



OFFICIAL REPORT
AITHISG OIFIGEIL

Public Audit and Post-legislative Scrutiny Committee

Thursday 27 February 2020

Session 5



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Pàrlamaid na h-Alba

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PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE
6th Meeting 2020, Session 5

CONVENER

*Jenny Marra (North East Scotland) (Lab)

DEPUTY CONVENER

*Liam Kerr (North East Scotland) (Con)

COMMITTEE MEMBERS

- *Colin Beattie (Midlothian North and Musselburgh) (SNP)
- *Bill Bowman (North East Scotland) (Con)
- *Willie Coffey (Kilmarnock and Irvine Valley) (SNP)
- *Alex Neil (Airdrie and Shotts) (SNP)
- *Anas Sarwar (Glasgow) (Lab)

*attended

THE FOLLOWING ALSO PARTICIPATED:

- Lynn Brown (Scottish Police Authority)
- David Crichton (Scottish Police Authority)
- Susan Deacon (Former Chair, Scottish Police Authority)
- James Gray (Police Scotland)
- Clare Hicks (Scottish Government)
- Paul Johnston (Scottish Government)
- Chief Constable Iain Livingstone QPM (Police Scotland)
- Liam McArthur (Orkney Islands) (LD)

CLERK TO THE COMMITTEE

Lucy Scharbert

LOCATION

The Adam Smith Room (CR5)

Scottish Parliament

Public Audit and Post-legislative Scrutiny Committee

Thursday 27 February 2020

[The Convener opened the meeting at 08:30]

Decision on Taking Business in Private

The Convener (Jenny Marra): Good morning and welcome to the sixth meeting in 2020 of the Public Audit and Post-legislative Scrutiny Committee. I ask everyone in the public gallery to switch off or turn to silent their devices, so that they do not affect the committee's work.

I welcome to the meeting Liam McArthur, who is joining us for this session.

Agenda item 1 is a decision on taking business in private. Do members agree to take item 3 in private?

Members indicated agreement.

Section 22 Report

“The 2018/19 audit of the Scottish Police Authority”

08:30

The Convener: Agenda item 2 is consideration of the section 22 report, “The 2018/19 audit of the Scottish Police Authority”. I welcome to the meeting Lynn Brown, the interim chief executive of the Scottish Police Authority; David Crichton, the vice-chair; and Susan Deacon, the former chair.

I understand that David Crichton and Susan Deacon have short opening statements to make. I invite David Crichton to go first.

David Crichton (Scottish Police Authority): Thank you, convener, and good morning, everyone.

We believe that the Auditor General's 2018-19 audit is a very fair and constructive report on the progress that has been made by, and the challenges that still face, the governance of Scotland's police service.

We have accepted the recommendations in the report that are specifically directed towards the authority, and we have already acted on them. For example, over the past three months, the authority has approved a risk management framework and a risk register; strengthened our oversight of transformational change in policing; approved a senior management structure within the authority; and prepared a draft corporate plan, which we are now discussing with stakeholders.

I want to acknowledge the Auditor General's remarks on the need to consider the overall system for the governance and scrutiny of policing, of which the authority is one part. In relation to that, we are now revising our governance and accountability framework with the Scottish Government, and we will participate fully in the Cabinet Secretary for Justice's forthcoming round table with all the relevant organisations.

Those are all positive developments, but we remain acutely aware of the many challenges that policing faces and of the authority's duty to address them robustly, effectively and with an independent voice. I have publicly commented on the continuing deficit in police funding, which the Auditor General rightly highlighted. Also, for a service in which more than 85 per cent of expenditure is on workforce costs, the absence of a workforce plan that is based on robust evidence of demand and productivity is a continuing weakness, and it makes it difficult to properly assess the numbers and skills of officers that are

required. I am very pleased that the chief constable has committed to resolving that issue.

In the face of those challenges, I firmly believe that we have a strong, professional and compassionate police service that we can be proud of. Maintaining that service while holding it to account is the authority's principal duty. We will continue to do that within the wider framework of police governance, which we believe remains appropriate and can be made to work in the public interest.

Susan Deacon (Former Chair, Scottish Police Authority): I thank the committee for the opportunity to be here today. I welcome the chance to share some of my thoughts and reflections as someone who served as chair of the SPA for two years and who has watched with interest the development of the system of policing and its governance in Scotland since the Police and Fire Reform (Scotland) Act 2012 was put on the statute book.

I particularly welcome the comments that the Auditor General made at the committee's meeting on 9 January, when she said that it is

"now time for a review of the way in which the system of governance and accountability as a whole is operating, which should take in the roles that are played by the Scottish Government, Her Majesty's inspectorate of constabulary in Scotland and the Police Investigations and Review Commissioner",—[*Official Report, Public Audit and Post-legislative Scrutiny Committee*, 9 January 2020; c 3.]

as well as others. I think that there is a real need and an opportunity to look at that system as a whole. Now that we are in a position in which Police Scotland has developed and strengthened, I think that the time is right to do that.

When I came into the role of chair of the SPA—I am conscious that that predates the time of David Crichton and Lynn Brown—I saw up close and personal just how challenging things could become when there were serious issues and failings in leadership and governance in the police service, the Scottish Police Authority and the wider landscape.

It was a formidable job of work to strengthen and stabilise those arrangements, but simply putting out fires is never enough. We have to make sure that a robust and rigorous system is built, so that more fires do not start in the future. In much of the discussion that has taken place over the months in the public domain and in meetings with various parties that I have been party to, it is clear that the one thing that there is agreement on is that there is not agreement on how this system should work. To simply look at the SPA in isolation is to fail to consider how that cluttered and complex landscape, which was put in place in some haste back in 2012-13, is working as a whole.

I often turn to the Einstein quote that the definition of insanity is doing the same thing over and over again and expecting different results. After seven years of experience of our system of policing governance and accountability in Scotland, there is much reflection and learning to be done. More meetings, discussions, frameworks and laudable efforts to continue to improve bits of the system is not the same as looking at it as a whole and thinking about how it works and how it will withstand the test of time in the future.

The previous Cabinet Secretary for Justice recognised that there were issues with the secondary legislation and put in place the Angiolini review. A similar piece of work now would serve a very useful and meaningful purpose.

I again thank the committee for the chance to be here and will obviously be happy to answer questions.

The Convener: Thank you very much indeed. I ask Alex Neil to open the questioning for the committee.

Alex Neil (Airdrie and Shotts) (SNP): I want to follow up on what Susan Deacon has just said, because I think that the key recommendation in the Auditor General's report was that the whole system—the police family—needed to be looked at in a comprehensive review. The committee has seen the SPA stumble from crisis to crisis, but it has been a lot more stable in the past two years. A lot of fires have been put out, and now seems to be the time to look at how the four or five organisations in the police family organise themselves and relate to one another. Even eight years on, the lines of accountability are not entirely clear.

Susan Deacon said that she supports the Auditor General's recommendation. I ask David Crichton whether the SPA supports the recommendation and sees the value in taking a fundamental look at the police family and how it should all hang together in the future.

David Crichton: We support the recommendation. I said in my opening remarks that I particularly welcomed the Auditor General's reflections on the overall system. I said, too, that the authority is only one part of that system, and any review should look at how the system functions as a whole.

I agree that the system is complex and multilayered, with scope for overlapping and confusion, and I agree with Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland that it merits a review. That is a healthy thing to do periodically in any system.

However, I also agree with the Auditor General that the authority and the overall system need a

period of stability. I do not think that the system is uniquely complex or confusing; anyone who works in the national health service, as I do, would be able to say that its scrutiny system is complex and multilayered. The question is about the level of review that should be undertaken. I am not convinced that a fundamental existential review of the SPA or any other part of the system is required, and I have not heard anyone argue for such a deep and fundamental review, but it is important and healthy for a mirror to be held up to the system to refresh it and to ensure that it can work efficiently and effectively.

Alex Neil: I want to pick up on your point about an “existential” review. None of us has suggested the abolition of the police service, but a fundamental issue is the relationship between the SPA as set up and Police Scotland as set up. There is a reasonable question to be asked about whether we need two organisations and, if we do, whether the roles and lines of accountability need to be much clearer.

The chief executive of the SPA is the accountable officer, but it is not always clear to the committee where their lines of duty and responsibility start and stop in relation to those of the chief constable. Although the chief constable is not the accountable officer, he is undoubtedly an accountable officer—not legally but in reality. We would think that the guy who has the most influence over the police service would be the chief constable.

The review would not be existential in the sense that we would do away with the service; it would be existential in the sense that we need to ask whether we need two bodies and, if we do, what the relationship between them should be and what their relationship with the rest of the police family should be.

David Crichton: That is a reasonable question. We have to take a step back and look at the original core principle and purpose of having the SPA sitting in the space between the police service and the Government. The core principle was the establishment of a buffer. It is important to have an authority in the middle that can, in some sense, protect the police service from overintrusion and direction by Government, but which can, at the same time, hold the police service to account in the public interest.

A core principle underlay the establishment of a buffer between the Government and the police service, and I have not yet heard any fundamental questions about that. If we still accept and respect that principle, there needs to be such an authority in that middle space. The SPA adds a level of scrutiny and provides another layer in the system. I understand the question about why we need that, because we do not have it in many other public

services. However, there is a core principle relating to how we hold policing to account while, at the same time, protecting it from direct Government control.

Alex Neil: Does Susan Deacon agree that we need the buffer? If so, should the buffer be the SPA?

Susan Deacon: It is important to have a buffer. When Parliament discussed the bill that became the 2012 act, it was clear about its intention to maintain separation, particularly between ministers and policing. In practice, that separation does not meaningfully happen. It is interesting that, as far as I can see, there has been a deafening silence from the Government in response to the Auditor General’s remarks.

As the vice-chair has just indicated, the proposal, as I understand it, is for the justice secretary to convene a round table so that the various bodies can discuss how all this might work better. Having spent two years as chair drilling deep into the system, looking at how it is supposed to work and trying to get different bits of it to work together, and having studied closely all that had gone before, I think that the system is not working as intended. There are all sorts of overlaps, duplications and gaps.

The recent HMICS report calls into question all sorts of fundamental issues. It says that the

“implementation of the role of Chair and its associated responsibilities, remains subject to interpretation”,

and that there are “anomalous relationships” and a “lack of clear locus for the SPA”

in relation to reserved matters. The report raises lots of questions and makes different suggestions about the relationship with local government. It also says:

“There is a lack of clarity as to the continuing role and remit of the Justice Sub-Committee on Policing”.

The report also again raises fundamental questions about where the accountable officer function should sit. Alex Neil suggested that it should sit with the chief constable, which, interestingly, is what the previous Auditor General recommended back in 2012. The report also notes that there are still questions about where the forensic service sits, which is a fundamental question.

I do not have all the answers to those questions, but what I do know is that, after seven years, they are still being asked. It is only right and proper that the issues are looked at more holistically. Something like £10 million a year is spent on the three bodies that are covered by the 2012 act: the SPA, the PIRC and HMICS. The Government has

a sponsor division with, I think, 40-plus people, and I do not know what the exact cost of that is.

Whether we look at the issue from the point of view of the cost to the public purse or from the point of view of an effective system of governance and accountability, it is unquestionably the case that there is no clarity. I know that a valiant effort is being made and that all sorts of work has been and is being done to try to get clarity on those issues. However, such clarity has not emerged in seven years of internal discussions within the system. As I said, there are examples of other pieces of work that have been done that are commendable in taking a step back—which I think is the phrase that the Auditor General used—and looking at the system as a whole, but I think that there should be a bit of public visibility, accountability and engagement around that.

08:45

The Convener: You said that the SPA should be a buffer between Police Scotland and Government but that it is not working as a buffer. Is that correct?

Susan Deacon: Even at the level of daily and weekly operations, the SPA is intertwined—joined at the hip, to some extent—with the Scottish Government and with many aspects of Police Scotland in terms of how services are provided to the authority.

Over the years, I have heard people use the phrase “independent SPA”, but it is interesting to question the notion of independence and ask what it means. I am not saying that these things are sinister; often, when we push into this terrain, people start talking about interference, inappropriate involvement and so on. I am just saying that, as the system has developed, it has become full of clutter and confusion and Government involvement. There are lots of interactions with the minister and lots of direct interactions between the minister and the chief constable. Those are just things that have evolved and developed and they need to be looked at afresh. I would also say—

The Convener: I am sorry to interrupt you, but you said that there is a lot of direct contact between the chief constable and the minister. Is that appropriate or inappropriate?

Susan Deacon: I would be loth to jump one way or the other, because it depends. For example, it is entirely appropriate that ministers should get direct briefings from the chief constable on significant operational issues or events. However, in practice, in many of the interactions around financial issues, for example, a multiplicity of conversations take place that variously involve the minister and civil servants having contact with

senior police officers and with finance, which of course has a dotted line back through to Lynn Brown as the accountable officer. There is a muddying of the waters throughout, which I do not think is right.

There is an issue around what might be called a democratic deficit in the current arrangement. I readily acknowledge that I thought that it would be possible to keep working away in an effort to create some of the separation that I think is needed.

The Convener: You say “separation”—separation between whom?

Susan Deacon: Separation between the Government and the authority.

I also thought that it would be possible to forge a relationship with this Parliament in which the independence of the authority and trust in the authority could be established. However, the fact that the authority is an arm of the Government militates against that. Over the years, a number of commentators have questioned whether ministerial public appointments are the best way of carrying out the role and that is the kind of question that should be discussed.

The Convener: That takes me right back to 2011-12, when I sat on the Justice Committee, which scrutinised the Police and Fire Reform (Scotland) Bill as it went through Parliament. At the time, some salient proposals were made to create that space, but they were rejected.

David Crichton, do you agree with Susan Deacon’s characterisation of the SPA as a body that seems not to be working as a buffer in the way that it should?

David Crichton: I go back to what I said earlier about the core principle of having a considerable degree of separation between the Government and the delivery of policing. The issue of how effective that buffer is—not whether there should be one—is one for the review to look at.

The Convener: With respect, I am asking for your opinion. Do you think that the SPA is an effective buffer between Police Scotland and the Government?

David Crichton: I think that it can be made to be one, because—

The Convener: Do you think that it is an effective buffer now?

David Crichton: The system is what we need to look at, not the particular role of the SPA, the Government, the police service or HMICS, all of which have legitimate places in the system. The review that we have to have—we entirely agree with the Auditor General and HMICS on this—

needs to look at the system, not one particular part of it.

Liam McArthur (Orkney Islands) (LD): I very much welcome Susan Deacon's comments, which reflect the Auditor General's remarks. In its recent post-legislative review of the 2012 act, the Justice Committee went over this ground. We kept coming back to the structural issue. We were often given assurances that the attitude and approach of the individuals in post circumvented some of the structural issues; however, that is not a great reassurance, because those individuals are not likely to be in post forever.

Susan Deacon has talked about the need for a review—and she is absolutely right. Everybody is coming at the issue from a particular angle, and there is no agreement across the parties and among many of the stakeholders, so who is best placed to carry out the review that you clearly consider to be necessary?

Susan Deacon: I am hesitant to offer too many suggestions, because it is for others to consider carefully how best to do that.

Liam McArthur: Clearly, from what you have said, a review could not be credibly managed by the Cabinet Secretary for Justice, with officials holding the ropes.

Susan Deacon: No.

Liam McArthur: Do we need the equivalent of the Angiolini review?

Susan Deacon: Yes, precisely. I have very carefully watched how things have developed since I stood down in December 2019, and there has been an awful lot of talk along the lines of, "Move along—nothing to see here", and, "This will all be better; this will all work". I do not think that that is good enough—and that is why transparency is needed in relation to any work in this area.

We need to move away from a preoccupation with the idea that, somehow, if people and processes in the SPA are changed, things will fall into place. Dame Elish Angiolini's review is an excellent piece of work. Her written interim report was one of the most insightful, incisive and accessible that I have seen—it really looked at how different aspects of the system are working.

As you know, the report looked specifically at complaints conduct and investigation issues. I am not sure whether the same model would translate to some of the wider questions about governance and accountability. However, independence and transparency are key to the process.

Alex Neil: Do you agree that it is important to consider Parliament's role? I certainly remember that, when the idea of a national police force was

mooted, there was discussion about Parliament having a direct role. One of the considerations of a review would be whether an organisation such as the SPA should be appointed by Parliament and not by the Government. The whole point of the buffer is to make sure that the police cannot be politically directed on day-to-day matters. That is about democracy and accountability.

I also have a question of fact, which may be for Lynn Brown to answer. How many full-time equivalent people does the SPA currently employ?

Lynn Brown (Scottish Police Authority): We have an establishment of 50 staff, with 37 people in post. We also have four secondees from the Scottish Government and one outside organisational development expert.

Alex Neil: Does that mean that the sponsoring department employs one person for every person in the SPA, monitoring them?

Lynn Brown: Since I arrived five months ago, the Scottish Government's police division has been very supportive—it has given me all the support that I need by providing extra staff members where there were gaps. It has helped me to navigate my way through the Scottish Government decision-making system. My background is in local government, not central Government, and I have found the police division to be very helpful. The number of staff that it provides is at its discretion. I have found that I have had their support when I have needed it.

Alex Neil: Could Susan Deacon and David Crichton answer my question about the role of Parliament?

David Crichton: I agree with Susan Deacon that the decisions on who undertakes a review and what the terms of reference should be are not decisions that the police authority or any part of it should make.

Alex Neil: I was asking a different question. I think that we all accept the principle of a buffer, but does the concept work better elsewhere? I do not know whether there are national police forces in Scandinavia, for example. Maybe a remit for the review could be to look at what happens elsewhere and at how effective that is.

If the purpose of the buffer is to make sure that the police service is not politically directed in its day-to-day operations, should it not be considered whether appointments are made by and accountable to Parliament rather than made by and accountable directly to ministers? That way, the buffer would become much more effective.

David Crichton: Both options would need to be tested. No obvious in-principle decision could be taken on that issue, and the choice has to be made by Parliament and Government. The SPA

will participate in a review, no matter what the terms of reference are and who is appointed to be the lead investigator.

We are talking about a relatively young system—it has been in place for six years. Systems of scrutiny in other parts of public service, such as health, have been developing since Parliament was established. I have direct experience of that system. The chair of a health board has a board, a sponsoring department, a relevant parliamentary committee and a cabinet secretary. A board can be inspected by Healthcare Improvement Scotland. There is a range of scrutiny mechanisms in any public service. I would emphasise the whole system, not any one part of it.

The question of how fundamental a review should be and the extent to which it should challenge the core principles that I spoke about earlier is for others to decide. I go back the point that this is a relatively young system, which is maturing. At this stage, the last thing that is needed is another fundamental shake-up of the system.

It is entirely appropriate that, as an initial step, the participants in the system should hold up a mirror to themselves and test where there are crunch points, overlaps, inconsistencies and gaps. If that is done transparently and thoroughly and the test of being an effective buffer and an effective scrutiny system is still not satisfied, then, by all means, have a more fundamental review. However, I think that the system is still relatively immature; relationships, roles and functions are evolving.

Alex Neil: Surely, the customers—the people—must have a role in the review. It should not just be done internally, with the civil service and the minister sitting round the table—that would be absurd. It is the customers who matter, and it should not all be producer-led.

David Crichton: It should be transparent.

Alex Neil: It should be more than transparent. The customer should have a say about where they consider there to be room for improvement.

David Crichton: I do not disagree with that point, but I still consider that, first of all, it is incumbent on those who participate in the scrutiny system to question the effectiveness of the relationships.

Alex Neil: What is Susan Deacon's view on the matter?

Susan Deacon: That response would have been sufficient if this discussion was being had in 2015, but it is being had in 2020. There has been no end of effort to conduct some of those internal discussions to get agreement in the system.

In all fairness to David Crichton and Lynn Brown, I accept that it is much easier for me, now that I am outside the system, to speak freely on a lot of the issues. However, that is precisely why I want to be very direct and honest with members. These are matters of public interest and need to be addressed.

The fact is that the legislation was taken through Parliament very quickly. In her review report, Elish Angiolini said:

“The draft legislation was put together rapidly, the passage of the Bill was completed by the Scottish Parliament in a relatively short period of time and the implementation period for the changes was compressed and challenging.”

I have heard the current cabinet secretary say, “No, it was not taken through too quickly”, but I thought that that point, at least, was accepted by everybody. The Auditor General has certainly said that from her earliest reports back in 2013.

The legislation was done quickly. That is the starting point. Seven years on, it is clear that there is still a lack of clarity, so there needs to be a rounded, thorough piece of work about how the system should work in the future.

09:00

I turn to the specific issue of Parliament's role. I have travelled a real journey on that issue, based on my experience, my examination of the statute and my interactions with Parliament's committees and many of its members.

I think that any review process should revisit the ideas that were mooted at the time when the legislation was first discussed, as the convener has touched on. A number of options were suggested as regards the relationships with Parliament. One variant evolved into the Justice Sub-Committee on Policing, but there were many others.

The then Auditor General said that one option would be to have a body like the Scottish Commission for Public Audit, of which Mr Beattie is the chair and on which other members of this committee sit. It provides oversight of Audit Scotland and helps with the distancing of matters from what we might call the raw politics that are involved.

Lots of options exist. However, simply having people in the system talking to each other has not worked in the past seven years, and it is unlikely to do so in the period to come.

The Convener: Susan Deacon mentioned the commission that Colin Beattie chairs. The key element of the commission is that it appoints board members for Audit Scotland, whereas

appointments to the SPA are ministerial ones. Perhaps that is one reason for the buffer failing.

I am quite surprised by David Crichton's response to Mr Neil that a review should be internal. As Mr Neil said, any review should involve the customers. Scotland has now had a period of seven years in which the relationships between the chief constable, the SPA and the Government have been, frankly, a bit of a pantomime from the start. Why would the SPA not be open to the process being much more transparent?

David Crichton: In my opening remarks, I said that we were open to that. I have agreed with the recommendation that there should be a review. However, it is not necessarily for us to determine any review's extent and scale or the methods that it should adopt.

Throughout its entire existence, the policing governance and scrutiny system has lacked stability and clarity. It is fundamental that those be introduced. The prospect of another year or so of uncertainty while a major review is undertaken will simply prolong such instability.

The Convener: But we have waited for seven years, and some of those problems were identified back in 2015, or even before that.

David Crichton: At the moment, my priority is to ensure that there is a relationship with the chief constable and the Scottish Government that is capable of making the scrutiny system function.

The Convener: I suppose that any decision on a review would be one for the Government in any case.

David Crichton: Exactly.

Liam Kerr (North East Scotland) (Con): In response to a question from Liam McArthur, Susan Deacon said that, since she stood down in December 2019, there has been an attitude of, "Move along—nothing to see here". I ask her to clarify where that attitude is coming from. Is it the cabinet secretary or the sponsoring department?

Susan Deacon: Both the Government and the SPA have been overly reassuring and, I am sorry to say, quite disingenuous about the extent of the issues and the lack of clarity in the system. It spoke volumes that there was so little response to the Auditor General's very considered and rounded view on the matter.

Liam Kerr: Thank you.

Colin Beattie (Midlothian North and Musselburgh) (SNP): And now for something completely different. The Auditor General's report indicates that, for the year 2018-19, a reform budget of almost £30 million was available. The evidence that the committee received on 9

January from Mark Roberts of Audit Scotland indicated that that money was used for

"operational spending in order to reduce the scale of the deficits".—[*Official Report, Public Audit and Post-legislative Scrutiny Committee*, 9 January 2020; c 11.]

It also indicated that it was spent on engaging professional services, which I assume would be provided by consultants. Can any of the witnesses provide a bit more detail on that?

Lynn Brown: I can give an overview, and I am happy to provide specific details on each cost to the committee after the meeting.

On professional services, the reform budget is linked to the transformation programme and, over that period, there was a requirement to have professional services to help to design and deliver the projects. That is my understanding of where the spend was.

On the operational issue, I will need to get more information on that, as I am not aware of it. Most of the reform spending was on major projects, and I can send the committee the details of that.

Colin Beattie: So you disagree with the Auditor General's findings as to the disposal of the funds. You think that the money was spent on reform.

Lynn Brown: As I understand it, the suggestion is that some of the money was spent on operational issues. I would need to find out what proportion that was and get back to you. There was spend on professional services, which, as I understand it, was linked to the transformation programme.

Colin Beattie: It would be helpful to get a breakdown of how much was spent on the purpose for which it was intended and how much went to the operational side.

Lynn Brown: That information will be available, and I am happy to provide it to the committee.

Colin Beattie: I will take a slightly different angle on that issue. Part of the funding was intended to shift the workforce emphasis. Did that happen?

Lynn Brown: An example of where that has definitely happened is on the finance side of Police Scotland, where there have been developments on payroll and real progress has been made. In the past, the finance function was a source of concern for the committee and was reported on by the Auditor General. Part of the reform funding helped to reform that.

That is one example. There are other examples relating to how personnel operate in other areas.

Colin Beattie: If you could give us the information that we talked about on that issue, that would be interesting.

Lynn Brown: I am more than happy to do that.

Colin Beattie: The Auditor General's report says that the framework for strategic workforce planning has been approved, but that there is still

"an urgent need"

to deliver

"detailed workforce plans ... to support the transformation required to deliver Policing 2026."

Why has there been such a delay?

David Crichton: The delay in preparing a workforce plan is unacceptable—there is no sugarcoating that—and inhibits our ability to properly test and challenge.

Colin Beattie: Is there a reason for that?

David Crichton: It is difficult to prepare such a plan, and other public services have struggled, too. It is particularly difficult in the context of policing, because the demand and the environment are unpredictable. However, difficulty should not mean continual delay. We must be assured that Police Scotland has the appropriate resources, skills and expertise to do that.

Colin Beattie: Whose desk has that been sitting on?

David Crichton: The fundamental responsibility to do that review, and assess the demand and what future skills are required, lies with Police Scotland. The authority's responsibility is to keep pushing for that to happen, to look at how that it is being done and to test the conclusions from it. We do that through our committee structure—particularly through the resources committee—and we will continue to do so.

Colin Beattie: You touched on the fact that you are reliant on Police Scotland to produce the workforce plan, but the situation must have an impact on your financial planning. How are you dealing with that?

David Crichton: You are correct that it has an impact. I will again go right back to the core principles. The current officer complement in Police Scotland is 17,234, which has become a floor for the number of police officers. The chief constable has advised that it is the number that is required, particularly as we are in an uncertain period regarding Brexit and we have the 26th conference of the parties, or COP26, in November. The Scottish Government has reinforced those numbers and has said that the funding settlement for this year allows them to be maintained.

Meanwhile, there is insufficient funding to fully fund 17,234 officers. The consequences of that for us as an authority is that we have two irreconcilable numbers, because there is a

continuing deficit. Unless and until we have a better understanding of the future demands on policing, the areas for productivity improvement, the expected costs of policing and what the right skills mix is—which are exactly the things that a workforce plan should produce—it will be difficult to test and assess the future requirements for officer numbers properly.

Colin Beattie: Given that you have already indicated that something north of 85 per cent of the budget is spent on people, workforce planning would seem to be key to enabling an assessment of what the funding for the police should be. Is it possible to make such an estimate without workforce planning? How long will it be before we see a proper workforce plan?

David Crichton: I will answer both those questions. It is not possible to properly test and assess the future skills mix and officer numbers that our police force requires. The chief constable has committed to having the plan in place by November.

Colin Beattie: That is quite a long time off. The workforce planning issue is not new; it has been there for a number of years. That plan is fundamental to the funding of the police force. Without it, we are just paying money in the dark. Has any reason been given for that level of delay?

David Crichton: I agree that it is a long way off. My view is that, fundamentally, we need to get it right rather than get it immediately. The chief constable and his team now have a clearer understanding of the skills and experience that are needed to do that degree of detailed workforce planning. They are taking lessons, in particular from the national health service experience.

Colin Beattie: Is Police Scotland doing the workforce plan in isolation? How is it co-operating with you? Obviously, the money side is key. How is the plan being developed? Is there a partnership in place?

Lynn Brown: It is being taken forward. There is an oversight group, which my head of human resources governance is going to sit on. The resources committee sends a report on workforce planning to the board regularly. Scott-Moncrieff, our internal auditor, is doing a specific bit of work around workforce planning and the appropriateness of what is being delivered. Different levels of governance are involved in the planning, and a report goes from the resources committee to the board, both of which are public arenas.

Colin Beattie: It sounds like the workforce plan has been badly delayed. Do we have any reason for that? Have any reasons been given for why there is such a lengthy delay and why it is taking

so long, when it is so fundamental to the SPA and Police Scotland?

David Crichton: It has been delayed too long, as I said earlier. There is no sugarcoating of that.

The Convener: Mr Crichton, the question was: why has it been delayed for so long?

David Crichton: I think that there has been difficulty in appreciating just how complex it is to do that level of detailed workforce planning. I agree that it is a difficult job, but that does not alter the fact that it has been unacceptably delayed. We have to continue probing and pushing and ensuring that it is now undertaken on the right basis.

Colin Beattie: Are you saying that Police Scotland does not have the skills to do it? Does it need help?

David Crichton: Police Scotland is taking help. It has brought in expertise from elsewhere to assist with it.

Colin Beattie: Where does that expertise come from?

David Crichton: From the national health service.

Colin Beattie: From the national health service—which is so good at workforce planning.

David Crichton: The NHS has struggled with workforce planning, which I know from my own experience there—

The Convener: Mr Crichton, forgive me, but you are saying that the NHS has struggled with workforce planning—all of us round this table know that very well. Why on earth is Police Scotland now taking advice on workforce planning from the NHS?

David Crichton: There is experience to draw on there, and I am sure that the chief constable and his colleagues will be able to talk in more detail about what they have brought in and what skills and experience they are using.

09:15

The Convener: Mr Beattie has been pursuing his line of questioning on workforce planning for about five minutes now. What I have heard from you is that you do not think that there are the necessary skills at the top of Police Scotland to get the workforce planning right, and you are prepared to accept that Police Scotland does not have a proper workforce plan for two, five or 10 years into the future to deliver the policing 2026 strategy. Why are you prepared to accept that?

David Crichton: I am not prepared to accept that.

The Convener: It sounds to me as though you are.

David Crichton: As I have said already, it is unacceptable, but the problem is not going to be solved overnight. We now have a timescale for the plan to be delivered and the chief constable has committed to that timescale. As an authority, we will continue to probe and challenge—as Lynn Brown explained—through our resources committee and our internal auditors, to make sure that that timescale is achieved.

Colin Beattie: To be honest, it does not sound terribly robust to me. We have had historical problems, but the SPA is in an extremely difficult position, in terms of budgeting and financial planning, if it does not have a Scooby about what the police will be doing or what they will be using the money for. I do not understand how the financial relationship between the SPA and the police can work effectively when you do not know what they are spending the money on.

David Crichton: As I said in my opening remarks, it is an unacceptable delay. We are not sugarcoating the fact that there has been a delay. I accept that that makes it difficult to properly test and assess the requirements for the numbers of officers and their skills mix. As an authority, we have been pursuing this point and we will continue to probe and challenge the police on the extent to which that timetable will be met and the quality of the work that is going to be done.

Colin Beattie: I will not press you further on that, because clearly there is not a good answer.

The Convener: I would like to follow up on a couple of Mr Beattie's questions. Can you tell us who from the NHS is leading this work for you, please, Mr Crichton?

David Crichton: No, I cannot tell you that.

The Convener: Okay. Who can tell me that?

Lynn Brown: I do not want to reveal a name—I do not think that that is appropriate.

The Convener: Why not?

Lynn Brown: I assume that I do not have approval to name them in public. It is a workforce planning expert who has worked in HR. I have seen their plan, which is robust and ambitious, and they are endeavouring to involve the workforce as much as possible. I could probably give you their name after the meeting, but I do not feel that I have permission to give it publicly.

Alex Neil: Which NHS organisation do they come from?

Lynn Brown: They are an independent consultant who worked in the NHS.

Alex Neil: So it is not someone from the NHS, then.

The Convener: Is it a private consultant?

Lynn Brown: It is an independent consultant.

Colin Beattie: So it is incorrect to say that the NHS is providing the support.

The Convener: Lynn Brown, can you please tell me which organisation is providing the advice?

Lynn Brown: It is an independent consultant who has had experience in the NHS.

The Convener: Can you name the firm, please?

Lynn Brown: I think that it is an individual, not a firm.

Colin Beattie: How were they chosen?

The Convener: They must be working as a private firm if it is an individual who is not employed by the NHS.

Lynn Brown: I could supply that information to the committee with the individual's permission.

The Convener: It would be helpful if you could do that directly after the meeting.

Lynn Brown: Sure.

The Convener: Susan Deacon, is the problem of workforce planning as intractable as we are hearing?

Susan Deacon: This discussion strikes at the accountability conundrum in the system as it stands. Quite rightly, you are asking fundamental questions, with reference to the annual report and accounts of the SPA, about how the police service is organised and planned. You are asking those questions of the SPA, which technically has accountability. However, as was discussed at your meeting back in January, it is the responsibility of the chief constable and Police Scotland to deliver the plan.

The crux of the question is: who is accountable for that and how are they held to account? The Auditor General has been calling for workforce planning since 2013. I have seen audit trails in the SPA that certainly go back to 2016, where assurances have been given to the SPA that the work was well in train. Just a few months ago, Lynn Brown and I sat in a meeting that included the Government, at which Police Scotland gave further assurances that the work was in train, but then in November, the chief constable reported to the SPA board that the work was not in train and it would be another year until it was done.

Let me be fair: there could be a number of reasons why doing that work in Police Scotland has proven to be challenging. My question to the

committee is this: who is accountable for that and how are they held to account?

Colin Beattie: I will ask one last question, which is fairly general. Mr Crichton touched on Brexit. What will be the impact of withdrawal from the European Union on police force numbers, police budget and so on?

David Crichton: At—and in between—SPA board meetings, we have had regular reports on the likely implications of Brexit for policing. The chief constable put in place a number of measures to improve and ensure preparedness for Brexit, including a force reserve and a co-ordination centre at Bilston Glen. Those measures could be stood up again as we get closer to the end of the year, when it will become clearer whether we still face a no-deal Brexit.

The reason for the chief constable's recommending that the current numbers, and at least a part of the force reserve, be kept in place is the advent of the COP26 conference in November, which has huge implications for operational policing and the cost of that. The planning for both Brexit and COP26 has had major implications for policing and the numbers of police who are required.

I am sure that the committee can pursue in detail with the chief constable the longer-term implications for policing. We discussed them with him and the full board, and they include changes around European search warrants and interconnections with Europol, which all have to be reset in the light of EU withdrawal and have major implications for the delivery of our policing service.

Liam Kerr: I want to look at the corporate function. David Crichton, the Auditor General's report says:

"In May 2018 the Board approved the Scottish Police Authority Improvement Plan 2018/19 which identified ... four priority areas",

one of which was

"building the capacity and capability of the Scottish Police Authority corporate function."

The report goes on to say that, in June 2019, the chair reported to the board that there had been "no progress" on building that corporate capacity and capability. Is the work going forward now? Has there been progress?

David Crichton: Progress is being made. As chief executive, Lynn Brown is leading that progress, and I ask her to comment on the development work that we are doing.

Lynn Brown: The improvement plan is about 80 per cent complete. I have been with the SPA for five months and I took to a board seminar a report on where we are with the improvement

plan. On capacity and capability, I can only comment on what I have seen since I arrived at the end of September, on the day that the Auditor General's report went to the board.

I was tasked to deliver on a number of things: some came through the Auditor General's report and had to do with the corporate plan and the strategic risk framework, the HMICS had a requirement around the oversight of change, and we had to respond to Dame Elish Angiolini's review and a number of parliamentary inquiries. All those things have been achieved: our corporate plan has been out for consultation and engagement since last week, we took our strategic risk register to the board, and we put in place an excellence assurance framework, which is a level of assurance that is based on the European Foundation for Quality Management model.

That has all been done with the capacity of the staff. They have shown tremendous resilience and stepped up to the mark. I have had expert help from the Scottish Government, which I talked about earlier. The Government supported me when I needed it, particularly when I had issues related to organisation and development design, policy matters, responding to committees and more strategic finance, because there were some gaps. I can only comment on capacity and capability in terms of what I have seen since last year. The staff should be commended for their resilience.

Liam Kerr: Sticking with the corporate function, you said that the improvement plan was 80 per cent complete. Does the board now have a full complement of members and are you confident that its skills mix is suitable?

Lynn Brown: I will comment on the board, and then I will pass to the vice-chair, who might be better placed to speak about it.

From my perspective, board members are highly experienced. It is not the only board that they serve on—they serve on a number of others. They are conscious of what is expected of them and how to operate. From the support that I have received, I think that it has the necessary skills mix.

We are quite low on numbers—I think that we might have only 11 of the 15 that we should have. We will be going through a recruitment phase for new members, and that will include a look at what skills need to be replaced or enhanced.

For me, as a chief executive who has the board's support and direction, I can say that the skills mix is satisfactory.

David Crichton: The authority was established with a complement of 15 board members, including the chair. At the moment, we have 11

board members, including me as vice-chair. As Lynn Brown alluded to, we are talking to the Scottish Government about accelerating a programme of recruitment for those vacancies.

I have served on a number of boards. The SPA board has a huge mix of skills and experience, and there is a very clear understanding of the dividing lines between executive and non-executive members. Board members are working extremely hard—and closely with the executive team—to take strategic leadership roles. We have a very strong, resilient and multitalented board, and we will be recruiting additional board members to bring us closer to that full complement.

Liam Kerr: I accept that answer, of course. However, Lynn Brown says that the process is 80 per cent complete, and David Crichton says that it will be accelerated. When I asked my set-up question, we talked about an improvement plan that was approved in May 2018. It has taken nearly two years to deliver one of four key priority areas. That begs the question: is it really being treated as a priority, and where are we with the other three?

Lynn Brown: Within those four areas, there are something like 22 different objectives. When I was speaking of 80 per cent, I meant that it is 80 per cent of 22.

The main outstanding area is the SPA organisational design—the new structure. As Mr Crichton mentioned earlier, I took the high-level structure to the board last week, and to the unions and the joint negotiating and consultative committee last Friday—that is the top level below myself. We are working on developing the rest of the structure, which will go to the board in May and then to the JNCC. That is the outstanding 20 per cent.

Liam Kerr: Have you a timescale for the appointment of a permanent chief executive and chair?

David Crichton: The interim chief executive is on a contract until November. At the succession planning and appointments committee yesterday, we agreed a process for recruiting a permanent chief executive, so that we can begin it in sufficient time.

Recruiting the chair is a matter for the Scottish Government. I am not party to a timescale for that, although I am advising that it should happen as quickly as possible.

Liam Kerr: Off the top of your head, do you know whether that post has been advertised yet?

David Crichton: It has not.

Liam Kerr: Okay.

I have a very brief final question for Susan Deacon. When you were in post, your input increased quite significantly during 2018-19. Why did that come about? Was that initiated by the Government or the SPA?

Susan Deacon: That is one of many areas that requires some consideration and clarification. It is bizarre that the Scottish Government can go forward with another round of appointments when there is such a continuing lack of clarity, and confusion and contradiction, about the roles of the chair and the members.

When I applied for the position, it was advertised as 12 days a week, "initially".

The Convener: Twelve days a month.

Anas Sarwar (Glasgow) (Lab): It felt like 12 days a week. [*Laughter.*]

09:30

Susan Deacon: Thank you for that correction—I appreciate it. My arithmetic is not that bad. It was 12 days a month, "initially".

If you look back over the years since the inception of the SPA, you see that this has fluctuated a great deal—not just what has been asked of the chair, but what has been asked of members. There was a period where members were doing more than that at various times. On every occasion, there have been ad hoc discussions with Government about how to manage the workload.

I do not want to replay the pain of the past, not least because we worked through those circumstances, but when I went into the role, the fragilities and the issues in Police Scotland's leadership team were well known and publicised. This committee and others had expressed no confidence in the SPA's board and said that the body was not working openly and transparently. There were a host of other issues around governance. By any objective measure, I and others ran at those issues. That included bringing others on to the board and making changes during that period. That process of change was incredibly demanding.

I have said repeatedly to the Government that the question is not about time input. Personally, I dislike daily measurement and payment, as do others. In other roles, including public appointments, people are given a sum of money and are then expected to get on and do the job, rather than there being measurement of the number of days that someone works. Going forward, the issue for the Government is to not just perennially focus on the number of days but focus on roles.

That links to staff appointments, among other issues, because it is not fair on people to bring them in to perform any role when there is a constant debate about what that role should be and how it should be performed. That is the bit that the SPA has been repeatedly stuck in. I hope that that answers Mr Kerr's question. That issue was a regular point of discussion between me and the Scottish Government.

David Crichton: I would like to update the committee on that issue. A review has been commissioned of the time required of board members and the role that they play. We felt that it was very important that those who apply in the next round of recruitment are absolutely clear about what the specific requirements of the roles are.

The Convener: Is it wise to do that in isolation from the rest of the review that the Auditor General has recommended?

David Crichton: It is unwise to leave the board with only 11 members, given the extent of the work that needs to be done. In my role as vice-chair, I have a responsibility to ensure that the organisation is able to function. I have been advocating for that recruitment.

Susan Deacon: The question is what work needs to be done, by whom and how.

The Convener: In your opinion, has that not been suitably clarified?

Susan Deacon: No, I do not think so. In his report for the SPA's meeting last week, David Crichton emphasised the importance of pushing ahead with member recruitment to populate the SPA's committees and oversight groups. Does the SPA really need to keep developing a proliferation of committees and oversight groups? Is that the thing that will make things work better? Maybe it will.

The Convener: With another 40 people in the Scottish Government's sponsoring department.

Susan Deacon: Those are fundamental questions. We have discussed the issue at the Justice Committee, and I am conscious that some MSPs who are also members of that committee will have quizzed me on it before. All sorts of expectations and aspirations have been expressed at various points about what the composition of the authority should be. The size of the authority was set to 15 to ensure a geographical spread, but half the members are Edinburgh based. That is because of the criteria that has been set for members.

The Convener: Let me interrupt you. It sounds to me as though you are saying that the pause button should be set on recruitment and that there should be clarification of the role of the chair and

others, but David Crichton has made a good point: how can the SPA be left in flux until a review is completed? What would your solution to that be?

Susan Deacon: I am not convinced that we should simply keep adding to the numbers of people unless we are clear about what we are bringing them in to do. If sufficient clarity emerges, the next chair who comes in and the other members who will be appointed should not have to face the debates, discussions and question marks about their roles and contributions that the three previous chairs have faced. Incidentally, of the 30 members who have served on the authority since its inception, including the current ones, half stood down before they had served their full term. Unless there is more clarity, such a situation is not fair on those individuals—never mind the fact that it affects the overall operation of the system.

Similarly, as far as staff are concerned, we need to ensure that we are adding not only costs but value to the system. Again, it is not good for an individual to be appointed to a role only for people to say, perhaps a year from now, “Wait a minute—that is not something that the SPA is to do.”

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): I will start by offering Susan Deacon an opportunity to say something positive about her two years as chair of the SPA. I am trying to get into the frame of mind of a member of the public who has been listening to this and who might be feeling pretty aghast at what they have heard. It has all been about process and turmoil, for goodness’ sake. What did you achieve in your two-year term that was positive and could be said to have advanced the aims of the policing 2026 strategy?

I will come to David Crichton with a similar question in a minute.

Susan Deacon: Stabilising the leadership of Police Scotland was a prerequisite to our being able to deliver anything in policing.

As I have said repeatedly but will happily say again, we have an excellent police service. That is why I want its system of governance and accountability to be better. Every time that we open up a debate such as this one, involving accusations of weakness in the system, the concern is that that impacts on public confidence and trust in policing. The reason why we need a good system of governance and accountability in policing is to ensure that there is public confidence and trust. Policing is a high-risk business. When things go wrong, such systems are put to the test. If there is a lack of clarity about matters such as accountability, that can descend into a blame game and the public then start to wonder what on earth is going on.

I am proud of having spent two years working closely with the police service. I was also pleased to be involved in appointing the current chief constable, all the current deputy chief constables and several of the assistant chief constables. I saw the team grow and develop so that Police Scotland is now in a much stronger and more stable place than it was when I started, not least because of that work, which the leadership team in Police Scotland has now progressed.

However, we must keep moving forward, developing and improving. It is not an either/or situation. I accept that, of necessity, the discussion that we are having today will focus on areas for improvement and on weaknesses in the system. However, I would be the first to say that we should always remember that we have a really good police service. I applied for and stepped into the role because I am passionate about the issue, but that was also the reason for my stepping away from it. I felt that the system was not working or was not doing what I thought that it should.

Willie Coffey: The policing 2026 strategy has been in place since 2016, so it is now nearly halfway through its 10-year period. Colin Beattie has spoken about the workforce issues that it covers, and we have discussed those. Another key component relates to information technology, including the digital strategy. How are we doing with that?

David Crichton: Before I answer that, if I may, I will briefly go back to your earlier question, on which you said that you might turn to me next. I am in full agreement with Susan Deacon. We spend so much time talking about process, the structure and the system, and it is important to get those right, but I am in no doubt that what really matters to the public is the quality and professionalism of our police service. Your question was a timely reminder of what is important, so I appreciate your raising it.

I turn to progress on the policing 2026 strategy in general and the IT strategy in particular. There was a statutory duty to refresh the IT strategy after three years. Along with Police Scotland, the SPA has co-produced that refresh, which is currently out for consultation. We will be able to bring that aspect back into the public domain in the near future, once the consultation is complete.

On the digital, data and information and communications technology component, that programme was initially costed at just under £300 million, but the reality is that that capital funding has not been available. Progress has been made with components of the strategy. When capital resources are not available immediately, the appropriate thing to do is to phase introduction. Elements of the programme that have happened include the roll-out of mobile devices, the

introduction of new contract assessment methodology and the establishment of some of the core operating IT systems that are required. However, the full programme has to be phased, in line with the available resources. It has to be broken up into components that can be done in stages.

That is where we are now. Elements have been implemented, but there is still a long way to go. If I may go back to my earlier point, the issue is fundamentally important in the context of generating efficiencies that enable us properly to test the workforce numbers and skills that are required.

Willie Coffey: While the discussion has been going on, I have had a quick look at the public-facing side of the SPA website. There is absolutely no news on progress with policing 2026. There is nothing—zero—to keep the public or anyone else informed. It does not even say that you are reviewing the strategy. Can you see where I am coming from? There is a sense that the SPA is a stagnant organisation that cannot even tell the public how it is getting on from year to year in relation to the whole strategic plan to 2026.

The previous ICT experience with the i6 project was hardly a shining example of good performance. What is there to give any of us confidence that what you do next will be successfully delivered? You said that the board has a good mix of skills. Is there anyone on the board who has ICT skills or an ICT background and who is at the heart of whatever future developments are coming?

David Crichton: On your first point, I totally accept that one thing that the authority has not done well over the years is the outward-facing role. I absolutely take the point that the authority needs to be more outward facing, visible and assertive in the wider community.

On board skills, we have members of the board who have detailed experience in the management of IT programmes, which brings us a strong ability to probe and question the progress of the introduction of the scheme. Lynn Brown might want to add something on that.

Lynn Brown: Members of the board previously had global roles in big companies such as Oracle and Microsoft. They bring a breadth of experience in the area.

Willie Coffey: I am pleased to hear that.

Is the £300 million that was identified a number of years ago still on the table, or are we talking about smaller IT developments, such as the mobile project, which members are aware of and has been successful? Is the huge £300 million project really still in the plan?

David Crichton: We should not reduce our ambition. That programme was carefully thought through, well researched and tested by the board and externally. The programme should be kept as a target. The issue is the pace at which we do it. It has to be done in line with the available resources, and it has to be designed so that it can be done incrementally.

Willie Coffey: We are halfway through the strategic plan period and it has not happened. Well, components have happened—I will give you that. I do not see your wider plans for ICT and digital development. When will we see them?

David Crichton: Unless and until the full capital resources are in place, the programme will not be completed. It will not be completed in the short term. As I said, it has to be phased, reprioritised and done in a more modular way.

Willie Coffey: On progress on the DDICT strategy, the Auditor General said:

“Limited funding is not the only factor contributing to the delays, as the timescales associated with procurement and the governance of business cases have also had an impact on project plans.”

Committee members have all heard that before in the context of ICT developments. I only hope that you have been watching the experience of other ICT developments that have come before the committee. For goodness' sake, please do not make the same mistakes as have been made in the past.

David Crichton: That is sound advice.

09:45

Bill Bowman (North East Scotland) (Con): I want to go back to a couple of earlier questions. Liam Kerr asked Susan Deacon about the number of days that she spent in her role. The Auditor General explained that the figure went from 12 to 20 days per month. The issue is not so much with the quantum. The Auditor General said:

“the former chair and some other board members operated in a more executive capacity than I would expect.”

Will you comment on that? Can you give us some comfort that, by getting involved in that way, you had not lost your independent perspective or overview of the bigger picture when you drew the conclusions that you have presented to us today?

Susan Deacon: To pick up on your last point first, I have always tried to see the whole system in the round, and to look at policing through a forward-looking lens. Again taking Mr Coffey's challenge to heart, I think about what we collectively, in the broadest sense, are or were trying to achieve in building policing and adapting it to make it effective for the future. That is always my starting point, and I work back from that when

thinking about how I can contribute, what we need to do and what I need to do. Obviously, I am speaking retrospectively, about my role as chair.

From the day that I started—or the day that I applied and gave articulation to this through the application process—I was always focused on how the SPA could fulfil its role effectively, contribute to the police service and help to build confidence in the service and its change for the future.

When I came into the role, I found that some of the challenges in doing that were even greater than they had appeared. One of those challenges, which continues to this day, and which I did not resolve, is a lack of clarity about who does what, in the SPA and in the wider system.

The use of the term “executive” is interesting. I believe that the Auditor General spoke to the committee about this at the January meeting that she attended. Even the use of the word “board” is interesting because, in the statute, the police authority is the chair and its members. The statute is completely silent on any structure that should exist beyond that. It leaves the chair and the members to appoint such individuals as they deem necessary to fulfil the authority’s functions.

I am conscious of time—I see that the convener is looking at me—so I will simply say that that is another area that needs to be crystallised and clarified. I suggest that the key relationship between non-executive and executive functions in the system is between the authority and the police. It was always made clear to me by Government that my role as chair—my personal role as well—in terms of the oversight relationship was with the chief constable. The question is what support arrangements need to exist around that. HMICS recently talked about a smaller support function, on more of a secretariat model. Yet again, there is a lack of clarity on that.

For what it is worth, all that I know is that I feel that I did my best. I got things wrong and I got things right, but I did my best. To be honest, part of why I am sitting here now is because of my continuing concern and desire to see the arrangements strengthened and improved in future, for the sake of the police service and the public.

I hope that that answers your question.

Bill Bowman: I appreciate your frank comments. I will ask one last question. I always like to ask about the audit committee. Do you feel that you got full support from your audit committee?

Susan Deacon: Do you mean the audit committee of the SPA?

Bill Bowman: Yes.

Susan Deacon: That committee worked hard and, to be fair, through many iterations of the authority. It has probably not always got the credit that it deserves. The short answer to that question is yes.

Bill Bowman: That is good to hear.

David Crichton: I would reinforce that, as someone who is currently sitting in the chair. The audit committee is exceptionally strong. It is extending its reach into all parts of the business in a creative way. I am comforted by the strength of our audit committee.

Anas Sarwar: Susan Deacon has probably followed this issue a lot more than she wanted to since she left. What is your reaction to how the Government, the SPA or Police Scotland have responded since your departure?

Susan Deacon: Reactions to my departure are pretty incidental, but—

Anas Sarwar: Sorry—I mean the response more widely with regard to the issues that have been raised.

Susan Deacon: Right. I have been most keenly focused on what has or has not happened to date and what might happen in the future in response to what the Auditor General has said and the committee’s discussions, as I referred to earlier. I will continue to take an interest. Having invested two years of my life in the issue, it is difficult to lose interest altogether and I would not want to.

Anas Sarwar: On your point about the Auditor General, it seems from your earlier responses that you fully agree with her findings and recommendations, but David Crichton seemed to suggest that he did not fully agree with those. I ask Mr Crichton to clarify whether he thinks that the Auditor General’s report is spot on and whether he will take forward all the recommendations.

David Crichton: I said in my opening remarks that I fully agree with and welcome the Auditor General’s report, and that we are already acting on the recommendations that are made.

Anas Sarwar: Are you acting on all the recommendations?

David Crichton: All the recommendations will be followed through. It is a fair and constructive report that is useful to us to guide a lot of the activities that we are now undertaking.

Anas Sarwar: Susan, do you think that that is happening?

Susan Deacon: We have to be careful because, to be frank, a lot of the issue is about words, nuance and precision. There is a difference between what the two of us are saying. That is inevitable to an extent, because of the difference

between being inside and outside the system. However, there is a difference between what David Crichton has said today and on other occasions—that he thinks that the system can be made to work and that he will work with others in the system to put in place frameworks, agreements and so on—and the statement that it is time for a review of the system of governance and accountability.

Reviews can come in many shapes and forms, but the critical thing is that a review looks at the system as a whole. I think that that is an area of agreement. I am glad that we have all moved on from constantly saying that we should review the SPA in isolation, which does not make sense or move things on.

The test will be what form the review takes. I understand David Crichton's caution, but I do not think that it needs to be disruptive or obstructive to the SPA's day-to-day work or development. That may be feared or suggested but, across the public service, we regularly conduct processes to look at how services and systems are working, and they carry on in the interim. What should not be done is to have big discussions about ways of working or incur substantial additional costs to build something that may not be the right way to go forward.

Anas Sarwar: You said earlier that the system is not working and not doing what it needs to do, and that that was a reason why you left. Was that because you did not think that you could change it, or because you thought that the system was not willing to change? Was it a culture issue?

Susan Deacon: It was elements of both. I was clear that I had done as much as I could over the two years, which at times were tortuous and exhausting. It was also clear to me that a disproportionate amount of time and energy were being spent on a lot of internal machinations in the system—forgive me if I keep using that phrase “the system”. In that family of organisations, there was a constant churn of discussion and focus on internal issues.

In addition, as I said in my resignation letter to the cabinet secretary, it had become increasingly clear to me over the two years that there were fundamental flaws in the system. I had given it my best shot, as had many others, in trying to take corrective action, and in some places we were able to do that, but a different issue or problem would emerge. As members will have seen through the lens of the committee, it is like pushing treacle a certain distance up a hill and then finding that it slides back again. The arrangement has not yet stabilised and shown that it is robust and rigorous for the future.

It was a mix of things. I do not tend to speak in blacks and whites, as that is not right. I would not say that everything is wrong or everything is right, and I have elaborated on that today.

Anas Sarwar: I do not want to incur the wrath of the convener, so I will not go on for too long, but one point that has been missed is that there was significant ministerial change during your period of office. Did that impact?

Susan Deacon: Ministers, like SPA chairs, all have different ways of carrying out the role. I think that there is something there for the future: that, if a strong and robust governance system is built for policing, it should be able to withstand shifts in Government, whether that be political control or shifts in individual ministers. It speaks to the immaturity of the system that, at the moment, it gets buffeted around.

I worked for six or seven months with the previous Cabinet Secretary for Justice and then the remainder of the time with the current cabinet secretary. They were very different. The previous cabinet secretary had a lot of lived experience, shall we say, of some of the big challenges and issues in policing, and had developed quite a depth of understanding and interest in deeper issues of systems of governance and accountability than was or is the case with his successor. To be honest, I found that challenging, because how the whole operation works is important.

So the answer is yes—it was different.

David Crichton: Unless and until there is a change in the statutory position of the police authority, there is a job to be done. We have talked about processes and reviews. The review will take a timescale and a form that are not determined by the authority.

The Convener: Do you think that there should be a change in the statute?

David Crichton: No, I do not but, unless and until it changes, there is a job to be done by the authority members, and that is a job with statutory responsibilities. I argue that that must not be frozen until some review is undertaken. As a board, we need to continue to fulfil our statutory responsibilities to support, maintain and scrutinise the police service.

The Convener: That is taken as read.

Anas Sarwar: My final question concerns the culture more widely, perhaps not just in policing but across Government. It may be easier for Susan Deacon to answer, having vacated the chair, than for David Crichton. Is the culture one of shutting down and managing problems away, rather than taking challenges head-on? Is there a culture issue that goes beyond policing?

Susan Deacon: It is often said that we cannot ask people to describe their organisational culture, because it is like asking a fish to describe water—they do not see it, because they are swimming around in it. We are in that terrain. I have long held the view—which I have expressed over the past 20 years in many forums, including this committee’s predecessor—that there is a tendency in Government and the wider public sector to overrely on process solutions and to try to keep things quiet and on an even keel, when in fact there are deep systemic issues to be addressed.

There is also an issue about how to have proportionate and effective scrutiny and involvement without descending into a blame game. That is partly about our political culture. Enormous cultural issues go right through things.

I come back to one of my favourite sources, Elish Angiolini’s report, which also talked about policing culture, and which states:

“Police Scotland is a young but now established national organisation with a stable leadership team. This is a good opportunity to reflect on the culture of the new service, address any long-standing issues and consider how everyone in the organisation can help to change that culture for the better.”

Reflecting on all those matters—culture, structure, systems and practice—is the right thing to do and needs to be done in a grown-up and mature way with the strength to be candid and honest, individually and collectively, in order to make that work better.

10:00

Liam McArthur: I want to follow up on Anas Sarwar’s questions. I remember my exchanges with Susan Deacon during our inquiry in the Justice Committee, when I asked her pointedly about the need for a wider review and taking the issue out of the political process. To be fair to Ms Deacon, she gave me a line that David Crichton has pursued today and which suggested that the SPA’s ability to speak truth to power is somewhat inhibited. Ms Deacon, you have already referred—directly or indirectly—to the cabinet secretary as being “disingenuous”, adopting an attitude of “Move along—nothing to see here”, and responding to the Auditor General’s concerns with a deafening silence. Those are pointed criticisms.

Are the incumbent members of the SPA, rather than those who have vacated their posts, able to make those arguments, although perhaps not in such florid language? Whatever relationship there is between the SPA and the Scottish Government—whether it is a buffer relationship or something else—such comments would give confidence to the Parliament and the public that the SPA will call out the Government and that the

SPA has the ability to be as transparent and candid as one would expect where it sees a lack of political support from the Government or from individual ministers. The authority has been criticised in the past for not being robust enough in defending the arguments of Police Scotland, the SPF and others on budget deficits and the problems that those create for policing.

Susan Deacon: There are challenges with that. Personally, I am not known for being inhibited, which has probably got me in trouble over the years. During my time in office, I endeavoured to speak as openly and candidly as I could about what I thought, at various points in the journey. I, too, remember our exchanges at the Justice Committee and, with regard to those discussions, I hold to the view, which I remember being robust on, that another review of the SPA would not, in and of itself—

Liam McArthur: I never argued for a review of the SPA. I argued for a review of the relationships between the various players and the fact that there was a concentration of power in a limited number of individuals, which gave rise to concern. I agree that that view was not necessarily shared more widely. I agreed with your point that there is no political agreement in place, so we need to take the matter out of that space. I never argued for a specific review of the SPA.

Susan Deacon: In complete honesty, I acknowledge that, as I have said a few times, I have travelled a journey with regard to the issue. As I said earlier, there is a democratic deficit that makes it extremely challenging for part-time non-executive ministerial appointees—no matter how able or independently minded they are as individuals—to operate in that space. Other models of commissions and arrangements exist, with different relationships to the Parliament, such as the Standards Commission and the Accounts Commission for Scotland. There are plenty of other ways of doing that work, and it is important to learn from them. Those questions need to be addressed.

The Convener: We have given the issues a good airing. I thank all our witnesses for their evidence.

10:03

Meeting suspended.

10:09

On resuming—

The Convener: I welcome our second panel of witnesses, who are from Police Scotland: Chief Constable Iain Livingstone QPM and James Gray, who is the chief financial officer. There are no

opening remarks, so we will move straight to questions.

Anas Sarwar: Chief constable, in the discussion with the previous panel we heard about the challenges of workforce planning, as the committee regularly does. We understand that the workforce plan in Police Scotland is heavily delayed and that you are taking advice from a former NHS consultant who worked on workforce planning. Will you say where we are on the matter and what some of the issues are? When will we have a comprehensive workforce plan for Police Scotland?

Chief Constable Iain Livingstone QPM (Police Scotland): Thank you for that question. Let me make a couple of observations and responses.

The first is by way of clarification. We are not working with an independent consultant or with the NHS; we are working with someone who previously worked with the health service. The person previously worked abroad on workforce planning and has a very strong curriculum vitae, but they are actually within Police Scotland. I think that Mr Beattie and the convener asked where the advice is coming from—

Anas Sarwar: They are not a former NHS employee.

Chief Constable Livingstone: It is someone who has previously worked with the NHS, but the person is not an independent consultant—they now work for Police Scotland, as part of our team. I wanted to clarify that.

On workforce planning, I think that the Auditor General recognised in her evidence that, in the early years of Police Scotland, there was almost a de facto workforce plan in that we could not go below 17,234 officers. As a result of our having to maintain that number while reducing spend, there was a disproportionate impact on support staff. That was certainly the experience in the early years.

There was no coherent approach to change and the series of things that the service needed to put in place. The Auditor General has remarked on that over a number of years, and we have responded to that. There was no overall plan to identify ICT needs, and we knew about the failure of i6, so we built a digital, data and ICT strategy. The strategy is based on common sense. It is tried and tested, it is modular, and we think that it is beginning to deliver—on custody, on road traffic collisions and next year, we hope, on crime systems—so that there is the coherent system that policing has needed for a long time.

We did not have an estate strategy, but we now have one. We did not have a fleet strategy—

Anas Sarwar: On workforce, specifically—

Chief Constable Livingstone: The reason I make those observations is that there was a lack of any framework to support the development, growth and transformation of the organisation.

On strategic workforce planning, I think that the Auditor General recognised that the service lacked the ability to provide flexibility, because in law—under the terms of the grant of our budget—we were obliged to maintain 17,234 officers. The Auditor General talked about our having limited flexibility and a lack of headroom and capacity. As a result, workforce planning was not the priority that it should have been and has not progressed to the level at which we need it to be at. We initiated work about a year ago, because it was not where it needed to be and we needed to recruit assistance. We have done that, and the issue is now an absolute priority.

Anas Sarwar: When do you think that we will have a comprehensive workforce plan?

Chief Constable Livingstone: I am looking to see the first cut towards the end of this year, around October or November.

Anas Sarwar: Workforce planning is a challenge across the board; the issue is not unique to Police Scotland. Are there specific Police Scotland challenges, or is the problem systemic?

Chief Constable Livingstone: From my knowledge of the matter, it looks difficult to do. If you can point us in the direction of the best in class, we will go there. From speaking to the Metropolitan Police, I know that the force has been having difficulties with workforce planning. At times, the health service has issues with it, although in some ways it might be the best of a bad bunch when it comes to public sector workforce planning—that is just my observation.

Workforce planning is challenging. There is a recognition in policing that trying to properly identify and quantify demand for police officers on the street who carry out public order and public security duties, in the context of things like COP26, while trying to balance those demands against our desire for a more agile service that has specialist skills in cyber, financial investigation and other elements, is a challenge.

In the short term, there is a focus on officer numbers. At the same time, we need a plan that means that, in the future, we will have a workforce with the profile, in terms of skills and capacity, that is needed to meet the challenges that we face, whether we are talking about police officers or police staff.

Anas Sarwar: When you say that there are problems, do you mean that there are problems in

getting people with the right expertise to do workforce planning, or is there a problem in having a sufficient number of people for adequate workforce planning?

10:15

Chief Constable Livingstone: In the early years of Police Scotland, we did not always have the capability and the capacity to address certain issues. Audit Scotland and others have talked about our finance capability, and we now have a competent chief financial officer and a team that can deliver on that issue. We did not have an estate team that could properly identify how to use, maximise and share our estate, but we now have that team. Strategic workforce planning has definitely been lagging behind, but its significance is not lost on me. However, as the Auditor General noted, there was limited flexibility in the early years because of the parameters that were set in relation to the 17,234 figure.

Anas Sarwar: Does Police Scotland now have the appropriate expertise in workforce planning?

Chief Constable Livingstone: Yes. We have recruited people—indeed, we have done more than that. At the end of the day, what matters is not experts on strategic workforce planning but the people who deliver the service, such as local commanders, directors and the people who are in charge of departments or divisions. They know what their needs and demands are, so they have been heavily involved. They have been trained and engaged, and they have ownership of that process. We will then bring that together and produce a composite plan, which has been challenging. The work is not where I would like it to be—I have said publicly to the Scottish Police Authority that I recognise that—and producing that plan is a priority for me, as the chief constable.

Anas Sarwar: In terms of hard numbers, in the next five or 10 years, how many people do we need to find who have the appropriate expertise in all the different parts of policing in Scotland?

Chief Constable Livingstone: In terms of numbers—

Anas Sarwar: I do not mean police numbers specifically. Collectively, how many people do we need to find to cover all the different arms and parts of Police Scotland?

Chief Constable Livingstone: As a service, we have never done a zero-build, if you like, that balances demand against what we need. In many ways, we started with what we inherited.

The nature of the demand on policing changes all the time. All of us talk about the front line, but what do we mean by that? When we talk about policing, we tend to focus primarily on the public

space, on bobbies on the beat and on keeping the streets safe, but there is a lot of harm and vulnerability not only in the public space but in the private space—in the sanctity of the house. We need to be there to deal with domestic violence and for child protection. Increasingly, we also need to work in the virtual space, which is the third domain of policing, but we have been slow in developing our capability and capacity in that area, because it is moving so quickly.

Anas Sarwar: Is your workforce plan looking at those areas?

Chief Constable Livingstone: Absolutely.

Anas Sarwar: Do you expect the workforce plan to include comprehensive information about the number of people we need; the skills we need; where we train people; how we recruit them; where we need to recruit them from; the role of secondary, tertiary, further and higher education; and migration? Will the workforce plan look at all those issues?

Chief Constable Livingstone: I hope that it will give us indicative figures for the demand in two, five and 10 years' time. That is what we are seeking to get. As in all elements of strategic planning, there will need to be adjustments as circumstances change, as events arise and as additional demand is placed on the service. We have not had that base—I recognise that—but that work is a priority for us, and I would be grateful for as much assistance and advice on workforce planning as we can get.

Liam Kerr: I have a question about the numbers. In evidence to the committee on 9 January, Audit Scotland estimated that additional funding of £40 million to £50 million would be required to avoid—I am struggling to think of the correct term—losing 750 officers from the numbers that Mr Sarwar has been looking at. Yesterday's draft budget suggests that Police Scotland will get £60 million, but that conflates the resource and capital budgets. I think that that means that, in real terms, there will be a £29 million increase in the resource budget and a £4 million increase in the capital budget, which is less than £40 million to £50 million. To be blunt, can you preserve the numbers?

Chief Constable Livingstone: The budget figures that were announced yesterday will still leave an operating deficit in the Police Scotland budget for 2020-21. For revenue, the deficit is in the region of £36 million.

For capital, we had projected a requirement of £74 million or £75 million—for taking forward key changes around a digital data strategy and other key elements such as investment in our fleet and estate—but our capital allocation is £50 million. I welcome the increased capital, as I know that the

pressures on the public purse are acute. We will now prioritise and make the best use of every penny that has been allocated to us.

However, on the revenue side, there will still be a recurring deficit. That is partly the reason for creating, and shows the criticality of having, a workforce plan. In the interim, in discussion with the Scottish Police Authority and Scottish Government officials, because of the acute pressures this year of Euro 2020 and COP26 towards the end of the year, I have argued very strongly that any decision to step back from the number of police officers that we have at the moment would be imprudent, to say the least, and that it is not the right time to do that.

The Scottish Government has guaranteed that it will underwrite that projected deficit. Then, after we get past this unprecedented period of demand—we still do not know the consequences of the exit from the European Union—we can start to reshape things and we can, if it is necessary and appropriate, reduce the number of police officers so that we have the right mix to achieve the financial sustainability that we all seek.

Alex Neil: I have a supplementary question. When you say that the Scottish Government will underwrite the £36 million deficit, what does that mean? Does it mean that, when you need the £36 million, you will get it anyway?

Chief Constable Livingstone: I ask my CFO to answer that question.

James Gray (Police Scotland): It is something that has been happening for a couple of years. In order for the SPA board to have the confidence to set a budget with a deficit, it needs an assurance from the Scottish Government that, during the course of the year, underspends in other parts of the Government will be identified that, through the spring budget revisions, will allow an additional allocation of cash to the policing budget in order to meet liabilities as they fall due. In effect, that means that we would expect something in the region of £36 million of additional funding to come through at the back end of the financial year to cover the deficit.

Liam Kerr: I may be misunderstanding something here. I believe that, under the Police and Fire Reform (Scotland) Act 2012, the police need ministerial permission to borrow. Is that the same thing as you have just talked about in answer to Alex Neil? Have you, in effect, been given that permission to borrow if you need to do so?

James Gray: There are two things to say, the first of which is about borrowing for capital investment. Although that provision is in the statute, when we have explored it, in principle, we have been advised that we are not able to do it,

because, if Police Scotland and the Scottish Police Authority had the ability to borrow, that would mean that, through spend-to-save initiatives, they could borrow to invest in the capital and then repay the borrowing through the savings on the revenue. It was possible to do that under legacy arrangements, which is why there is still debt on the balance sheet—it is old loans that were taken out by the legacy forces.

Under the old arrangements, the capital funding for policing was comprised of grant from the Scottish Government and the ability to borrow. Combined, that made up the capital funding that was available for policing. Since the police reform, that borrowing capability, which represented quite a big chunk of the overall spending on capital in policing, has gone and the core policing grant has not been increased to compensate, which is why we have the underlying issue that the capital allocation is not sufficient.

With regard to your other point, in-year additional funding is not borrowing. It is slightly different from brokerage in the NHS in that it is an agreement that the funding will be made available in-year. It is a promissory note, if you like; it is not borrowing.

Liam Kerr: Thank you.

The Convener: I wonder in which area of Government the Scottish Government expects to underspend.

Alex Neil: I will change the subject. Chief constable, you will have heard our earlier evidence session, including our long discussion on the Auditor General's recommendation that there needs to be examination of how elements of the wider police family interact, who should do what and what the lines of accountability are. I have two questions on that. First, what is your view on that recommendation? Secondly, to whom do you feel that you are primarily accountable? Is it the SPA, the Government—presumably through the Cabinet Secretary for Justice and/or the First Minister—or the Parliament? Or is it all three?

Chief Constable Livingstone: I genuinely feel that I am primarily accountable to the people of Scotland. The office of chief constable is independent and its holder must act in an operationally independent manner, according to the constitutional principle of the rule of law. However, particularly because I am the only chief constable for the country, with such operational independence must come a high level of accountability to the people of Scotland, which must be exercised through democratic means and mechanisms.

I certainly do not feel a lack of accountability. Neither do I feel a lack of scrutiny, either organisationally or personally—it is constant and

happens daily. My accountability is multilayered and, at times, there might be elements of duplication. However, in some ways that is better than there being any omission.

By law, in the independent investigation of crime, I am highly accountable to the Lord Advocate, but I take direction from him both at common law and under statute where that is required. Through the mechanisms of the 2012 act, I am accountable to the Scottish Police Authority. I feel that I am also accountable to the Scottish Parliament. The parliamentary committee system has been a major focus in my career, since I became a deputy chief constable, in 2012.

However, I am also accountable to bodies beyond the Parliament and the authority. The Office of the Investigatory Powers Commissioner, which is judicially led, inspects all elements of covert policing. Therefore, when I am asked a question about undercover policing or surveillance, I can say that it has already been subjected to an extremely rigorous and intrusive inspection and review process in which I am accountable to that commissioner. The Police Investigations and Review Commissioner often acts under the direction of the Crown Office, which provides an additional layer of scrutiny of our work. Further, when Audit Scotland makes a recommendation about our estate strategy, our DDICT strategy or our workforce planning, we absolutely act on it, because I know that we are duty bound to do so.

At a local level, Police Scotland is, rightly, accountable through scrutiny panels, whose members are elected by local communities. We are also highly accountable through the media and the broader body politic.

Lastly, I am accountable to committees of the House of Commons, which sometimes ask me to give evidence on reserved matters.

I feel highly accountable to numerous bodies and groups. My primary level of accountability is through the Scottish Police Authority, but I do not feel that to be exclusive.

Alex Neil: A lot of questions arise from what you have said. We were talking about the budget earlier. Presumably you look at your budget and then decide how much you need to ask for, to cover, say, the following year. In an earlier answer, you said that you discuss such matters with both the Scottish Police Authority and Government ministers. Where is the added value of the Scottish Police Authority in that process? Would it not be a lot easier for you simply to have a straight discussion with Government ministers? At the end of the day, are such decisions not for them?

Chief Constable Livingstone: If I have interpreted your question correctly, Mr Neil—if I have not, please correct me—I should answer it in this way. At times, it can feel artificial that the role of accountable officer vests in the Scottish Police Authority.

I am responsible for operational decisions and the deployment of officers and staff, which means that I am responsible for most of the spend through my team, who are advised by people who know the detail of their local areas.

10:30

I see the level of accountability being enhanced if the formal role of accountable officer vests in the office of chief constable. That is what happens elsewhere. My colleagues in England and Wales and my close colleagues as chief constable in Northern Ireland, Sir George Hamilton and now Simon Byrne, are accountable officers in terms of the financial spend. They still account to independent policing boards or authorities, which ensure that they act legitimately, that the public interest is represented and that they are working towards the strategic plan that is set by their board or authority. It sometimes feels a little bit anomalous that although I am de facto accountable and responsible for the financial spend, in accounting terms, the responsibility sits elsewhere.

Alex Neil: Just to be clear, because the accountable officer is an almost legal position in all departments, would it be more sensible for you, rather than the chief executive of the SPA, to be the accountable officer?

Chief Constable Livingstone: It would better represent the reality. I do not see that as increasing the chief constable's powers, but as a more—

Alex Neil: It would recognise the reality.

Chief Constable Livingstone: Yes, and it would be a more legitimate definition of accountability. The financial consequences of retaining an additional number of police officers, for example, would be vested in me.

That decision—that distinction—was made again when the 2012 act went through the parliamentary process. As the Scottish Police Authority is in some ways distinct from bodies in other parts of the United Kingdom and Ireland—it provides services, including forensics, for example—there is perhaps good reason for it. However, for my part of the budget, which is the vast majority of the spend, it certainly seems right and logical to me that, as the operational decision maker, I should be accountable for the spend.

However, I might be missing some nuance about the role of accountable officer.

Alex Neil: If, as recommended by the Auditor General, a review takes place, should part of its remit be to look at that very issue?

Chief Constable Livingstone: Absolutely. A review should take place and it needs to be as broad as possible, which is why, earlier, I referenced a lot of significant public bodies to which I am accountable. Police Scotland and I would participate fully, irrespective of who establishes the review and how it is carried out.

I have said a number of times, because I absolutely believe it, that the more that people properly understand about policing, the better. It is not just law enforcement; it is much broader than that. It is core to the fabric of safety in Scotland and core to the fabric of equalities. It deals with the most vulnerable people and those who are most in need. The more that people understand the demands on policing, what we do, our values and our ethics, the more that they will support us. I do not resist scrutiny, oversight and governance; I need and want them, because that is where our legitimacy is reinforced.

Liam McArthur: You will be aware that, in the justice debate yesterday, the language that you used about the funding settlement from the Government was quoted often; I think that you used the word “derisory”. A challenge that has been made to the SPA in the past is that, by contrast, it has not necessarily stood shoulder to shoulder with you or been quite as vocal in outlining concerns about the funding settlement, whether in relation to capital or revenue, or both.

By changing where accountability legally lies, would the debate around resources, how they are used, what resources are required and the implications of resources not being forthcoming be more transparent? Would public confidence in the debate about that be heightened just by changing the accountability lines in the way in which you have described?

Chief Constable Livingstone: I think that it would enhance public understanding. In the Audit Scotland report, there are a lot of references to the SPA’s financial capability and its decision making. The de facto reality is that those functions and elements vest in Police Scotland. The capital budget that we have had, for a service of our size, compared with local authorities and other police services, has been a significant inhibitor for us as we have sought to develop the service.

I hear internal criticisms daily about the quality of our estate and fleet, and I hear criticisms from others, including parliamentarians on behalf of their constituents. I feel for the people who work in the estates and fleet departments. They do a

fantastic job with the resources that they have and we manage to keep a lot of our vehicles on the road and our buildings open, but there is a lot of patchwork going on. We have been keeping cars on the road for 30,000 or 40,000 miles more than would be best practice in an ideal world, and that also has an impact when look to transfer them and move them on, in terms of their resale value.

I really welcome the increased capital that we have got. We need to make absolutely the best use of it, but I felt, ethically and professionally, on behalf of the people in the service and the public, that I needed to call it as I saw it.

Liam McArthur: It would appear that you felt less inhibited in making that argument than the SPA has felt, until very recently. Even though it has made some criticisms latterly, they are rather more muted than yours have been—or the challenges that it has posed have been more muted than those that you have felt able to put forward.

Chief Constable Livingstone: On the financial challenges, if you look back to the SPA board in August 2019, you will see that I was quite clear about revenue, the potential impact on officer numbers and the concerns that I had as we moved forward to the budget. I expressed my views regarding the capital budget that we had and there was general support from the Scottish Police Authority, so the issues have been vented publicly over a period of time.

I have been expressing and discussing with officials in the Government over a number of years my concerns about sustainability in the system while we had constraints such as the need to retain a minimum number of officers. Quite clearly, these things are all connected. To allow our officers to be more efficient and effective, we need to ensure that they are properly enabled and have the proper IT. Things such as mobile devices and better management of our calls through our contract centres will provide that capability, and they are starting to provide it. Clearly, efficiency and sustainability around revenue are closely linked to the amount of capital investment that is available to us.

The Convener: How often do you speak to the Cabinet Secretary for Justice?

Chief Constable Livingstone: On average, I speak to him maybe once every couple of weeks.

The Convener: And his officials?

Chief Constable Livingstone: I probably speak to them weekly.

The Convener: You heard what our previous panel said about the SPA being designed in the 2012 act as a buffer between you, Police Scotland

and the Government. Do you believe that that works?

Chief Constable Livingstone: It absolutely works in terms of our operational independence. Again, I am absolutely clear about that. I was a deputy chief constable in 2012, before Police Scotland came into being, and I have been through some pretty challenging years as the organisation grew and mistakes were made. As a service, we did not get everything right. The level of focus and scrutiny was acute, and at times rightly so.

However, it is critical for me to underline that, throughout that eight-year period, at no time has there been any interference in my operational decision making. The discussions that I have had have been almost exclusively about sustainability, finance and, at times, the need for ministers to be made aware of some emerging threat or vulnerability, either in the terrorist arena or due to some other significant event.

The Convener: If you think that it works, why do you agree with the Auditor General's suggestion that there should be a review?

Chief Constable Livingstone: It does not work as well as it could. At another committee, I was once asked whether the 2012 act was fit for purpose. I will paraphrase what I said, in case what I am about to say does not accurately reflect the record. As part of my response to that question, I said that we do not know because we have never implemented the system as it was designed. That is partly because of the amount of transition and churn that we have had. Therefore, the role of the chief executive in the Scottish Police Authority as the administrator is critical. There has not been stability in that role. Even in the short time that she has been in post, Lynn Brown has added great value to it. However, the fact that we are having this discussion around governance and accountability in policing shows that, for us as a collective, of which Police Scotland is a part—everybody is part of it—the act is not clear or fully understood. Therefore, it would be worth pausing and having a review.

The Convener: Is it more down to the instability of the churn of personnel in the SPA, rather than a flaw in the act and the way that it is organised?

Chief Constable Livingstone: I do not know. My observation is simply that the level of churn and significant clashes of perspective and outlook have not helped. However, that might not be the reason; there might be something in the act. I think that it would be worthwhile looking at it with an independent eye, with all the relevant and knowledgeable individuals involved and contributing to that review. Again, I am more than happy to participate in that.

The Convener: Police Scotland is the second largest force in the UK. I assume that the Met is the largest. Have you worked for any other forces?

Chief Constable Livingstone: I have not. I joined Lothian and Borders Police and I have had secondments to the Office of the Northern Ireland Public Services Ombudsman for six months. Again, doing secondments and attachments, I spent a year in New York as a detective sergeant on a Fulbright scholarship and, around 1999-2000, I worked for a year in London during the fuel protests, as part of what was the Association of Chief Police Officers. However, my professional career has been all within Scotland.

The Convener: Nevertheless, because of the level that you operate at, you will be familiar with the way that other forces operate and are governed. Today, we have been discussing seven years of churn and confusion between the layers of Scottish Government, SPA and Police Scotland. Could we look to other forces for better and more stable models of managing that?

Chief Constable Livingstone: Absolutely. Interestingly, people look to us. The Irish Government asked me to participate in the identification and selection of the new commissioner for An Garda Síochána, because Police Scotland's reputation is high. However, the other reason that the Irish Government asked me to participate was because it had changed the governance model in the south of Ireland to be more aligned to our model. Previously, the commissioner in the south reported directly to the justice minister but, after a number of incidents or scandals, the Irish Government decided that it needed to change that. Therefore, it introduced an independent police board for the south of Ireland. Because we work closely with it operationally and on career development, we know that the Police Service of Northern Ireland has an independent police board. There are difficulties in different jurisdictions and times.

The Convener: How independent is that? We have already identified this morning that an issue was raised about the fact that the Scottish Government appoints SPA board members. Are the boards that you refer to independently appointed?

Chief Constable Livingstone: There are various approaches. For example, the political dynamic in Northern Ireland is such that there is a mix, and the nominations are political, with a number of independent members. I do not know the detail of the make-up of the board in the south.

In England and Wales, some areas, such as Manchester and London, have elected mayors. Others have elected police and crime commissioners, so that, de facto, one individual

holds the chief constable to account. The feedback on that is extremely mixed. Although I am not an expert on police governance, my observation is that we should look at other models but that we could not point to an optimal model. It is a difficult issue. We are not alone in practically and intellectually struggling with the various concepts and roles, but that does not mean that we should not seek to make it better than it is.

10:45

The Convener: That is helpful. Thank you.

Colin Beattie: The chief constable has talked about accountability to the SPA. What mechanisms does the SPA use to exercise that accountability?

Chief Constable Livingstone: We have bimonthly public board meetings, at which I provide a chief constable's report on current issues. At that time, I am allowed to be publicly quizzed and asked by board members about key issues, such as whether sufficient consultation is made externally, whether I have spoken to the unions or whether we have spoken to staff associations. Any changes that I make to process or any proposed developments are required, with regard to finance, to go through the public board meeting. There is also a network of sub-committees. Earlier, Mr Bowman mentioned the audit committee, which we attend regularly. The resources committee brings together people and finance, and the performance and policy committee is meeting this afternoon. I have regular, structured engagement with the chair and others. In writing and verbally, I have to account for my actions as the chief constable in relation to the strategic change that we need to make and the operational performance of the service.

Colin Beattie: Therefore, does the SPA have a regular and routine process in place for holding Police Scotland to account? Is it effective?

Chief Constable Livingstone: There is a regular process in place. If anything, at times, we meet too often. We could take some issues into the committees, which are also held in public, and focus on the major strategic issues at the full board meetings.

As a service, I hope that we have made improvements in our outlook and in the quality of the information that we provide. In the past, we were subject to legitimate criticism, because, when we were asked to provide updates, explanations or rationales, they were not of sufficient depth or they were not timeous. That is a priority that I have tried to introduce. I hope that you have heard positive feedback from the members of the board in that regard. It could work better, but it is working better than it did previously.

The Convener: Thank you.

Bill Bowman: I want to ask about what are called the Brexit reserve or COP26 numbers. Are those officers out of the system until they get used, or are they in the system but available to be pulled out if you need them?

Chief Constable Livingstone: They are in the system. It is a short-term brigading of officers to deploy speedily for situations such as demonstrations at the Scottish Parliament or outside oil companies in Aberdeen. Recently, there have been a number of public demonstrations in Glasgow on issues such as the environment. It has given us that flexibility. The Brexit consequences are less for that short-term team and more for the international unit, which will have mitigate the loss of European arrest warrants and joint investigation teams. Therefore, I have had to enhance our international unit. Those officers are not visible or front-facing but they are crucial, because we now need to prepare lots of bilateral arrangements, rather than going through Europol. We need to have other mechanisms in place to give us that functionality. I have also increased the number of officers and staff within border policing command, who are based at our airports, seaports and small ports, just to make sure that we are sufficiently protected. That short-term public-facing uniform reserve is one part of it but we have put in significant other resources as a result of preparing for the European Union exit.

Bill Bowman: Therefore, there is no inefficiency of people doing their jobs within that.

Chief Constable Livingstone: No, they are tasked on an hourly and daily basis. Divisional commanders would be the first to let me know if they felt that they were not getting value for money from the officers. Should we build that sustainability when things are more stable? In an ideal world, I would return those officers into community-based, front-facing policing or to work in child abuse and child vulnerability. However, at the moment, as a country, we need them.

Bill Bowman: Okay. Thank you.

Willie Coffey: Earlier, I asked Mr Crichton about the policing 2026 strategy and the progress that is being made towards it. Are you satisfied with the progress that has been made towards it, particularly in relation to the ICT and digital strategies that you have mentioned a number of times this morning?

Chief Constable Livingstone: I am never fully satisfied with progress. Willie Coffey mentioned the i6 project. We have completely changed our approach to ICT development. Although the ultimate cost is into the hundreds of millions, our approach is based on best practice and firm advice that we have had from others about

building it brick by brick. We now have a single custody system and a single approach to road collisions. We work on an incremental basis, which means that, when we get additional capital funding, we can look to see what we have.

We do not have a single crime recording system for the whole of Scotland. That is not Police Scotland's fault; we are the answer to that. It is because of what we inherited from a disparate and, at times, contradictory ICT framework. We now have a single network, so we can walk into any police office and get access to our information and emails. Up until a year ago, we could not do that. We are rolling out mobile devices to officers and staff, so that they can live professionally in the way that they live personally, as opposed to using a notebook and pen, which is like living 20 years ago.

We have made good steps and we have good people in place. The policing 2026 strategy is not a stand-alone aspirational document; it is now supported by estates, fleets and ICT strategies. We have refreshed it, because we have stepped back from some things in it, such as facial recognition. We will constantly look at it and refresh it but we are making steady steps towards implementing it. Although it might not be as fast as we would like, there is good evidence of steady progress being made.

Willie Coffey: Therefore, have the lessons that were learned from the i6 failure made you think about using that modular, bit-by-bit design for the IT applications that you need? You have changed strategy from the huge one-size-fits-all investments—£300 million was mentioned in the strategy at the beginning. Have you gone away from that towards the modular approach that you mentioned?

Chief Constable Livingstone: The £300 million is a cumulo of that modular approach but, philosophically, we have changed; rather than trying to design and build the Taj Mahal, let us get something that works. The applications that we are introducing are not state of the art or cutting edge; they are tried and tested, because they have been in place in other sectors or police services for a period. We know that they will work; we can maintain, service and get licenses for them. It is more practical and pragmatic to build system by system until we have the coherence that we need.

Willie Coffey: Do you have the IT skills within your organisation to continue to deliver in that fashion?

Chief Constable Livingstone: We do. Six months ago, I appointed a new director of ICT, and we have a new director of change. The people outwith policing who we now have on board, such

as James Gray, are strong, and I am satisfied that we have a coherent, focused leadership team.

The Convener: Thank you for your evidence this morning. We will have a brief suspension.

10:53

Meeting suspended.

10:56

On resuming—

The Convener: I welcome our third panel of witnesses, who are from the Scottish Government. Paul Johnston is director general for education, communities and justice and Clare Hicks is deputy director for the police division. I understand that Paul Johnston has a brief opening statement.

Paul Johnston (Scottish Government): Thank you and good morning. I am grateful for the opportunity to provide evidence in response to the Auditor General's report. I am the relevant portfolio accountable officer at the Scottish Government. Policy and sponsorship responsibility for policing in Scotland sits in our safer communities directorate, and I am joined by Clare Hicks, who is the head of the police division within that directorate.

I welcome the Auditor General's report and the helpful ways in which she has identified the progress that has been made through her successive reports on the Scottish Police Authority. It is important that part of the context for today's discussions is that broad recognition that Police Scotland and indeed policing in Scotland are performing very well. That will be supported by the proposed additional investment of £60 million that has been set out as part of the current budget process.

There has been a lot of discussion today about the role of the Scottish Police Authority and the potential for further reviews of it and of the overall system, and I am happy to discuss that further. However, it is important to note the significant number of areas in which the Auditor General has recognised progress, including unqualified audit opinions; good-quality financial statements; strong engagement between the SPA, the audit team and other partners; effective processes to support financial scrutiny; highly capable board members; and, importantly, confirmation that the SPA is operating in an open and transparent manner.

That is not to take away from the fact that a significant number of areas have been identified for further work, particularly the development of the corporate function in the SPA and further development of the detailed workforce strategy in Police Scotland. In the Scottish Government, we

are already supporting that work, and we will also carefully consider the committee's conclusions following its consideration of the Auditor General's report. I am happy to discuss any matters that arise from that.

The Convener: Thank you, Mr Johnston. The first question is from Alex Neil.

Alex Neil: As you know, this committee's focus is not justice but governance and money. In the Auditor General's report, which is now two and a half months old, she made the clear recommendation that there is a need to review the police family or the system to see how it all interacts. You heard the chief constable support that view, and the first panel did so, too. The chief constable raised the issue of who should be the accountable officer, and I think he made some valid points about that. What is the Government's position on the Auditor General's recommendation of a review?

Paul Johnston: Speaking as a civil servant who advises the Government, I am sure that it will want to consider carefully the comments that the Auditor General has made and the further things that have been said in evidence this morning.

In light of what the Auditor General said, I can say two things. First, she recognised the number of reviews that have already been carried out, and I could describe to the committee the work that we have been doing following the HMICS review and the Justice Committee's review of the Police and Fire Reform (Scotland) Act 2012, which was completed last year.

Secondly, in the Government, we have already put in train a round table to be chaired by the cabinet secretary, which will bring together all the parties that are involved in policing to work through some practical examples of areas that have been cited where there may be a need for greater clarity around governance and accountability and, from that, to draw out clear principles and examples of the way in which the system should work optimally. However, I heard the committee's comments about whether that will be sufficient, and I am sure that the Government will want to reflect on them carefully.

11:00

Alex Neil: We should bear in mind that, in the preliminary report of her review in June 2019, Dame Eilish Angiolini recommended a similar review to that which Auditor General has recommended. The Auditor General believes that there should be a review of the system and Dame Eilish Angiolini, as author of that preliminary report, said that there should be such a review. The SPA board, its former chair and the chief constable all believe that there should be a review.

When will we get a definitive position from the Government?

Paul Johnston: We will take that away from today's meeting and discuss it further with Government ministers. You will appreciate that it is not for me, as a civil servant in the Scottish Government, to announce a review of policing. We will discuss the matter right away and I will seek to ensure that the committee is kept fully up to date.

Alex Neil: I cannot speak on behalf of the committee because we have not discussed this, but in the re-creation of Camelot at your round table, no doubt the justice secretary will be King Arthur. Can you tell us who the knights are going to be?

Paul Johnston: It is intended that the round table will involve all the key parties that are involved in policing, which—

Alex Neil: Who are "all the key parties"?

Paul Johnston: They are Police Scotland, the Scottish Police Authority, Her Majesty's Inspectorate of Constabulary for Scotland, the Police Investigations and Review Commissioner and, of course, the Scottish Government. We have also invited Audit Scotland to participate. We want to ensure that the work is done in an open and transparent manner, which the committee has emphasised is important, so I am very happy to take on board suggestions on others who should be involved in the work.

Even if there is to be a more substantial review, I think that the committee would agree that it is absolutely right that we are keeping under regular review the day-to-day operation of our system of governance and that the work that we do to scrutinise the operation of the system should not get in the way of the important progress that we need to make on a week-to-week and month-to-month basis. From a Scottish Government position, I am absolutely determined that we keep our eyes on the commitments that we have already made on things such as the strengthening of the corporate function in the Scottish Police Authority and the delivery of detailed workforce planning in Police Scotland.

Alex Neil: Is this the first time that the family has got round the table?

Paul Johnston: No. There is regular engagement among the key players in the system. The round table will be a more thorough and substantive exploration of all the governance issues. Clare Hicks can say more about the regular engagement that we and others have with the key players.

Alex Neil: We do not need that at the moment. I am more interested in the round table. What is the agenda and what is the remit?

Paul Johnston: I do not have a detailed agenda in front of me. I will be happy to share the agenda and remit with the committee.

Clare Hicks (Scottish Government): We have written to all the relevant parties that Paul Johnston mentioned and set out that the review will look at the governance issues that have been highlighted through the Auditor General's report and the recent HMICS review of the SPA and at practical ways in which we can address some of the grit in the system.

Alex Neil: Where are the customers—the people who use the services—in all of that? Will it be purely an annual conference for producers to discuss among themselves how they can operate better? Are you going to listen to the customers?

Clare Hicks: That is a fundamental point. We are looking at a number of stages. The round table will be a first conversation with the relevant parties. On how we would involve a broader base—

Alex Neil: Should customers not be involved from day 1?

Clare Hicks: If we consider the recommendations in both the Audit Scotland report and the HMICS report, the criticisms around governance and accountability are in the space of the parties that are involved, rather than there being a sense that there is public disquiet about policing in Scotland. Confidence in policing is high and there has not been that element. However, you are right—

Alex Neil: Confidence in the governance is not high. We have had the bodies for seven years and they have still not been able to sort it out. Why should we be optimistic that they will be able to sort it out when Camelot comes to town?

Clare Hicks: The current situation is that relationships between the SPA, Police Scotland and the Scottish Government are in a good position, and a degree of progress can be made at this point. We need to consider the stability in the system and the number of reviews that have already taken place. The next stage is for the bodies to have that conversation.

Alex Neil: The Auditor General has made her recommendation, Dame Elish Angiolini said that she supported a review, and this morning the SPA board and the chief constable said that they support it. They are all aware of this stuff, but they still believe that a review is necessary. Are you saying that you do not believe that a review is necessary?

Clare Hicks: I am certainly not saying that, but the term “review” can mean a wide range of things. We would want to talk about the scale and scope of a review, what would be in play within it

and how it would be taken forward. “Review” is a loose term and we would want to test that with the parties that are involved.

Alex Neil: On a different subject, we heard this morning that over 40 people work in the sponsoring department and that there are currently 37 people working in the SPA. Are they working on a one-to-one basis? What do they do all day?

Paul Johnston: I recognise the very hard work that my colleagues in the Scottish Government are doing across a range of issues in relation to policing, of which sponsorship of the SPA is one. Clare Hicks is head of the team and she might wish to say a little more about some of the other work that those colleagues do.

Clare Hicks: Sponsorship of the SPA is a small part of the police division's work. We have responsibility for overall policing policy. Particular pieces of work that are on-going are the Scottish Biometrics Commissioner Bill, which is going through Parliament; the setting up the Sheku Bayoh public inquiry; and work on the police powers in relation to the Age of Criminal Responsibility (Scotland) Act 2019. We are also working on EU exit and liaising directly with colleagues in the Home Office on that.

Alex Neil: The information that we were given earlier this morning must have been inaccurate. I take it that the staff complement of the department is roughly 40 people?

Clare Hicks: There are 39 people.

Alex Neil: How many of them are involved in the work that relates to your being the sponsoring department for the SPA?

Clare Hicks: Three people in the team do the direct sponsorship of the SPA and there is another team of three people who oversee policing finance.

Alex Neil: So it would not be true to say that 40-odd people are involved in sponsorship?

Clare Hicks: It would not.

Alex Neil: Right. We were given more misinformation. Thank you.

The Convener: I have a couple of questions on the review. Would the Government look to appoint an independent chair?

Paul Johnston: I think that the Government will need to consider that further in the light of the evidence that has been heard this morning.

The Convener: I presume that that will be the cabinet secretary's decision?

Paul Johnston: Yes.

The Convener: What is the timescale for the review?

Paul Johnston: I can confirm that the intention is for the proposed round table on governance to take place in the coming weeks. I hope that it will take place over the course of the coming months. I will have to discuss any further work with ministers.

The Convener: Your answer made it sound as if that will be a one-off meeting. Is that what you anticipate, or do you anticipate a bigger piece of work?

Paul Johnston: I see the governance round table being the starting point to flush out the key issues that need to be addressed. As I said, the Cabinet Secretary for Justice will need to reach a decision on the work that follows in light of the further evidence that has been heard today.

The Convener: Is the round table likely to take place in public or in private?

Paul Johnston: It is proposed that, in the first instance, a discussion between the parties will take place in private. However, I fully accept the need for openness and transparency, and I want to reflect further on how we can ensure that the work is done with the highest possible levels of those things.

The Convener: That was an adjunct to Mr Neil's question about participation and transparency. We will look forward to hearing the cabinet secretary's proposals. Might there be a statement to Parliament on the subject at some point?

Paul Johnston: We will discuss with the cabinet secretary what the next steps should be.

Liam Kerr: I will briefly follow up on that point. We heard from Susan Deacon earlier that there has been a deafening silence from Government on the Auditor General's report. She went on to say that since she stepped down in December there has been an attitude of "Move along, nothing to see here" and rather pointed the finger at the Government—in other words, at you. I presume that you would say that that is not fair. What is your response to Susan Deacon's suggestion?

Paul Johnston: I heard that suggestion. We are here to discuss the details of Auditor General's report and we very much welcome the discussion. I can also describe the range of work that is under way to pick up on the recommendations made by the Auditor General. As I said, we have accepted what is in the report and we are acting on those and related recommendations such as those made by HMICS in recent months. We are working very closely with the SPA to take those forward. I do not recognise the suggestion that there has been a lack of activity or commentary on the issues. We

recognise the importance of good governance in policing and will work hard with all parties to secure it.

Liam Kerr: What discussions has the SPA had with the Scottish Government regarding options for creating financial sustainability?

Paul Johnston: There are regular engagements with board members and officers in the SPA regarding the financial sustainability of policing. I have a regular engagement with the chair and Clare Hicks and her team have weekly engagements with the SPA.

Clare Hicks: I speak to the chief executive of the SPA and to David Page, deputy chief officer in Police Scotland, every week. The Auditor General's report and Police Scotland's evidence to the Justice Sub-Committee on Policing both refer to that regular engagement, particularly on the point of financial sustainability and what is required in order to achieve that.

Anas Sarwar: Paul Johnston, activity and commentary does not mean that you are doing the right thing or enough of it. Why are we so useless at workforce planning?

Paul Johnston: I recognise the need to carry out workforce planning. In her evidence to this committee, the Auditor General stated clearly that it is for Police Scotland to carry out the workforce planning in terms of future demand and the needs of policing in Scotland. I am glad to hear that Police Scotland sees that as a top priority.

I recognise that there is a need to look at workforce planning across public services, which the committee referred to in its recent key themes report. I can assure you that we are taking that very seriously in the Scottish Government. I want to support the work that Police Scotland is doing by looking more broadly at how we can ensure that there is robust workforce planning across public services.

Anas Sarwar: Does that currently exist or do we have a skills gap?

Paul Johnston: I refer to what the Auditor General said, which was that she can see positive practice in some areas. However, we do face skills challenges and potential skills gaps. The committee has heard about some of the skills gaps in relation to finance and ICT and I do not dispute the fact that we have some skills challenges that we need to address.

Anas Sarwar: NHS Scotland is two years late in producing a comprehensive workforce plan, never mind implementing it and Police Scotland is late with its workforce plan, never mind implementing it. Is that good enough? What action will the Scottish Government take or are we just leaving it to the chief constable and his team?

11:15

Paul Johnston: I will talk specifically about Police Scotland. We have heard about timescales, and it is vital that they are adhered to. I have been assured that the SPA will actively scrutinise that and that there will be support and challenge from its internal audit functions during this year. We are giving that real priority, and I am pleased that Police Scotland is, too. It is an essential part of the work that must be done in order to be clear about future needs, demand and the make-up of the police service in Scotland.

Anas Sarwar: Susan Deacon hit the nail on the head when she identified a cultural issue that goes beyond Police Scotland and across Government in general. That issue is managerialism, and managing away problems rather than creating true structural reform and shaking things up. Is that not a fundamental problem for Government in Scotland?

Paul Johnston: It is interesting that we are here talking about Police Scotland, which has been a fundamental exercise in reform and which is globally recognised as effective in many respects at providing better policing at a lower cost. We have a case study of root-and-branch reform that is being carried out with a new purpose for policing in Scotland and that has been subject to independent scrutiny and verification.

Anas Sarwar: Is the SPA a positive case study for us to project to the world?

Paul Johnston: We have recognised that there is further work to do on the system of governance for policing.

Willie Coffey: I have the same question that I asked the two previous panels. Is the Scottish Government satisfied that sufficient progress has been made towards the objectives expressed in the policing 2026 strategy, particularly in relation to digital and ICT?

Paul Johnston: A lot of water has gone under the bridge since policing 2026 was published. There has been a need to rapidly adapt and change. I am thinking of the work needed to prepare for a no-deal Brexit and for COP26. There are areas—particularly financial projections—that must be refreshed and revised. We have already discussed workforce planning.

I am pleased that there is progress on ICT: £12 million was put in this year to enable the first tranche of ICT development, and the proposed capital budget for next year means that that development can continue. I accept that the overall programme will need just under £300 million, and that there is a lot of further work to do to secure that investment.

Willie Coffey: You mentioned the £60 million uplift that has been announced. Is part of that for ICT, other than for capital projects?

Clare Hicks: In the overall capital uplift, £5 million is earmarked for greening the fleet. The rest of the capital allocation is at the discretion of the chief constable to prioritise in line with the strategies that Police Scotland has already set out for estates, digital and so on.

Bill Bowman: The chief financial officer of Police Scotland spoke about you issuing a promissory note to guarantee that its budget will be made up to meet its current year deficit. Can you explain that?

Paul Johnston: I would not describe it as a promissory note as such.

Bill Bowman: A financial instrument.

Paul Johnston: There is no formal financial instrument. There is a letter, in which we set out Police Scotland's budget. It is an annual and detailed budget letter. We have recognised the financial projections, which have indicated a likely overspend. In the letter, we recognise the projected overspend and we say that we will work closely with the SPA to manage that overspend. The chief financial officer is right that when it comes to spring budget revision orders, financial provision has then been made to cover whatever the overspend is as we go through the financial year.

Bill Bowman: Either he can legally act on the letter to continue paying wages, or it is not worth the paper that it is written on.

Paul Johnston: There is no question about the legality of the process. As the portfolio accountable officer, I am confirming to the accountable officer in the police—the letter goes to the chief executive of the SPA in the first instance—that I recognise the financial projections and the pressures, and that we will work closely with the SPA during the year to address them.

Bill Bowman: So the wages will be paid.

Paul Johnston: Absolutely.

Liam Kerr: Clare Hicks said that there was £5 million for "greening the fleet". What does that mean? What is the projected cost of whatever "greening the fleet" means?

Clare Hicks: We are working closely with Police Scotland and our colleagues in public value, which is a team within the Director General Scottish Exchequer part of Scottish Government. Police Scotland published its fleet strategy, which projected the spend required. Working collaboratively, we are looking at options for changing how vehicles are procured, for example by using leases and so on. The £5 million is for

both leasing electric vehicles and looking at the infrastructure to support a rapid transition to a green fleet. That is a one-year figure.

Liam Kerr: What does “greening the fleet” mean? Does it mean leasing electric vehicles and converting diesel cars to something else? What does it mean?

Clare Hicks: It means moving to electric vehicles.

The Convener: Will the work to turn cars into police cars happen again in Scotland? I understand that it was moved to England a few years ago.

Clare Hicks: I am not aware of that, but I can come back to the committee with an answer.

The Convener: That would be useful. It is just a point on procurement.

Paul Johnston, is there a timescale for the appointment of a new chair for the SPA?

Paul Johnston: We are working with the public appointments commissioner on that appointment. The cabinet secretary has also been liaising with the convener of the Justice Committee about the role that the committee will have in relation to the appointment. This committee will be aware that a member of the Justice Committee sat in on the appointment process the last time that we appointed a chair. There is no firm timescale while discussions take place.

The Convener: Once there is a timescale, will you be able to write to us with the details?

Paul Johnston: I will.

The Convener: Thank you, and thank you both for your evidence.

11:22

Meeting continued in private until 11:31.

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Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

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