



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE SUB-COMMITTEE ON POLICING

Thursday 10 March 2016

Thursday 10 March 2016

CONTENTS

Col.

POLICE AND FIRE REFORM (SCOTLAND) ACT 2012	1
---	----------

JUSTICE SUB-COMMITTEE ON POLICING

3rd Meeting 2016, Session 4

CONVENER

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

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Ind)

*Alison McInnes (North East Scotland) (LD)

*Margaret Mitchell (Central Scotland) (Con)

*Elaine Murray (Dumfriesshire) (Lab)

*Kevin Stewart (Aberdeen Central) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Roderick Campbell (North East Fife) (SNP)

Deputy Chief Constable Rose Fitzpatrick (Police Scotland)

Andrew Flanagan (Scottish Police Authority)

John Foley (Scottish Police Authority)

Chief Constable Philip Gormley (Police Scotland)

Graeme Pearson (South Scotland) (Lab)

CLERK TO THE COMMITTEE

Joanne Clinton

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 10 March 2016

[The Convener opened the meeting at 13:07]

Police and Fire Reform (Scotland) Act 2012

The Convener (Christine Grahame): I apologise for the delay and I welcome everyone to the third and—colleagues will be delighted to know—final meeting in 2016 of the Justice Sub-Committee on Policing. I ask everyone to switch off mobile phones and other electronic devices as they interfere with broadcasting, even when switched to silent.

We have no apologies. I welcome Roderick Campbell and Graeme Pearson, who have been intermittently regular visitors to the committee. Can visitors be intermittent and regular? I do not know, but they have been visitors prior to this.

Agenda item 1 is our main item of business today. It is an evidence session on the issues considered by the sub-committee since its creation three years ago.

I welcome to the meeting Philip Gormley, the chief constable of Police Scotland, and Andrew Flanagan, chair of the Scottish Police Authority, who are both appearing before the sub-committee for the first time, although members of the Justice Committee have seen you previously. I also welcome Deputy Chief Constable Rose Fitzpatrick, and John Foley, the SPA's chief executive, who are here in a supporting capacity and who have also both appeared at Parliament before.

I will go straight to questions from members.

John Finnie (Highlands and Islands) (Ind): Good afternoon, panel. I have a question for Chief Constable Philip Gormley.

The committee has been out and about, and Kevin Stewart and I went to Elgin. One of the issues that came up was about the discretion that officers are afforded. We heard varying opinions: we heard that discretion had been removed from officers, but we also heard from senior officers that, on the specific example of speeding, a number of people were warned about their conduct and a number of people were charged. Can you advise what your position is? What part does discretion play in operational policing?

Chief Constable Philip Gormley (Police Scotland): Discretion is absolutely four-square in the centre of good policing. I have been having conversations with staff—I have just come from a meeting, not far away, with chief inspectors. We have to make sure that we understand productivity and what good policing looks like—which will vary from community to community—and that we enable officers to make the right, relevant decisions for the communities that they understand.

Discretion is officers' ability to apply professional judgement to what they think will work in particular circumstances. It is at the heart of good policing.

There is a continuum in operational and organisational life: at one end is malicious compliance and at the other is discretionary effort. For me, malicious compliance means, "I did it, although it was obvious that I shouldn't do it, because you told me to", or, "I didn't do it, although I should have done, because you hadn't told me to."

At the other end of the continuum, discretionary effort means, "It isn't written down but I know what the values of the organisation are, I know what this member of the public needs at this point, and I'm going to act in accordance with those values and my professional judgment to deliver the right sort of service." I want an organisation that routinely operates towards the discretionary effort end of the continuum.

There are areas where there are non-negotiables. We do not want to be inventing a new approach to a firearms incident in the middle of a threats-to-life incident—I am not naive—but most of the routine warp and weft of policing is about ambiguity and calls for service where a range of judgments could be made. I want officers to be confident that they can make the best judgments according to the circumstances that they see.

Mr Finnie's example on speeding is a really good one. The question is about the outcome that we want: fewer road deaths, fewer serious injuries and less danger on our roads. The evidence over the past 12 months is that we are probably moving in the right direction on that. Part of that process will be the issuing of speeding and other fixed-penalty notices and enforcement measures. Some of it will be about proper, sensible advice to people who have perhaps had a momentary lapse in concentration.

Officers will be best placed to decide whether, for reasons of public safety, we need to separate an individual from their driving licence, or whether some advice and sensible intervention will have a greater protective effect. We have seen a greater degree of advice given—as opposed to enforcement tickets simply being issued—and at

the same time we have seen an encouraging reduction in death and serious injury on the roads.

I have given a long answer but, in looking at discretion, we have to be clear about the sets of circumstances where something is non-negotiable. For the vast majority of the sorts of incidents policing deals with across Scotland, day in and day out, officers need to be confident about making the right decisions.

John Finnie: It might have been a long answer but it was a very reassuring one, not only for politicians but for officers and the public too. Can I ask about one area where there has been conflict—

The Convener: Can I just ask something? It was raised by a constituent that, in England—I do not know whether it is a police matter or a Government one—drivers caught speeding can go on driver improvement courses rather than just have a warning or a ticket. I understand that there are no such courses in Scotland. Is that within your remit? If it is, what is your view?

Chief Constable Gormley: I admit that I do not know whether it is within my remit, but I certainly have a view. I think that the solution to road deaths is a combination of engineering, enforcement and education.

The system that prevails in England and Wales is that if someone exceeds a speed limit up to a certain level—I think it is 10 per cent plus 2mph, broadly speaking—they are offered, as an alternative to a fixed-penalty ticket, a speed awareness course. There is some very powerful evidence coming back from those courses, in that people who attend them find them really helpful. We need some longitudinal research on the genuine impact on reoffending and road safety but, instinctively, it feels like the right thing to do. Spending five or six hours carefully and sensibly going through a programme helps drivers understand, and perhaps reacquaints them with, safe driving techniques—as opposed to their having a fixed-penalty ticket arrive through the post three weeks later, when they are scratching their heads, trying to remember where they were. Human nature suggests that the former approach will be more effective.

The system exists in England and Wales, and I think that there is some real merit in those sorts of approaches.

The Convener: Thank you. Sorry, John—the question just popped into my head.

John Finnie: Thank you, convener. Chief constable, I want to ask about stop and search. I know that the particular issue pre-dates your appointment but it is still very much a live one. Having come from a background where everything

was on a statutory footing, do you have a view on the benefits of that against so-called consensual searches, which a number of people, myself included, are very uncomfortable about?

Chief Constable Gormley: I guess that everyone is a product of where they have been and how they have been socialised. I have only operated in an environment where there is statutory power to stop and search. I think that it provides sensible protections, provides officers with clarity, and also provides accountability. Stop and search is a really important tactic, but it needs to be intelligence led and it needs to enjoy the support of the communities that it seeks to protect. My policing experience is that statutory stop and search provides the best protection for the public in terms of legitimacy and also clarity for officers.

John Finnie: Thank you very much. This committee previously heard from John Scott QC, who chaired the advisory group producing the report on stop and search. He used a phrase people might have been surprised at—that the police should be the front-line defenders of the citizen's human rights. Do you have a view on that?

13:15

Chief Constable Gormley: I completely agree. Policing needs to be on the side of the overwhelming majority of law-abiding citizens, whichever country we are operating in—and it also needs to respect the rights of those who are, for whatever reason, offending. Absolutely at the heart of good policing in any liberal democracy is a proper understanding of human rights and the responsibilities that come with that understanding: we need to protect the vulnerable.

John Finnie: I have one small question.

The Convener: I will come back to you, but next is Margaret Mitchell.

Margaret Mitchell (Central Scotland) (Con): I ask the chief constable whether he is satisfied that effective lines of communication have been established between stakeholders and local commanders in order to make sure that local priorities are being discussed.

Chief Constable Gormley: There is always work to be done. We now have good local relationships: we have 32 local policing plans. My anecdotal evidence from my visits around the country is that we need to do more to explain the connection between national capability and national decision making and how those both impact locally—more work needs to be done to provide those explanations. I am not surprised by that; however, enormous achievements have been delivered, in my view, in the past three years.

Mr Finnie made some important points about enabling officers to have the discretion to make local decisions relevant to the areas that they are policing. Consultation work this year includes the launch in April of a digital-based process called your view, which will be on-going, not just a one-off. It will enable people with sensory impairments as well as the rest of the population to contribute to our understanding of what good policing in their areas looks like for them.

What I am not trying to do is paint an everything-is-rosy picture. I think that we are in a good place, but more needs to be done over the next year or so.

Margaret Mitchell: Very often there is a turnover of commanders. Today I spoke to some farmers who said that quad bikes have once again been stolen in their area; the local police who were there for a number of years and seemed to be on top of such crimes have now moved on. Is there a balance to be struck?

Chief Constable Gormley: I agree that there is always a balance to be struck—in my 30 years' service, the desire for consistency in policing local communities has always been there.

A demographic bubble is developing now. A lot of officers joined in the early and mid-1980s after the Edmund-Davies pay award. Those officers are now coming to a 30-year point, resulting in larger numbers than usual leaving, particularly from more senior ranks. We have gone through an internal process of considering what those departures mean for numbers of divisional commanders, superintendents and assistant chief constables—the reality is that there will be turnover in the next 12 to 24 months. My ambition is to mitigate that turnover; we are looking carefully at succession planning.

Returning to your earlier point about lines of communication, we have been making some new appointments at divisional commander level. Deputy Chief Constable Rose Fitzpatrick has written to the leaders of local authorities to ask about the skillset of the person that they would like appointed and the challenges that the commanders would face. I do not think we can allow the local authorities to choose the person, but understanding the local issues enables us to make the best fit between the individuals available and the skills required.

There is also an on-going necessity to talent manage, career develop and make sure that we are growing the next set of leaders, for both general and local positions within a national organisation. I share the ambition—and on occasions the frustration—associated with keeping people in positions. What I can add is that predominantly the officers who are policing

communities across Scotland under the Police Scotland badge are the officers who were policing it under the legacy cap badges. However, I recognise the issue and we try—within the constraints of a national organisation with the current turnover—to minimise the impact.

Margaret Mitchell: The local authorities will very much appreciate being consulted, because they have good local intelligence to feed back and that will help. The extent to which they feel that they have been involved has been uncertain; it has depended on each local authority.

Alison McInnes (North East Scotland) (LD): Just following on from that, communities and councils have identified the erosion of local police decision making as a real concern. I am interested to know your views on the autonomy of divisional commanders, and how far you consider it possible to legitimise different policing approaches in different communities around Scotland.

Chief Constable Gormley: Again, you are going to find me in violent agreement with the ambition behind your statement. What we have to be careful about with that approach is that we do not build in a lot of bureaucracy and cost. I have operated in other police environments where I had a fully devolved budget that I spent a lot of my time managing, so I needed the infrastructure of a local business manager.

We have to be careful about how we operationalise that ambition. Rose Fitzpatrick and I, and other senior colleagues, have been talking about what good performance will look like in the future and how we represent locally driven ambitions for policing in a framework that has the right balance between, and gives due regard to, headline national figures—which a competent police force should be in control of—and local issues.

At the meeting that I came from this morning of all 30 chief inspectors in the eastern region, the issue was a live conversation. We talked about how to empower local police in a realistic way, because we have limited funding and we need to ensure that we do not allow one thousand flowers to bloom when we do not have enough fertilizer for that number of plants. That was a vulgar expression—excuse me.

The Convener: I am lost but never mind.

Chief Constable Gormley: You lost me at last week's Justice Committee meeting, so we are even. *[Laughter.]*

The serious point is that commanders want local discretion and decision making because they want to make a difference and I do not want to frustrate that wish. Rose Fitzpatrick could talk about how we have moved forward on that.

Early in any transition, there is a necessity to grip things tightly at the centre because there are a lot of moving parts and a lot of different systems, cultures and practices. I think that three years in is the point when we can understand what can be released from that grip. We do not want to grip so hard that we strangle innovation, but nor do we want a chaotic approach in which we are not clear about what we are clear about, or staff are not sure about what we want as an ambition.

There is always a balance, but the ambition is one that I share.

Alison McInnes: Do you understand that Police Scotland's view of what local policing is differs significantly from what communities and local councils think of as policing, and that the plethora of national teams that has been set up militates against the delivery of the type of holistic policing that communities are looking for?

Chief Constable Gormley: I am not sure—probably for the first time—that I necessarily accept your whole proposition.

Around the country we have had some real advances in what communities can access. In last week's meeting, I mentioned that the revolution in our approach to domestic violence is really significant. We have the ability to land high-quality major investigation teams into any part of the country with the competence we have now, which was not possible before. We have the ability to deploy air support to search for missing people, which was not so easily achieved before. There are real advantages to the national approach.

I go back to my earlier point that our challenge is how to explain that, how to make sure that it is available, and how to maintain the essence of local policing. We will need to go through a reassessment of demand and risk. There is demand that we know about—latent demand—and emergent demand, because crime is changing. We need to understand what that means in terms of risk and vulnerability, and make the inevitable hard decisions about where resource goes against the emerging and changing threats.

Alison McInnes: Thank you. I will turn to Mr Flanagan. One of the criticisms of the SPA has been its inability to proactively identify issues that it needs to scrutinise. It has constantly played catch-up and this committee has had to step into the breach on a number of occasions. What is the SPA doing now to identify issues earlier?

Andrew Flanagan (Scottish Police Authority): One of the issues that we are tackling in the governance review is how we work more closely with Police Scotland to identify issues as they are coming down the track, and what processes go on in the debate between Police

Scotland and the SPA in terms of what we think is the correct approach.

The role of the SPA has to be considered in terms of how we represent the public view because policing can succeed only when there is consent from the public to police. At the same time, that principle sits in a bit of tension with the operational independence of the police in order that they can carry out their duties as they see fit. The two things need to work in balance with each other.

One of the issues that I am addressing in the governance review is how we identify the issues—we have touched on some of them, such as stop and search—in which there was clear public concern and therefore the consent to police was in question. The SPA should have been at the forefront in discussing that with Police Scotland. I have to accept the criticism that we were not being proactive.

However, we have to ensure that in future dialogue between us and Police Scotland we look at those issues in advance and that it is not just about the performance of policing but about how we police. There has to be a close involvement between me and the chief constable and between the wider SPA and Police Scotland. I hope that you will see some recommendations in the governance review about how we might do that.

Alison McInnes: Finally, what progress has been made in the development of the code of practice on stop and search? That is clearly pivotal to moving forward.

Deputy Chief Constable Rose Fitzpatrick (Police Scotland): As you know, we have been doing a lot of work to get ourselves ready for the implementation of a code of practice. My understanding is that the Scottish Government will be holding a public consultation on the code and on issues around alcohol and young people. Of course, we will contribute to that and support that debate and consultation with any information or data that we have.

The Convener: Can I just stop you there? You talk about a consultation. We have less than two weeks before Parliament dissolves, so what is the deadline for that consultation?

Deputy Chief Constable Fitzpatrick: I am afraid that I do not know the dates.

The Convener: We will need to ask the Government, then. Sorry about that—I did not mean to stop you there, it is just that Parliament dissolves on 23 March.

Alison McInnes: The legislation is such that a code of practice has to be developed, so whichever Government gets in will have to take it on.

The Convener: Yes—whichever Government. Are you finished, Alison?

Alison McInnes: Yes.

The Convener: Elaine Murray is next, then Kevin Stewart. If they are quick off their marks, I may have time to let other members in. John Finnie is still waiting to get in.

John Finnie: My point has been covered.

The Convener: Then we should definitely have time.

Elaine Murray (Dumfriesshire) (Lab): I want to return to the issues around local policing and the relationship between local areas and the centre. Chief constable, what sort of contact have you had with local divisions? Have you been to visit them? Have you discussed with officers at all levels what their perceptions are? One of the things that we found on our visits, certainly in Dumfries, is that the perception of the constables, for example, on how they were being directed was rather different from the perception of more senior members of staff. How are you hearing about the experiences of people at different levels?

Chief Constable Gormley: I am endeavouring to go on a Scottish world tour, really. Seriously, I have said overtly that my first three months will be more about receiving than transmitting. I will probably get some of this wrong but, so far, I have been to Inverness, Dingwall, Stornoway, Inverurie, Aberdeen and the kingdom of Fife. I have also been to Edinburgh and Glasgow. I have been having a conversation with officers. I have been explaining to them my view about what the four broad main challenges are for us over the next 12 to 24 months and, more importantly, I have been listening to how they feel about the organisation.

They are saying to me that they have noticed a change of tone around performance in the past 12 months. Mr Finnie alluded to the amount of discretion that officers have in relation to charging people for speeding. Officers do not feel as driven—if they were ever being driven—to hit targets around speeding tickets. They are describing a greater level of discretion coming back into their daily work.

I have been out and spoken to local authorities. On each of the visits, I have normally had two or three staff engagements in the day and then spent an hour or two with local civic leaders—the chief executives—to get a sense from their point of view of what it feels like to be a stakeholder and a partner of Police Scotland. I am hearing genuine support and commitment to the local service that is being delivered and I have seen extraordinarily strong relationships between divisional commanders and local civic leaders.

As I said, there is a desire to better understand how the national plays into the local, and how we can, at the centre, more effectively hear voices from localities. I have had a conversation with Rose Fitzpatrick about simple measures that we could put in place, such as using our area assistant chief constables to engage more effectively, and listening to how things are landing locally as well as briefing on issues at a national level so that we can get a better, more nuanced relationship with local authorities.

I do not want to overstate the situation, but I think that staff are hugely enthusiastic. They are doing great work that is recognised and valued by the communities that they serve. There is an ambition among the staff to have more discretion and to build on that, and there is an ambition locally among civic leaders—as you will know better than I do—to be better connected to some of the big decisions that Police Scotland has to make in the national interest.

13:30

Elaine Murray: There is a feeling in local authorities and local communities, certainly in my area of Dumfries and Galloway, that they do not have the same relationship with the police as they used to have. They are not getting the same opportunities to feed in their views or comment as they did previously.

A lot of the places that you have been are further north, so do come south.

Chief Constable Gormley: Whatever my itinerary looks like, it will offend somebody. I deliberately did not start in the central belt.

The Convener: At any moment, the Highlands and Islands region will make its pitch—I have done that for John Finnie.

Chief Constable Gormley: I have already been there.

Elaine Murray: My question is also for Mr Flanagan and the SPA. How can you improve accountability and the relationship not just with staff but with the public and local communities so that they feel that they are being consulted and have the opportunity to express their views on operational and policy matters?

Chief Constable Gormley: I will not hog the microphone, but I point to what I said earlier about the launch of the your view public consultation. We are doing a lot of work on getting a better level of connectivity with local communities so that we can hear their voices. I am on the independent reference group for the governance review, which includes the SPA. That is clearly a live issue for the SPA and for the police service; I will let the chairman of the SPA reflect on that for you.

The Convener: Is the governance review still on track for the end of March?

Andrew Flanagan: It is—in fact, I suspect that it will be delivered next week.

As part of the governance review, we carried out an extensive consultation through local authorities and more widely, and some common themes came out. The consultees were happy with the SPA's local engagement, but there were comments on the points that Elaine Murray made about how engagement with Police Scotland works on the ground.

One thing that came through was that the communication of how national decisions have been made—especially when they are made by the specialised services to which we referred earlier—does not feed down through the organisation through local commanders as well as it might. Local commanders are part of local policing rather than national services, and the communication that would enable people to understand how a decision has been made and why it may not be in line with what the local community thinks is therefore not effective enough. We need to address that point.

Equally, it is not clear how the outcome of the initial engagement and the community's views are fed through to the top of the organisation. We need to work with Police Scotland to ensure that the communication loop works more effectively and that information goes up and down.

One of the points that came out from the consultation was that there is an acceptance that the desires of the local community cannot always be met. However, when a decision goes in the opposite direction, the community want to know why, which is a perfectly reasonable position to take. I do not think that the people who are communicating always fully understand the background to how the decision has been made. That is where we can improve.

Elaine Murray: Finally, Mr Flanagan, you were quite critical of the skills set of the SPA board, because you felt that there were insufficient people with an accounting or an economics background and that there needed to be changes. Are you content that there are sufficient members with policing backgrounds who have either been serving officers or involved in local authorities' policing operations and so on?

Andrew Flanagan: Just to be precise, I was not particularly critical. I felt that there were gaps in the skills sets.

Two ex-police officers sit on the board, so we have some access to those skills but one, who is a former chief constable, joined us only last summer, I think. We need to strengthen that area.

There are other gaps. Someone mentioned human rights earlier. We should have skills in that area round the table, too. We are creating a skills matrix of the skills that we think board members have and then trying to match those up with requirements. We are also identifying what gaps we need to fill. Finance skills were a more obvious and pressing need, because we have financial challenges. To fill some of our vacancies, I identified finance skills as a particular requirement.

Kevin Stewart (Aberdeen Central) (SNP): I will start off with local policing. Mr Finnie mentioned that he and I paid a visit to Elgin. During that visit, we talked to community council members. They felt fully informed about what was going on in their area; they also felt that they had a major part to play in the formulation of the local policing plan. In some regards, it was very difficult to get them to say a bad word about the force, even though we tried.

I come from the north-east, where Chief Superintendent Adrian Watson, who has just retired, has been fantastic as far as I am concerned in listening to communities and bringing them with him. However, other colleagues visiting other parts of the country found that folk did not feel that they were involved in the formulation and the priorities of the local policing plan. Mr Gormley, how can we ensure the exporting of good practice so that inclusiveness happens right across the country and not just in certain areas? How do we ensure that the south of Scotland folk feel the same way as the north-east folk feel about their involvement in local policing plans?

Chief Constable Gormley: Critical to that role are the assistant chief constables who sit at area level. I am sure that you are aware—I do not want to patronise you—that we have ACCs for the north, the east and the west. Identifying good practice in a national organisation is a challenge, whether in relation to consultation, the creation of plans and local approaches to performance or some of the good innovative work that has been going on around mental health. Our pilots on that are producing dividends by reducing demand and providing a better service to our most vulnerable.

As we settle and embed the service over the next year to 24 months, we must work harder to identify what has gone well, what we need to replicate and what works well in one environment but simply will not in another. Some of the historical and present criticism has been about a one-size-fits-all approach, and I know that that is particularly directed at what some people have called the Strathclydisation of Scotland's policing.

That is a challenge for us, but it is also an enormous opportunity, because there is good innovative work. We need to coach. There are some good chief superintendents. I alluded to our

going through a period of transition. We have new chief superintendents. There is a role for us all on the executive to support people who are new in their role. We need to ensure that they are learning from the best and consider how we expose them to the best practices and the experience of their colleagues.

There are a range of issues but, essentially, it is about good leadership, bringing people together, listening and creating a collaborative culture rather than one where people do not adopt an approach because it was not invented in their area. We need to borrow with pride and plagiarise with confidence. We need to ensure that continuous improvement happens. As I say, it will always be a challenge in a national organisation as big and disparate as we are to grab those gems and promulgate them.

Kevin Stewart: We see in other areas of business that folk tend to keep their good ideas to themselves. I am glad that you mentioned borrowing and plagiarism, because there is no ill in doing both of those things to improve public services across the country.

You mentioned mental health. Does the intensive training that has been provided in that regard cover autism? There is sometimes misunderstanding of folk with autism, who often end up in trouble much more than they should, because of that misunderstanding.

Deputy Chief Constable Fitzpatrick: I can help with that. Our central safer communities team is working with a number of organisations that support people with learning and other disabilities, and those with sensory impairments and so on, to help provide better training for our officers and staff who have direct contact with members of the public. That is to assist with situations when there may be communication difficulties or behaviours that are perhaps entirely in keeping with conditions or disabilities that people have but that officers may not come across regularly. We are continually looking to improve the training that we provide to officers.

Kevin Stewart: Grand.

I move on to scrutiny of large projects, which the sub-committee has done to a degree. I turn first to Mr Flanagan. We have heard about some of the problems with the implementation of i6. There has also been a look at the contact, command and control integration and remodelling project. How does the SPA scrutinise major projects? Do you establish sub-groups to do that?

Andrew Flanagan: We have a business transformation sub-group of board members, which does some work on looking at larger projects. Specifically on i6, John Foley sits on the i6 programme board along with representatives

from the Scottish Government and Police Scotland. We rely heavily on Police Scotland to report to us on major projects, because we do not have huge capacity to do such work ourselves. On our skills gaps, I have identified that the lack of someone with experience of major projects and major change programmes is a weakness.

Kevin Stewart: You are basically saying that you do not have people with the experience to scrutinise major projects to the degree that you probably should.

Andrew Flanagan: I think that that is fair.

Kevin Stewart: How are you counteracting that? You said that you are looking at bringing in folk who have relevant experience.

Andrew Flanagan: Yes. I think that one of the skills that we should have at board level is someone with a big project management and change management skills set. I intend to deal with that through the recruitment programme.

Kevin Stewart: How quickly will that be in place?

Andrew Flanagan: We should start to advertise for new members before purdah. The advertising process will run through to the election and we will be in a position to make recommendations to ministers after the election, once new ministers have been appointed.

Kevin Stewart: You have said that you probably cannot scrutinise these things as much as you should because you do not have the personnel. Do you feel that the information that you have had from Police Scotland on major projects has been open and transparent?

Andrew Flanagan: I think that it is reasonable. We could have had more information. To an extent, Police Scotland itself has been dependent on the suppliers providing information on i6, and I felt that it was very late in the day when we began to see some of the testing problems—it was as late as October or November last year, yet the first roll-out was supposed to take place in December. I think that that indicates that Police Scotland itself was somewhat surprised by some of the difficulties that came through.

Kevin Stewart: Does Mr Gormley feel that the SPA's scrutiny of major Police Scotland projects has been robust enough? I know that that is a strange question to ask you, but there is no harm in some good scrutiny taking place.

13:45

Chief Constable Gormley: I am not sure that I can answer with any precision with regard to the level of scrutiny historically.

For the sake of public confidence, we need proper scrutiny as we go forward. I am used to operating in an environment in which I am held to account. The level of reassurance that can be provided by good scrutiny underpins public confidence. If we are not delivering in the way that we need to, I want to know about that as early as possible. Others will have to comment on whether they think that the level of scrutiny historically was appropriate. I think that we need robust and transparent scrutiny processes for major projects and programmes, as the chairman of the SPA described.

Kevin Stewart: Do you feel that the information that the force supplied on i6 was open and transparent?

Chief Constable Gormley: I have not heard anything to the contrary. I take the chairman's point that more or different information may or may not have helped. However, I have not seen any desire not to be open and transparent, if that is the implication, whether intended or unintended. I suspect that if the question is whether, to enable greater levels of scrutiny, better information could have been provided, or information could have been provided in different formats or at different times, the answer may well be yes. You can always learn from the past.

Going forward, my ambition is certainly for there to be transparency. I want to be held to account and I want the Scottish Police Authority to be in a position where it can reassure the public that it is doing its job, both operationally and organisationally. That takes us back to public confidence.

Kevin Stewart: Mr Foley has been involved in that scrutiny process, so I deliberately left him to the end.

Mr Foley, do you feel that the SPA had the information that it required to scrutinise the i6 project properly?

John Foley (Scottish Police Authority): Yes, I would say that it did. Certainly, the programme board is an open and transparent forum and, as the chair said, I sit on that board. The information that flows through that board is the same information that passes to Police Scotland from the contractors, so the board sees what Police Scotland sees.

In addition, through our committee structures, a number of reports are made at various stages to the full board. We also have an information and communication technology scrutiny forum, which I chair. From the day when that forum was established, i6 has been a standing item.

The Convener: When did you become a part of that forum? I just want to know because the issue

with i6 has rumbled on for quite a while. When did you become closely involved with that?

John Foley: I was probably first part of the forum towards the very beginning of 2014. I remember that a contract variation was put in place around then. I played a lead role in the commercial aspects of that contract variation, so I would have been involved from around then.

Kevin Stewart: I want to finish off with some small points, if I may.

As far as I am concerned, the folks who appeared before us the other week in relation to ICT systems were pretty open and transparent with the committee—as far as they could be. What role does the SPA play in sitting on boards or fora in relation to other major projects? Is it able to scrutinise as much as possible?

John Foley: C3 has been mentioned, so I will refer specifically to that project. The authority has representation on the C3 programme board. It has also established a governance and assurance forum for C3, which I chair. That forum has representation from the SPA. One of the members who is represented on that forum is a well-respected ex-senior police officer, so there is also policing experience on the forum.

Police Scotland is on the programme board, and we have observers from Her Majesty's inspectorate of constabulary and the Scottish Government. In addition, C3 is subject to regular scrutiny through the full board, and all the SPA committee structures engage in scrutiny of C3, depending on the subject matter. For example, staffing issues associated with the C3 project would be taken to the human resources committee; similarly, finance issues would be taken to the finance committee—and so on.

Kevin Stewart: Do you want to mention any other projects, before we move on?

John Foley: Those are the two most significant ones. Police Scotland has a number of ICT projects that are at various stages of development—they form what is known as the ICT blueprint. Again, those projects are scrutinised as appropriate by the committees in the same way that I explained in relation to C3. However, again, there is also the ICT forum—

Kevin Stewart: I get the drift.

Mr Flanagan, do you think that the SPA is robust enough in its scrutiny of those major projects—yes or no?

Andrew Flanagan: I think that the scrutiny could be improved.

The Convener: I want to quickly touch on the cost of the i6 contract. How much money are we talking about?

John Foley: It is about £43 million.

The Convener: I have to say that I have heard people talk despairingly about the project. It does not appear that there has been adequate scrutiny during the relevant period of time in relation to that £43 million. What contingency plans does the chief constable have in place in case the negotiations around that contract fail? I understand that some negotiations are on-going. Previously, we were told that the people who are involved in that are not happy bunnies because they do not have much faith in the contractors.

Chief Constable Gormley: There is an understandable level of personal and professional disappointment around some of this. At the moment, planning of option appraisals is on-going. You will have heard at your previous meeting about the 12-week period for working through that process. The i6 programme team is considering all contingency options that are open to the force, as well as interim solutions using current technologies to support the force over any modular roll-out period. There is active consideration of the options that we can take a view on at the end of the three-month period. We are working those up as we speak.

The Convener: I did not understand all of that. Could you tell me in plain English what happens if the contract collapses around your ears? What happens with regard to the extra money that Police Scotland has invested to try to sort things out? You must have used more staff—are you going to get that money back? Have you already got things in place to take over if the project does not work out? You cannot wait three months to have those things in place.

Chief Constable Gormley: That is the work that is on-going. We are developing those options and understanding what the commercial impact will be of the different solutions and exploring how we can move forward and prioritise the various elements in the i6 programme in the most sensible order, given the risk that some of those areas present to the organisation if we do not move forward. That is the detailed work that is going on now.

The Convener: How much are we talking about in terms of additional money that Police Scotland has had to pay in relation to the situation, which is turning into a bit of a fiasco?

Chief Constable Gormley: I do not have those figures, so I would not want to offer a view without—

The Convener: Does anyone have them? Mr Foley, do you have an idea of the additional cost to date?

John Foley: The additional cost to date, including the cost of the police staff who have been involved, would be just short of £20 million—something in that order of magnitude.

As the chief constable said, we are currently considering the options and are in a period of commercial review in relation to the contract. I am playing a key role in that.

The Convener: So the additional cost so far is £20 million.

Andrew Flanagan: Can I clarify that? The sum of £20 million is the expenditure, including the amount that has been given to the contractor. It is not the extra cost.

The Convener: What is the extra cost?

Andrew Flanagan: Because it is a fixed-price contract, there have been no additional costs—

The Convener: I do not mean under the contract; I mean the additional costs that have been involved in Police Scotland having to do all this extra work, with extra staff working on the project and time spent dealing with the failures of the contract. That must be costing Police Scotland money.

John Foley: Sorry, convener—I misunderstood the question. I thought that you were referring to the total expended to date.

As I understand it, the extra cost of officer time and so on will be in excess of £3 million, which is included in the £20 million figure that I gave you earlier.

The Convener: Right. So it is £17 million plus £3 million.

John Foley: Broadly, yes.

Margaret Mitchell: We have talked generally about scrutiny, but I would like to look at some specifics. The morale of the force has been a recurring theme when we have taken evidence. Sometimes, that manifests itself in absences. Specifically on C3 and Bilston Glen, are the absence figures at the same level that they were at when the tragic incident on the M9 happened?

Chief Constable Gormley: We have obviously looked at that. We provided the sickness figures to the SPA. There are clearly some issues that we need to address. I ask Rose Fitzpatrick to illuminate that issue.

Deputy Chief Constable Fitzpatrick: We are currently in a season when we have some peaks in our absence rates. However, there is a significant reduction in absence figures at Bilston Glen compared with the period that Margaret Mitchell described.

Overall, we benchmark our sickness rates against that of other forces that provide significant and large contact, command and control service. Our sickness rates at this time of year are about 0.5 per cent higher than those of West Midlands Police and very slightly lower than those of the Metropolitan Police Service.

Margaret Mitchell: Backfilling was a big issue when there were high absence rates. Is that still going on?

Deputy Chief Constable Fitzpatrick: Not in the way that was previously the case. When we saw high absence and vacancy rates, we had a significant recruitment campaign for police staff at Bilston and at our service centre in the west. That campaign was extremely successful. We did localised recruitment and a significant number of people came into the service centres.

At the moment, absence rates are in line with those of other organisations—we see a seasonal absence rate at this time of year.

Margaret Mitchell: And—

The Convener: I have to stop you there, Margaret—I am sorry. We cannot sit beyond 2 o'clock.

Margaret Mitchell: It was just to ask the SPA—

The Convener: We really have to finish. I must apologise to Roderick Campbell and Graeme Pearson, who have not had a chance to ask questions. We knew that we would be pushed for time today. The only thing that I can suggest is that you write to the chief constable and to the SPA with your questions and get your answers in that way, because we will not be meeting again. My apologies to you both.

I thank the witnesses for their evidence—I am sorry but we cannot sit after 2 o'clock, which is when the chamber sits.

13:58

Meeting continued in private until 14:00.

This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body

All documents are available on
the Scottish Parliament website at:

www.scottish.parliament.uk

Information on non-endorsed print suppliers
Is available here:

www.scottish.parliament.uk/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@scottish.parliament.uk
