



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 9 November 2017

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

Thursday 9 November 2017

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JUSTICE SUB-COMMITTEE ON POLICING
17th Meeting 2017, Session 5

CONVENER

*Mary Fee (West Scotland) (Lab)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Green)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Ben Macpherson (Edinburgh Northern and Leith) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*Stewart Stevenson (Banffshire and Buchan Coast) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Andrew Flanagan (Scottish Police Authority)

James Gray (Police Scotland)

Calum Steele (Scottish Police Federation)

Craig Suttie (Association of Scottish Police Superintendents)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 9 November 2017

[The Convener opened the meeting at 13:01]

Police Service Budget Planning 2018-19

The Convener (Mary Fee): Welcome to the 17th meeting in 2017 of the Justice Sub-Committee on Policing. No apologies have been received.

Our business today is an evidence session on police service budget planning for the financial year 2018-19. I welcome Craig Suttie, general secretary of the Association of Scottish Police Superintendents; James Gray, Police Scotland's chief financial officer; and Calum Steele, general secretary of the Scottish Police Federation. I expect Andrew Flanagan, chair of the Scottish Police Authority, to join us shortly, but given the time constraints I need to start now. I thank the witnesses who have provided us with written evidence and refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

Just before I open up the meeting to questions, I advise the sub-committee that there has been a slight change to parliamentary business today, so we need to conclude at 2 o'clock. I make a plea both to my fellow committee members and to our witnesses for questions and answers that are as concise as possible so that we get through as much as we can in the time that is available to us.

The sub-committee has heard that, in the past, unions and staff associations have been excluded from discussions about budget priorities and future financial planning; indeed, information that Calum Steele has given us before led us to believe that it was almost a deliberate intent to exclude. Has the situation been rectified satisfactorily? Has it changed or improved?

Calum Steele (Scottish Police Federation): The reality is that we continue to be excluded. There comes a point in time where you have to ask yourself whether that is a consequence of poor thinking or more deliberate consideration. Once might be accidental, twice might be unfortunate, but three times starts to look like a conspiracy. There may well be legitimate reasons for why we are not being included in the discussions but—and I can speak only from the

SPF's perspective—I have yet to hear what those may be.

The Convener: Do any of the other witnesses want to comment?

Craig Suttie (Association of Scottish Police Superintendents): It is difficult to say. It is not deliberate. This does not relate specifically to financial matters, but we are going in a direction in which there is far more consultation than there was in the past. That is maybe not a surprise, but I feel that there is far more consultation over direction. There are good examples of that, such as the plans that were put out for the policing 2026 strategy. I would also say that the chief officers—in particular, Mr Livingstone and Mr Page—have made themselves available for informal sessions, which have been really useful in allowing us to put our points across.

James Gray (Police Scotland): The way in which involvement in budget setting would happen would not mean people sitting with staff in the finance department. We are building a base budget, which is effectively just a roll-forward of what we had last year. You would expect consultation to happen on individual savings proposals or service redesign, and that consultation would be done by whoever was leading individual projects. Consultation would take place as part of a discussion about a change to a particular service and once it had taken place it would manifest itself in the budget. The point for such discussion is when proposals come forward for individual redesign of a service or new operating models, whereas what we do is just collate all that information into a budget, which is then presented to the SPA.

The Convener: Good afternoon, Mr Flanagan.

Andrew Flanagan (Scottish Police Authority): I am sorry that I am late.

The Convener: I had to start the meeting because we are under quite severe time constraints today. My first question was about unions and staff associations being excluded from discussions about budget priorities and future financial planning. I was really keen just to get an update. I do not know whether you want to comment briefly on that before we move on.

Andrew Flanagan: I think that James Gray has explained the situation. There is an opportunity to consult and discuss with the staff representatives and the unions the general shape of the budget and some of the assumptions that are in it. We have set up the strategic engagement forums, which are opportunities for us to engage across a wide range of matters, not just financial matters, and we would seek to use those as opportunities to discuss some of the assumptions that are in the budget. I think that James Gray is right: there may

be specific projects or change programmes that need much deeper consultation, and we have to go through a more formal process for those.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): The joint SPA and Police Scotland submission to this meeting says:

“Separately the SPA and Police Scotland will continue their engagement with staff associations and trade unions in relation to financial planning matters through the recently established strategic engagement fora.”

I have two questions. The submission says that the SPA and Police Scotland do that separately, but then suggests that everybody is sitting at one forum, so I am a little puzzled by the use of the word “Separately”. More generally, Calum Steele’s answer did not give me much encouragement about what we are getting out of a strategic engagement forum at which it is suggested that the staff associations and trade unions are sitting down together. How is that working in practice, given the claim that is made in the submission?

Andrew Flanagan: The forum is relatively recent. We have only had a couple of meetings, so I think that it is still evolving. There is no reason why it cannot involve both Police Scotland and the SPA combined. I think that that will be helpful. There may be times when it is appropriate for Police Scotland alone to engage with the staff associations, but from our point of view, the more sides that are in the room, the better the discussion you will have. I cannot remember the circumstances, but for whatever reason, it was not possible for Police Scotland people to be at the most recent staff engagement session, but Police Scotland representatives were at the session that we had with the unions.

Stewart Stevenson: Just briefly, I take it from what you have said that the strategic engagement forum is a creature of the SPA rather than Police Scotland.

Andrew Flanagan: Yes. From our point of view, the strategic engagement forum is an SPA initiative. As I said, we have held two or three fora. The cabinet secretary has referred to the forum in some of his speeches and questions. I think that all sides agreed that it has been a very useful experience.

Stewart Stevenson: I think that I have the message. Mr Steele, in light of what Mr Flanagan has said, do you see the forum in the same way?

Calum Steele: I am mindful that we are strapped for time, but I would like to give some of the history behind where such things have come from. In the dim and distant past, where we had joint police boards, staff associations were able to engage with police board representatives through something called a joint liaison committee. The strategic engagement forum is effectively an

equivalent construct for the SPA and the staff associations, and it is relatively new. There have been a number of teething problems in getting it off the ground in relation to people’s availability and so on, but in its own right, the forum is separate from the issue of finance.

Stewart Stevenson: That is fine. Let me move on to a related but separate point. Does the SPA finance and investment committee meet in public? That issue has been part of our previous inquiries. What is the involvement of the unions and staff associations in that domain?

Andrew Flanagan: Since the changes that we made earlier in the year, the committee meets in public. In fact, the SPA finance committee met yesterday to discuss a number of items. Although it is not an opportunity that has been taken often, Mr Suttie was at the meeting yesterday and found it very useful.

Stewart Stevenson: So at least the superintendents are involved, Mr Suttie.

Craig Suttie: I will be honest and say that we attended that meeting largely because we were coming here today, so I thought that it would be useful, given the opportunity. I was very reassured by the level of questioning at the meeting. I do not see that at the full authority meetings, which is understandable, but there was a good level of questioning and of support from authority members. I found it very worthwhile.

Stewart Stevenson: Just to be clear, you said that you went yesterday because you were coming here today. Does that mean that you supplemented other superintendent representatives who were otherwise going to be there, or that, if you had not chosen to go because you were coming here, there would have been no superintendents there?

Craig Suttie: We have only two full-time officials, so we are quite stretched and pushed for meeting time, but I took the time to go yesterday. I found it worthwhile and will go back.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good afternoon. Mr Flanagan and Mr Gray, can the SPA and Police Scotland provide further details on the changes to personnel and financial planning processes that have taken place since the Auditor General raised concerns in December 2016?

James Gray: I will start with the personnel. We have recruited a number of temporary staff in order to supplement the finance team that we had. There were a number of gaps where we did not have any expertise, and we needed that expertise to support the organisation, particularly through the development of plans for the policing 2026 strategy. We have recruited into areas such as

project finance. We have also strengthened areas that we knew to be weak, such as the preparation of the annual report and accounts, but the resources that are in there at the moment are temporary. At the moment, we are going through a consultation on a revised management structure. Following that, we will look to reorganise the entire service. Work is under way to ensure that what we currently have, which has resulted in some tangible improvements, can be sustained into the future.

Rona Mackay: Can you clarify the numbers that you are talking about? Did you say that they are temporary? At what point will they become permanent?

James Gray: That is right—they are temporary. Fifteen additional people have come into the finance service. The resources will become permanent over the coming months. I do not want to pre-empt the outcome of the consultation that we will have with staff, but I would like to think that we would start to see some permanent people arriving at the end of this financial year—next March—and we will further populate the structure through the summer of next year. We will ensure that we do not lose temporary resources before we bring in permanent resources. We will make sure that there is no break in the continuity of service, because we have made progress and we do not want to go backwards.

I will say where we are now with regard to your second point, which was on financial planning. We have developed a model that basically takes the current position, looks at assumptions around what might happen with pay and contracts and with cost pressures, builds that in, and then looks at what we think the funding settlement might be. That gives us what we think the operating deficit is as a starting point, which then tells us what the savings need to be. From that, we work with the organisation to understand what will come out of the three-year business implementation plan and how that might contribute in part towards delivering some of those savings. The key areas involve the reorganisation of corporate services—the reorganisation of all the different back-office functions. Then we have programmes around what we call commercial excellence, which focus on our procurement practices to make sure that we are much smarter at procurement. Quite a lot of our procurement arrangements are still based on the old legacy forces, and there are a lot of efficiencies to be made by having central national contracts, rather than the diverse arrangements that are currently in place.

Finally, we will be looking to create productivity gains and release officers back to the front line. That will allow us to have a slowdown in recruitment in future, in line with what we set out in

the financial plan. We have an overarching plan that tells us that, based on our current assumptions, we will reach financial balance at the end of the three years, if we receive the investment over the next two years that we require to support that.

Rona Mackay: Are the witnesses confident that those changes address the Auditor General's concerns about weak financial leadership? Do you think that you have everything in place now?

James Gray: It is still work in progress, to be honest. The financial plans are only as good as the detailed plans that come out of Police Scotland, which is working hard to develop new plans and operating models for different parts of the organisation in order to deliver on the key objectives of the policing 2026 strategy. As that work develops, the resourcing requirements will become clearer, and those will feed into the future financial plan. We do not create the financial plan and leave it on a shelf. It is a live document that we will continually update, probably on a six-monthly basis, until we get to a point in time where we are really firm on exactly what the future service redesign looks like and what the financial implications of that are. It is work in progress, and I think that that is probably reflected in Auditor General's comments, but we are fully aware that we can refine it. It is a good start—that is the feedback that we have had from Audit Scotland.

Rona Mackay: Mr Flanagan, do you have a view on the changes?

Andrew Flanagan: I think that we have made good progress. The additional support that we brought in has been very beneficial and we are beginning to see much higher-quality information and much greater understanding of financial control within the organisation. I am hopeful that that will be reflected in the Auditor General's report.

As James Gray said, we are dependent on external temporary resource for some of that, and I think that we need to establish a new structure and make permanent appointments as soon as possible. We have seen the proposals from Police Scotland, which we are broadly content with, and recruitment is due to commence once the finance staff have been consulted.

13:15

The Convener: I will bring Margaret Mitchell in to ask a supplementary question and then a substantive question. However, while we are on the subject of deficits, I have a question for Mr Gray. Can you give us a figure for the forecast operating revenue deficit for 2017 and 2018?

James Gray: I can, although I do not have it to hand, so this is to within £1 million. We took a quarter 2 finance report to the SPA finance committee yesterday. The forecast is that we will overspend on the revenue budget by, I think, £36 million. That is ahead of budget; the budget that was set was for a £47 million operating deficit, but we are forecasting about £36 million. That involves a number of one-off savings. If we look at that on a recurring or on-going basis, we can see that we have reduced the deficit down to about £45 million. We are slightly ahead of what we had budgeted for on a recurring basis, and we have found a number of one-off savings that have brought that deficit down from £45 million to £35 million. That is the forecast.

The Convener: That is helpful. Are you able to give us the figure for the capital and reform underspend?

James Gray: The forecast at the end of quarter 2 is that we will fully utilise the capital budget now in order to secure some of the investments that are required to progress the policing 2026 projects. With regard to reform, the overall position at the moment is still a forecast underspend of £5 million. The reform budget is split between revenue and capital, and that £5 million underspend is from the revenue part of the reform budget.

The Convener: That is helpful. Thank you.

Margaret Mitchell (Central Scotland) (Con): The written submission from Police Scotland and the SPA contains three paragraphs on appointments. Rona Mackay has already asked about some of the appointments. To be absolutely clear, however, since 2015-16, how many full-time staff have been employed to support the financial planning, how many temporary staff and how many are in the pipeline seeking approval to be appointed?

James Gray: I will have to go away and provide a written response on the overall numbers. Since 2015-16 there have been a number of vacancies within the overall structure and I am not sure how many have been recruited to on a permanent basis.

If you are asking about the number of staff in addition to what was the approved structure, we do not yet have any permanent posts in addition to that, although we have had temporary resource. However, we have been recruiting into vacancies on a permanent basis, so it is a mixed picture. The number of permanent posts that we are looking to recruit to over the coming three to four months is seven, but that will not be the end of what we are looking to do. That is just the first stage of the service redesign.

I can provide a written response to the committee if that would be helpful.

Margaret Mitchell: That would be very helpful. I note from the submission that 15 posts are mentioned, with some temporary posts in addition to that, and you talked about seven posts. It is very unclear just how many people we are talking about. To me, there is a danger in appointing so many people to fix the problem without actually addressing the problem. Maybe some of the finance would be better directed into front-line services. A breakdown and some clarity on that would be appreciated.

The Convener: John Finnie has a supplementary question on that subject.

John Finnie (Highlands and Islands) (Green): Mr Gray, when you provide that information, will you also provide some information on what the joint submission from Police Scotland and the SPA refers to as

“an arrangement with a Professional Services firm for short term specialist support”,

the nature of that support and the sum of money involved, please?

James Gray: Will do.

John Finnie: Thank you very much.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): Some of this has already been covered in general, but I want to be clear. Do you believe that financial leadership and management have improved as a result of the changes that have been made?

James Gray: I will start on that, but I will then hand over to Mr Flanagan. It is quite difficult for me because it almost feels as if I am marking my own homework.

In the time that I have been here, I have seen an improvement in the quality of the information that has been produced for both the Police Scotland governance board and the SPA to give decision makers a far better understanding of where we are financially.

On a statutory reporting basis, which is what Audit Scotland looks at primarily when it is auditing the financial statements, you are likely to see in the Audit Scotland report that there has been a big improvement in the quality of the annual report and accounts.

I think that we have made good progress, and we are improving the understanding of financial management across the organisation, because financial management is not just a function of the finance service; it is an organisation-wide responsibility. We are going through that process of learning and providing budget holders with

training in order to equip them to better manage their budgets. It is still a work in progress, but we have made some good progress over the past 12 to 15 months.

Andrew Flanagan: I see that in the amount of financial information that we see and in its quality and accuracy. The organisation's ability to forecast what it is going to spend and then to spend to that amount is much better than it was previously.

We set out in our submission a number of the changes that have taken place with the devolution of budgets and, importantly, the budget is now done on a bottom-up basis, so we understand even down to the level of an individual person what the budget for that person was. That is important not just for the accuracy of the total budget but because it means that, when we see variances coming through, we can track back to see what the assumptions were and why they have not come to fruition. We can also begin to identify what remedial action we need to take if we want to offset the impact if there has been an overrun, or perhaps to spend more money. That is much better.

Obviously, we have been involved in the audit for last year and we have a draft report from the Auditor General. It would be wrong of me to comment in detail before she opines on the report, but I think it is very positive. She recognises a number of the improvements, and some of the issues that we have had in the past with the accuracy of the financial records have been dealt with. I think that the situation is improving. Is the work finished? No. There is more to come. The reorganisation of the finance function needs to take place.

I am also encouraged that, when we buy in external resource, we are making sure that those people transfer their knowledge to the staff who are in post so that we can cease to have a reliance on some of that resource. We are building the capacity and expertise of our own staff as well.

Ben Macpherson: So there is more to do, but progress has been made.

Andrew Flanagan: Yes.

Ben Macpherson: In a similarly constructive spirit, how will the three-year plan contribute to enhanced operational effectiveness while balancing the revenue budget?

Andrew Flanagan: We are beginning to look at and develop a number of the initiatives that are set out at a high level in the policing 2026 strategy. It is important for us to be able to both balance the books and improve the quality of service that we are providing. We are looking at our information technology systems, at ways in which we can improve the use of digital and at the methods by

which officers go about their business. For example, the THRIVE—threat, harm, risk, investigation, vulnerability and engagement—model, which is a way of managing the deployment of resource through the control centres, is an area where we might be able to achieve more effectiveness, efficiency and productivity from our officers.

It is not just about balancing the books in the first three years. That is an important consideration and we need to focus on it, but I think we have the plans in place at a high level to deliver that. We must also focus on the improvements that are necessary in the way we go about policing.

Ben Macpherson: On being financially responsible and balancing the books as well as enhancing operational effectiveness, there has been wide discussion around the fact that Police Scotland is the only territorial force in the United Kingdom that is unable to reclaim VAT, at a cost of approximately £25 million a year or £100 million over the past four years. How much of a difference would that money have made, given the challenges that you are facing, if you had been able to reclaim it from the UK Government?

Andrew Flanagan: In a sense, it depends on whether it would have been given to policing. At the moment, it is paid for out of reform money, so it is not a cost to the SPA. The Government takes the cost as part of the reform budget. If we had been allocated an additional £25 million, it would have brought the deficit down considerably. It would not negate the need for us to cut costs further and to improve the efficiency and effectiveness of policing but, that said, £25 million would be very helpful in the whole process.

Ben Macpherson: Given that the UK budget is approaching and will be published in a couple of weeks' time, I wonder whether you have any comments on that, Mr Steele.

Calum Steele: I do not disagree to a large extent with what Mr Flanagan said. It very much depends on whether the money would remain in the police budget. If we assume that it would, that would self-evidently mean that the reform funding that has been provided could have been utilised to provide some of the fairly significant investments that are required in many areas of the police infrastructure, notably in IT.

I appreciate that there are huge political sensitivities around the VAT, but let us not kid ourselves. We are where we are with the set of circumstances and, in truth, I do not think that any of the political parties—probably with the notable exception of the Liberal Democrats and the Greens, who would probably take some moral

high ground on this—have covered themselves in glory on it.

I have not seen any legitimate proposals that would have ameliorated the set of circumstances that has prevailed and that sees the police service paying VAT. I was involved with civil servants and others in the planning arrangements for the development of the police service, and although there were some tentative arrangements around the laying of amendments to say that the new police authority should be considered to be like a local authority, there was ultimately, as far as I can see, no alternative to the service being governed by anything other than a non-departmental public body such as the Scottish Police Authority. That, in its own right, was going to result in VAT.

The Treasury now gets money from policing that it never got previously, but in overall financial terms in the United Kingdom, it is but a pimple on the backside of a cow. It is a tiny sum of money that is available to the Treasury.

On the general question of whether the police service and other public services should be paying VAT, I think that that is particularly difficult to justify. I have heard some attempts at justification from the Chancellor of the Exchequer, Philip Hammond, who said that it is a consequence of European Union rules. Unsurprisingly, we have made some inquiries with some of our European counterparts, and the Danes, who are funded in an almost identical manner to the police service in Scotland, are exempt from paying VAT. Either Philip Hammond was wrong in the information that he presented or the Danes were able to secure a carve-out from the European rules that he cites that the UK either decided not to pursue or has no knowledge of, in which case there is negligence in a number of areas.

I suppose the short answer is that, if we are able to get the VAT money and it stays in the police budget, it will make a huge difference, particularly given the constraints that are placed on the police service at this time.

Ben Macpherson: Thank you.

The Convener: The SPA is unable to hold reserves. A comment was made in one of the submissions that we received for today's meeting that you "use it or lose it". What impact does that have on the delivery of efficiencies? Do you believe that you should be able to hold reserves?

Andrew Flanagan: It is not really a matter for the SPA. It is to do with central Government accounting. The move from being parts of local authorities, which are able to hold reserves, into central Government means that we are not able to hold reserves. That means that the planning horizon is much shorter, which makes life difficult.

This is a problem for many central Government organisations in relation to having a greater degree of confidence in future investment, especially as change programmes and capital programmes do not run neatly year by year. This is a widespread issue for central Government.

The Convener: Mr Gray, do you want to comment before we move on?

James Gray: I agree with Mr Flanagan. I have been a chief financial officer of a local authority, albeit a small one, and it was far more straightforward to plan capital spend over a three to five-year horizon. We had flexibility where there was slippage, so we were not put in a position where we had to reprioritise spending in order to get it done by the end of the financial year in a way that we would not have chosen if we could have done it in the way we wanted, over a longer period.

13:30

The Convener: That is helpful.

Margaret Mitchell: In the SPF submission, there are worrying comments about the lack of geographical locations for custody, which results in prisoners being

"routinely conveyed over vast distances".

The SPF also describes hours of delay when prisoners eventually reach a custody facility, as well as some dubiety about processing responsibility. Will you comment on that, please, Mr Steele, and on the 118 police custody service officer vacancies?

Calum Steele: I cannot comment on the cuts in PCSOs, not least because that is a matter that the service will have to account for, but I can certainly confirm that that is the number that has been made available to me, in terms of posts that no longer exist.

Margaret Mitchell: My question was more about the impact. What impact has that had?

Calum Steele: To some extent, that is almost a rhetorical question; the impact is understood. At various times, police officers are required to make sure that the custody capacity or function can be delivered. It is self-evident that every time a police officer takes on such a role, that is one less police officer in the community.

There is often a much more detrimental impact, because the need to make sure that there are sufficient police resources—or at least what are deemed to be sufficient police resources—to deal with demand can itself have knock-on consequences, with officers having their shifts changed to again plug the gap that has been created by the loss of one individual.

The issue of prisoners zig-zagging the country—that was the term that I used in the submission—is real. They often travel large distances, but in our more urban areas they can also travel relatively short distances, but for large periods of time. If you consider trying to cross the city of Glasgow in rush-hour traffic, for example, you can imagine having the same kind of difficulties.

I have often said things to this committee to which I suspect that in your quieter moments you respond, “You would say that, because you are trying to get more money for police officers and the police service”, but this is an issue that goes right to the heart of how we treat the most vulnerable in our society. Whether we agree with it or not, we have to lock people up at certain times. The manner in which we treat those whom we lock up is very telling of how we treat society as a whole. If we are not prepared to put investment into facilities and into places where we can hold people that are close to where they were locked up in the first instance, that is a very retrograde step indeed.

I know—and to some extent I was surprised, in an absolute sense—that there was a supplementary submission from the service, which I assume was in direct response to the SPF submission. The service said, “We lock up fewer prisoners” and so on. To some extent we are into the chicken and egg situation, because a police officer who spends several hours away from their own area as a consequence of driving a prisoner either to or from a custody facility, as is not uncommon now, is going to be more disinclined to lock people up in the first place, although some people might well need locked up for the safety, security and confidence of the communities in which we work.

Margaret Mitchell: Before I ask Mr Flanagan to comment on the European convention on human rights aspect of that, could I ask you about the closure of stations? How is that impacting on the same issue?

Calum Steele: The closure or earmarking for closure of many of the smaller stations in past months reflects, I suppose, where we are at a particular period in time. Many of the stations that are earmarked for disposal are, at this moment, unoccupied or unused. That is an evident consequence of retrenchment into more and more urban spaces, I would argue, and it is a consequence of investment not being made over many years in the facilities, so that they could be maintained in a condition that would render them useful to the police service and indeed the communities.

Fortunately, in many of the areas concerned—and I speak from my own experience—there were not an awful lot of custodies. However, if the

officer had a custody, they became everything—cook, chief bottle-washer, turnkey, the whole thing; it was their responsibility. I am being slightly glib.

In an absolute sense, at this time the closure of many of those facilities has not had such an impact as might appear, but the closure of custody facilities in the round and the reduction in 24/7 custody facilities in the round—and the ability to staff ancillary custody facilities that are more geographically spread with properly trained staff, which is a problem in its own right—are problems that prevail and mean that what would have been a relatively quick process of taking someone to a local-ish police station to deal with them for the purpose of an inquiry is now extended significantly because of the issues that I identified in the submission.

Margaret Mitchell: Mr Suttie, did you want to come in?

Craig Suttie: It is fair to say that in his submission Calum Steele said that Police Scotland is far better at treating custodies than it used to be. I think that people in our custody are far safer than they have ever been.

I ask whether some things are really an issue for the police. If we were being truly transformational, I think that we would realise that a lot of the people whom we take into our custody or on a short journey to prison have health conditions or mental health or addiction issues. I look to politicians to find a far better answer to how we treat those vulnerable people.

Closing stations is not new. I was in charge of custody in the Tayside area seven or eight years ago and at that time we closed some stations that have since reopened. The number of custody areas that have closed is not that great. Some have closed. There are consequences of moving prisoners about, but I think that the approach of keeping some areas open part-time at weekends, when there is a peak, is sensible.

The service is looking at different ways of dealing with our custodies. With the Criminal Justice (Scotland) Act 2016 coming in, we will see a considerable decrease in the number of custodies. When that comes in, we will have to look at the issue differently anyway.

Margaret Mitchell: I think that that is a two-edged sword, as Mr Steele points out in his paper. He says that the 2016 act will bring more bureaucracy, and there already seems to be more bureaucracy in the process.

Are you refuting the contention that prisoners are routinely conveyed over very large distances because no geographically suitable custody suite is available?

Craig Suttie: I am not denying that there are occasions when prisoners need to be moved about to free up availability locally. Yes, that happens, but there are other ways of looking at it. Not so long ago, police response conveyed all prisoners to courts and whatnot. That is no longer the case. There are different ways of looking at these things. I am just saying that the challenge is to make sure that the people who are taken into custody are safe.

Margaret Mitchell: I think that you really need to be reflecting on the challenge here and now. There are more closures in the pipeline, so that might be something for you to reflect on.

Craig Suttie: I will reflect on it, but if we are to do more, we will need more money. With a budget that is getting ever tighter, and at a time when we are pushing for efficiencies, this is an area where we can see efficiencies.

Margaret Mitchell: May I stop you there? If police are routinely travelling for many, many miles more than they should be travelling and taking hours to do so, and are then having to wait for a bureaucratic process at the end of the journey, and if they are having to increase fleet, as it says in the SPF submission, the savings are simply not there. I think that that is something on which to reflect.

Craig Suttie: I refute the suggestion that that is routine, and that long waits are routine—they happen on occasion, but it is not routine.

Margaret Mitchell: Perhaps we could get more information on that aspect.

Mr Flanagan, how does the SPA intend to resolve the custody capacity issue within the overall strategy of making efficiency savings and remaining, at the same time, ECHR compliant? As Mr Steele said, these are often vulnerable prisoners.

Andrew Flanagan: We agree with that. In the evidence that we have received, from both the federation and the unions, we can see elements of that issue in the provision of the custody service. We also have our own independent custody visiting service, and some of the comments in the federation's submission echo what we get back from those visits. There are issues that need to be addressed.

A new operating model for custody is being developed by Police Scotland, which we are hopeful will be agreed imminently. It will allow recruitment to take place to prevent the current amount of backfilling and the number of transferrals of individuals in custody that are taking place around the country. I think that that is the best step to protect their human rights. Clearly, we need to be compliant with the ECHR.

Margaret Mitchell: Are you confident that you are ECHR compliant at present or that you can be?

Andrew Flanagan: I think that we are compliant. I do not think that there have been any instances of our not being compliant, but we have to acknowledge the risks. The question is when we would cross a line in terms of human rights. Moving somebody 50 miles away may, in some way, compromise their ability to get visits from their own lawyer or whatever, so we have to be careful. However, the important thing is that the custody service is properly resourced and that we have people who are specialists in the field rather than police officers backfilling those roles. I think that my colleagues around the table would endorse that view.

Margaret Mitchell: Are you therefore concerned about the 118 PCSO vacancies?

Andrew Flanagan: I am more concerned about vacancies for specialised custody staff, and I would want to focus on those. I understand, from Police Scotland, that the finance is available to fill those vacancies and that only a delay in agreeing the operating model has resulted in that process not starting.

Police Scotland has made its own submission on the custody position. It has pointed out that there has been a fall in the number of people who are being taken into custody, which is welcome. Nevertheless, the SPA's position is that we are concerned that the number of cases involving vulnerable people and the number of difficult cases are increasing the amount of resource and effort that are required to deal with such cases. It is not as simple as that the situation is improving because there is a reduction in the number of people in custody.

John Finnie: This is a very complicated issue, and it is highly significant. We are here to discuss the budget, and this is a manifestation of financial decisions. I have to say—I will try to be diplomatic and will probably fail—that it provides me no comfort to see the supplementary information from Police Scotland, especially because the programme will be led by Assistant Chief Constable Mawson, who has sat at that end of the table. There is a word that I am not allowed to use, but he knowingly misinformed us. Therefore, I take no comfort from that information. Mr Gray is a non-operational officer, so I do not think that it is fair to ask him to provide this, but I think that it is entirely reasonable to ask that Police Scotland provide us with a human rights assessment of the present situation.

I have a couple of quick questions for Mr Steele and Mr Suttie. People will be aware of my background as a former police officer. It is difficult

for people to comprehend this, but there are very strict rules under which someone is taken into custody. Those rules are often designed to protect the police officers themselves but are probably more often designed to protect the public, although there is perhaps a change there. Is there a generic risk assessment for that situation, or is there an expectation that a specific risk assessment will be made? That has been alluded to.

We have investigative liberation on the horizon—it is coming in a few months' time. I presume that reference is made to that in the information about the budget, because it is seen as a budgetary consideration. Is there any suggestion that decisions are being taken on the appropriateness of detaining someone in custody on the basis of finance? In many areas of the region that I represent, you would give additional thought to whether you were going to spend several hours in a vehicle. That said, it is very important that we have good-quality custody areas. I wonder whether Mr Steele or Mr Suttie will comment on that.

13:45

Calum Steele: Custody is probably the area of policing that has the most rigorous risk assessments surrounding it—perhaps with the exception of some significant tactical firearms events or activities. The force standard operating procedure in respect of custodies runs to 80-odd pages with supplementary appendices even before you get to the issue of risk assessments.

You asked whether specific risk assessments are undertaken each time that custodies are moved from one location to another. I would guess that the answer to that question is no and that there is probably reliance on some generic risk assessment. However, I cannot say that with absolute confidence. I suspect that the clerk is going to write to the police service in respect of the human rights issue, and you might wish to explore the issue with the service at that time.

The question of finance is a relevant one. I genuinely believe that there is no financial consideration in the custody environment or the custody budget regarding the movement of prisoners from one area of the country to another and that the cost will fall into part of the budget. I suspect that it is being casually disregarded as a cost of the decision that has been made.

John Finnie: Specifically on investigative liberation, which will be introduced through a change in the legislation, do you think that the use of investigative liberation will be encouraged when it is more appropriate than someone being

detained in custody? The decision on that should be purely legal rather than financial.

Calum Steele: Yes, indeed. The SPF made some submissions on the provisions of the Criminal Justice (Scotland) Bill regarding the undoubted additional costs that were going to come as a consequence of that legislation. The closer that we get to its implementation, in the new year, the less evidence we see that our submission or our views on the matter were in any way flawed.

Craig Suttie: In reality, the decision whether to take someone's liberty away from them is for individual officers, who make these decisions every day on the front line, and I have every confidence that they will not consider finance when they make those decisions. The decisions will be made properly at the time.

I would also expect officers to make risk assessments at the time—I know that they do—regarding whether it is safe to take the person into custody, how safe it is, whether they should travel in the back of a car and whether they need some other protective equipment before they take the person into custody. I think that such decisions are already made.

I am confident that the custody officers in our custody stations would make an assessment of the risk involved in moving prisoners from one area to another. I would not expect them to move any vulnerable prisoners who needed constant observation or some form of medication, so it would be other prisoners who might be moved. I would expect that to happen—in fact, I am sure that it would happen.

A legal decision will need to be made in cases of investigative liberation, and guidelines will be published. I do not think that the service knows just now how much that is going to cost. We will need to go into that as the policy develops over the coming year.

The Convener: Before I bring in Liam McArthur with a different line of questioning, I want to be absolutely clear. When you say that you would not expect a vulnerable prisoner to be moved, are you saying that you would move someone who was not vulnerable out of a custody suite in order to move that vulnerable person in and then transport the person that you considered to be not vulnerable somewhere else?

Craig Suttie: That would be a reasonable decision to make. If a vulnerable person came into a custody centre and needed immediate attention but there was no cell capacity available, it would be reasonable for that person to be moved in and somebody else to be moved out. I do not want to make out that that is happening every day, because it is not happening every day. However,

there will be peaks and troughs, and there will be occasions when it makes sense to move prisoners out.

The Convener: Thank you. That is helpful.

Liam McArthur (Orkney Islands) (LD): It would be helpful to get an update on where things are in terms of the development of Police Scotland's information and communication technology strategy and provision. It would also be helpful to get confirmation that the approach involving a bespoke platform covering all areas or most areas has now been deemed unviable and has been dropped.

Andrew Flanagan: I will talk about the longer-term, bigger picture, and James Gray might want to comment on the more detailed tactical level.

We have developed a draft ICT strategy. The view of Police Scotland now is that that needs to be extended to include digital and data, so that it is more comprehensive than it is at the moment. We have been hindered a little bit by the absence on sick leave of the ICT director but Police Scotland is working through that.

With regard to the longer term, there is a clear acceptance that technology is at the heart of the policing 2026 strategy and that we need to have a long-term plan that not only deals with some of the issues around i6 in terms of the individual components, but also enables police officers to be more effective in their day-to-day jobs and removes some of the inefficiency and the strains that individual police officers are subject to.

As we develop that strategy, the key focus of the ICT department in Police Scotland is to make sure that the legacy systems continue to work effectively, and, where possible, to roll out other systems and to ensure that some of the intended benefits of i6 can be delivered. None of the possible options that I have heard are being looked at envisages something similar to the all-singing, all-dancing approach to that was being taken in relation to i6.

James Gray: I would reiterate that point. My understanding is that there will not be an i6-type approach in the future. I assure members that the fact that we only have a draft strategy at the moment is not stopping investment. There is work under way to invest in having a single log-on capability. That might sound fairly straightforward and standard, but we do not have it at the moment. There is also a project under way to develop a national network so that we have a single platform across the country for communications and that type of thing. Investment is under way to build a stable infrastructure, as it were, and the strategy that comes off the back of that will then look to develop ways in which we can

develop better systems in order to get the productivity gains that are required.

Craig Suttie: The issue of how we are going to get the efficiencies that the IT is going to deliver is a matter of massive frustration for our members and the service. I understand what has been said about the need to look at information in the larger sense, including digital data and infrastructure, but we must push on and get some delivery on this. We have sought and got some reassurances that there is going to be some movement in the not-too-distant future, but this is an absolute priority because, until we get an effective and efficient digital IT system across the country, we are not going to get the efficiencies that we are looking for and we are not going to be able to deliver the service to the level that we are looking for. That must be an absolute priority for the service.

Liam McArthur: Were you able to make that point at the meeting that you attended yesterday in preparation for today's item?

Craig Suttie: I attended the SPA finance committee's public session yesterday. Visitors do not get the chance to speak, but I can assure you that I and Calum Steele and other colleagues make that point regularly to anyone who will listen to us.

Liam McArthur: Given what Mr Suttie said, Mr Gray, how are you factoring that work into the three-year financial plan, given the level of uncertainty that there is about precisely where you are aiming to get to as well as the staffing uncertainties, which I assume cannot be helping in terms of future planning and roll-out?

James Gray: That makes things tricky, yes.

We know that the core infrastructure projects have been approved and the spending has already started. We have provision in this year's budget for the national network and the single log-on projects, which I think are two to three-year projects, so the money is set aside or earmarked to continue with that in future years. However, we have had to make estimations based on the best information about what might happen in future and give indicative figures to the Scottish Government finance department as part of our spending review submission.

At the moment, there are high-level, earmarked amounts for what we think that we will need to spend. However, as I was saying earlier about the financial planning, as the plans become more detailed, we will be able to refine those figures and make our position clearer.

I can assure you that ICT is a priority in the service. It will unlock a lot of improvement in terms of the experience of the officers as well as the productivity gains that can be generated. It is a

key priority and plans are being worked up at the moment in order to ensure that we can take that forward.

Liam McArthur: Clearly, it is a priority, and I think that Mr Suttie's comments underline that as well. What are you doing, given the problems that there have been in the past, to guard against the possibility that you are building optimism bias into your calculations at this stage? That seems to be a real risk in terms of financial planning.

James Gray: It has been. My observation is that that might be a reflection of the fact that many of the people involved had worked in the old environment of local authority funding, where slippage did not have the same impact. However, we are acutely aware of the fact that there is a one-year funding settlement which means that, if you say that you are going to spend in a particular year, you have to do it.

We have been very conscious of the fact that there has been optimism bias. In our spending review submission to Government, we took account of optimism bias and, as a result of that, we reduced what we were seeking. We have also been working closely with the project owners to ensure that what they are saying is realistic and that they have engaged properly with all the different areas of the organisation to ensure that there is capacity in areas such as ICT and procurement to move things along. We are aware of the optimism bias issue and we have taken account of that in our financial planning.

Liam McArthur: Mr Steele, I assume that you agree with the points that have been made about how integral ICT improvements are to releasing efficiencies and allowing resources to be directed to some of the issues that you were talking about earlier. Is there anything in response to what Mr Gray said about how that has been worked through the system and planned for that you have concerns about at this stage?

The Convener: Mr Steele, could you be as brief as possible? We are into our last five minutes and John Finnie still has one final question to ask.

Calum Steele: In that case, convener, I will be brief and say that I have nothing to add to what was said by the previous speaker.

The Convener: Thank you.

John Finnie: Last July, we took evidence about body-worn cameras. Is it the intention of Police Scotland to roll them out and, if that is the case, do the staff associations consider that it should be a priority?

Calum Steele: I cannot answer for the service in terms of what its intentions are, but in an absolute sense, if we had money to burn, I would say, "Knock yourselves out." However, we do not

have money to burn and I think that there are many more pressing things to be addressed than rolling out body-worn cameras at this point in time.

Craig Suttie: The issue of body-worn cameras relates to mobile data and so on, but we need to get the fundamental IT right first. Body-worn cameras are a later, bolt-on issue.

John Finnie: Do you know whether there is a plan to go ahead with the roll-out of body-worn cameras?

James Gray: The service is considering the issue at the moment, but we do not have any concrete plans or a signed-off business case. It is still at the point of development. We have no hard plans at the moment in that regard.

John Finnie: Would the staff associations and unions be involved in consultation around that?

Andrew Flanagan: They certainly would. I think that there would have to be a wide public consultation as well. There are a number of civil liberties issues that come into this sort of thing. There is capability to do it—the technology exists, and people can already video situations on their iPhones or whatever. There are important benefits for the public and police officers in having such a record. However, I think that this issue is one that is not just for Police Scotland or the Scottish Police Authority to decide on. We would want to open out the question of whether it is the right way forward to quite wide public consultation.

John Finnie: That is reassuring.

The Convener: Mr Flanagan and Mr Gray, are you expecting another section 22 report from the Auditor General?

Andrew Flanagan: There will inevitably be a section 22 report, because the issues from the previous year have to be cleared. At the current time, I do not expect any new issues to be raised in the section 22 report.

The Convener: That is helpful. Mr Gray, do you want to comment on that?

James Gray: No, I have nothing to add.

The Convener: That is helpful, thank you. As there are no further questions, I thank our witnesses for coming along today and for assisting us in getting through as many questions as we have in the past hour.

Our next meeting will be on Thursday, 23 November, when we will have an evidence session on the progress of the independent investigations of the counter-corruption unit. I now close the meeting.

Meeting closed at 13:59.

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