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Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 29 October 2013

Session 4

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JUSTICE COMMITTEE
28th Meeting 2013, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Elaine Murray (Dumfriesshire) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (Ind)

*Colin Keir (Edinburgh Western) (SNP)

*Alison McInnes (North East Scotland) (LD)

*Margaret Mitchell (Central Scotland) (Con)

John Pentland (Motherwell and Wishaw) (Lab)

*Sandra White (Glasgow Kelvin) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Stevie Diamond (Unison)

Catherine Dyer (Crown Office and Procurator Fiscal Service)

John Foley (Scottish Police Authority)

Anne Marie Hicks (Crown Office and Procurator Fiscal Service)

Chief Constable Sir Stephen House (Police Scotland)

Allan Macleod (Police Scotland)

Alan McCloskey (Victim Support Scotland)

Chief Superintendent David O'Connor (Association of Scottish Police Superintendents)

Graeme Pearson (South Scotland) (Lab) (Committee Substitute)

Paul Rooney (Scottish Police Authority)

Calum Steele (Scottish Police Federation)

CLERK TO THE COMMITTEE

Irene Fleming

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 29 October 2013

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning and welcome to the 28th meeting in 2013 of the Justice Committee. I ask everyone to switch off mobile phones and other electronic devices completely as they interfere with the broadcasting system even when switched to silent. Apologies have been received from John Pentland and Alison McInnes. I welcome back Graeme Pearson—he has missed us so much—as John’s substitute.

Under agenda item 1, I invite members to agree to take in private item 3, which is a review of evidence gathered so far on part 1 and section 87, which is in part 6, of the Criminal Justice (Scotland) Bill, and item 4, which is consideration of the Scottish Government’s response to our inquiry report on the effectiveness of the provisions in the Title Conditions (Scotland) Act 2003. Do members agree to take those items in private?

Members *indicated agreement.*

Draft Budget Scrutiny 2014-15

10:01

The Convener: Item 2 is our first evidence session on the Scottish Government’s draft budget. We will hear from two panels of witnesses, the first on the police budget and the second on the Crown Office and Procurator Fiscal Service budget.

I welcome—I am beginning to think that some of you have names on your seats—John Foley, interim chief executive, and Paul Rooney, chair, finance and investment committee, Scottish Police Authority; Chief Constable Stephen House and Allan Macleod, interim director of finance and resources, Police Scotland; Chief Superintendent David O’Connor, president, Association of Scottish Police Superintendents; Calum Steele, general secretary, Scottish Police Federation; and Stevie Diamond, police staff Scotland branch, Unison. I hope that the witnesses will forgive me if I call them by their names rather than by their ranks—otherwise there are so many ranks that I am likely to make a mistake. I thank the witnesses for their written submissions.

Before I move to questions, I remind the panel that when a member asks a question of a particular witness they are obliged to answer. However, because we have a big panel, the other witnesses should not feel obliged to come in unless they have something contrary or different to add. All the panel members have been here before, with the exception of Mr Foley, I think. Is that correct?

John Foley (Scottish Police Authority): That is correct.

The Convener: We are very sweet—I am sure that Mr Foley will let me know later if that is indeed the case. John Finnie has the first question.

John Finnie (Highlands and Islands) (Ind): To what extent does the requirement to have 1,000 additional officers impact on what the police can do with the budget?

Chief Constable Sir Stephen House (Police Scotland): The requirement obviously has an impact. The consideration for us is that the figure of 17,234 is a Government requirement. That said, without in any way demeaning the requirement’s importance, it becomes a bit like the furniture—we realise that that is the situation and we work with the positives, and the positive is that there are a great many police officers in Scotland. I have said on a number of occasions to the committee that you will not find me, as the chief constable, bemoaning the fact that I have a large number of police officers. The requirement means that we

must look elsewhere and be more imaginative in finding our budget savings.

The Convener: Does any other witness wish to comment? I ask because I know that there is a dispute about how the figure is binding.

John Finnie: I ask Mr House and Mr Steele in particular what implications there are, if any, of the additional police officers for overtime and the potential to reduce the overtime bill.

Chief Constable House: The overtime bill is a significant amount of money, and we are looking to reduce it. Indeed, so far this year, we are reducing it. I do not see too much of a correlation. The argument that I put to my senior officers is that there should be less of a need for overtime because they have a higher number of officers. However, members will understand that there are many situations in which officers must be held on duty due to unforeseen circumstances or operations where we need specialists to be in place. An example of that is the recent arrest and subsequent charging of five people under the terrorism act. Members will appreciate that that was a huge enterprise, which meant funding a lot of overtime because officers—particularly those with specialist skills—had to be working. It is an issue, but we are looking to reduce the overtime budget and we are being successful in doing that across the board.

Calum Steele (Scottish Police Federation): The question needs to be developed slightly, because having 1,000 extra police officers should mean that the actual requirement for overtime, rather than simply the cost of overtime, diminishes. Clearly, if you have a greater number of police officers upon whom to draw to undertake policing activities, there should also be greater opportunities to develop working systems that mitigate and reduce the use of overtime, rather than simply looking at reducing its cost—and traditionally the police service has not been good at that. If we continue trying to reduce the cost, rather than the use, of overtime, police officers could burn out. Having a greater pool of individuals allows us to design better working systems in the first place.

Chief Superintendent David O'Connor (Association of Scottish Police Superintendents): On overtime, although there has been a great deal of reform, and the requirement to have 17,234 police officers has made a significant difference, our view is that there needs to be some reform of court systems as well, because a significant amount of police officer time is still taken up in the courts. Time spent in court costs the public purse money, and there should be an opportunity in future to look at how the courts operate, particularly at weekends and even in the evenings. Looking at court

systems and the amount of police overtime that is spent in the courts could offer real potential for savings to be made.

The Convener: Do we have any figures for that?

Chief Constable House: I can give you some figures relating to overtime in general, and there are probably some relating to court overtime. When we created the single service, we decided to target the overtime budget, which has been reduced by £10 million. The budget for overtime is around £22 million across the country—that is what we expect to be spent this year, but it is a reduction of £10 million on the previous year.

In the days before Police Scotland, the figure for court overtime in Strathclyde was around £4 million. That has been reduced though some good joint working with the Crown Office and the courts, and that work is continuing. The issue is not being ignored. However, there is still an issue around the country, because we have to pay officers overtime to come in for court duties, and we would like to see that reduced further. The Saturday court issue is one that we have pressed for a number of years. We will continue to do so, because of the pressure that builds up in police cells over the weekend, which we see as unnecessary. I note that Lord Carloway's recommendations talk about increased flexibility in the courts, and we would certainly be keen to support that.

John Finnie: Does the reduction in the number of police support staff have implications for overtime?

Stevie Diamond (Unison): There certainly are implications at the moment. Depending on where police staff are being used, or where their use has been reduced, there are implications for certain administrative functions, because not enough staff are available to carry out those functions while we wait for structural reforms to take effect. We recently carried out and are analysing just now a stress survey on the impact of the cuts on staff who remain in the organisation, and there are certainly implications there. However, we appreciate the attempts by Police Scotland to reduce the overtime bill, because that could ultimately have an effect on maintaining the number of police staff in the organisation.

Graeme Pearson (South Scotland) (Lab): I have a question for the chief constable about the 1,000 additional officers that Police Scotland is obliged to employ. How much do the 1,000 posts cost per year?

Chief Constable House: I suggest that it is around the mid-30s in millions.

Graeme Pearson: About £30 million?

Chief Constable House: Yes.

Graeme Pearson: You have been well trailed over the months as saying that, with the current budget allocation, you found it difficult to anticipate being able to maintain the additional officers in the years ahead. I find it difficult to understand the notion of operational independence and the chief constable's choice about how to police an area when you are obliged to take on 1,000 additional staff. What is your view of the additional allocation of staff? Because of that additional allocation, where do you have to look for savings, and what would be your choice for the future?

Chief Constable House: You raise a lot of fairly fundamental questions. Clearly, I want to protect the operational independence of the chief constable, as I am sure everyone does, but there are always a number of constraints on any chief constable. Arguably, budget is a constraint, although that is not an argument that I would push in any direction, and legislation is a constraint as well. We work within the law and we work within a budget. As far as I am concerned, the requirement for 1,000 extra cops is something that we work within, as is the Government's requirement for no compulsory redundancies among support staff. Frankly, I welcome that requirement and I welcome having extra officers.

I arrived in Scotland post the 1,000 extra officers so, in effect, I have always known the ramp-up towards that number. When I arrived in Strathclyde Police, we went from 7,250 to 8,500 officers within a short period of time—that was the ramp-up, and I was grateful for it. Any operational officers—I am sure that the Scottish Police Federation and the ASPS would support this point—will say that all 17,234 officers are well occupied. Interestingly, the public still want to see more policing, not less. There are difficulties around that.

I have always said that, with the number of police officers that we have, balancing the budget is a challenge. If you add up all our staff costs for police officers and support staff and include absolutely everything, the staff costs come to just about 90 per cent of our budget. Therefore, making savings in what is left will always be challenging. If we looked just at the police officer costs, we would still be looking at a proportion of our budget in which we would need to find some pretty challenging savings.

The answer that we have put out, and which we are sticking to, is that we are looking to make savings everywhere. I fully understand the concerns that Stevie Diamond has expressed on behalf of Unison—I share those concerns—that we are looking to make savings only in civilian support staff costs, but that is not true. For example, we have looked at the delayering of senior ranks, so our chief officer budget is now

less than half what it was under the eight forces. We have made significant savings there—I am sure that David O'Connor can speak accurately to the reductions in the ranks of chief superintendents and superintendents. We are reviewing chief inspector and inspector rank numbers as well. As we have discussed, we have also taken some money out of overtime.

We are looking at a wide range of other issues, including property costs, which are a significant chunk of what has been left to us. For example, we have around 800 buildings in our buildings stock, but less than half of those are what the public would recognise as operational buildings. A significant number are police houses—residential properties in parts of the country where, as people will know, historically it was difficult for officers to find somewhere to live.

Other significant places where we are looking at saving money include the fleet—we are going through a 10 per cent reduction in the number of vehicles—and our procurement contracts, which we want to ensure are as efficient as possible. As members will realise, the investment in i6 is an investment to save, which the Scottish Police Authority has supported. We are looking to save money in the long term out of i6, as we are with all our information technology.

We will also be going through significant rationalisation. As I think I have mentioned before—it has certainly been picked up—under the eight forces there were, and still are, 10 control rooms across Scotland. I cannot tell you what the number will be, because we have not worked that out yet and we have not presented it to the Scottish Police Authority. We will present the number to the authority for its views and input, rather than just its decision, so that it can help us to create the answer. However, we will not need 10 control rooms going forward.

There are a number of areas that we can look at to reduce costs, and we are determined to do that. We will try to do that before we come to staff costs, but the problem is that the next biggest chunk after police officer costs is support staff costs. We are not restricted in looking at staff costs, except that we cannot have compulsory redundancies. We would much rather work through voluntary schemes and we are finding significant savings in public money through those voluntary schemes.

10:15

The Convener: Before we move on, I will let Calum Steele in.

Calum Steele: Thank you, convener. The point that I wanted to make is principally about how the 1,000 extra police officers can be considered to

impact on the chief constable's operational independence. I am sure that the chief constable will speak for himself—he absolutely does that. However, my observation is that there is greater flexibility in having 1,000 extra officers to deploy across the whole of Scotland as the chief constable sees fit than existed previously when there were officers funded by local authorities who had to be deployed within the confines of the old force areas. That suggested that where an area could afford extra police officers, there was an obligation on the chief constable to deploy them in that area, regardless of whether they were needed there. If we were to go in that direction, that could be considered to impinge on the chief constable's operational independence. To my mind, having 1,000 extra officers to deploy across the whole of Scotland provides a more flexible approach to the deployment of police officers than the previous approach whereby there were officers who were funded for deployment in specific local authority areas.

Graeme Pearson: I was going to raise this point later, but I will do so now. Previously, there had been local authority funding for police officers across Scotland. Does the answer that Calum Steele just gave suggest that that has now ceased and that the arrangement in relation to the 1,000 police officers replaced that? Do you anticipate or hope that local authorities will maintain their financial support?

Chief Constable House: I completely agree with the principle of what Calum Steele said, but I want to make sure that members are not in any way unclear on this. At the same time that the Parliament decided that we would have 1,000 extra police officers, I spoke to all councils in Strathclyde, a number of which decided to invest in extra police. Glasgow City Council paid for, and still pays for, 100 extra police officers. North Lanarkshire Council and South Lanarkshire Council pay for extra police officers, as do most councils in the west. The numbers are quite small in some areas—sometimes councils will pay for campus cops—but the principle still applies. The City of Edinburgh Council certainly has significant funding for extra police officers, but members will have seen recent publicity about the consideration given to whether to reduce that funding in the council budget. I have to say that I understand entirely that the council is under significant pressure to make budget savings. In my experience, all councils review every year whether they want to keep funding the extra police officers. In most instances, they decide that they are good value for money and they keep funding them.

I think that there are still more than 300 police officers around Scotland who are funded solely by local councils to work in their area. Speaking for myself—I am sure that I speak on behalf of other

previous chief constables when I say this—I know that in the west there was always an understanding that operational deployment of such officers would be in the main for duties that councils wanted them to be deployed for, which involved local visible policing, but that there would be occasions when, because of the needs of the service, the officers would be deployed somewhere else for a brief period, such as at a demonstration or an industrial dispute.

The Convener: That is useful. When we discussed the issue previously, the late David McLetchie clarified that the money from councils would not just disappear into the large fund but would be clearly for the purchase of a number of police officers.

Stevie Diamond: With regard to the 17,234 officers, we have grave concerns about the way in which some officers are being deployed at the moment, such as to backfill police staff posts. Since 1 April, we have lost about 450 police staff posts through voluntary redundancy and early retirement, and a significant number are being backfilled by police officers. Some proposals that the organisation has made to allow us to meet the budgetary constraints for this year will mean that police officers will not be doing patrol work but will be doing the work of police staff who are no longer going to be used by the organisation. The 17,234 is almost a notional figure. The chief constable is having to make operational decisions to backfill for police staff.

The Convener: Chief constable, are you using police officers to backfill those posts?

Chief Constable House: I have said before to this committee that we have no policy and no strategy of backfilling civilian posts with police officers when civilian staff go. That remains the case at this moment in time.

I am certainly not suggesting that Stevie Diamond's analysis is incorrect—there are, of course, occasions when backfilling will take place. However, that has always been the case. If a member of staff has to go on a training day and their job is essential, it will be backfilled by a police officer.

The Convener: I think that the question is whether that is on the increase, rather than whether it always happened.

Chief Constable House: Under the terms on which staff go, jobs are in most instances closed down, so in the vast majority of cases there is no backfilling to be done. I do not agree with Stevie Diamond on that. I understand where he is coming from, but we do not see that the 450 posts or thereabouts—the number will be higher by the end of the financial year—are being backfilled by police officers.

Stevie Diamond said that the figure of 17,234 is notional to an extent. To be clear, I assure the committee that we review on a weekly basis the numbers of police officers in Scotland, and the figure is far from notional. I think that he means that the officers might not be out there operationally, but 17,234 officers—and any number above that—have never all been out on the street. There are always jobs that police officers do that keep them off the street to a degree. We try to minimise that, but officers are not out on the street all the time; I wish that they could be.

Graeme Pearson: I want to clarify the point about the figure of 17,234 and the 300-odd local authority police officers. Does the Government pay for 1,000 additional officers, and you have 300-odd local-authority-paid people on top of that, or are there 1,000 in total, which takes into account the 300-odd officers?

Chief Constable House: Unfortunately, the answer is not very clear. I wish that it was, because I would like to give you a clear answer and to have understood it clearly myself, but it is not easy. A relatively simple fact is that some of the funding from councils came before the 1,000 extra cops, so it is not as clear-cut as saying, "They're on top as well."

We are not at 17,234 right now—we are above that number, some of which comes from the extra money from councils.

Graeme Pearson: I come to Stevie Diamond's point about support staff. I asked you about where you look for the savings, because the SPA has set a fairly robust challenge for you. It seemed from your reply, having gone through all the various elements, that a major part of those savings will come from staff redundancies.

I know that the on-going police counter closure process involves staff leaving, and that the people who serve citations and so forth will go too, but I find the situation hard to understand. We reckon that approximately 1,200 posts have gone from the support staff side in the past few years, and elements of those functions must need to be performed by someone. It is not merely a case of switching the light out and saying that the work no longer needs to be done, so presumably—although you would not desire it—police officers must do that work.

You also have a substantial reform unit that is staffed by police officers who administrate the process. What is your strategy to ensure that there is a balanced workforce for the future and that the support function is performed by people who are not warranted?

Chief Constable House: Again, there are a number of questions. I would not necessarily

argue with those figures going back a few years. There is no doubt that the future will bring more staff leaving the organisation, which will take place over the next few years.

At present, we do not have a strategy to backfill posts with police officers, but again I am not—

Graeme Pearson: I am sorry for interrupting you. You say that you do not have a strategy for backfilling—

Chief Constable House: It is not done purposely.

Graeme Pearson: But the reality is that there are human beings who wear police uniforms who are doing office work. That might not be your particular strategy, but if we have lost more than 1,000 people and there are police officers who are now doing that work, the reality—whether or not you call it a strategy—is that we are paying for police officers who should be out enforcing the law and detecting criminals but who are in fact doing administrative tasks, whether you want it that way or not.

Chief Constable House: That is too simplistic an analysis, if I may say so. For example, we are losing some staff from posts that police officers just would not do. We are losing mechanics through the rationalisation of workshops—

Graeme Pearson: I did say that some of the 1,200 jobs—not all of them—would be being backfilled.

Chief Constable House: Well, some.

Again, I go back to the fact that this is a large organisation that covers the country. We do not have a policy of doing that so, when it happens, it is happening in the odd example.

Let me try to explain why I am confident in saying that. As Mr Pearson has indicated, we are looking to reduce the opening hours of some of our front counters across Scotland and we are looking to close some front counters. We are not, at the moment, looking to close any police stations. Public access will be limited in some areas and in some areas where we think that it is particularly quiet, there will be no access to a police office.

The easiest thing for us to do to avoid all the negative publicity and concern among the public—I do not want to concern the public—would be to say that we have to make savings so, given that 150 support staff who work on front counters want to go under voluntary redundancy, we will let them go and we will backfill with police officers. That would be the easy thing to do. We would avoid all the bad press, we would keep the front counters open and the public would not be concerned—I

appreciate that they are concerned about this sort of thing.

However, that is not the sensible thing to do. Instead, we are surveying and consulting on front counter opening hours and saying that we have to reduce the hours because we do not want to backfill with police officers, because we want the police officers out on the streets and responding operationally to the public.

We will look again at how appropriate our opening hours policy is across Scotland. Is it a modern response? I do not believe that it is. I think that it is based on an old-fashioned concept that if you want a cop, you go to the local police station. Most people do not do that any more. There are some exceptions but most people will phone, so we have a communications system that allows that. We are looking to limit any backfilling that we do.

The citation service has been a particular issue and I know that the unions are concerned about it. Again, I understand why they are concerned. What we have effectively said is that we will give that work to police officers. However, the police officers to whom that work will be given are not working in an office, in a unit; they are out on the street, knocking on doors and looking to deliver the citations.

My view is that that is exactly what police officers should be doing in the community. They should be out and they should be knocking on doors—sometimes those are the doors of people whom we want to speak to quite urgently. Therefore, that will increase the amount of time that police officers are out and visible to the public. That is a sensible thing to do when we have to cut our budget, which we do.

Mr Pearson said that the authority had given us a significant challenge, and it is a challenge that we have accepted. The budget cuts that we are looking to for this year are around £64 million. We are about £2 million to £3 million short of balancing the budget. We are just over halfway through the year so I am pretty confident that we will balance this year's budget. We are making significant inroads on next year's budget and the budget for the year after that as well.

The challenge is there and it is difficult—we expect it to be difficult. I will always maintain the right to say in public that it is difficult, but that is the job that we have taken on.

Graeme Pearson: And the police officers in the reform unit?

Chief Constable House: I am not entirely sure that the information there is up to date. There were significant numbers as we moved towards 1 April, but it has been downsized quite significantly. I do

not have the details. I am happy to let the committee have them after this, if I can.

Graeme Pearson: Does anyone else want to comment, convener?

The Convener: No one else has indicated that they wish to comment, so you could come back in. As you know, I am very lax—that is my word for it.

Graeme Pearson: Sure. Very much so.

Elaine Murray (Dumfriesshire) (Lab): I am interested in following up on the civilian staff figures. On Police Scotland's estimates, some 800 police staff will have been lost this year, which will contribute something like £25.5 million to the savings in the following year—in 2014-15. Your financial pressures are much greater than that. How many more civilian staff are likely to go next year? Do you anticipate losing hundreds more civilian staff?

10:30

Chief Constable House: As I said in answer to an earlier question, the civilian staff is not the only place that we are looking. We are looking everywhere else.

I am pretty optimistic that in terms of property, we will find more money going forward. Members will appreciate that property is quite a difficult one to get into quickly. We have made some progress so far this year in getting out of some expensive leases, which has helped to save us some money. However, as we go ahead we will be looking to rationalise the 800 or so buildings in the authority's portfolio. We will also be looking at procurement and information and communications technology. We will be looking at everything.

Having said all that, we come back to the fact that the second-biggest chunk of our budget is civilian staff. Therefore, there is no doubt in our minds that, as the years pass, there will be further reductions in the number of civilian staff. The Scottish Government also recognises that that is the case because it is putting substantial amounts of money into a reform pot, having announced that some reform money will be available in 2015-16. That is a new indication from the Government and I think that there is £70 million in the pot for that year.

A substantial amount of the police reform money has gone into the VR and ER scheme, which is an indication that we and the Government expect that the process will not be short and sharp; it will be a longer process. That is inevitable.

I have to go back to the control room issue. We have around 1,300 to 1,400 support staff working across control rooms and contact centres in Scotland. Up to 450 of them have indicated that

they would like to take voluntary redundancy or early retirement. We cannot let any of them go at this moment in time because we would have to backfill those essential jobs with cops. That will be the case until we can rationalise the number of control rooms. Once we can do that, which is probably years away rather than weeks away, we can look at our civilian support staff in control rooms and reduce their numbers significantly. We will help to improve the service because the IT will be more integrated in a few years than it is currently.

So rather than just looking at the situation in the next couple of weeks and months, we have to look ahead as we move on with transforming the service. There is a lot to be done, it will take a number of years and there will be more voluntary redundancy and early retirement of civilian staff in the years to come.

Elaine Murray: In its submission to the committee, Unison argues that no detailed work has been done on the workforce balance that is required to maintain low crime figures. I sense that you are implementing the reforms in a constrained way because if the work has not been done to show the balance between civilian staff and police officers that is required, it is difficult to get the optimum workforce balance. You might want to comment on Unison's argument that that work needs to be done as part of the reform process.

Chief Constable House: I agree with that argument. That work needs to be done but it would be foolish to try to do it within the first 12 to 18 months of the new organisation. We need to bed in first.

There are many questions to answer. People often say to me that 17,234 is an arbitrary figure, and I think that everyone agrees with that because the Government talked about 1,000 extra cops on a day on which there happened to be 16,234 cops. I am not saying that the decision is wrong; it was a good decision. However, the figure is arbitrary. Could we manage with one fewer? Quite possibly, but it is not just for us in the Police Service to do the research; it is for the wider group of stakeholders, including the public, to decide what sort of police service it wants. What does Scotland want? What does it regard as acceptable crime levels? Are any crimes of violence acceptable? Do we want to focus on other issues? What about all the other facets of policing that we carry out? If 17,234 is not the right number, what is the right number?

Then we have to look at the arguments around civilianisation. There are huge arguments in favour of civilianisation, but civilians are currently doing some jobs that police officers used to do, and the benefits can be argued either way. I will take the example of licensing, particularly alcohol licensing

in pubs and clubs. In a number of places in Scotland, there are licensing units in my divisions, and some are all police officers, some are a mix, and some are all civilians. My view is that there should be a mix of staff in licensing units because we need the uniform and the power to go in to inspect premises to show the presence of law and order in pubs and clubs and to ask them difficult questions.

What mix of workforce do we want? That is not an easy debate that can be sorted out by the end of the year. We should have at least a year to 18 months to decide on the sort of service that we want for the future.

I should point out that as regards performance, violent crime has been coming down. It continues to go down; it is down about 14 per cent this year on last year. Most other kinds of crime are coming down as well. I have referred to the counter-terrorism arrests yesterday; we have the Commonwealth games coming up. As regards performance, a whole load of things are successful at the moment.

I think that the public would be less than patient with the attitude that because we have a smaller police service and a smaller budget, we need to be prepared to put up with a bit more crime and disorder—not many members of the public would be prepared to do that. I am not suggesting that you are saying that but I do not think that they would be prepared to do that. There is a bit of a constraint around—

The Convener: I can just see the headlines.

Chief Constable House: They will probably happen now that I have said that.

The Convener: No, no, you have retrieved the situation.

Chief Constable House: Have I? Good.

Elaine Murray: Would it not be easier though to have that discussion within the professional force, with stakeholders, without the politicians telling you that they are setting one part of the equation, which you then have to keep set in stone and work around rather than being allowed the flexibility to determine it yourselves?

Chief Constable House: I am afraid not because I would be taking the 17,234 figure as a starting point; if I was being questioned by any panel about how many police officers I want, 17,234 would be a bottom-line figure. I would want more than that—I could use more than that quite happily.

The Convener: Crumbs, do not ask for more at the moment.

Chief Constable House: I think that it is foolish not to say publicly that we could use more police officers.

The Convener: I understand. It is just that 17,234 is emblazoned in my memory now. We are all going to remember that number come hell or high water.

Chief Superintendent O'Connor: Just to support what the chief constable said, we as an association supported police reform and we supported the introduction of a single police service in Scotland, but one of the caveats that we put in place was the need to have a balanced workforce as we roll forward.

I agree that the time is not right just now because we are still trying to make the savings but, as we roll forward, we need to look at what a community policing model is. What does it look like? What is the balance between police officers and police staff? The service needs to look at that—potentially next year—to ensure that we get that balanced workforce.

The Convener: Calum Steele, you raised your eyebrows there. Do you want to say something?

Calum Steele: Yes, convener, I do. Although I understand the point about having a balanced workforce and the number of particular resources that are required to undertake particular tasks, I am alert to the reality of what happens in such situations, which is that if your starting point is 17,234, your answer is 17,234. It happened in all the old forces: when exercises were undertaken to find out—or at least attempt to find out—how many police officers were required in each force, quelle surprise, the answers that came out were based on the number of officers who were there at any particular moment in time and, indeed, the number of support staff who were there at any particular moment in time.

When we are looking at the issue of reform—although I know that the purpose of today is to look at the budget—we must recognise that it comes against a background of trying to save more than £1 billion. We are trying to deliver one year's worth of free policing by 2025-26. That is not going to be managed without some particularly difficult decisions having to be considered and made year by year.

However, I am in absolutely no doubt that we are in a far better position to be able to respond to the challenge of finding that £1 billion in savings by 2025-26 as a consequence of having a single service instead of having to find the £1 billion—in fact, probably in excess of £1 billion—from across the eight previous forces.

Paul Rooney (Scottish Police Authority): Just to complete the panel's agreement on the timing of

this, the challenge that we face at the moment is the coming two financial years. That is where the focus has to be. We would certainly all support the suggested review but I believe that the point at which we could start to look at such a piece of work would be after the coming two financial years.

The issue that we have just now is to ensure that we maintain the level of performance that the chief constable has outlined—that is what the public expect us to do. At the same time, we need to identify what financial opportunities there will be going forward and ensure that we are moving towards a 21st century police service for Scotland.

Stevie Diamond: We are all in agreement that the timing is absolutely critical and that we need to foreplan. The problem at the moment is that police staff are being targeted to get the budget in line. If the structures and the things like that that we see coming through, which are reducing police numbers, are acting in isolation, that does not bode well. To put that in a wider context, we will be considering partnership working over the next few years. We will be looking for savings by working with the Crown Office and so on. It does not bode well that we are having to make harsh decisions just now that could have an effect a couple of years down the line.

The 17,234 figure was put in place when there was money about. The money is not about now, and we really need a review of that figure to see whether there is best value for money at the moment.

The Convener: I will leave that issue just now, as I appreciate that it was covered in your written submissions. Thank you for that.

Margaret Mitchell (Central Scotland) (Con): I want to return briefly to the council funding of, I think, 320 officers. What would happen if that funding were to be withdrawn? Are there contingency plans in place?

Chief Constable House: If all the money were withdrawn in one go, the number of our officers would be down, but we have firm agreements with a number of councils that the money will not be withdrawn instantly.

As I have said, it is perfectly understandable that all councils will review that funding and look at their budgets. High profile-wise, the City of Edinburgh Council is clearly doing that now. We have made it very clear to the City of Edinburgh Council—in a balanced and matter-of-fact way, I hope—that the money goes to fund extra police officers and, if the money is reduced in some way, we will have to reduce proportionately the number of officers who are available to police Edinburgh.

We have on-going recruitment; we recruit probably around 50 to 60 officers every six weeks. If we were given notice that the money would be withdrawn—as I said, it would not all be withdrawn in one go—we would simply turn up the recruiting tap. Well over 1,500 people are waiting to join the organisation.

Margaret Mitchell: Could you estimate the number of police officers who are currently working on producing papers on police reform?

Chief Constable House: Not as I sit here. I can certainly try to provide that information to the committee, but I cannot provide it now.

Margaret Mitchell: Perhaps Mr Diamond can help us.

Stevie Diamond: To be perfectly honest, that is difficult to say. However, whenever there is a diminishing pot of police staff who have specific roles, it is perfectly understandable that, if people are going to be involved in a project to look at police numbers, they will be police officers.

Margaret Mitchell: I was given to understand that around 200 officers are currently working on police reform, including things such as a police station counter review.

The Convener: There are shaking heads.

Chief Constable House: As this is a public meeting, I need to be clear that I do not recognise that figure at all—not in the slightest.

Margaret Mitchell: Perhaps you could look into the matter, chief constable, as you cannot give me a figure this morning.

Chief Constable House: I can tell you that the figure of 200 is not accurate. It is a vast overestimate.

Margaret Mitchell: Do you agree that the vast majority of the £41.6 million savings have come not from procurement or property but from looking at savings from people and police staff?

Chief Constable House: I absolutely will answer your question but, before I do so, I say for the record that we do not work with the figure of £41 million. I will explain it as best I can. We are looking at the budget gap, and our budget gap in this year is £64 million. That includes the £41 million, but we have inflationary and other pressures on top of that. Our budget gap is therefore £64 million, not £41 million. Moving forward, it is about another £65 million for the next two years.

The bulk of the money comes from the reduction in support staff, but that does not mean that we do not look everywhere to try to find that money. As I said earlier as an example, I think that we saved around £3 million a year on chief officers and

senior officers through a reduction in numbers. We look to find money everywhere. I have mentioned the reduction in overtime that we imposed. That saved us £10 million. There is a significant effort to find money across the board, not just from support staff.

Margaret Mitchell: I want to consider counter staff specifically—I think that you mentioned them. Perhaps not all of them will disappear, but some will. Those people do not just sit at a counter doing nothing; they are involved in administrative tasks. Is not that the case?

10:45

Chief Constable House: The situation varies wildly across the country. Some are occupied with other tasks, while others' main role is to act in a front-counter capacity and wait for people to come in. Indeed, some police offices are very busy and civilian staff have no time to do anything else but deal with front-counter inquiries.

Margaret Mitchell: Administrative work has to be done by someone, but it seems a false economy to deploy a front-line officer making an average of £36,000 a year to do it instead of deploying civilian staff who make an average of £21,000 to £23,000. That does not make economic sense to me.

Chief Constable House: That is why we are reprofiling the opening hours of front counters. If we did not, we would have to tell police officers not just to backfill the front-counter position but to take on all the administrative tasks. We are trying to cut down those tasks by reducing, where appropriate, the opening hours of front counters.

If a support staff member who works on a front counter leaves the organisation voluntarily, the automatic default is not that a police officer will pick up that work. After all, there will still be many other support staff who can take on the extra work. We are seeking to be more efficient; we are not looking at giving all civilian jobs to police officers.

Margaret Mitchell: You have said again this morning that things might need a year or 18 months to bed in. Your written submission refers to a number of factors that present real challenges, including the fact that wage inflation has significantly increased beyond the assumptions made in the police reform process. I might be wrong but, given that and the situation with front counters, I do not get the impression that there is any proactive work going on. There is a lot of reactive work with regard to police on the beat but, as you know, the thrust behind the budget and, indeed, the cabinet secretary's approach is preventative spend. I am not hearing that from you; instead, what I am hearing sounds like firefighting.

The Convener: We were not really asking about preventative spend, but I guess that we have now.

Chief Constable House: I am sorry, but I am not really sure that I understand the question. Are you asking about a financial strategy for preventative work or about proactive policing?

Margaret Mitchell: I am suggesting that counter work should not necessarily be looked at as a drain on resources but should instead be developed as a more proactive interface with the public—

Chief Constable House: That is a good idea.

Margaret Mitchell: If such a move prevented crime, there might be the potential to make savings. Has that been considered?

Chief Constable House: To be honest, I am not sure that I agree that that will prevent crime, but through the consultation exercise that we have launched and which finishes at the end of the month we are in debate with a great many councils and other partners around Scotland about working in contact points in council buildings, local libraries and fire stations, particularly in rural areas. Another idea that was picked up by the press from previous comments is that we are also considering working in supermarkets. Given that, as many will acknowledge, footfall in supermarkets is massive, having a police presence there will get us more access to the public.

Glasgow airport, which many of you will be familiar with, has a police office. However, it is particularly difficult to find—it is parked at the back of an administrative block—and I would say that regular users of the airport would not know that it was there because it is not in their eye line. As a result, we are considering reducing the office's opening hours or stopping it altogether and instead having a kiosk in the main area of the airport where the public go past and see it.

In view of that, I have to say that I do not accept your comments. What we are doing with front counters is an attempt—and a good one, I think—to modernise our service. We know that the vast majority of the public contact us by phone; our use of electronic media, particularly Facebook, Twitter and other forms of contact, is rocketing; and over 55 per cent of our non-emergency calls—

Margaret Mitchell: Can I just stop you there, chief constable? What assessment has been carried out of the effectiveness of, say, phone use? As an MSP, I do not think that I am alone in hearing about the number of people who have given up phoning the police because they did not get a satisfactory answer. What kinds of checks and balances are available to ensure that the

system is working effectively and that there is no duplication of effort?

Chief Constable House: I am grateful for that question because it allows me to talk about the 101 number.

We are rolling out across the country a national number for people contacting their local police office that everyone can remember instead of some nondescript number for a police station that needs to be written down. I guarantee you that in my 33 years as a police officer the biggest general complaint that I have had from the public has been that, when they try to contact the police, they do not get an answer if they phone their local police station. Of course, the reason why they do not get an answer is that stations are not set up to be contact centres. The 101 number will allow people to be put through to someone who can answer their questions, and they will just have to remember the one number.

The figures for the use of electronic media are rocketing, because that is how the public want to deal with the police and how they want to receive and give information. We have figures for 101 and phone compliance, and I am perfectly happy to let the committee have them after the meeting.

Margaret Mitchell: That sounds very encouraging, chief constable. If I could press you—

The Convener: Before we move on, I have to say that I am still bothered about the money from local authorities. Is there an overall figure for that funding?

Chief Constable House: It is about £12 million.

The Convener: I am not good at this stuff but I note that in a pie chart in your submission there is a slice labelled "Income" which says, "£58.8, -5%". I do not know what that is. Can someone explain it to me? There are other things labelled "Property Costs", "Other People Costs" and "Police Staff Costs".

Chief Constable House: I, too, had to ask about that. That is the money that the organisation receives, which is offset against the budget savings that we have to make. It is not all to do with money from local councils.

The Convener: I appreciate that, but the figure itself is down 5 per cent. What does that mean?

Chief Constable House: That percentage represents the amount that it contributes to our budget. That is why it is a minus figure.

The Convener: How can it contribute to your budget if it is a minus figure?

Allan Macleod (Police Scotland): I can maybe help.

The Convener: I am a bit lost. I should have paid attention to Miss Campbell in arithmetic.

Allan Macleod: Indeed, convener—by which I do not mean that you should have been paying attention at school. [*Laughter.*]

The Convener: People have been telling me that for years—just tell me what that figure means. I do not understand how a minus can be a contribution.

Allan Macleod: If you added up the expenditure elements of the pie chart, the total would be £58 million more than the total budget. We have a gross expenditure budget and an income, and income is presented as a negative because it is offset against expenditure. Taking those together, we arrive at the net budget of £1.062 billion.

The Convener: I actually understand that—I just did not know what that figure meant. There is also the £12 million from local authorities.

Allan Macleod: That is included in that figure.

The Convener: And the policemen that they purchase are included in the famous 17,234 or thereabouts. Is it correct to say that councils buy extra time?

Allan Macleod: Indeed. The income from local authorities is included in that £58 million figure.

The Convener: That is fine—I am with you now. The figure was niggling at me, but now I understand it. Miss Campbell has not been a total failure.

Margaret Mitchell: Chief constable, you mentioned the savings from i6. What cognisance has been taken of reforms that might be in the pipeline and their impact on that programme? One example I might highlight in that respect is the cost of adapting IT to cope with investigative liberation.

Chief Constable House: Members will be well aware that i6 is a pretty sophisticated programme that we have been working on for a number of years now. It has worked quite closely with the Carloway recommendations. Of course, those recommendations are not yet set in stone, and we will have to see what your deliberations bring in that respect. However, we are at an early enough stage and the programme is flexible enough to take on any legislative changes.

You are quite right to flag up what will be significant changes to police work and practice if they come along but, as I have said, the i6 systems are at an early enough stage and we are cognisant of the fact that, as we go through the process of building i6, things will change, partly as a result of the Carloway recommendations.

Paul Rooney: I will come in on i6 from the authority's perspective. The business case was

signed off on the basis of the savings going forward. The chief constable brought forward a proposal that in the longer term will allow further reforms of policing. I want to make sure that the committee is aware that these decisions are not taken in isolation but are part of the overall financial strategy that the authority is putting in place, both in the short and longer terms.

The Convener: I also say to the committee that the Justice Sub-Committee on Policing did quite a lot on that and is monitoring the whole system—the ICT bit. That is part of our remit. The sub-committee meets again this week. We are meeting three times this week—we should get medals.

Margaret Mitchell: One other aspect is the training of officers for the identification of vulnerable adults and anything else for which they might need training, and the potential impact of the abolition of corroboration and an increase in cases being brought. What kind of cognisance has been taken of those potential reforms?

Chief Constable House: Yesterday we had a meeting of the Police Authority's finance and investment committee, which I was at. A presentation was given to the authority members present by the chief superintendent who is leading the work on Carloway implementation. He gave some indication of where the costs are expected to come from, and he has some work in train regarding the potential amount of money involved.

It is relatively early days in terms of what will cost money and where extra expense will come from, and there may well be an increase in cases if the requirement for corroboration goes. We would look to see whether we could offset any increases through flexible court sittings—that is included in the recommendations. As Chief Superintendent O'Connor has mentioned, we are particularly keen on Saturday courts, which would significantly free up pressure on our custody cells and help us to meet human rights requirements.

There are significant implications. We have costings, which I would be happy to let you have, although I do not have them with me.

The Convener: Were the police not consulted when the financial memoranda of both the Criminal Justice (Scotland) Bill and the Victims and Witnesses (Scotland) Bill were published?

Chief Constable House: Yes; I think that we were.

The Convener: The costings should be in line with them.

Chief Constable House: Yes.

The Convener: Are they in line with them?

Chief Constable House: I believe they are.

The Convener: Well, we should see that. Obviously, costs should be in financial memoranda.

Margaret Mitchell: Would that include training?

Chief Constable House: Specifically for the Carloway recommendations—yes. We are looking at a substantial training package for every officer in the country.

Paul Rooney: The chief constable referred to the presentation. It is one that we called for in the finance and investment committee for the very reasons that Margaret Mitchell alluded to.

There will be financial implications. They are not unforeseen costs because as you say, convener, the bill is in the public domain. However, that is part of the financial planning that we are having to put in place and it is additional pressure that we recognise and are preparing for.

The Convener: It would be useful for the committee to know whether there has been any change of heart with regard to the financial implications of both bills, either on a downward or upward trajectory, as a result of those meetings. We have to consider whether a bill's financial memorandum is correct, or as correct as it can be.

Paul Rooney: The purpose of yesterday's presentation was to review the financial implications that we are projecting, and I am pleased to say that some of the costs were downwards. At the same time, we are monitoring the situation. As the chief constable said, it is evolving and we will continue to monitor it.

The Convener: We are going into stage 2 of the Victims and Witnesses (Scotland) Bill, so we need to know about that one in particular. The Criminal Justice (Scotland) Bill has a way to run yet—into next year—but it would be useful for the committee to know the financial impact of any changes therein.

Sandra White (Glasgow Kelvin) (SNP): The SPA's capital budget is greater for 2013-14 than it was previously. Will that have any implications for the things that we have just talked about, which Margaret Mitchell raised? What difference will that make?

Paul Rooney: The increase in capital will occur in future years—it will not impact on what we have spoken about in relation to Carloway. However, the capital will be put to good use, especially when we make further reforms that will generate savings, so it is very much welcomed.

11:00

John Foley: The SPA is playing a much more proactive role in engaging with its colleagues in the Police Service of Scotland on the capital

budgets for this year and beyond. We have a number of new processes and procedures for greater partnership working—we are preparing and putting forward proposals together—and we will work on the financial strategy towards the end of this year. We hope to have that in place by 31 March 2014, prior to year end.

Sandra White: I forgot to say good morning before I asked my question.

The Convener: It will be the afternoon soon.

Sandra White: I want to raise a couple of issues about the previous evidence on support staff and redundancies. A number of support staff have told me that they want to take voluntary redundancy but the process is not moving quickly enough for them. I want an update on that.

I do not know whether the panel will agree with me on my next question. We are looking at a budgetary system, but reform is not just a black and white process. As someone who has spent four days sitting in a court but never being called as a witness, I entirely agree with the point made about the court system. Improvements have been made, but when are further improvements expected? On an operational matter—

The Convener: You have waited a long time to ask your questions, but there is no need to throw them in all at once—I will let you ask them one at a time.

Sandra White: I do not mind asking them all together—I am on a roll.

The Convener: That makes it harder for the panel.

Sandra White: Okay. I will leave my question about operational matters for later.

The Convener: To summarise, you are asking about staff who are desperate to take redundancy but cannot do so, which must be bad for morale, and about the waste of court time.

Sandra White: Yes.

Chief Constable House: I agree with the observation made. I spend a lot of time talking to colleagues around the country. There is a good deal of frustration and there is a feeling of hurry up and wait. We announced that there would be a voluntary scheme and people want to make use of it and get on with their lives. When people want to leave, they often want to do so quickly. We also understand that, when staff see a package that will bring them some financial benefit—which it will—they want access to it. However, we must follow employment legislation and ensure that we consult the unions. I know that the unions want more consultation, but we must follow a strict timetable that includes taking all the proposals to the human resources and remuneration committee of the

Scottish Police Authority. It must be content with how we are going about the scheme and that the process is being done appropriately. We are obliged to consult individual members of staff, have group consultations and to talk to the unions through our JNCC—the joint negotiating consultative committee—system. That can lead to a time lag—it can easily take six months from when we take a view that a post can go to the person leaving the organisation, once we have complied with various pieces of legislation. However, the problem is much larger than that, because a great many people want to leave under voluntary redundancy but we are not letting them go—as I have mentioned, many of them work in the control rooms and contact centres.

We can give some reassurance to those staff. We have been informed recently that the Government has put £70 million into the reform pot for 2015-16, and that was the first time that that has been discussed. That allows us to say—I hope with a degree of confidence, although it will be a decision for the authority and for the Government because it is its money—that we could see an extension of the VR/ER scheme all the way through to 2015-16. That will give some reassurance to people who want to go that they will not express a desire to go and see colleagues and friends going but then, because they are in a particular job, not be allowed to go themselves and be told that the scheme has ended—they will not be left thinking, “Well, I wanted to go, but now that I can, I don’t get any extra benefit from doing so.” I hope that the funding means that we will be able to continue the scheme to 2015-16. I understand the concerns and annoyance. I have had a number of emails from staff saying, “You told us we could go. Why can’t we go?” or, “My friend’s gone. Why can’t I go?”, so I understand. It is one of the biggest frustrations that people have.

However, it is important that the unions play a full part in the consultation so that they are content that we are looking after their members as much as we can, treating them properly and keeping them properly informed. The Police Authority must also take a view on how that fits in with our overall strategy and be satisfied that we are not getting rid of jobs just to save money and that there is a direction and purpose behind the decisions. That is why it can take some while.

I also understand the frustrations in relation to the courts. We did research not so long ago that suggested that less than 10 per cent of officers—one in 10—who are warned for court are actually called to give evidence, and that is not a good picture. However, I pay tribute to colleagues from the Crown Office and Procurator Fiscal Service, with whom we are working increasingly closely. They are keen to increase the percentage who give evidence but reduce the numbers who are

called unnecessarily, and we have seen progress on that. We are also seeing some progress in working with the Scottish Court Service.

Naturally, because it affects our budget, we would like much quicker progress. Even for the welfare of officers, it causes untold disruption in terms of shift changes. Childcare is a major issue, because not only do people have to pay a lot of money for it, but sometimes they just cannot get it at short notice. That issue is raised with us regularly by the federation. It is a big issue that is being considered by a number of agencies. In fact, I sit on a group called the justice board, which brings together the chief officers of all the component parts of the justice system in Scotland, and the police have been given authority to chair a number of sub-groups. One of the things that we will be looking at is court attendance and how to reduce the number of officer hours that are wasted waiting to give evidence.

The Convener: You mentioned chief officers of the justice system. If I may defend the judiciary, it is just as annoying to find that a trial cannot proceed for a variety of reasons. I will not go into the reasons, as we all know about them. Are the judiciary also involved?

Chief Constable House: Not directly, but the chief executive of the Scottish Court Service attends the board, which is chaired by the Scottish Government. I would be perfectly happy for representatives of the judiciary to be there.

The Convener: My personal view is that that would be useful, because we know that sheriffs and judges can be just as angered by a witness not being available and by cases being adjourned and continued, and they, too, want to see an efficient system. I did not think that I would end up defending the judiciary, but there you go; there is a first for everything. Actually, I really do defend them.

Mr Foley and Mr Rooney both want to come in before Calum Steele. Which of you will be first?

Paul Rooney: I shall defer.

John Foley: I shall go first. The authority supports the extension of the VR/ER scheme in subsequent years. The scheme has been successful in a number of areas thus far. The average payback period for those people who have taken advantage of the scheme is just over one year, and that compares favourably with other public sector exercises. The authority believes that it is proof of best value being delivered in an area that, rightly, attracted criticism from Audit Scotland in the past.

The Convener: Calum Steele, did you want to come in on that point?

Calum Steele: I want to comment on the issue of courts, because the chief constable started to refer to the human cost of an inefficient court service. I hesitated to use those words, but I have done so. A court system that predominantly sits between the hours of 10 o'clock in the morning and 3 o'clock in the afternoon does not sit well with the needs of—

Chief Superintendent O'Connor: You have chiselled away an hour.

The Convener: We have a former lawyer and a former advocate here. Is it not 4 o'clock? Do not chisel away an hour for the sake of dramatic effect.

Calum Steele: With an hour and a half off for lunch in between.

The Convener: Now, now. I hope you never have to appear in front of the judiciary in a capacity other than as a witness.

Calum Steele: Well, yes.

The bulk of the work that the Police Service generates that ends up going before courts occurs between the hours of 18:00 and 4 in the morning. The consequence of numerous changes to police officers' terms and conditions over the years has not been to address the difficulties associated with having to take police officers off their duties during those hours to attend court during day shift hours; it has been about making it cheaper.

That comes back to the point that I made earlier about how we should look to reduce the use of overtime and, indeed, reduce the changes of shifts that are required to attend and serve the systems. In reality, sufficient notice is generally provided to change shifts, but the human effect of changing shifts is knackered in the extreme and the associated costs of obtaining childcare are particularly difficult.

The Convener: I wonder whether we are allowed to use the word "knackered", but you have used it, so go for it. We all know what it means.

Calum Steele: Even if a court attendance is cancelled for an individual officer after he has secured childcare or, indeed, care for any other dependant—it does not always involve children—it is highly unlikely that a private sector or local authority provider will waive the costs simply because the officer finds out at the 11th hour that they no longer have to attend court. There is therefore a phenomenal amount of waste in that approach. That needs to be addressed because it would save the police service quite a lot of money both in human costs and cash costs.

The Convener: Indeed, that is the case for other witnesses. We accept that, as they say,

something has to be done. My history teacher used to say that but not my arithmetic teacher. You had another question, Sandra—I had not forgotten.

Sandra White: Thank you very much, convener. That is excellent. Your memory must be due to the history teacher but maybe not to the arithmetic teacher.

The point that I was trying to make when I asked my two questions—I will go on to a third question—is that the situation is not black and white and that there must be more of a holistic approach for the Police Service, which must save money. I point out, though, that courts do not sit until half past 10 and that they go for lunch between half past 12 and half past 1 and that people must return after that. The situation has improved slightly in that courts give people a phone call. However, I would like to see the situation improved not just for the judiciary but for ordinary folk who go to court as witnesses and police officers.

The Convener: You got that off your chest.

Sandra White: I did.

The Convener: So let us have a question.

Sandra White: As I have said on many occasions, it is a deployment issue. I think that Calum Steele touched on that with regard to overtime. I know that in my area of Glasgow we have a special deployment squad at the weekend that is on until 4 or 5 in the morning. When that squad goes out to the city centre and to hot spots, as you might call them, is that regarded as overtime? Is it the case that any budget changes would not affect that particular operation?

Chief Constable House: What you are referring to is the Glasgow city centre plan, which has been up and running for a number of years in various forms. It used to get significant funding from Glasgow City Council. However, in the past five or six years the council has put its money into funding extra police officers, which I think is wise.

The plan is staffed by officers from within the greater Glasgow division and we will make very little use of overtime for it. That is partly because, frankly, common sense and contingency tells us that the officers will generate overtime because it can be a very busy shift. When dealing with city centre issues, they may have to take somebody into custody, which might mean that they will generate overtime anyway.

However, we do not routinely run the plan on overtime, because it is run every Friday, Saturday and Sunday night. It would be very punitive if we did that routinely on overtime. It is mainly done through a variation of shifts, so that officers who work the traditional 3 to 11 backshift or afternoon

shift will come on a bit later and will work through into the early hours. Unfortunately, that means these days for Edinburgh or Glasgow city centre that they will work until 4 or 5 in the morning, not 1 or 2. Some clubs only get going at 1 or 2 in the morning and do not exit people until 3, 4 or 5 in the morning.

It is therefore quite a sophisticated plan and we will develop a similar response in Edinburgh once we have introduced some shift changes there.

The Convener: Is it only in Glasgow that it happens?

Chief Constable House: There is a variety of plans across the country in city centres, because there has been a big increase in night-time population. Glasgow is probably the most sophisticated, simply because it has the largest population. It is a big centre and has very dense licensing. In Edinburgh we are changing some shift patterns to make sure that more officers are available to deal with night-time violence.

11:15

At this point I should give my traditional comment. Although I talk about night-time violence—and there is too much of it—violence is reducing across the whole of Scotland, in every division, and alcohol-related violence in pubs and clubs is certainly coming down. What we are suffering from is alcohol-related violence in people's homes.

The Convener: I have Colin Keir—I beg your pardon, I have Roderick Campbell. I deleted you, but I shall sketch you back in.

Roderick Campbell (North East Fife) (SNP): I shall get my own back on you.

The Convener: No, you will not. I have Roderick, followed by Colin Keir, Graeme Pearson and John Finnie.

Roderick Campbell: Good morning, panel. At the risk of—

The Convener: I beg your pardon. You are parked just now, because Mr Rooney wants to comment on the previous point.

Paul Rooney: If you do not mind, convener, I want to touch on and support Ms White's comment about reform. I want to assure the committee that we do not take decisions on VR/ER in isolation. John Foley has outlined the process and robust governance around HR and the remuneration committee has a standing item. We on this panel are also involved on an ad hoc basis. Everything that we determine on individual postholders fits into the overall strategy.

I will also provide a bit of background on the wider agenda for future years. As the chief constable mentioned, we are working towards 2014-15 and onwards, which means taking early decisions on the programme wherever possible. We are working up our budget for 2014-15. That gets processed through a structure in the Scottish Police Authority now, which allows us to get a better understanding of the cost of policing. That is an update on where we were the time we last appeared before the committee.

However, when we talk about savings—it is perhaps a timing issue—it is important to remember that the savings cannot always be realised in that financial year. Some of what we are talking about will take that bit longer to come through.

I want to provide reassurance to the committee about that. What we have achieved in 2013-14 has exceeded the target that we set. We have done that through a range of measures. The original outline business case referred to £41 million of savings; the chief constable gave an indication that the figure is bigger. In order to achieve £71 million of savings in the next financial year, we will have to put that programme of reforms in place. The Police Authority is at the forefront of that, putting in place a range of measures that we will be able to agree to, which will allow the chief constable to have the resources for things such as the policing of our cities and towns.

It is important to remember that all these strategies fit into one overarching position that we take as a Police Authority, which is to make sure that we have the best possible Police Service.

Roderick Campbell: At the risk of further confusion, I refer to the pie chart on page 4 of the SPA and Police Scotland submission, which shows 2013-14 net savings, £39 million—61 per cent—of which come under "People". What kind of percentage do you anticipate for people savings in 2014-15 and 2015-16?

Chief Constable House: We are not in a position to say what we think the exact percentage will be. Earlier answers to questions have made it pretty clear that we will look for a substantial amount of savings to come from support staff and voluntary redundancy. Picking up on what Councillor Rooney suggested, further ahead we will see the strategy kick in more in relation to savings around property and procurement.

Members will appreciate that such things take a little bit longer. I have said that it can take six months to exit an individual from the organisation through VR/ER, even if they want to leave. Getting out of some building leases, selling buildings that we no longer need, introducing i6, rationalising the

number of control rooms and putting everybody on to a single command and control platform for the whole country will take longer.

I hope that, over time, we will see the percentage associated with people start to reduce as other percentages or proportions increase, but that takes a bit longer to come on stream.

Roderick Campbell: That is fine. Thank you.

The number of women who are taking VR/ER is rather higher than the number of men. Does that cause you concern?

Chief Constable House: We are monitoring that. The majority of our support staff workforce are female, so we would expect more women than men to take VR/ER, in terms of total numbers. We are looking at the relationship between the two proportions. Much of what happens is under the voluntary scheme, and it is important to mention that we have a redeployment pool.

An example that Unison raises in its submission, and one that we have talked about a couple of times, is citation servers. We have said that we do not need that class of job, which means that that job has gone and citation servers who want to take VR or ER can leave the organisation with a decent package. Those who want to stay go into a redeployment pool, which is funded from police service reform, so we look to find them alternative employment within the organisation.

The proportion of people who are going is therefore based partly on what jobs we look at, but it is also based on individual choice.

John Foley: On the gender balance, it is also worth noting that more of the females who have gone were part-time workers. It is the whole numbers that you are looking at, and the statistics are influenced by part-time working.

The Convener: Will you run that past me again, Mr Foley? What is the full-time equivalent figure?

John Foley: I do not have that figure in front of me.

Allan Macleod: For additional clarity, I note that the gender balance in the force at the moment is about 60 per cent female and 40 per cent male. For the VR/ER applications that have been approved, the balance is about 69 per cent female and 31 per cent male. We are about halfway through the VR/ER process for this year and the expectation is that the balance will begin to fall more in line with the force's overall staffing position—that is, the 60/40 split. There is a difference at the moment, but that is not unexpected, given the areas that are being supported. We believe that, as we go through the year, the balance will come more into line with what would be expected.

Paul Rooney: Perhaps I should have waited for Roderick Campbell's question—the point that I made a few moments ago fits in nicely in this area. We are raising the matter; the HR committee in the SPA does not have concerns about it at present, but it is in the monitoring reports that we receive, and we will continue to monitor it and ask the chief constable about it.

Roderick Campbell: In 2012, Audit Scotland said that police authorities had not played an effective role in scrutinising equality or environment issues. What is the SPA doing about that, under the new set-up?

John Foley: The authority has set up a number of committees—they have already been mentioned—in relation to dealing with equality. The HR committee is the overarching one, and there are a number of sub-committees. The HR committee mainly comprises colleagues from Police Scotland. It is chaired by a member of the SPA, and several other authority members are on it. There is regular reporting, which has improved and is improving. PSOS colleagues participate actively and performance is monitored regularly.

Roderick Campbell: Does that impact on the budget?

John Foley: Do you mean in terms of equality?

Roderick Campbell: I mean in terms of making the plans, and the committees. Where does that feature in the budget?

John Foley: I am sorry, but I do not—

Roderick Campbell: You are making the plans in order to try to monitor equalities, but is that reflected anywhere? Does it have a spending aspect? That is what I am coming at.

John Foley: There is no specific spending aspect because there are already staff there to do the work. It is done through standard members' time.

Paul Rooney: I will add to that. As has been mentioned, the HR committee monitors equalities as part of its standing orders and responsibilities; I reassure Roderick Campbell that equalities are considered in every decision that we make. However, the organisation is in its early stages and part of what we are doing just now is meeting staff associations—we have done so in the past week—to hear their views on how we can ensure improvement in equalities. I acknowledge the Audit Scotland report, which is obviously key to what the SPA is trying to achieve.

Colin Keir (Edinburgh Western) (SNP): Good morning. I think that my question has turned into a supplementary.

The Convener: But you have not.

Colin Keir: Well, I wonder sometimes.

My question is about the number of women who are leaving the service. There will, through the Victims and Witnesses (Scotland) Bill, be reforms relating to its being better that women deal with certain people. Will there be budgetary implications if those reforms are brought in?

Chief Constable House: I anticipate that, following enactment of the Victims and Witnesses (Scotland) Bill, women police officers will in most—but not all—cases provide support to victims and witnesses. The figures that we have been talking about involve civilian staff.

Colin Keir: I am wondering whether it is possible that reform will mean that not just uniformed, or warranted, staff would do some of the jobs. If many women—uniformed and civilian—are leaving the service, does that mean that we will run into trouble?

Chief Constable House: I am sorry. I now understand the thrust of the question. I do not think that what you describe is a particular concern at this time. As I said, it will be mainly women police officers who provide support; we are talking about the people who would do the interviewing. One legacy force was experimenting with use of civilian interviewers, but that has been left behind. It proved to be not as effective as had been hoped. We are talking about police officers providing specific support.

When it comes to providing longer-term support to victims and witnesses, we would turn to our partners throughout the country to provide that. I met Victim Support Scotland last week—I think that the committee is hearing from it later. We are talking with it about a strategic partnership and are doing the same with ASSIST—the advocacy, support, safety, information services together project—which provides long-term support to victims of domestic abuse, and with a number of agencies that provide support to victims of sexual assault. We would look to our partners to provide that support. The role of police officers and the Police Service of Scotland is to provide immediate support and stabilisation for victims; it is not to give long-term support to victims, which must fall to other agencies.

Colin Keir: Thank you. I just asked that question for clarification.

Chief Constable House: Thank you.

Calum Steele: This is not about the Victims and Witnesses (Scotland) Bill but about the potential dangers that shrinking budgets create for the equalities make-up of any service, including the Police Service of Scotland. I know from looking south of the border that at this point in time, because of the financial constraints that the police

service in England and Wales faces, the opportunities for part-time and flexible working are reducing significantly. That is principally because of the desire to ensure that as many police officers as possible are available at times that wholly suit the police service, which does not necessarily take cognisance of the requirements of working mothers and officers with additional caring responsibilities.

11:30

That situation has seen the number of part-time officers in England and Wales reduce quite significantly. Although the data that are being gathered to examine the situation have not been examined forensically to determine exactly to what extent that has happened, there has been a marked reduction. Our current observation is that, as a consequence of financial challenges to the opportunities for part-time and flexible working, police hours in England and Wales are being reduced significantly, which makes it more likely that female police officers will leave the service.

Scotland is obviously a number of years behind England and Wales in terms of the financial challenges for policing, but we will be working closely with the chief constable and his HR team to ensure that such a restrictive approach to flexible and part-time working is not replicated north of the border as a response to the financial challenges.

The Convener: Is Stephen House receptive to that?

Chief Constable House: I am. That is partly what I wanted to say; we are keen to ensure that. About 35 per cent of our new applicants are women and I see no reason why it should not be 50 or 51 per cent; it would be entirely appropriate if it was.

Unusually, I would like to challenge something that Calum Steele said. He said that Scotland is

“a number of years behind England and Wales in terms of the financial challenges”.

I do not think that we are on the same trajectory as England and Wales, in terms either of the financial challenges or of many policing issues. We are on a different path—the path that we are on is better and will allow better development of policing in this country.

The Convener: If they are desperate, I will allow Graeme Pearson and John Finnie to ask extra questions. I shall take the two together so that we can finish at a reasonable time for the next panel.

Graeme Pearson: I have a couple of clear-up questions. It would be remiss of us not to ask about the pensions issue within the budget. I

declare an interest, as someone who benefits, through the pension scheme, from a previous life in the service. The budget figures show a rise from £291 million to a projected £346 million by 2015-16. What is the impact of that on your plans for Police Scotland? Do you have any options for the years ahead, to deal with the increase?

The Convener: That is one question. What is John Finnie's question?

John Finnie: I would like to ask about devolved resource management—the forces all had different levels of devolved resource management—and the link that there could be for budget scrutiny connected with devolution to take account of local policing plans, ideally even down to ward level. I know that it is a long-term issue and that arrangements are in transition, but I would welcome any comment on that, because as a supporter of the single force, I support not centralisation but economies of scale, and I think that the local policing element could be picked up with sufficient devolution of resources.

The Convener: Those are big questions, about pensions and about devolved financial management. Could we have answers to those please, Mr Macleod?

Allan Macleod: First, on pensions, the inevitable increase is a direct result of the increasing number of pensioners. Fortunately for the Police Authority, the cost of police pensions is picked up by the justice department as a whole, so it forms part of the overall budget allocation to the justice department. In effect, the Scottish Government is picking up that cost, so it is not a direct cost against the Scottish Police Authority or Police Scotland.

Secondly, the default position would always be to devolve as much of the budget as possible to the lowest level of accountability; I am a strong supporter of that approach. However, in order to achieve savings this year and for the next couple of years, it is important that the centre has direct control over the big cost drivers. That is why, at the moment, most of the budget is being held centrally, but that is a temporary situation and I very much support Mr Finnie's view of how the budget should operate. I certainly look forward to much more of the budget being devolved down to that lowest level in the future.

Chief Constable House: Mr Finnie's ambition on that is my ambition, too. I agree with his point that he is in favour of a single service for reasons of economies of scale rather than centralisation. My ambition is, exactly as Allan Macleod has said, to push as much as possible down to local level and even to ward level, if that is possible, given the administration. From experience, I know that the worst thing that we can do is devolve to

somebody a budget but say that they have no control over it because a variety of costs are fixed and the only thing that they have any say on is overtime. We devolve overtime quite a long way down already.

However, the ambition is correct, because that approach would match how we have already devolved the creation of policing plans and prioritisation. As Mr Finnie knows, we have 353 ward plans; it would be great to have 353 budgets at ward level, too, and to let people spend the money locally on the policing that they want. We would like to pursue that ambition, but Allan Macleod has explained why it would, at the moment, be unfair to do that.

Calum Steele: I have a quick answer on the point about police pensions. I am sure that Mr Grahame and, indeed, Mr Finnie—sorry, I mean Mr Pearson and Mr Grahame. No, I mean Mr Finnie. Oh, forget it—you know who I mean. *[Laughter.]*

Graeme Pearson: You presume that someone out there is listening.

The Convener: Mr Pearson and I are not related in any way.

Calum Steele: I am sure that Mr Pearson and Mr Finnie will take some comfort from the fact that, over the past two years, police officers in Scotland have paid an extra £16 million into the police pensions of those who have retired. However, there is no additional benefit or value to the police pensions of the police officers who have made those contributions. It is highly likely that, as a consequence of increases that will almost certainly come in next year, we will directly contribute to our pensions yet another £4 million on top of that. Even though there is no tangible benefit for those who are in service, police officers in Scotland alone will have paid, as a consequence of across-the-public-sector increases to public sector pensions, an extra £20 million into their pensions by 2015-16.

The Convener: You now have that on the record.

Paul Rooney: I want to touch on the resource management point. We certainly support the ambition on that. The committee has heard that we are some way off being able to take a zero-based approach, but the finance and investment committee is tasked with getting an understanding of the cost. Once we are in that position, we can consider how the budgets can be devolved further. However, I concur with the comments that, in the main, the Police Service as a public body should devolve to the lowest possible level, and we aim to go further.

Chief Superintendent O'Connor: I understand where John Finnie is coming from. As a commander in the Northern Constabulary, I had a substantial budget. As we roll forward, it is important that those who are responsible for operational decisions in divisions are also responsible for the financial decisions. That allows local virement to take place and means that, if staff vacancies are being carried in local policing, commanders can use that money, provided that they meet their policing priorities and come in on budget. That approach gives flexibility; we will certainly be pushing for it.

The Convener: Finally, I want to raise a point that we have not asked about. I am aware that we will hear from Victim Support Scotland, so I want to ask about the implementation of the new idea for a joint protocol between the Crown Office and Police Scotland on domestic abuse cases. There is a suggestion that, in specific types of case, the perpetrator could be diverted into counselling rather than a court process. Let us park debating the merits of that. Obviously it is, and should be, a sensitive area, but what would be the financial implications? I do not think for one minute that Mr House suggested it to save money, but are there financial implications of going for counselling rather than the court process?

Chief Constable House: Thank you for raising the issue, convener. I want to make clear what I suggested, although I am pretty clear that I was clear the first time round.

I do not take a back seat to anyone in policing in terms of a focus on domestic abuse. In my six years in Scotland, I have made it clear that our role is to focus on the offenders in domestic abuse and to ensure that they face justice, in whatever shape or form that presents itself. They are committing crimes and therefore must face justice.

I was suggesting a subset of what the convener said, which is that sometimes prison is not the best or the only answer for offenders in domestic abuse. I do not think that what I said was particularly controversial. All that I am saying is that officers attend domestic abuse incidents and do what they do, in taking positive action. When they find evidence of a crime, they make sure that they detain someone for that crime; they investigate it and they support the victim.

The offender then goes into the criminal justice system, as is correct. All that I was suggesting was that it might be appropriate for some offenders not to go to prison. I am thinking of examples in which the relationship is viable and on-going, but the offender has a particular problem that needs to be dealt with. Will it be solved by his going to prison for a time? Possibly not. Does the victim want that to happen? Possibly not. The offender might be earning a wage that supports

the family, so what will happen when he goes to prison? It is a stereotype, but the offender will be a man in 85 per cent of cases.

My point was about there being flexibility to properly assess a number of cases and say whether there is an alternative. The idea that the offender should go off and do finger painting or something like that, as some in the media have said I was suggesting, is nonsense. Anyone who knows me knows that I do not take a soft approach on these issues. Traditional punishment is the easier option, and the more difficult option can be for the offender to be sat down and faced with what they have done, who they have done it to, and what their motivation was, and being challenged to deal with that. I do not want to sound as if I am soft on these issues because I do not think that I am.

There would be a financial impact, but we would be looking to work with our partners on such issues. Outside domestic abuse, for example, we work closely with a group called Includem, which works to challenge high-end, high-tariff gang offenders and their behaviour. Includem is one of our partners, and as with all voluntary sector partners, it is keen to get funding and we are keen to help it to get funding. That would be a new challenge, but for me it is about asking whether there is an alternative.

The reality is, of course, that not every domestic abuse offender goes anywhere near prison, and that is partly because there are not enough prison spaces in Scotland for domestic abuse offenders; they would simply swamp the system. We must think about viable alternatives that might actually be more challenging for the offender and might help the victim a bit more.

The Convener: I do not disagree with you and I wanted you to be able to put that on the record. It is important to say that what we are talking about is not a soft option. It might not work for everyone, but it is interesting to have it on the record.

Chief Constable House: I am grateful.

The Convener: I thank you all for your evidence. If there is anything else that you want to say, do not say it now because we are going to have a break. Put it in writing to me as committee convener, and I will share it with the committee and it will go into the public domain.

11:42

Meeting suspended.

11:52

On resuming—

The Convener: I thank the panel members who are now sat in front of us because I believe that they sat through the earlier evidence session, and they did not even get a cup of tea, which was very remiss of us.

We continue to take evidence on the budget. We have before us the Crown Office and Procurator Fiscal Service, and we are going to talk about its commitment to implement a protocol on handling domestic abuse cases, which issue I raised at the end of the previous evidence session.

I welcome to the meeting Catherine Dyer, Crown Agent and chief executive of the Crown Office and Procurator Fiscal Service; Anne Marie Hicks, procurator fiscal for domestic abuse; and Alan McCloskey, acting deputy chief executive of Victim Support Scotland. I thank you all for your written submissions. We will now move to questions. I will do it in reverse order this time. Colin Keir will go first, followed by Roderick Campbell and Sandra White.

Colin Keir: It is nice to be seen by the convener every now and again.

My question is the obvious one about the Crown Office's priorities for 2014-15 and how you think they will be reflected in your spending.

Catherine Dyer (Crown Office and Procurator Fiscal Service): Our priorities have not really changed from the priorities that we set out previously. We had nine priorities, one of which was obviously domestic abuse, and I know that the committee will probably want to ask more about that. Our other priorities are fatalities investigations, hate crime, knife crime, proceeds of crime, serious and organised crime, sexual crime, homicides and violent crime. In essence, we have been planning on the basis of what the budget would look like for the public sector, and we have repositioned ourselves. The last time we gave evidence to the committee on the budget we explained how we had restructured the COPFS with what would happen with the single police force and the courts very much in mind. We have gone through that process, the purpose of which was to ensure that we are in a position to carry on with our commitments.

The Convener: Have you faced any budgetary constraints, especially given the fact that we are still operating in a tight economy?

Catherine Dyer: The COPFS is the same as any other public sector organisation. There is a challenge that we must deal with if we are to deliver the service that we require to deliver against a very tight budget. We are in the same

position as other people. The purpose of the budget is to allow us to plan and we do not think that there will be an impact on the level of service. We intend to move resource around and make use of technology to free up resource so that we can deliver the commitments that we have given.

The Convener: What do you mean when you say "move resource around"?

Catherine Dyer: In our restructure, we moved from 11 areas and a network of local fiscals offices to three federations. We moved to that structure first and, thankfully, the police looked at what we had done and agreed that the scale that we were going for met their needs for service delivery against the types of crime in each of those parts of the world.

We also moved to what we call functional working, whereby our lawyers and support staff are split according to types of core work, so people are specialists in particular types of crime. Anne Marie Hicks is obviously an example of that, as she carries out domestic abuse investigation and prosecution. We also have people who prepare cases for particular types of offences, given the design of the Scottish Court Service and the split between summary court proceedings, sheriff and jury court proceedings and High Court proceedings.

Under our previous model, staff were jacks of all trades, if you like; now, staff do a specialised slice of the work. That ensures that we have people who are very specialised in what they do and that when we decide that we need to absorb a new type of crime or adapt to legislation, for example the proposals in the Victims and Witnesses (Scotland) Bill, we are able to see what resource we have and move it appropriately. The specialism that we can now bring because of how we are organised has increased the capacity of the organisation.

Colin Keir: Obviously, you are looking forward to see how you will need to react. We have an interest—I suppose that for us it is the highlight, although I dread to describe it in that way—in corroboration. Should our view be that the law on corroboration should be changed, what effect could that have on your organisation in budgetary terms?

Catherine Dyer: As the convener indicated in a previous evidence session, the Crown Office and Procurator Fiscal Service contributed to the information that was put into the financial memorandum that goes along with the Criminal Justice (Scotland) Bill and has worked quite closely with the police and the Scottish Court Service on what the impact might be. The figures are given in the work that was done on the

Carloway report and they have been refined in the financial memorandum.

We anticipate that there will be a slight increase in the number of cases that we expect to go to court, but we are planning to cope with that as that is the purpose of the change. In that respect, it is helpful to know about the legislation but, at the same time, the situation is constantly changing. In the justice arena, it will now always be the case that we have to look forward to try to anticipate what we will be doing.

On where we are at the moment, we have done a lot of work through shadow marking exercises and so on to establish what is likely to be the type of case that will come to court that we perhaps were not able to bring to court previously and what that will mean for the number of cases if the proposals go ahead. We are planning so that we can cope with the change.

Colin Keir: I was trying to get at whether you are having any particular difficulties in putting these things into practice.

Catherine Dyer: At the moment the answer is no, but we will not know until the legislation comes into force—the proof of the pudding will be in the eating, as it were. However, the aim of the planning is to get us to that stage, if that is what happens.

The Convener: Let us keep to changes to corroboration—I will not go into the merits or otherwise of the proposal, but let us say that we get rid of corroboration. You say that there will be a slight increase in the number of cases. Given that you are having to forward plan, what do you reckon the percentage increase will be in the number of cases before a sheriff, a sheriff and jury and the High Court?

Catherine Dyer: It is between parameters—we gave evidence on that. The reality is that until the cases are reported to the police and come through the justice system's door, it is difficult for us to know what the figures will be. We have gone back and, with the police, looked at those cases that they did not report to us because they thought that there was not a sufficiency of evidence and at the cases that were reported to us but in relation to which we decided, after we had analysed them and done further investigation, that there was not a sufficiency of evidence. The percentage increases that we anticipate are set out in the financial memorandum. We have also provided letters to the committee and to other committees about what we anticipate, but we are not talking about the floodgates opening; we are talking about a small percentage increase.

The Convener: About?

Catherine Dyer: We think about a 1 per cent increase in summary cases and around 6 per cent in solemn cases—that is before a sheriff and jury. Summary cases are those taken before a court in which a sheriff or a justice of the peace determines the case.

The Convener: What figure would that represent? I am sorry to be difficult, but we are trying to look at the financial impact.

Catherine Dyer: My arithmetic is not good, but we get about—

The Convener: You did not have Miss Campbell for arithmetic as well, did you?

Catherine Dyer: No. About 280,000 cases a year are reported to us, and the numbers that go to court sit at roughly 4,000 to 5,000 sheriff and jury cases and about 600 High Court cases. The percentages are based on that.

12:00

The Convener: I can work the figures out later; it will be my homework. Thank you. That helps to give us an idea of the financial impact on both your business and the courts.

Colin, have you finished?

Colin Keir: Yes.

The Convener: I call Roderick Campbell, to be followed by Sandra White, John Finnie and Margaret Mitchell.

Roderick Campbell: Before I move on to ask my questions, I note that, when I asked Lord Carloway about the impact of the abolition of the requirement for corroboration given the new prosecutorial tests, I said that it was not necessarily the case that more cases would come to trial, and he said, "Absolutely"—he agreed with that. I am therefore interested in your view that more cases will reach court.

Catherine Dyer: That is based on what we saw in the shadow marking. I suppose that that is what I am trying to say. We were looking back at cases that had already been reported to us. Until we see what is reported to us, we will not be in a position to know. Our work looked at cases that it was not possible to put into court and attempted to determine the percentage increase if we applied the new prosecutorial test and the new legal position to those that come through the door. That is where we have got to in the work.

Roderick Campbell: You said that you wrote to the committee with some information on the matter, but I do not recall seeing that.

The Convener: It is in the written submission.

Roderick Campbell: Okay.

I move on to the impact of the reorganisation, with three geographical federations and a more specialist unit to deal with domestic abuse and serious sexual offences. Will you outline what financial impact that reorganisation has had and what savings have been achieved through it?

Catherine Dyer: The budget went down significantly from a top line of about £119 million in the best year, which was 2009-10, to £100 million. That meant that we had to make some decisions on staffing levels and what we could do, as Mr House said in the previous session. We have had some early exits from the organisation, but I note again the position of no compulsory redundancies.

We had to look at how we were configured, but we have maintained the level of business that we had—in fact, we have dealt with increased levels of business with fewer staff. Like other public sector organisations, we are looking to be as efficient as possible in dealing with the work that comes through the door.

Roderick Campbell: So you could not quantify the savings. It is just a question of working within the reduced budget.

Catherine Dyer: Obviously doing that involves considerable savings. You mentioned domestic abuse. A number of staff across the organisation have been specially trained in relation to domestic abuse, and we continue to fund the specialist courts in two locations—Edinburgh and Glasgow. They have been dealing with much greater numbers of cases over the past few years compared with when they were instigated.

Roderick Campbell: On recruitment, is it still the position that trainee procurators fiscal are not offered or have no prospect of employment at the end of their training period?

Catherine Dyer: It was never the position that they had no prospect of employment. The position is that, under the Cabinet Office rules for the civil service as a whole, there were some freezes on recruitment. At that point, we did not recruit any further permanent legal staff, but we recruited such staff last year and we have just gone through another recruitment round, and a number of the people who applied for those posts were former trainees. In addition, throughout the period, we have had a number of posts that have been either fixed term or fixed term under fair and open recruitment, and again a number of the people who applied for those posts and were successful were former Crown Office trainees.

It sometimes looks from the headlines as if there is no hope, but that is not the position at all. We find that the trainees are very good, as we usually attract the brightest and best from the universities. It is important that we give them a good training, and when we have done that, it is likely that, if we

have posts to offer, they will be well positioned to take them up.

Roderick Campbell: Thank you.

Convener, I will let somebody else come in now.

The Convener: As we are discussing staffing, I ask whether we have a note of the staffing in the Crown Office at various levels. Is that information on a website?

Catherine Dyer: We certainly have that information. If you do not have it, we can send it to you.

The Convener: I hear from advocates and so on that the Crown Office has far too much work and not enough trained staff to deal with it.

Catherine Dyer: I am not sure which advocates they might be.

The Convener: I am not naming and shaming them; I just put it to you. Has there been a decrease in staffing?

Catherine Dyer: Oh yes; that is what I said to you.

The Convener: Given that there will be more cases coming to the Crown Office and more burdens in respect of victims and witnesses, surely we should look at more staffing.

Catherine Dyer: The position is that we keep staffing under careful review and always make decisions about it. Now that we are able to recruit again, we will adjust staffing as required.

Equally—well, to some extent—we have to see what is coming. With the Crown Office and Procurator Fiscal Service there is some leeway, certainly regarding when the more serious cases are reported and when we expect to have them in court. We also use a lot of investigative assistants and precognition officers, who assist with the preparation of that. At the moment we are fairly comfortable with the legal staff that we have, which I think is what you were talking about.

We will keep under review our ability to recruit additional permanent legal staff and look to see whether we need to do more of that, although that raises the question of where you bring in the resource from for that.

The Convener: If cases go more efficiently through your offices, there is less delay in other parts of the justice system—

Catherine Dyer: Not necessarily.

The Convener: Not necessarily, but surely there is the opportunity of saving court time, police time and everything if cases come to court with full preparation and are dealt with more quickly.

Catherine Dyer: The issue is that they are fairly quickly prepared in Scotland, compared with any of the other jurisdictions that are near to us. You will be aware of the very tight timescales that we have for custody cases, whether at summary, before sheriff and jury or in the High Court.

The Crown Office and Procurator Fiscal Service contributes to meeting the overarching target across the justice system of 26 weeks for summary cases, from caution and charge to disposal, and that is well exceeded at the moment.

I listened to the previous evidence session, which was interesting. Part of the reason why we have witnesses and police officers hanging around court is the number of cases that do not actually plead. The number of cases in which we have to bring witnesses into the court room and hear their evidence on oath is around 5 per cent. That indicates to us that there is something wrong. We are working together quite hard on the justice board—the chief constable spoke about who is sitting around that table—to work out what happens in courts that means that we end up with cases not pleading as early as they should.

The Convener: Should the judiciary be on that board?

Catherine Dyer: In our work we have the making justice work programme. The judiciary are involved in that; they are observers and assist, but they do not want to become members of the group, if you like. That is probably quite correct.

We want to be careful about having independence where we need it in the justice system. Equally, we—a prosecutor who needs to be independent to a point—still want to collaborate if there are things that we can look at and come up with solutions for. Domestic abuse is an example of that; the judiciary is very much involved in taking forward how the courts should operate and run and what should be expected of the Crown and the defence in domestic abuse cases, which is quite appropriate.

Sandra White: Good afternoon. You touched on churn, which I raised earlier, and on exactly what the Crown Office was doing to alleviate or stop churn. I pay tribute to Victim Support Scotland for its volunteers, who are there speaking to people as they are waiting. Maybe my experience as a witness was particularly bad—it is still not resolved—but it is the same for other witnesses.

Will you outline the steps that you are taking on churn? Will there be cost savings once steps such as not having so many cases or not having so many witnesses waiting have come through?

Catherine Dyer: There is obviously concern about that. The Crown suffers from the cost of that

as well, because repeatedly preparing cases for court uses some of the resource that we would like to move to other things. We also have to pay witness expenses for civilian witnesses who are called to court, whether they give evidence or not, so we have a particular interest in improving the situation. However, the overriding interest is in addressing the issues that we hear about when we talk to Victim Support Scotland, about the experiences of victims and witnesses.

When it comes to reducing churn, we have come to a collective view that it is about the criminal justice system, not just the individual organisations within that system. Although the Crown Office and Procurator Fiscal Service obviously focuses on deciding what should go into court and which Crown witnesses should come to court, it is not necessarily responsible for everything that happens in court. We have worked closely in the making justice work programme with the police, the Scottish Court Service, the Scottish Legal Aid Board and others to look at the different influences around a court case. Some pilot initiatives are now being undertaken, one of which has just started up in Aberdeen, where there has already been significant improvement in the number of cases not being adjourned but going to trial or pleading.

All the work that we are doing across the making justice work programme is trying to get pleas of guilty at as early a stage as possible, if that is what is going to happen with the case. There will always, quite legitimately, be people who say that they did not do it and that they want to go to trial, but when we look at the situation as a whole we see that, in a great number of cases, witnesses are repeatedly cited, and then two or three steps down the road the person actually pleads guilty. We need to ask what we can do to encourage earlier guilty pleas in such cases. That work is continuing and is going out to some other courts, because it looks as if it is going to be quite successful in reducing churn.

We have also done a lot of work to address the perception that delays occur because the Crown is not prepared. That is not the position now. One of the things that we struggled with was the practice of disclosure of evidence being handed over to the defence in a bundle, which was brought in as a result of an overnight decision in a court case. Although we had been working towards it, we were not ready for it and nor were the police. Over the year, we have developed a disclosure website where everything can be electronically downloaded by the defence agent. As soon as we put it on, they can download it, and we have got it timed to the second.

That has been an interesting experience for us, because it has allowed us to show the court that

everything has been disclosed, and the defence has to accept that it has its printouts. It is things such as that that we need to work on. We are thinking about what would assist the defence to be ready when we are ready, and that is what we are doing.

Sandra White: It might be difficult to do everything that you want, but you are obviously looking at the project. Do you have percentages and numbers for cases that are repeatedly called, either because people say that they are guilty but their lawyer pleads a technicality or for some other reason?

Catherine Dyer: The Scottish Court Service keeps all those records, which are published in the justice statistics, so they are all available. In the Aberdeen project that I mentioned, there was quite a significant drop in such cases over a short space of time compared with what had happened in the previous months. Instead of around 45 per cent of cases being adjourned, it went down to 23 per cent, and the aim is to ensure that the cases that are in court on a day for trial are cases that are going to trial and to which we do not expect anything else to happen.

Sandra White: I may get that information. It would be interesting.

The Convener: The Scottish Parliament information centre and the clerks can provide it to us.

Sandra White: I have one last question—

The Convener: You always say that in such a plaintive fashion, and I never refuse.

Sandra White: I am a very plaintive person.

I want to ask about the cost implications. You are looking at churn and running the pilot project, but have you been asked to make cost savings during the budget exercise? Is it limited in that way?

Catherine Dyer: With such projects, a business case is made with estimates of what will be done, so there will be costings around that particular pilot. It is a joint effort by the police, the Scottish Court Service and ourselves to ensure that we have everything lined up and that the conditions are the best that they can be to allow us to be absolutely clear with the defence from the start about what we expect will go to trial and the likely pleading, in order to avoid inconvenience and distress to witnesses and victims.

The Convener: Did you say when you will be reporting or whether the report and findings will be available? Will the information be publicly available so that we can see what has been learned?

12:15

Catherine Dyer: At the end of the day the information is publicly available anyway because the Scottish Court Service issues the statistics, so the position can be seen, court by court. At the moment, there is a project involving the seven biggest courts in Scotland. There have been a number of moves over the past few years to try to make conditions such that we change things a point at a time, the culmination of which was the decision to put everything that was working into the Aberdeen court to see whether that made a significant difference.

What happens is also predicated on the behaviour of the police in reporting to us. For example, the police in Aberdeen have used body-worn cameras, and in domestic abuse cases evidence from those cameras and perhaps the 999 call is given to the procurator fiscal at the same time as the custody report is received. We show that evidence to the defence agent, who can then speak to his client. We will be able to see what is happening with that approach.

The Convener: Will that all be in writing somewhere?

Catherine Dyer: Yes.

The Convener: It will be interesting for the committee to see a formal analysis and evaluation.

John Finnie: I have a number of questions for the witnesses. If I noted what you said correctly, Ms Dyer, you referred to the increased capacity of the organisation.

Catherine Dyer: Yes.

John Finnie: Was that subsequent to the reorganisation?

Catherine Dyer: Yes.

John Finnie: Does that increased capacity cover your telecommunications systems?

Catherine Dyer: We have what we call an inquiry point. Again, I am happy to provide the committee with information on the number of calls that we receive and how often people have to wait. We try to follow industry standards for all contact centres.

John Finnie: I am a member of the public as well as an MSP who deals with constituents' issues, and it is certainly my personal experience and the experience of my staff that your telephone system is not particularly good. If I phone someone in your organisation in Inverness, for instance, where is the call answered? In Dumbarton?

Catherine Dyer: It depends. It might be Dumbarton, but it might be other places around the country. However, it really should not make a

difference because we have a number of direct lines for people who are in touch with us regularly. If someone does not know who to get in touch with, they can go through the inquiry contact point.

John Finnie: In the previous evidence session, Mr House spoke about the 101 number. I presume that the same philosophy applies in your case.

Catherine Dyer: Yes. It is a single number.

John Finnie: Are there technical shortfalls in the system that the budget could address?

Catherine Dyer: I do not think that there are shortfalls in the system, but I am happy to provide the information that we have for the committee to look at.

John Finnie: Okay. Similarly, does the Crown Office and Procurator Fiscal Service operate a document tracking system for communications—even a simple logging system for information that comes in?

Catherine Dyer: We have something, but it depends on the kind of information that comes in. Everything from the police or other reporting agencies comes in electronically, so we have an electronic logging system.

John Finnie: I am thinking of letters from elected representatives, for example.

Catherine Dyer: Those should be logged. We have the respond system, but there is human intervention in that, so I am not saying that it is perfect all the time.

John Finnie: I have to say that it has not worked with my fourth recorded delivery letter.

Sheriff Principal Bowen made a statement about relatively inexperienced prosecutors. How is that situation being addressed? Are budgetary issues involved? For instance, do you have a succession planning policy?

Catherine Dyer: We have a succession planning policy, in that we look at staff experience levels. I suppose a perverse outcome of the inability to recruit at the beginning of the financial downturn is that the people whom we have retained are all now much more experienced. The people whom we recruited last year or this year tend to be people who worked with us before on fixed-term contracts, so they have a deal of experience, and most of them were Crown Office trainees.

I think that Sheriff Principal Bowen reported on what was probably the position with outcomes working back from 2008—when he started his work, he was obviously looking at what was happening at that point. I think that he reported in about June 2010, but he was speaking about what was happening before then. In terms of both

experience levels and actual years of experience, the organisation is now much more experienced than it was when he looked at it. That is partly for the reason that I have mentioned, and partly because of our move to specialisation. Instead of a procurator fiscal depute perhaps doing a summary trial one day and a sheriff and jury trial the next week, the people who do sheriff and jury work now do only that work. All our staff go through a significant advocacy training programme. There is advocacy training for the summary level, but there are also two courses that deal with the more serious cases that go through sheriff and jury courts.

John Finnie: Setting aside the work in specialist areas, which is welcome, have the temporary posts translated into substantive new posts? Has the number of prosecutors increased?

Catherine Dyer: No.

John Finnie: I have some questions for Ms Hicks. May I ask them now, convener?

The Convener: Absolutely.

John Finnie: Thank you.

Ms Hicks, what level of contact do you have with alleged victims? How does that work? In particular, if the decision is ultimately that there are to be no proceedings, is that relayed directly to the complainer in the case? Should it be?

Anne Marie Hicks (Crown Office and Procurator Fiscal Service): All domestic cases are referred to our victim information and advice—VIA—service, even where we take no action on a case. VIA therefore has contact with victims. Where there are prosecutions in domestic cases, VIA will make contact with every victim. Where there are children, it will arrange the special measures to which there is automatic entitlement, and where there are other victims and witnesses, it will explore vulnerability and make applications where appropriate. For the cases that we pursue, everyone who is a victim of domestic abuse will have contact with a VIA officer. In relation to court proceedings, staff who prosecute cases often speak directly to victims at court before cases proceed to trial. There is quite a considerable amount of contact with victims.

John Finnie: Let us say that the police are dealing with an incident, and one aspect is domestic violence but there are other aspects—relating to damage, for example. If a decision is taken not to proceed on the domestic violence aspect but to proceed on the others, would that be relayed to the complainer?

Anne Marie Hicks: Are you asking whether they would be told what charges we were going with?

John Finnie: Yes.

Anne Marie Hicks: It would depend on the charges that were going to court. Not every case—and not every prosecution—goes through the VIA service. It tends to be certain categories, such as race crime, hate crime, domestic cases and sexual cases. It depends on the nature of the case that is going ahead.

John Finnie: What about a case that was initially charged as attempted murder, for instance?

Anne Marie Hicks: As a domestic attempted murder?

John Finnie: Yes.

Anne Marie Hicks: I would have to look at the specifics of the case that came in. If it was a solemn case, there would be a referral to VIA—that happens with any petition case involving victims. I would anticipate that there would be contact at that stage, and VIA would tell the victim what charges we were ultimately proceeding on.

John Finnie: I asked the question because this discussion is about the budget and I am trying to get at whether there is a laudable policy that the budget is insufficient to deal with.

Anne Marie Hicks: Absolutely.

John Finnie: Are you saying that that is not the case with regard to victim contact?

Anne Marie Hicks: I would not say that that is the case. The VIA service has been set up—it is well established.

John Finnie: Would a fiscal or a fiscal depute find themselves speaking to a complainer outwith, for instance, a precognition?

Anne Marie Hicks: Frequently. A lot of contact is made by complainers. I set up the domestic abuse unit in Glasgow in 2009 and worked there for a few years, and we had extensive contact with complainers. Unfortunately, that was often in the context of people contacting us because they wanted to retract their evidence and withdraw charges. There was extensive contact at that stage, and people also had concerns about their children giving evidence and things like that.

There is a lot of contact. As I said, a lot of it is done through our VIA service because we feel that it is important that there is a single point of contact for victims. That is where that service comes in. However, if there are issues and people need to speak directly to a member of our legal staff, that is facilitated at the time.

John Finnie: I suppose that people get in touch with their elected representatives because something has gone wrong or they feel that there

is a deficiency. They do not get in touch to say, “I just wanted to let you know that it went brilliantly.” That is not the nature of their contact. If people had concerns in domestic abuse cases, should they share their concerns with you directly?

Anne Marie Hicks: Absolutely. People can raise such concerns directly with me. I work closely with colleagues in policy, and I would expect to have oversight of letters from elected representatives. If there are clearly issues around the country, that is something that I would look to address.

The Convener: Mr McCloskey, do you want to comment? Has there been an improvement in the relationship between the Crown Office and the victims you come across in Victim Support Scotland?

Alan McCloskey (Victim Support Scotland): It is fair to say that Victim Support Scotland enjoys a good relationship not only with the Crown but with Police Scotland and the Scottish Court Service. We are an integral part of the victim and witness experience, so we work in close partnership. The answer to the question whether more could be done is absolutely yes.

As colleagues around the table will be well aware, the Victims and Witnesses (Scotland) Bill is heading this way sometime soon.

The Convener: It has been here and is moving on to stage 2.

Alan McCloskey: The experience that victims spoke about powerfully at the start of the evidence sessions on that bill highlighted a number of gaps in the system. As you will recall, their experience of the criminal justice system is that they get passed from pillar to post far too often and have to repeat their story far too often. We hope that the proposed cuts in the justice budget will have no impact on what will be a raising of the bar in terms of standards, expectations and rights for victims and witnesses, so that they receive far more than they currently get. That is a fine balancing act, but we will certainly be encouraging the Crown, Police Scotland and other agencies and organisations to ensure that they deliver on the Victims and Witnesses (Scotland) Bill. We will play our part and work in partnership with the statutory organisations. It is a juggling act, but we want to ensure that the needs of victims and witnesses are paramount.

Margaret Mitchell: I was going to ask you about your written submission, Mr McCloskey. I notice that you mention—

The Convener: I am sorry. John Finnie had not finished his line of questioning.

John Finnie: Mr McCloskey has actually answered the question that I was going to ask—I thank him for that.

The Convener: I apologise. I did not realise that. However, you had stopped for breath, which is fatal with me.

Margaret Mitchell: We are all queueing up to ask questions now.

The Convener: It is your turn.

Margaret Mitchell: Mr McCloskey, your submission makes specific reference to the £3.4 million real-terms cut in the Crown Office and Procurator Fiscal Service budget. We are seeking assurances that those cuts will not impact on victim support. You mentioned the Victims and Witnesses (Scotland) Bill, but I think that there are some more general concerns.

Alan McCloskey: We have highlighted the fact that there is an overall real-terms reduction in the Crown's budget over the next few years, and our primary concern is that, if that happens, there should be no impact on implementation of the Victims and Witnesses (Scotland) Bill. We are very clear about that. Although we acknowledge that the Crown has to deal with a reduced budget, we want to ensure that the needs of victims and witnesses are protected. Catherine Dyer can elaborate on some of the work that we have done in partnership to consider how things can be delivered better in future, allowing for the fact that there is a reduced budget.

Catherine Dyer: The provisions on automatic rights in the bill as drafted will help. At the moment, we spend a lot of our resource on investigating whether people can apply for special measures, and there is no automatic entitlement other than for children. The bill lists a number of categories, such as domestic offending and sexual offending, where there will be automatic entitlement, and that in itself will cut down the amount of work required to make applications. We are looking at that just now with colleagues across the Court Service. We see it as a good thing because it provides certainty for victims in cases involving such offences. At the moment, we have to tell victims, "You may get your special measures if that is the sheriff's decision," but in future we will be able to tell them that they will definitely get special measures in such cases, and that will cut down the amount of work that we need to do to let the court know that victims will need those measures.

12:30

Margaret Mitchell: There is a real-terms cut in the criminal justice social work grant, which I think amounts to £3.1 million between 2014-15 and

2015-16, and the Government comments in the draft budget that

"in order to show our support for robust community disposals, we will maintain the budgets for"—

for example—

"Community Payback Orders".

South Lanarkshire Council said that it was "disappointing" that there was not "increased financial support". Will you comment on that?

Catherine Dyer: That generally relates to the justice directorate budget and what it gives local authorities, not the Crown Office and Procurator Fiscal Service.

Margaret Mitchell: Do you monitor community payback orders and how they might be affected?

Catherine Dyer: No. Community payback orders are sentences that come from the courts. The Crown Office and Procurator Fiscal Service is not involved in sentencing; that is purely for the judiciary. That takes us back to the different kinds of independence and responsibility across the criminal justice system. It is a good example of how the justice board operates: we discuss all these things, even if we are not actually responsible for them, so that we are aware of what is going on in the different parts of the justice system.

You are quite correct that there can be impacts, but the issue is totally to do with sentencing and is not what we would normally focus on.

The Convener: Which submission were you quoting, Margaret?

Margaret Mitchell: South Lanarkshire Council's submission, which is paper DB4.

The Convener: DB4—I have found it. Thank you.

Margaret Mitchell: Is there anything in the cut to the criminal justice social work grant that would impact on the work of the Crown Office and Procurator Fiscal Service?

Catherine Dyer: I am not aware of anything. We can divert people from prosecution in circumstances in which it perhaps would be better if they worked with social work or psychiatric diversion, for example. We have arrangements with criminal justice social workers, who indicate whether they can accept those people. I have heard nothing to indicate that they do not think that they can continue that work for us.

Margaret Mitchell: That brings me to the diversion issue that Families Outside raised. It said:

"We were surprised ... the draft Budget made little mention of support for diversion schemes, referring only ...

to investment in 'positive opportunities for young people helping to divert them from crime and antisocial behaviour'".

How much is the Crown Office and Procurator Fiscal Service looking at prevention, and early intervention, when it is looking at disposal?

Catherine Dyer: Again, I think that what you are quoting from relates to the justice directorate and the budget that it allocates to the various parts of the local authorities for criminal justice social work and so on, which is not part of the Crown Office and Procurator Fiscal Service.

I keep mentioning Aberdeen as if it is a highlight, but it seems to try out quite a few things. Aberdeen is where the whole-systems approach of early intervention for young adults offending came into play; that approach has been rolled out across the country as a whole. There are some very interesting figures from that, which I will send you.

That is not just a Crown Office and Procurator Fiscal Service initiative; we are working with the police and social work. Instead of putting young adults to court, where traditionally they would have been because they fell outwith the children's reporter's remit, we look at the circumstances in a virtual round table, if you like. We can make the decision that a person would be better dealt with and it would be preventative to put them in early intervention as opposed to bringing them before, say, a justice of the peace court. The approach is not for instances that are of a seriousness that requires a court disposal; it is for instances in which we can deal with a person through an intervention that would prevent them from reoffending.

That is the kind of thing in which the Procurator Fiscal Service would become involved, and the initiative has now been rolled out across Scotland. I understand that it is showing some very good results: the people who go through it do not come back to the notice of the justice system.

Margaret Mitchell: Is it the case that in the past so many years the Crown Office and Procurator Fiscal Service has had much more say over things such as fixed penalties in the disposal of cases and therefore over whether preventative spend or very early intervention, and the communication aspect, is looked at with a young person or someone on drugs—whatever the issue is—when they are first arrested? How does that pan out? How does that play into your priorities and where you allocate budgets?

Catherine Dyer: That relates to initial case processing, which is part of one of the workstreams that I talked about. We have split our staffing so that people pursue a particular type of work for a period of time. The people who are involved in that workstream will speak to police

and social work, and sometimes the children's reporter, to have a conversation about what we can do with a young person if it seems that they do not necessarily need to go to court. Probably about 46 or 47 per cent of our work involves the direct measures, which are fiscal fines and fiscal compensation orders or some sort of diversion from prosecution. That is a large volume of our work. I suppose that the test of that approach is to consider whether it works compared with putting people through the court system, which is the more costly route for the whole of the justice system. Certainly, so far, the evidence seems to be that it does.

You will know that summary justice reform started in 2008. Following Sheriff Principal McInnes's report, the reform brought in increased levels for fiscal fines and fiscals were for the first time able to make fiscal compensation orders. On the back of that, we have had further activity on the whole-systems approach, which is about not even giving a young person a fiscal fine or fiscal compensation order if there is sufficient evidence to indicate that there is a suitable disposal for them through the social work department and where we have done a risk assessment with the police and we are content with going down that route. That is where we are having success.

Margaret Mitchell: Is there an issue with the collection of fiscal fines? How much is outstanding?

Catherine Dyer: Prior to 2008, people had to elect to accept a fiscal fine. Since then, the fine has been deemed to be accepted if a person does not tell us that they want a court hearing. The Scottish Court Service keeps the statistics on what is paid and, again, that information is published regularly.

Margaret Mitchell: Once you make a spending decision, how do you measure its outcome and effectiveness?

Catherine Dyer: It depends on the kind of decision. With every new way of doing things in the Crown Office and Procurator Fiscal Service, we deal with it as a project. For example, we have begun texting witnesses to remind them to come to court close to the court hearing, which seems to have been quite successful. With such ideas, we have a proper scoping exercise and then produce a business case to say what we think it will cost and what we think the savings in the justice system will be, because the savings will not always be just for the Crown Office and Procurator Fiscal Service.

That is why it is useful that we now have the justice board in Scotland. We have a justice finance meeting, to which the Crown Office and Procurator Fiscal Service is invited, albeit that our

budget is decided separately and independently from the justice directorate. That means that everybody who is involved in justice in Scotland has the opportunity to hear what is going on with the other organisations. We are trying to align as much as possible when it comes to the saving of money. That even extends to Victim Support Scotland and other representative or support organisations in communities.

For instance, Alan McCloskey and I have been dealing with a pilot to see what happens if we provide information to Victim Support Scotland so that it can give information to witnesses who do not necessarily want to come into contact with VIA or whatever. We have paid for some of the set-up costs of that. From a witness's point of view, it is important that, collectively across the justice system, we design the system so that witnesses have as few points of contact as possible and that those points of contact give them all the information that they might need. That is one of the things that we have spent some money on. We are working with Victim Support Scotland on that, just in Tayside at the moment. Alan McCloskey will correct me if I am wrong, but I think that the police refer every single victim of crime to Victim Support Scotland, which then contacts them to find out whether they want to be kept in touch. That really is a justice system approach because, obviously, not everything that is reported to the police is reported to the Crown Office and Procurator Fiscal Service.

That is an innovative way of ensuring that the police report everything to Victim Support Scotland, so that every victim has the opportunity to come into contact with Victim Support Scotland. We are providing the information that would normally come from the Crown, through VIA or through the victim contacting us themselves, to Victim Support Scotland. That creates a single point of contact for victims, which we are exploring as a potential way forward.

Margaret Mitchell: Finally, with the closure of certain sheriff courts, is there an issue about fiscals being available in certain courts at the right time, given the increased workload? Is there a logistical issue?

Catherine Dyer: No, because only four of the courts that are going to be closed are courts in which we have permanent offices. From our point of view, when we are talking about moving resource around, focusing with certainty on particular locations as the places where trials will take place helps us to decide where to deploy staff. It also helps us to explore what we do with our victim information and advice personnel, because if people have to come to court we can concentrate those officers at the courts. Because the High Court is going down to three principal

locations, we will be able to tell victims and witnesses with certainty where their case will be. With only three locations, we have a better chance of predicting where the case will be and we can ensure that we have victim information and advice officers on the ground for them. Similarly, with sheriff and jury courts, people really need support when their case is at court and they get it from the witness service that Alan McCloskey provides and also from victim information and advice at court.

Margaret Mitchell: Although you have a real-terms cut in the resources available to you and criminal justice funding has been cut, the tenor of your evidence today is that you are quite satisfied with everything and that there are no potential problems. Can you confirm that, or have I got the wrong end of the stick?

Catherine Dyer: I would not say that I am quite satisfied. Nobody who is a chief executive of anything would deny that they would like more funding, but what I am trying to say is that we have anticipated the current situation. Since 2010, it has been obvious that we are on this trajectory, and it is our responsibility to plan and to say that the expectation absolutely has to be that we can deal with what comes through the door and what is reported to us, and that we can maintain and improve our standards of case preparation and our services to victims and witnesses. What we have done by reorganising ourselves and by constantly working with the police, the courts and other partners, including Victim Support Scotland, is to create a new approach to justice in Scotland, which should guarantee that we can deal with whatever comes through the door. It has required effort, thinking and planning, but it has been innovative, and if the committee is seeking an assurance that we are able to deliver what we are supposed to deliver, I can give you that reassurance.

Margaret Mitchell: Can I just finally say—

The Convener: You have had two finallys. I am listening.

Margaret Mitchell: If I could wave a magic wand and grant you a single thing that the Crown Office and Procurator Fiscal Service needs, what would you ask for?

Catherine Dyer: Well—

The Convener: You can ponder that, but we are moving on. We shall let you chew that over until the end of the meeting. I do not expect you just to come up with something on the spot.

We have time for questions from Graeme Pearson and Elaine Murray, and then I hope that we can wind up, because we have an awful lot more on the agenda.

Graeme Pearson: I shall try to get through the various issues as quickly as I can.

The Convener: Good grief—various issues.

Graeme Pearson: Yes, I have five questions that I want to ask.

The Convener: Dearie me.

Graeme Pearson: My first question is on VIA and victim support. I spoke to Alan McCloskey after we obtained our evidence from witnesses about their pass-the-parcel experience. We do not have level 4 budget figures for the cost of VIA within the Crown Office, and I wonder whether there is benefit in maintaining a separate organisation within the Crown or whether you could factor out that work to Victim Support Scotland in the long term. Is that feasible and is it something that you could consider in a substantial sense?

12:45

Catherine Dyer: Across justice, we are all looking at who needs to deliver that work and asking, “What is it about the transfer of information?” It would make sense that the prosecution service delivers some things, and delivers them at court.

We have had a lot of discussion with Victim Support Scotland about whether, for some victims, we could provide generic information that would be dealt with by a sympathetic person whom a victim had already come into contact with. For other people, information would definitely have to be provided by people who are well aware of how the prosecution system works.

Graeme Pearson: Would that have any benefits in budget terms?

Catherine Dyer: I can get you information on what you are talking about in terms of level 4 figures. We have a discrete amount of staff whom we quantify as being victim information and advice staff.

We are looking across everything and a lot of discussion is going on with the police—I listened to the police evidence on the previous panel. The Crown Office and Procurator Fiscal Service does not do this alone; we are looking at a justice system solution. The justice directorate is looking at whether there should be a hub approach for victims and witnesses, on the same basis: that it should be a single point of contact if it can be. For the vast majority of people, that would be sufficient, although if someone had to go to court and give evidence, we would see that there was still a role for victim information and advice.

Graeme Pearson: However, you are not sure in budget terms whether that would be attractive,

from your own service point of view—just in money terms; let us forget the other part of it.

Catherine Dyer: I am not quite sure what you mean.

Graeme Pearson: Would you save money by looking at some of the other options? Can you see some savings there, given that you face cuts?

Catherine Dyer: It would not be savings. Victim Support Scotland’s position would be that it would be doing more. It is more about how that is distributed across the justice system.

Graeme Pearson: Okay. My other point takes me back to Audit Scotland, which did not produce a particularly pleasant picture of the justice system. One bit that stuck out significantly was the thousands—maybe tens of thousands—of cases that the police put into the system, which are then marked for no proceedings, for a host of reasonable evidential reasons. Is any active work being done to reduce that, given that it wastes not only police time but your fiscal time?

Catherine Dyer: Active work is being done and we are beginning to see the fruits of it with Police Scotland. When we look at the figures for cases that have no action because of insufficient evidence, we anticipate that they will have gone down.

These are early days, with Police Scotland having come into existence just on 1 April, but there have been clear demonstrations of where quality has improved, because it is doing as we did and having staff who focus on particular specialisms in some cases—for some people, that will be just the reporting of standard cases. That is a positive that we can point to.

We have very close links now. The Crown Office and Procurator Fiscal Service has local leads in each federation. For example, you referred to case reporting. There is an initial case processing, or ICP, lead for each federation, who is very closely linked to their opposite number in the police. We did not have that before. We had eight police forces and the way that they were configured did not allow that. That arrangement has allowed us to go back quickly when we see things that are not of the required standard and ask whether they can be improved. We are getting feedback that they are being improved.

Graeme Pearson: Is it timely enough to get any numbers—figures and percentages—on that?

Catherine Dyer: I should be able to do something for you on that.

Graeme Pearson: I have a question for Ms Hicks about domestic abuse courts. There has been an indication of a backlog in cases. In the west of Scotland, where once it took a specified

number of days to complete a case, we are now talking about eight months or more. Is that problem budgetary driven, or is something else causing it? That is your new responsibility.

Anne Marie Hicks: The Glasgow domestic abuse court has experienced a considerable increase in numbers over a period. We saw significant increases when Stephen House came to Strathclyde Police and a lot of that was to do with the new robust attitude to domestic abuse and the top priority that it was given in the police force.

It is interesting for me to come back to this area of work. I spoke to Mr House before he gave evidence this morning. It feels almost a bit like "Groundhog Day", because what I am seeing happening with some of the rest of the forces is what I saw happening with Strathclyde.

The pilot court in Glasgow dealt with only one division, but in early 2010 it had a 35 per cent increase in business just from that division, which gave an idea of the scale. We expanded the court to cover the whole of Glasgow, so there has been a huge increase from that perspective. There is also our organisation's attitude and its robust approach to prosecution. All of that has contributed.

We must also be aware of the real positive in terms of the increase in public confidence. Having a specialist court and putting in specialist resource to both the police and the fiscal side, and putting in a solid advocacy service for victims that provides a lot of support, increases public confidence and gets more people reporting, which is what we want to achieve.

Graeme Pearson: The focus of the meeting is money. Do you have the budget this year and in future years to deal with the increase in work? Do you have enough resource to support you to cope with that work?

Anne Marie Hicks: In terms of what the fiscals are doing, yes, we do. The biggest challenge is a criminal justice response in terms of trying to find adequate court capacity to deal with the cases. We have fiscals who can deal with the cases and we have specialist resource there, so from a budget point of view that is not a concern. It is about looking at a wider solution to address the issue and get the delay period back down to what it was in the past.

Graeme Pearson: Moneys from asset recovery were returned to the civil recovery unit. Is that still part of your budget profile and will you seek to obtain more money from that source?

Catherine Dyer: We put in a particular IT system with that money. Obviously, things like that increase efficiency, so that is the kind of thing that

we are looking at. Whether we get more money from that source is obviously a decision for ministers, but certainly everything that we do, whether in civil recovery or across the other areas of the COPFS, is about seeing what we can do more efficiently. We used any additional money that we were given for that purpose.

Graeme Pearson: It is fair to say that ministers would respond to a bid from the Crown Office and Procurator Fiscal Service. Is it the intention of the COPFS to bid for additional moneys from civil recovery?

Catherine Dyer: The current position is that we have used the money that we received and got some efficiencies out of it. The position is not quite as simple as you suggest, because there are sensitivities around the civil recovery aspect. There have been discussions on the issue in other jurisdictions and ministers are aware of the position for the COPFS. I do not think that we have ever put in a bid as such.

The Convener: I go back to the question that I asked the chief constable about the domestic abuse joint protocol between Police Scotland and the Crown Office. What funds are being allocated specifically to implement that protocol? Are they ring fenced? What difference will that make in practice and how will it be measured so that we know that the money and the protocol are delivering something at the end of the day? The question is for both COPFS witnesses.

Catherine Dyer: The position has perhaps been misunderstood because of the way that we put it out. The protocol is not new: we already had a protocol and now we have an updated, new protocol.

The Convener: Given the focus that the chief constable now has, the issue is high on the list, which is good and well, but what is happening in terms of prosecutions?

Catherine Dyer: We have already invested in additional training for staff, so well over 250 staff in the Procurator Fiscal Service are now trained to deal with domestic abuse cases at all their different stages. Domestic abuse is different from other kinds of offending. It is not an offence in itself but comes as an aggravator, if you like, along with a vast array of potential offences. We previously invested to ensure that people were trained to recognise that. The protocol clearly sets out for our staff and the police what they should be looking for. It is then about investing in a post like Anne Marie Hicks's to demonstrate that someone is heading up the issue for the organisation and that they have oversight of the whole thing and are a bridge between what might be policy and the reality on the ground.

That post also provides not only a visible contact for our stakeholders such as Scottish Women's Aid, Victim Support Scotland and ASSIST, with whom we work closely all the time, but public visibility, for which the Crown Office and Procurator Fiscal Service has sometimes been criticised in the past. It is a move to try to put that forward and at the forefront.

As Anne Marie Hicks said, there has been a significant uplift in the reporting of domestic abuse, which shows an increase in confidence partly, I hope, because of the protocol that we previously had with the police, which set out clearly what was expected of police officers and the Crown Office and Procurator Fiscal Service. In some senses, it is now the biggest identifiable portion of our work and is really mainstream work for us.

Anne Marie Hicks: The new protocol is really important for improving quality. To follow up on the questions that were asked about cases in which there is no action, there is a lot of improved guidance for the police and prosecutors about what we need to get—what should come in through an investigation and what the fiscals should have before them.

We have looked at previous instances, patterns of behaviour and innovative ways of gathering evidence, so the protocol builds on what already existed. It has come about largely because of operational experience over the past number of years. I hope that we will see improvements in what is reported to us and the cases on which we can take action.

Interestingly, one of the other areas was—
[*Interruption.*]

The Convener: Excuse me, I am gasping because nobody had a question and now members are all leaping in.

John Finnie: I am sure that you want us to respond to information that comes to light.

The Convener: Please continue, Ms Hicks. My gasp had nothing to do with you; it is exasperation with members.

Anne Marie Hicks: One of the key things that we seek to change relates to counter-allegations, because there was an increase in the number of cases and a lot of concern from victims groups that, perhaps, partners were becoming criminalised when both parties were being reported. We have done a lot of work with the police on that and there is enhanced guidance on it.

We hope that all those measures will improve not only what the prosecution does but what the police do and will improve the investigation.

The Convener: Ancillary to that, we had a brief discussion with the chief constable about what we might call diversions from prosecution and not always criminalising people, which might not be appropriate in all circumstances. I am aware of the sensitivity of that. I take it that such measures are part of the discussions as well. I do not want to say that it is all down to money, but what would the resource implications be of diverting someone into counselling, for example? How would that be done?

Catherine Dyer: As far as I understand, the chief constable was trying to indicate that that was not what he said. It has been misinterpreted. I understood him to be talking about the position in relation to disposals by courts. We checked with him this morning before we came in because, certainly, from the way that it was reported, it looked as though he was talking about diversions from prosecution. This morning, he said that it was not always—

The Convener: I am sorry, but I think that he perhaps also said that the court—

Catherine Dyer: He said that prison was not always—

The Convener: So there would still be prosecutions.

Catherine Dyer: From my understanding of what he said this morning, it was clear that it was serious offending and he was not suggesting that it meant—

The Convener: No, no. There is a huge range of offending under domestic abuse and the range of cases in which it might be appropriate for such offending not to go through the criminal process is narrow.

Catherine Dyer: We already have that. It is set out in the protocol. That was already the position, so it is not new. In fact, what people identify as being domestic abuse offending is what most of us would recognise as the type of offending that would need to be in court. However, we already have in the protocol clear information about what absolutely must go through a court and what can be considered for other avenues that would be proportionate for such offending.

The Convener: So you are already doing that. You are already considering whether it is not appropriate, not in the public interest, not in the interest of the family or whatever you take into account for a case to go to court.

Catherine Dyer: Yes.

The Convener: We can have two small supplementary questions. Do you still want them, gentlemen?

John Finnie: Yes, if I may.

The Convener: You are not first. Roddy Campbell was before you. I am happy to sit here till 6 o'clock tonight, if you like—no, I am not.

Roderick Campbell: I will touch on corroboration, on which we touched earlier.

Paragraph 7 of the protocol says:

“In all cases of domestic abuse where there is sufficient corroborative evidence of a crime ... the case will be reported to the Procurator Fiscal.”

If the requirement for corroboration is removed, domestic violence would seem to be one area in which the workload would certainly increase.

13:00

Catherine Dyer: Again, it depends. I understand that you are going to have sessions on corroboration, and no doubt the matter will be covered there, but the thing to be clear about is that there is no suggestion that somebody will just say something and there will be a prosecution. We have to be mindful that we always have to prove things beyond reasonable doubt, and to do that we usually have to look for supporting evidence.

There is a difference between corroboration in a narrow, legal, technical sense, which is what Lord Carloway has been talking about, and the approach that the prosecution service takes, which involves being able to put witnesses before a court and being clear that we have supporting evidence that will allow the court to come to the conclusion that we ask for in the situation—namely, that it is beyond reasonable doubt that the incident happened.

The Convener: We are all desperate to get on to corroboration, but it is actually the budget that we are on.

Roderick Campbell: Yes.

The number of cases that are referred from the police to you might well increase, which would increase the workload and therefore cost more money.

Catherine Dyer: That is part of what we looked at in the shadow marking exercises. That is clearly a type of case for which there might be other approaches if the technical need for corroboration is not there.

The Convener: That is in your submission on the Criminal Justice (Scotland) Bill.

Catherine Dyer: Yes.

John Finnie: On the subject of technical support, mention was made of police officers arriving on the scene with cameras. That happens after the event; by its nature, the police have been called because something has happened. Would

you be supportive of women being provided with cameras, perhaps as part of—

Anne Marie Hicks: That is already happening. There are alarms that can be given out. ASSIST and others are involved in that with the police, and as part of that a recording device can be used.

John Finnie: I am talking specifically about video and sound recording, which I understand is not readily available. In an area such as the one that I represent, where vulnerability is compounded by geographic isolation, that would be of tremendous assistance.

Anne Marie Hicks: We would support getting involved in the discussion and exploring any option that was seen to be appropriate. In relation to what is available and how it could be used, if victims groups and others think that it would be appropriate to look at the idea, we would certainly be supportive of looking at it and getting involved in seeing how it could work.

Catherine Dyer: The approach has been used in other scenarios, such as violence towards drivers on public transport. That started as a pilot scheme in Glasgow. The issue concerns what is preventative as opposed to what aims to capture evidence. That is something for people who represent victims groups to have discussions about. However, we see no difficulty with the approach where something then comes to a prosecution, if that is what you are asking us about.

John Finnie: It is, but if I may say so, your answers sort of avoided the issue. You more or less said that it is a matter for victims groups. I am imagining a situation in which there is insufficient evidence to go on a particular occasion and there is potential for repeat offending—

The Convener: Excuse me. What does this have to do with the budget?

John Finnie: I am coming to that, if you will just bear with me.

The Convener: Good.

John Finnie: The fiscal can instruct the police to make more inquiries into something. I suggest that, if the technology was to form part of that, there would be budgetary implications. They might be minor, but nonetheless there would be implications.

The Convener: You got the budget in.

Catherine Dyer: We have certainly had discussions on the matter. Body-worn cameras have not been made available throughout Scotland, but the chief constable has now looked at the idea, and we have encouraged that. If there are other moves that could make people safer, which is obviously something that we are

interested in contributing to, or could help to capture those who commit crimes, we are happy to take them forward.

We are not avoiding the issue or suggesting that the Crown Office and Procurator Fiscal Service, in the wider justice context, has nothing to do with prevention. We accept that it does. However, there would have to be a discussion about the idea and it would have to include the victims groups, the police and the Scottish Government, I would imagine. We would be happy to play a part in that.

John Finnie: Would you initiate such discussions?

Catherine Dyer: Now that you have raised the idea, we can certainly take it back to the justice board.

The Convener: I feel that I should have a camera attached to me that is focused on John Finnie, but never mind. When he mentioned minor budgetary considerations, that was very sweetly done.

Thank you for your evidence. It has been a long haul for you and us, but it was very useful. If you feel that we missed anything, please feel free to write to me as the convener and the information will be distributed to the committee.

13:04

Meeting continued in private until 13:16.

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