received from Tavish Scott MSP (Shetland Islands), in which he raises concerns about the effectiveness of the centralised Scottish Fire and Rescue Service in the north of Scotland. Mr Scott seeks the views of the Committee on these concerns and asks if the Committee is considering any further work on the issue. As the letter appears relevant to these petitions it is included as Annexe F to this paper.

**Options for action on petitions PE1510 and PE1511**
18. The Committee is asked to consider and agree what action it wishes to take in relation to the petitions (see paragraph 5 for possible options). In relation to the PE 1510, the Committee may in particular wish to consider what impact the actual closure of the Inverness Fire and Rescue Control Room has on future consideration of the petition.
Margaret Mitchell MSP  
Convener, Justice Committee  
c/o Justice Sub-Committee Clerks  
Room T2.60  
The Scottish Parliament  
Edinburgh  
EH99 1SP

2. December 2016

Petitions PE1501 and PE1567

Thank you for your letter dated 13 October 2016 in relation to Petitions PE1501 and PE1567. I apologise for the delay in responding.

I appreciate that you already have a significant body of information in relation to these petitions. Stephen McGowan, Deputy Director of Serious Casework at COPFS, wrote to the Convenor of the Public Petitions Committee on 13 February 2014 providing information in relation to various aspects of the Petition. He also gave evidence to the Public Petitions Committee on 3 June 2014. The former Crown Agent wrote to your predecessor on 21 January 2015, with further information on the level of investigation carried out into deaths classed as self-inflicted in Scotland. The former Lord Advocate also wrote to her on 25 November 2015, in response to her letter of 30 October 2015, to explain the differences between the coronial inquest system and the Scottish system of Fatal Accident Inquiries and independent investigation of deaths by COPFS, and the process of communication with bereaved families. Against that background, I can deal directly with the two issues which you have raised in your letter of 13 October.

You seek my view on the reasons for the "discrepancy between the numbers of inquests in Scotland and those in other jurisdictions". Your letter annexes Mr Graham’s most recent submission in respect of PE1501, which incorporates a table which bears to compare "rates of coroners’ inquests in selected jurisdictions", including Scotland.
The key point is that the system of investigation of deaths which we operate in Scotland is not truly comparable with systems which use a coronial inquest system. The role of the procurator fiscal is different from that of a coroner; and an inquest takes place within a different framework from a fatal accident in Scotland. Accordingly, a comparison between the incidence of inquests in England & Wales and the incidence of FAIs in Scotland is not, it seems to me, a particularly meaningful comparison.

Whilst there are proportionally more coroner’s inquests in England and Wales than there are FAIs in Scotland, that does not imply that we do not, in Scotland, investigate deaths thoroughly and appropriately. The procurator fiscal may be involved at a very early stage in the investigation of a death, and may direct the police investigation, particularly where there appear to be suspicious circumstances. The fiscal will, if required, call for additional information, in the form of witness statements, medical records and other expert reports, if this is necessary to ensure a thorough investigation. Where the circumstances merit it, consideration will be given to the holding of a fatal accident inquiry.

You have also highlighted, for my comment, Mr. Ross’ comments about disclosure to relatives. It is, I think, important that I make clear both the limits on the disclosure which may properly be made, while at the same time affirming the commitment of the Service to keeping bereaved relatives informed about the progress of an investigation, and disclosing to them such information as may properly be given to them.

On the latter – my commitment and the commitment of the Service to disclosing such information as may properly be communicated to bereaved relatives – I draw your attention to the Family Liaison Charter, published in September 2016 under section 8 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016. This supplements other materials which explain the role of COPFS in the investigation of deaths, including a booklet entitled “Information for bereaved relatives – the role of the Procurator Fiscal in the investigation of deaths” and an information leaflet from our Victim Information and Advice service (VIA) “Advice for Bereaved Nearest Relatives in Cases of Crime-Related Deaths”.

The Family Liaison Charter sets out the ways in which COPFS will communicate with bereaved relatives and, in particular, sets out a number of commitments to bereaved families which are listed on pages 18 and 19. These commitments include the following: to contact the bereaved family within 14 days of receipt of the post mortem report to discuss and answer questions; to contact the bereaved family within 12 weeks of the report of the death to inform of progress; to offer a personal meeting within 14 days and to have regular contact every six weeks to update on developments; to take the family’s view into account when reaching a decision on whether to hold a discretionary FAI; to meet with the family to explain the reasons not to hold an FAI; etc.

As Mr McGowan advised in his letter of 13 February 2014, COPFS launched the Scottish Fatalities Investigation Unit (SFIU) in October 2010. SFIU is a specialised unit with responsibility for investigating all deaths that require further investigation allowing such investigation to be carried out thoroughly and expeditiously by dedicated specialists.
SFIU is now the central point for liaising with the nearest relatives of a deceased’s family in relation to a death investigation. In addition to expert investigative staff, SFIU has a dedicated and very experienced member of the COPFS Victim Information and Advice (VIA) staff who is specifically trained on dealing with bereavement.

Liaison with the deceased’s family forms an integral part of any deaths investigation. There cannot, of course, be a “one size fits all” approach to death investigations as each death has its own unique facts and circumstances and the level and type of interaction with a family will very much depend on the needs, concerns and wishes of that family. The Crown seeks to be sensitive to the wishes of members of the deceased’s family as regards the method of, and approach to, communication.

Where the family of the deceased wish to be advised of the information uncovered as a result of the investigation then SFIU will advise them of what the investigation has found and share such information as may properly be disclosed. If family members wish to have sight of evidence obtained during the investigation, such as pathology or other expert reports and photographs, then these will be disclosed in as sensitive a manner as possible. For instance, sometimes the disclosure of a post mortem report will be arranged through the family GP where, for example, medical terms require to be explained and the family prefer that is done in such a setting.

However, it would not normally be appropriate or proper to provide access to copies of all the information ingathered in an investigation. Public authorities, including the police and COPFS, are constrained in that regard by legal duties, including obligations under the Data Protection Act 1998. In particular, it is well recognised that there is an overarching public interest in keeping confidential the specific results of police and prosecutorial investigations unless and until criminal or FAI proceedings in court allow evidence to be led. There are specific exemptions in that regard under the Freedom of Information (Scotland) Act 2002.

I can illustrate the point by reference to witness statements taken by the police. Family members may wish to see these, but this is not usually possible or appropriate. The police obtain witness statements to assist their investigation of accusation of criminality or of a death which requires further explanation. They are not at liberty to pass on such statements to third parties. They may pass them to the Procurator Fiscal, but do so solely for use by COPFS in the context of the Crown’s investigation. Thereafter, COPFS may arrange for disclosure to another party, in the context of the Crown’s responsibilities – for example by virtue of the Crown’s disclosure obligations in criminal proceedings – but that would not generally cover disclosure of such statements to family members of a deceased individual. If a FAI is held, witness statements will be disclosed – either to the family members’ legal representatives or, if they are not legally represented, on the basis of strict undertakings as to the use to which the statements will be put.
You will appreciate that investigation of deaths is undertaken by the Crown independently, in the public interest, and pursuant to the Crown’s public responsibilities. Those responsibilities impose constraints on the Crown as regards disclosure of information. Within those constraints, the Crown continues to make appropriate information available to the relatives of the deceased in accordance with the approach which I have described above.

W. JAMES WOLFFE QC
Stuart Graham Petitioner PE1501: Response to Lord Advocate Letter

Thank you once again for taking the action to request this response from The Lord Advocate and for having the opportunity to respond to it. In doing so, I realise that his response is to the same questions asked of others essentially from the same organisation and therefore gives rise to significant duplication.

This latest letter from The Lord Advocate therefore does not add much to what has been said before from COPFS or others officials on this matter. While I am repeating my own inputs, I do regard any improvement in working with the family and the setting up of the Cold Case Unit as a positive factor.

I think it is important to highlight that although both the Scottish and English/Welsh Legal obligations in investigations of sudden and suspicious deaths are ostensibly derived from the same legal legislation regarding investigation protocol, public disclosure and privacy, the fact that there are 30000 inquests/year in England/Wales in comparison to 60 year in Scotland represents a scale of differential that surely needs addressed. To effectively say that the people of Scotland have no need of such disclosure is not only wrong but is also not based upon any legal basis and therefore must be seen as a matter of political choice.

In proceeding, I feel I do have to reiterate that our petition is not about how the investigation is handled nor is it a criticism of Police Scotland in comparison to the Police across the rest of the UK. Our petition is a suggestion on how to help families that feel the need for greater insight into the death of loved ones to help aid closure. It is about how bereaved families are considered within our system. Once again, the information given in the letter from The Lord Advocate does not address this gap, as it is still very much from the COPFS perspective of what they think the family needs. It greatly concerns me that this has been a consistent theme from the outset in the responses given.

I would like to restate key points of our petition proposal:-

- It is to aid personal closure for families
- There is no interference in investigation protocol
- Information is released upon closure of Investigation
- Information would only be released upon a decision of Accident or Suicide
- There is no information released unless requested by the family
- There is no request for an FAI nor do we think this would be an appropriate vehicle

In laying these points out I believe it renders mute any talk regarding the investigation or any interference, it addresses the fact that some will not wish further exposure to the system or detailed information, and finally it in no way relates to FAIs. It does however address those ignored in all but one feedback from authorities, those that have questions and need more. Also, in doing this, I believe that there is respect for the existing protocol and in effect should only support its effectiveness if and when findings are tested.
Within the feedback there is reference on the independence of The Procurator Fiscal and information release from experts such as pathologists. I would like briefly to address each of these.

With regards the independence of The Procurator Fiscal in leading the investigation into any death, in principle at least there is no dispute. The deeper issue becomes when we examine completion of the investigation. Upon completion, both Police and Fiscal are now clearly interdependent and thus they are not independent of the investigation and its findings. You cannot lead an investigation and then claim you are independent of that investigation. When a Fiscal represents findings to a family, they are in effect representing their own and police efforts and findings. This fact is illustrated in the criminal justice system, in that the findings both for and against prosecution must be shared before they are tested in a public court. Yet, innocent parties have no recourse for access to the fundamentals of the investigations, when surely the same principles should apply and thus deliver genuine access to justice.

It is noted that expert findings such as pathology reports are shared with families. To the layperson this may seem like a significant release of information until you understand that other than cause of death and the most obvious of events it informs you of very little more. It is very important, but invariably not conclusive. I think that the following words, taken under oath from a very experienced Crown Pathologist, explain best:

“That’s a stab wound, but the manner of death and the mechanism of death require consideration of the history and circumstances in every case, yes, and sometimes it’s more important than others. Sometimes a cause of death can be almost exclusively based upon the circumstances. Yes, and we find very little at autopsy, or nothing. So yes, we require the history of the circumstances and the examination of the body in every case.” DS 2011

The essence of this is that the details of the Police investigation, beyond expert inputs, is of critical importance when developing a conclusion and yet this is not shared in full when the diagnosis of Suicide or Accident is reached. In so many cases the decision that has been reached is beyond even an expert’s capability, but it is not contested and is not open to be contested at any meaningful level. By this, I mean what is required for an individual to be able to contest is a great deal of time, the willingness to absorb and cope with great emotional stress and financial resource.

I think this lack of transparency must be considered in contrast to England and Wales. This was best stated by ex-head of West Yorkshire CID, Tony Whittle, who highlighted to the petitions committee that when he carried out a sudden death investigation in England, he always knew that he would either stand in a criminal court or face the Coroner’s questions to answer openly on all aspects of his investigation. Tony also highlighted the upside to Police and Family relations through this open sharing of information.

It is when we look further at key aspects of the role of Coroner and family we see the gap between Scotland and England/Wales growing even greater. These points are from current Coroner’s assistant.
Coroner’s Officer liaises with family, briefs them on the process and notes any relevant information or concerns.

Where they wish to have details, C.O. will email the relevant statements to them as they are obtained. (Addresses and contact details are not included in the text of witness statements in E & W)

The full autopsy report is not passed to them (out of consideration for their feelings) unless they wish to have a second opinion, but a short form report giving the cause of death is provided.

Family have the opportunity to raise any questions and seek more info from C.O. in an informal way.

Coroner will decide if a full Inquest is necessary.

In the event of a full Inquest they have the opportunity to question any witness on any aspect of the case.

I believe that three key points stand out, the first is that the individual the family deals with has had nothing to do with the investigation and thus has nothing to prove or defend, i.e. they are truly independent of the investigation and findings. Further to this, statements are released to families and subsequently they have the right to question those witnesses.

When we consider the number of FAIs we are limited to in Scotland and put it with the lack of genuine independence and lack of information, the discrepancy is staggering. I genuinely believe this is disrespectful to the many families who just want greater insight than is presently released. It is also quite unbelievable that two nations guided by the same principle laws have such a wide discrepancy in application. It is of further concern that it is here in Scotland, that there is such poor consideration for the families of deceased.

The final point with regards to our petition, I note that in absolutely no feedback to date is there any attempt to answer why the citizens of Scotland do not have similar rights to those in England and Wales when it comes to reviewing cause of death and review of investigations.

It is apparently ok to share information with murderers but not innocent families who just need closure. The law does not prohibit sharing information only protocols and intent do this. There are no barriers to disclosure being provided, as long as it is managed effectively.

The essence of our request has been supported by Victim Support Scotland and The Law Society of Scotland, but our authorities seem to want to prohibit a progressive step on behalf of ordinary people.

Stuart Graham

Additional information provided by the Petitioner 9 January 2017

I hope that this small attachment can be added for review along with my last response to Lord Advocate’s inputs to PE 1501.

I have taken two very recent coroner’s review findings to hopefully highlight the power of deeper review of death investigations. These are two very different cases but neither would likely to happen in Scotland. Both help the parents get to closure.
and also, especially the second, may prevent further deaths. If you notice it is clear these cases do give families a voice and aid closure.

**Reported 4th January 2017:** Coroner halts an inquest into the death of boy, 11, who drowned in a canal after his mother claimed he was pushed into the water by 'bullies'

- Subhaan Ali died after going in water near home in Rotherham, South Yorkshire
- Boys he was with said he jumped in after another boy lowered himself into water
- But his mother, Zaura Ali, today told an inquest that her son was scared of water
- She claims he was pushed by bullies and will 'never accept' he chose to jump in
- Boys had inconsistencies in stories and coroner demanded to know why police did not treat them as suspicious

*I believe that the importance of this case in the context of our petition relates to the mother being armed with sufficient evidence (statements) that supports her questioning if her son really did die accidentally. The outcome is not the issue but this mother would have been left with this doubt/questions forever without having the opportunity to truly question. An interesting aspect was that police officers were asked the reasons for their position and highlighted the manner that witnesses versus suspicious circumstances are questioned. - Stuart Graham*

**On December 17th (2016)** West Sussex coroner Penelope Schofield concluded the full inquest into the tragic death of baby Grace and recorded a verdict of accidental death. However, she issued a warning against parents using any co-sleeper with a partially lowered side.

"I do not want to create panic amongst consumers but while this review is being taken it's clear to me that infants under six months should not be left in any crib where the side has been partially lowered and death in these circumstances could occur in a matter of seconds. It would be irrelevant whether a baby was being supervised or not."

Grace's parents, welcomed the coroner's report, calling it a "huge relief", however, they say they are yet to receive a personal or direct apology from Bednest.

As a result of the tragic accident, the National Children's Trust (NCT) initially stopped selling the BedNest bedside crib and urged parents who used a Bednest Bedside crib not to leave their baby unattended in the crib when tilted or with the side incompletely lowered.

*In this case, not only does the family get closure but an effective message is sent to the broader society to ensure that awareness of concerns are aired. - Stuart Graham*
Submission in support of PE 1501

In May 2015 I gave evidence to the Justice Committee with regards to Fatal Accident Investigations in Scotland. I pointed out, much to everyone’s surprise, that the deaths of military personnel were not covered by the mandatory category, unlike their civilian counterparts. I am pleased to report that this anomaly is in the process of being rectified and new legislation will come into effect in May of this year. This important fact is missing from the COPFS submission.

I would now like to address the lack of communication between COPFS and families of the deceased. In July 2012, follow the tragic Tornado collision over the Moray Firth, which resulted in three fatalities, Flt Lt Poole’s body (one of the deceased) was repatriated to Wales for burial at the request of the family. I bring the following disturbing facts to the committee’s attention;

(1) At the time that Flt Lt Poole’s body was repatriated to Wales it left the jurisdiction of the Scottish legal system for the jurisdiction of the English/Welsh coronial system. A fact not made known to the family.

(2) Under the Scottish system, the family could expect no more than a discretionary FAI, due Flt Lt Poole’s ‘non-employee’ status, under the English/Welsh system they could expect a mandatory inquest. A fact not known made known to the family.

(3) There has never been a discretionary FAI involving only military personnel. A fact not made know to the family.

(4) A coroner’s inquest could have been opened before the funeral in Wales on 18th July 2012, then set pending collection of evidence. The inquest could have been reopened in early 2014 once the Service Inquiry report was issued. A fact not made known to the family.

(5) Based on past events (Hercules accident in 1993) the need for an FAI may have been deemed unnecessary for the other deceased crew members, in view of an inquest taking place in Wales. A fact not made known to ALL the families.

During this emotional and depressing time of repatriation there was no contact between COPFS and the Poole family. As a consequence an inquest was not opened in Wales and an FAI did not happen in Scotland. The net result was that the family was denied an independent judicial inquiry into their son’s death due to the omission of information.

I am not sure whose job it was to inform the Poole family of the above facts, but those in the know remained silent at a time when guided advice was essential. The lack of coordination between the offices of the Lord Advocate and the Chief Coroner is something that needs to be examined. We seem to have legislation regarding the transfer of inquiries from South to North (Section 12 of Coroners and Justice Act 2009), but nothing going the other way.

James Jones
14th January 2017
18 November 2016

Justice Committee Clerks
Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

e-mail: justicecommittee@parliament.scot

Johnny Gwynne
Deputy Chief Constable
Crime & Operational Support
Tulliallan Castle
Tulliallan
Kincardine
FK10 4BE

Tel: 01259 733138
DCC.CrimeOpsOffice@scotland.pnn.police.uk

Dear Convener,

Public Petitions PE1510 and PE1511: Police and Fire Control Rooms

Thank you for your letter dated 13th October in relation to the planned closure of Police Control Rooms in Aberdeen and Inverness.

As you are aware the Scottish Police Authority (SPA) has approved a revised indicative timeline for the planned closure of Aberdeen Control Room in March 2017 and Inverness Control Room in June 2017. Command and control activities from both sites will transition into the new North Area Control Room located in Dundee.

Significant planning and assurance activities are ongoing to demonstrate to key stakeholders and governance bodies that, in advance of any request to the SPA to close an existing site, we are able to provide high levels of confidence that front line command and control activities will be maintained, that the benefits associated with the change are realised and that the public will notice no detriment to local delivery.

The C3IR Programme now reports on a monthly basis to the SPA Governance and Assurance group to demonstrate robust programme management and to evidence that the proposed changes are being delivered in a safe and assured manner.
At this time, and until we receive formal approval to change, the existing control room sites in Aberdeen and Inverness remain fully functional and responsible for the management of incidents within their command area.

A Service Overview, similar to those currently in place in Glasgow and Edinburgh, has been introduced in Dundee to manage firearms incidents across the North Command area. This has been an operational decision to ensure that these high risk incidents are managed and coordinated in the most effective way to maintain public safety.

I can confirm that there has been no movement of control room staff from Aberdeen or Inverness to Dundee and, with the exception of managing firearms incidents, legacy operations remain in place within Aberdeen and Inverness. There are, however, control room staff from Dundee being deployed in Aberdeen to support the existing model and gain experience of some of the unique policing issues experienced in North East Scotland.

Although planning for the creation of a new National Database Enquiry Unit in Inverness is at an advanced stage, there have been no additional tasks rerouted to Inverness and the current position will remain in place until the future model is tested, assured and approved and we receive approval from SPA to proceed to implementation.

I trust this provides the required assurance to Committee members, however, remain available to provide further assurance, if required.

Yours sincerely

Johnny Gwynne
Deputy Chief Constable
Crime & Operational Support
Annexe E

Petition PE1510: Submission from Petitioner

Thanks for your email regarding the petitions.

I have read over the response from Police Scotland and find it to be nothing more than an exercise in lip service and box ticking in order for them to go ahead with the intended closures.

Sadly, it has already been proven that the centralization of emergency call centres is detrimental and dangerous when the ambulance call centres previously attempted a similar cut to their services. The issues highlighted, in both petitions, remain. The only acceptable response is to keep these centres open, perhaps even improving them through a Blue Light coalition service whereby information sharing between forces would be fluent.

I am under no illusion that the closures will go ahead, however I am thankful to your office and the Justice Committee for giving such consideration to our petitions. In the short term it is a comfort to know that, at least for a little while, the Aberdeen and Inverness call centres have remained operational for a bit longer, therefore creating minimal risk to the public in these areas.

Kindest Regards
Jody

Petition PE1511: Submission from Petitioner

The Police Scotland petition belongs to Jody Curtis, my own Petition only covers the Inverness Fire Service Control Room, however I'm exceptionally disappointed to have learned, and it is also in open media already, that the control room in Inverness is closing long before the conclusion of any of the involved Committees findings and I would like it known that this is exceptionally concerning, that these closures can go ahead when there is still live petitions at the parliament, unless the Parliament would like to conclude that these petitions are nothing more than a paper exercise and lip services to the wider public and the Scottish tax payers.

Laura Ross
Annexe F

Tavish Scott MSP
Member of the Scottish Parliament for Shetland
Margaret Mitchell MSP
Convener
Justice Committee
Scottish Parliament
Edinburgh
EH99 1SP

12 January 2017

Dear Margaret,

I am writing in relation to the Scottish Fire and Rescue Service (SFRS).

As you may be aware, concerns about the effectiveness of the centralised service have recently been reported in the media in respect of the Dundee Control Room that now covers the entire north of Scotland. I have been contacted by a retired senior officer who noted that, in the month since the closure of the Inverness control room, "stounding mistakes" have been made.

These include an example in my own constituency of Shetland, where a fire crew was dispatched from one island to another despite five stations being situated closer to the incident. I have discussed this particular incident with the Chief Fire Officer Alasdair Hay.

During the previous session of Parliament, the Justice Committee issued a call for evidence on the closure of northern control rooms. Concerns were highlighted about the impact of losing local knowledge. These fears have been illustrated by the evidence I have been given by former Highlands and Islands manager for SFRS, Alec Kidd, and I attach his comments for your consideration.

I would be interested to hear your thoughts on this matter and whether your committee are considering any further work in this important area.

Yours sincerely,

Tavish Scott MSP

Tel: 0131 348 6206 Email: tavish.scott.msp@scottish.parliament.uk Website: www.tavishscott.com
The Scottish Parliament, Edinburgh, EH99 1SP
Hi Nicola, Margaret, Drew, Fergus, Tavish and David,

It has come to light that there has been many potentially life threatening mobilisation disasters within 30 days of the closure of Inverness Command and Control Centre and calls going to Dundee. I have received several correspondences from concerned Highland and Islands Firefighters who have confirmed my and everyone else connected to the fire service’s fears that lives may be lost as the loss of local knowledge and capacity is already leading to major delays and mistakes in mobilising.

In the first month from the Inverness Control closure, there has been some really astounding mistakes made, such as the unit on the Island of Bressay being turned out to go to an incident on the island of Yell because it allegedly looked closer on the map, there is 5 other stations closer to Yell. Another incident where Lairg were called out to attend an incident in Skye, a 2 hour journey and over 100 miles away. Several other incidents have been reported where the wrong appliances were turned out, insufficient appliances were turned out, appliances were sent to the wrong address and no cover put in place from Golspie to Dingwall for a whole day. Another couple of very alarming mistakes involving very serious road accidents where firstly Aviemore, Grantown and Carrbridge were mobilised to an accident at Tomatin, when Inverness were closer than both Grantown and Aviemore, and would probably have been in attendance before Carrbridge. Secondly the Emergency Tender was not initially mobilised to the fatal RTC at Lochend before Christmas, it was only mobilised when one of the appliances attending developed a fault.

These are only the incidents that I am so far aware off, I would imagine there are others, as a former Senior Officer in the Highlands and Islands Fire and Rescue Service, I and all my colleges, have warned about this for many years now and no one has taken our warnings seriously. It is now a sad fact that the Single Fire Service is failing badly the people of the North of Scotland in Highland and the Island Community’s it is meant to be protecting. The closure of Aberdeen and more so, the Inverness Fire Control has destroyed many decades of local knowledge and experience and has exposed the Dundee Control Centre as not fit for purpose. It is known by all firefighters and managers that the 3 Control Centres will not cope and it has already failed many times just 30 days into being. The 3 centres will not cope with spate times when hot weather or natural disasters like heavy rainfall and high winds occurred, when the 8 centres could beary cope, how will the 3 centres manage? They won’t is the answer!

It is not difficult to understand, but I am afraid the former Justice Secretary Kenny Macaskill didn’t understand and has done the people of Scotland a major injustice when he blindly barged ahead with the Single Police and Fire Service in Scotland. He was told by myself and many other Senior Service Officers on many occasions and at times very vigorously that the now published report he based his single service model on was a complete shambles and full of inaccurate predictions of projected savings and an exaggerated single service ability. It was generally accepted by all concerned that the status quo. was not acceptable or desirable and that huge savings could be made by amalgamating the 8 existing services into 4 or 5 services which would still be regionally controlled and have regional governance. This fell on deaf ears and we now have a Police and Fire Service in Scotland which are both clearly unfit for purpose and crumbling with every day that passes. One of the obvious follies Kenny Mackaskill’s report had, was the fact that the single services would both have to pay VAT, unlike any other service in the UK, he was warned and did not listen and now the VAT bill which was not budgeted for is an annual needless burden on our services which would not have been the case with 4 or 5 regional services as was recommended. The VAT bill alone would be
sufficient to fund a total reversal from single services back to 4 or 5 regional services. The governance of the single services has never been adequate and it has been condemned again this year by Audit Scotland as being inadequate and impotent in managing the services. A prime example of this was the SPA’s inability to control Sir Stephen Houses Gun Policy and their inability to hold the Police Chief to account on a number of issues combined with the total lack of local accountability to the public and local elected members in the Highlands and Islands.

The present situation needs urgent attention and a timeous reversal of the closure in Aberdeen and Inverness, very quickly before the skilled personnel move on to other work and the systems are stripped out and sold off to try and meet massive budgetary shortfalls. The fire crews I have spoken to have all been told to keep quiet and not to divulge information and are therefore reluctant to be identified, however I am very sure you as Councillors, MSP’s and MP’s can find out the sorry facts for yourselves. The public and the police and fire crews in Scotland deserve better than this and have been failed by the former Justice Secretary in a big way. Lives will eventually be lost and crews are being exposed to lack of supervision, training and support due to the desperate need to run the national services by budget, rather than manage by risk to the public. Both services are suffering from very poor moral and most of the people serving now have no faith in the single services and would gladly welcome an urgent move back to local control, local accountability and local governance.

The Fire Control and Police Control model is not working and needs reversed immediately together with a move back to regionally controlled services as soon as can practically be achieved. It is heart breaking for all the dedicated former officers to see the state of both the services and it is no consolation for us to say "we told you so"! Please help and do something before it is too late, you all have a duty to the public to provide the best and most affordable services to protect us and you are all failing in your duty!

Regards

Alexander Kidd
Justice Committee

3rd Meeting, 2016 (Session 5), Tuesday 24 January 2017

Feedback from the Justice Sub-Committee on Policing

Note by the clerk

Introduction

1. The Justice Committee agreed at its meeting of 13 December that a paper should accompany any future agenda item on the feedback from the Justice Sub-Committee on Policing.

2. The Justice Sub-Committee on Policing met on 12 January 2017 to agree its forward work programme.

3. The agreed work programme is attached at Annexe A.

4. The next meeting of the Justice Sub-Committee on Policing is scheduled for Thursday 26 January 2017, when it will take evidence on the draft Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017.
Justice Sub-Committee on Policing Work Programme 2017

The Sub-Committee agreed to meet fortnightly to consider the following items of business:

26 January 2017

Draft Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017
To take evidence on the draft Scottish Statutory Instrument.

2 February 2017

Draft Stop and Search Code of Practice (Appointed Day) (Scotland) Regulations 2017
To consider and agree a report back to the Justice Committee on the draft Scottish Statutory Instrument.

Meeting dates to be confirmed

i6 programme cancellation
To take evidence on the i6 programme from Audit Scotland, Police Scotland and the Scottish Police Authority following the publication of the Auditor General for Scotland’s report and the findings of the Public Audit and Post-legislative Scrutiny Committee.

Police body cameras
To seek a written progress update from Police Scotland on its work on the benefits of a force-wide deployment of body worn cameras.

Call handling
To take evidence from HM Chief Inspector of Constabulary in Scotland following the publication of the Update Report into Police Call Handling, which will be published in January 2017.

Counter Corruption Unit (renamed the Anti-Corruption Unit)
To request an update from Police Scotland and the Scottish Police Authority once the Durham Constabulary and Northumbria Police reviews of the Counter Corruption Unit have been completed.

Designation of local police commanders
To hold an evidence session on the designation of local police commanders.

Surveillance
To write to the Cabinet Secretary for Justice to seek an update on the terms of reference for HM Inspectorate of Constabulary in Scotland’s review into undercover policing in Scotland and to consider the outcome of the review after summer recess.

Audit of the Scottish Police Authority
To invite the Auditor General for Scotland to provide evidence on her 2015/16 audit of the Scottish Police Authority and to request a timetable from HM Inspectorate of Constabulary in Scotland for its inspection of the Scottish Police Authority (as part of its 2017-18 scrutiny plan).
Short-term financial planning
To invite Police Scotland and the SPA to provide evidence on their short-term financial planning before summer recess.