



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Justice Sub-Committee on Policing

**Thursday 31 January 2019**

**Session 5**



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**JUSTICE SUB-COMMITTEE ON POLICING**

**2<sup>nd</sup> Meeting 2019, Session 5**

**CONVENER**

\*John Finnie (Highlands and Islands) (Green)

**DEPUTY CONVENER**

\*Margaret Mitchell (Central Scotland) (Con)

**COMMITTEE MEMBERS**

\*Daniel Johnson (Edinburgh Southern) (Lab)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Liam McArthur (Orkney Islands) (LD)

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

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Chief Constable Iain Livingstone (Police Scotland)

**CLERK TO THE COMMITTEE**

Diane Barr

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Justice Sub-Committee on Policing

Thursday 31 January 2019

*[The Convener opened the meeting at 13:01]*

### Decision on Taking Business in Private

**The Convener (John Finnie):** Feasgar math, a h-uile duine, agus fàilte. Welcome to the second meeting in 2019 of the Justice Sub-Committee on Policing. We have no apologies. Liam McArthur will join us, but he is a bit delayed by other business.

Agenda item 1 is a decision on taking business in private. Do members agree to take agenda item 3, which is our work programme, in private?

**Members indicated agreement.**

## Police Scotland Priorities and Draft Budget (2019-20)

13:02

**The Convener:** Agenda item 2—our main item of business—is evidence from Chief Constable Iain Livingstone on Police Scotland's priorities and draft budget for 2019-20. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper. I welcome Iain Livingstone, the chief constable of Police Scotland, and thank him and Police Scotland for the written submission that we received, which, as ever, was very helpful.

Thank you for coming along, chief constable. I understand that you do not wish to make an opening statement. We are quite pressed for time and have a lot of questions, which we might need to follow up in writing, so we will move straight to them.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Good afternoon, chief constable. Will you expand on yesterday's media statement in which you said that you were planning to recruit 400 officers to deal with Brexit and the different scenarios that might arise? The figure on which we had evidence and have been working is 120 officers. *[Interruption.]*

**The Convener:** You can just leave the microphone, chief constable—

**Chief Constable Iain Livingstone (Police Scotland):** Let the people who know what they are doing work it. *[Laughter.]* Thank you for that, and for the welcome.

There are a number of elements. To build a financially sustainable service, we need to eliminate the revenue deficit that we have been carrying for a number of years. There are a number of reasons for the deficit, but I will not delay my response by going into that now.

We had a plan, through productivity, to reduce our officer numbers to approximately 16,800 by the end of 2019-20, which is 300 officers down from where we are at the moment. However, because of the vast uncertainty surrounding Brexit and its potential consequences, I was not prepared to start that reduction, which would have involved our recruitment profile and allowing the run-down to get us to that position.

My position was to maintain officer numbers at 17,134 and, rather than reduce officer numbers by 300 after we had established productivity gains, to keep that capacity so that we could flex it for any demands that might arise from Brexit.

You mentioned the figure of 120 officers. The actual figure is less than 120 now; it is only 100. I

have tried to bring forward a tranche of recruitment. We recruit quarterly, and an intake was due to come in at the end of March. However, because of the imminence of Brexit, I wanted to see how many of the anticipated intake of 240 officers we could recruit in February—there are often delays as a result of people being in employment, or having other commitments or even vetting issues. We will bring in about 105 officers at the end of February. Bringing forward those 100-odd people from the March intake will put a revenue pressure on 2018-19, but it will only be a month's salary for about 100 people.

In essence, the plan is to not reduce numbers as intended until there is greater clarity—should we get that soon—simply because I felt it prudent to maintain Police Scotland's capability and capacity for the numerous and varied challenges that might arise.

**Rona Mackay:** Do your plans include asking any recently retired officers to come back?

**Chief Constable Livingstone:** I have heard that idea put forward. However, for a lot of officers, when they get to 30 or more years' service, the decision to retire is not taken lightly. It has a massive impact on their families, personal lives and status. In truth, people take the decision to retire for a whole host of reasons, including changes to tax rules, but that is a matter for them.

As ever, we will seek to maximise all our resources, including youth volunteers and the special constabulary. There is no intention to do anything specifically regarding retired officers, as retirement is a personal decision for individual officers and their families.

**The Convener:** Will you be profiling succession planning and such things through your personnel arrangements? Has the pay award had any impact? Given the way that pension arrangements are configured, is it likely that officers might wish to stay on longer? Will it alter the profile, and will you retain officers for, perhaps, two years longer to benefit from the increased pay award?

**Chief Constable Livingstone:** Potentially, but there is no indication of that as yet. It is more likely that, in a relatively short period of time, we will see the significant impact of the changes to the pension scheme. The vast majority of officers who are serving now will serve for 35 years and will work until the age of 60, so the length of a police officer's career will get longer.

There are advantages and disadvantages to that. We will have a more stable workforce, and it will definitely mean that officers take more time as they develop their career, rather than following the pace of development that happened in the past.

On the impact of the pay award, you are right that people might seek to get to the head of the increment scale, but, at this stage, there is no evidence of that.

**Margaret Mitchell (Central Scotland) (Con):** On the idea of bringing in retired officers, which I mooted at the sub-committee's last meeting, I thought of it more as being on a temporary basis and as a contingency plan for any potential transitional period.

I hear and understand what the chief constable says about effects on pensions, but, as with everything to do with Brexit, we are in new territory. Presumably, tax laws could be changed to allow recently retired people to come back voluntarily for a period of time—for a year, say. That is a possibility that could be explored; it would not be like the drain of bringing in full-time officers who might not be required in the same numbers later on.

**Chief Constable Livingstone:** As everyone needs to be, I am at the stage of being open to anything with regard to how we respond to Brexit. I have heard the idea and considered its potential, but there would be challenges with it.

Given the profile of officers who are retiring—the age profile and the work that they may have been involved in—my preference is to try to bring in new recruits who are trained and committed to the organisation and on whom we will get a return.

You are right that a number of employment issues are involved, such as the contributions that they might make, related tax issues and the impact on their pension arrangements.

I was given some brief advice that numerous issues would need to be resolved and that it would not be a short-term solution. However, I think that the philosophical point that you make is right—we need to be as creative as possible to try to address a whole series of unknown potential scenarios.

**Rona Mackay:** Is there any challenge that is unique to Scotland that you feel you might have to deal with in any Brexit scenario?

**Chief Constable Livingstone:** There could yet be a well-managed, structured approach, but the biggest long-term challenge in any Brexit scenario from a policing and security perspective is undoubtedly the loss of legal mechanisms and measures that have developed over many years with the other 27 EU member states through Europol and Eurojust, such as the use of joint investigation teams through Europol structures, the European arrest warrant and the Schengen intelligence system.

Police Scotland has benefited greatly from those legal mechanisms. When the single service came

together, we immediately identified that over the years we had been rather shy, perhaps, about stepping forward and seeking some of those European sources to assist our investigations. A number of joint investigation teams have looked into organised people trafficking and high-level organised crime threats to the people of Scotland. The use of the European arrest warrant is a great tool for dealing with not only criminals who are beyond Scotland's shores but European criminals who are in our jurisdiction, as it gives us the ability to remove them quickly.

The long-term challenge around the loss of those legal measures is that, rather than working within the European structures, we will have to create a number of sub-optimal workarounds. We will have to have separate bilateral agreements with the French, the Portuguese, the Germans and so on. That will be the biggest challenge in the long term.

In the short term, the biggest challenge is the uncertainty. I have publicly reflected—because I think that it is right and proper that I do so—that there is probably less potential for disorder and serious public disquiet in Scotland than may be the case in other areas, such as the south-east around the Channel ports and the border area of Northern Ireland. Therefore, I think that my duty as chief constable of Police Scotland is to be prepared to support other chief constables in other communities across the United Kingdom to respond to those issues as well as ensuring that we have sufficient safety and security within Scotland itself.

In the long term, there is the removal of legal measures—we will no longer be part of Europol, Eurojust and the European justice framework. We will make efforts to minimise the impact of that, but it will still be sub-optimal. Undoubtedly, the second biggest threat is the uncertainty about what the consequences may be.

**Rona Mackay:** I understand from what you are saying that you will have overall responsibility for any Brexit-related operations that take place—or will someone else be responsible for that side of things?

**Chief Constable Livingstone:** As chief constable, I will have absolute overall responsibility. My authority is required for any officers to be deployed on a mutual aid basis. The structure, the recruitment profile and all such matters will be, ultimately, for me to decide. However, we are a large organisation and there are an enormous number of challenges and some pressing operational matters that are not going away, so we have a structure. A dedicated team has been in place for many years and there is clear governance and accountability, but the

accountability and the responsibility for decision making is ultimately mine. *[Interruption.]*

**The Convener:** Excuse me, chief constable—I understand that we have some technical issues. Could you sit a bit further back from the microphone please?

**Chief Constable Livingstone:** I beg your pardon.

**Rona Mackay:** Convener, I have a short final question that I would like to ask. Is that all right?

**The Convener:** Are you moving on from Brexit?

**Rona Mackay:** No.

**The Convener:** Yes, that is fine.

13:15

**Rona Mackay:** Chief constable, are you aware of whether any discussions have taken place between the Scottish and UK Governments about resources and funding related to Brexit?

**Chief Constable Livingstone:** I am not aware of any such discussions. I genuinely feel that, from an operational independence point of view, that is not a matter for me. I have raised my concerns in writing with the Scottish Police Authority, which is my governance body, and I have had discussions with justice officials about what my assessment and the team's assessment might be, but I have not been party to any discussions about the final source of funding, if any is to be made available.

**Rona Mackay:** Can you tell the committee what extra resources you feel might be needed?

**Chief Constable Livingstone:** I would need additional funding to ensure that the anticipated deficit does not get greater. I have taken the decision not to step back the number of officers, as I mentioned at the outset, which will put more financial pressure on to 2019-20. The reduction of 300 officers that I had planned to make equates to roughly £12.5 million—I think that I included that in the submission—but our assessment of requirement exceeds simply staying as we are, and that has been included among the assessments that have been made.

However, they are assessments. I have been asked for my evidence base, but this is Brexit—there is no evidence base. What I have been asked to do—this is one element of the business continuity work that the UK is doing, driven by the Cabinet Office—is to plan for a “reasonable worst-case scenario”, which is the odd phrase that is used. In planning for such a scenario, it is necessary to imagine things that we really hope will not come to pass, such as significant interference with pharmaceutical supplies and food supplies. There could also be public and

political disorder if there are issues with some of the more radical fringes in the political environment, so we need to ensure the rule of law and the safety of the public. We have mapped a whole series of scenarios, and our judgment is that we need greater resource than we have at the moment to ensure that the very good day-to-day policing that we have in Scotland continues during what will be a difficult time.

**Rona Mackay:** Thank you—that was helpful.

**The Convener:** Other members have supplementaries on Brexit.

**Daniel Johnson (Edinburgh Southern) (Lab):** I would like to begin by saying what a pleasure it was to meet five of the 100 new officers when I was up at Tulliallan on Monday.

On Brexit, given that Police Scotland is the second-largest police force in the UK, I take it that Police Scotland will be one of the first forces to which calls will be made if there are requirements elsewhere in the UK. Is that your working assumption?

Secondly, I understand that the Cabinet Office has funding available for contingency planning in relation to the Brexit transition period. Is that your understanding, too? Have you had any discussions with the Cabinet Office or the Scottish Government about whether inquiries are being made about how to access such funding, if it is available?

**Chief Constable Livingstone:** I have not spoken directly to the Cabinet Office. I would always go through the statutory governance framework of the SPA and then the Scottish ministers and the Cabinet Secretary for Justice.

Like many people, I have heard a number of figures being bandied about in relation to what the Cabinet Office might have available. It is a matter of public record that the Police Service of Northern Ireland has received an additional allocation of almost £17 million. Its governance structures are different, because it does not have a police authority in place or ministers—it operates through the Northern Ireland Office. The position of the relationship between the Scottish and UK Governments when it comes to Brexit contingency funding is not a matter for me. I have not had direct contact with ministers or officials in Whitehall.

On your point about mutual aid, it is a reasonable observation to make that, in this instance, when we assess the UK as a whole, we are more likely to be a net exporter than a net importer of resource.

As I made clear yesterday at the Scottish Police Authority's public meeting, that decision is a matter for the chief constable, who has operational

independence. The criticality of that operational independence is clear to everyone in Scotland's legal system. I will need to make the decision based on my duties and priorities in maintaining safety and security for the people of Scotland.

It is absolutely right and proper that Police Scotland is part of the wider UK framework, because we will benefit—and we have benefited—from the support of our colleagues across the UK. There has been instance after instance—they go back as far as the Lockerbie bombing, and include the G8 summit, the attack on Glasgow airport, the work on the Commonwealth games and the Pope's visit to Scotland in 2010—in which we have benefited from specialist and core resources coming to support Scotland's police service. I have said publicly that I want to be part of the UK framework, and I will support chief constable colleagues in communities across the UK if I can. My assumption and concern are aligned, as Mr Johnson said. As we are currently structured, it is more likely that we will be providing resource rather than receiving resource.

**Liam McArthur (Orkney Islands) (LD):** I apologise for arriving slightly late and missing your opening remarks, chief constable.

In response to Rona Mackay's question, you quite reasonably pointed to the difficulties in scenario planning in the absence of key information and evidence. Have you been able to assess the benefit, in providing you with some level of certainty, of the UK Government ruling out the prospect of the UK crashing out of the European Union with no deal? Would there be a financial benefit in terms of the reduced cost to which you have alluded?

**Chief Constable Livingstone:** I will be really clear and frank, as I always am with colleagues. At the moment, our planning is not sophisticated enough to allow us to say that a no-deal Brexit being ruled out would lead to A, B, C or D. Even if we were told that there will not be a hard Brexit, there will still need to be some contingency for other consequences that might arise from Brexit.

If leaving the EU on 29 March—as the hard stop—was ruled out, it would certainly give us more time to look at other options and scenarios, and we could perhaps build in more detailed planning assumptions to the work that we are doing. We need to make plans for a hard Brexit on 29 March, as the worst-case scenario, because our making such plans is the stated policy of the Government in London. Therefore, we are planning against that scenario. It is undoubtedly reasonable to say that, if a hard Brexit on 29 March was ruled out, there would be less imminent pressure on police resources and we could start to look at other scenarios that might



arise, depending on the nature of the Brexit arrangements.

**Liam McArthur:** You have said that a “reasonable worst-case scenario” is the benchmark that you need to use, which seems entirely sensible. However, if a no-deal option was ruled out, I presume that the point at which the “reasonable worst-case scenario” was set would be more advantageous, in that you would have a degree of certainty and, therefore, your contingency planning would need to encompass a less wide-ranging set of scenarios.

**Chief Constable Livingstone:** It would give us more time, but it would also create a number of other challenges. If the no-deal scenario is ruled out, there could be a UK general election or another referendum and, if there is a delay, it is likely that European Parliament elections in the UK would have to take place. I have assessed and asked for advice on those scenarios.

All, or any, of those scenarios would give us remarkable challenges. An election in such circumstances would not be an election as we would normally police it. The reality is that it would be more like the 2014 referendum, with a high turnout. Ensuring the integrity of the process—making sure that it is strong, robust and without reproach—would be critical, and the police would clearly have a role in that. That would give us a number of other challenges that would also require resource.

Your fundamental point is right: if Brexit on 29 March is ruled out, we would have more time and we could be bit more specific with some of our planning. However, in my judgment, that scenario would mean that we would have to meet other challenges and make sure that we were in a position to respond to them.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** You mentioned the bilateral conversations about new arrangements that would need to take place with other member states in the event of Brexit. Obviously, that would be a lot of conversations. Do you know yet whether those conversations will happen at the Police Scotland level or at the UK level? Perhaps it will be both.

**Chief Constable Livingstone:** The short answer is both.

We have been at the forefront of UK policing in identifying potential vulnerabilities. We have a dedicated team and we have been engaging with a number of countries from a very early stage. That is not in relation to contingency planning on additional resource, potential disorder and the need to support the United Kingdom, but in relation to addressing my earlier point about the loss of legal measures such as through our exit from the Europol framework.

At different times, a number of my officers have gone over to the Baltic countries, such as Latvia, to parts of Scandinavia, and down into Spain and Portugal, and the policing and justice structures are very different in those countries. Again, if I am being really frank, the great value of Europol was not having to interpret whether we were dealing with the police service, the prosecutor, the federal police or the local police. We just went to Europol, and it was an easy place to dock into and out of.

We have already started mapping those structures. We have looked at the countries with which we have most of our business. It would not surprise you to hear that there is quite significant and almost daily contact between the police service of Scotland and countries such as Portugal, Spain and Poland.

The National Crime Agency leads for the United Kingdom in this area. Although we work well with the NCA, and it has a foreign network from which we benefit, I felt that, as chief constable, it was also really important to recognise the independence of the Scottish legal system and some of the specific challenges that exist for Police Scotland that are not always fully understood, such as the role of the Lord Advocate and the relationship between the Crown Office and Procurator Fiscal Service and the police. Those relationships are very different from those in England and Wales.

As I say, the NCA leads international engagement on the structures and frameworks that are in place, but we have also had a number of bilateral contacts with other countries. Our team has also produced scenario plans with a number of countries that you might imagine that we would do that with.

**The Convener:** We will change tack, chief constable. On cyberkiosks, the sub-committee has heard from the detective chief superintendent about the volume of technical challenges. We are keen to be supportive of the police having all the necessary resources to address those challenges, but how was just short of half a million pounds spent on equipment that was then rolled out without any assessment?

**Chief Constable Livingstone:** I am aware of the legitimate and helpful interest that the sub-committee in particular has had in the roll-out of cyberkiosks. The team and I have acknowledged that there was a failure to fully assess and communicate what we were seeking to do with the capability that we are looking to introduce.

13:30

The proposals respond to an overwhelming demand relating to the fact that the people who are worst served by our poor responses are often

the most vulnerable—victims and witnesses of crime, who lose their mobile devices for a number of weeks because we are unable to quickly get from those devices the evidence that would bring perpetrators to justice. An enormous number of mobile devices now come into police possession. There is barely an incident that we respond to that does not feature a mobile device, simply because of how people live their lives.

The work has been paused, and I was keen for that to be done. There was an acknowledgement that we did not reach out as broadly as we could have done and did not absolutely establish and articulate the clear legal and rights-based authority for the use of the equipment. We also did not fully articulate the benefits and the ethical priority for introducing the equipment.

All that caused a loss of confidence, certainly in the sub-committee and elsewhere, but that has been rectified by the engagement that we are now doing and through our acknowledgement of the issues. We have not just ploughed on and ignored the feedback; the roll-out has been delayed until a number of key issues are addressed.

**The Convener:** There is a specific concern that the particular figure of four hundred and something thousand pounds—I have it here somewhere—was a few tens of thousands of pounds short of £0.5 million, which is the trigger figure at which the purchase would have to be reported to the Scottish Police Authority. Was there any attempt to avoid scrutiny of the measure by having a capital purchase fall just short of the amount that would require reference to the Police Authority?

**Chief Constable Livingstone:** Absolutely not. The Police Authority is now part of the engagement and it had operational awareness of the issue. I can categorically give you my word as chief constable that that type of conduct or apparent sleight of hand certainly has not happened and will not happen under my command.

**The Convener:** In relation to the external reference group involving the Information Commissioner's Office and the Scottish Human Rights Commission, the most recent update that we had was that Police Scotland still had not heard from the Crown Office and Procurator Fiscal Service about the legal basis for the approach. Will you update us on that?

**Chief Constable Livingstone:** I was informed this morning that the Crown has now written to us. A three or four-page letter has come in that is being assessed by the team of individuals who have spoken to the sub-committee about the issue previously. They have undertaken, as I think that they have done previously—again, I will ensure that this is the case—to inform the sub-committee

of the nature of the advice and share it with the reference group and the stakeholder group that are advising them. They will work collectively to be clear about the legal basis. If, collectively, they identify that there is a gap or ambiguity in the law, they will work collectively to address and resolve that.

**The Convener:** Will you roll out the programme if you feel that you do not have comprehensive legal authority to do so?

**Chief Constable Livingstone:** No. It will not be rolled out until I am confident that, as chief constable, I have the confidence of the community that we serve. I think that it is the right thing to do, but I am clear that, at this stage, it demonstrably does not have the overt and patent consent of the people whom we serve. That is demonstrated by the input of elected representatives such as MSPs and other legitimate groups. Until I am satisfied that we can be clear that policing by consent underpins the use of cyberkiosks, we will not be using them. That is why I was clear that the roll-out will be halted until the issues are addressed.

**The Convener:** Finally on that issue, what is the status of the advice that you have been given by the Crown Office and Procurator Fiscal Service about the potential roll-out? Could you share that with the sub-committee?

**Chief Constable Livingstone:** Yes. I have asked the team to carry out an assessment of it. I was not able to digest, analyse and assess it because I had a full day yesterday. There are many factors.

**The Convener:** I am sure that you have had other things to think about.

**Chief Constable Livingstone:** However, I am aware that we have now received it, and we will work closely with it. We will see how definitive it is. We can also take advice from some of the groups, such as the Information Commissioner's Office, the Scottish Human Rights Commission and others.

It is a critical exercise, but if we consider the capability, the functionality and the utility of what we are seeking to do, we are trying to protect the most vulnerable and ensure that the Police Service is discharging its duties. However, I accept that the roll-out was not done in as open and engaged a manner as I would have liked.

**The Convener:** Okay. Thank you for that reassurance.

**Margaret Mitchell:** The budget for fleet and estate management for the next financial year is the same as the budget for the current financial year, which represents a real-terms reduction. Will you comment on that? How sustainable is it that

the police continue to operate with a £6 million overspend in the area?

**Chief Constable Livingstone:** As a service—this is probably about policing, as opposed to the Police Service of Scotland—our capital allocation and capital investment have, for a number of years, been consistently less than an organisation of our size requires. In general terms—I am speaking in the generality here, rather than using specific figures—the Police Service of Scotland accounts for 3 per cent of Scottish Government spend. Members can correct me, but we spend about £1.2 billion in revenue, and I think that Scottish Government revenue spend is about £33 billion. However, during the past few years, our capital allocation has consistently been less than 1 per cent of the Government's capital spend.

As a citizen in Scotland and as a public leader, I am aware that there are financial pressures on all Governments and that there are significant investments to be made in schools, hospitals and transport infrastructure, but it is a statement of fact that the Police Service's capital allowance and allocation has not kept pace with our revenue allocation. As a result, the service spends less. I think that I included that in our written submission. Compared with others, we spend less on capital per officer and staff member. If £20,000 per officer is spent in England and Wales on capital—that is, fleet, equipment, property and so on—we spend about £6,500 per officer. It is a significant challenge to make sure that the service is properly equipped.

This year, our capital allowance, collectively, is about 40 to 45 per cent of what we identified we would need. There are different elements to that. There is the need to maintain business as usual, as you have alluded to, and we need to make some capital investment each year in fleet, estate and so on. At the same time, we are trying to make capital investment to allow us to properly transform the organisation into one. The clunky, misaligned, contradictory information technology infrastructure that we inherited from the legacy arrangements is well documented. To be frank, it is remarkable what officers, staff and the leadership of Police Scotland have been able to do to make sense of the system and allow us to police operationally, but I think there is recognition that we cannot go on like that.

My challenge is to balance the investment that is needed in fleet, equipment and estate and in making sure that officers and staff can work properly and are equipped to do the work while, at the same time, making sure that we are also investing in some of the transformational projects and pieces of work that are vital to modernise the service.

There are challenges at present. I have been very clear and public about those challenges with ministers, and I am grateful for the opportunity to talk them through further with the sub-committee this morning. Part of my duties as chief constable is to meet those challenges and balance competing demands, but our capital allocation falls short of what I assess that we need to move the service forward.

**Margaret Mitchell:** It is not just about capital; obviously, there are also revenue implications with fleet management and the estate. Has the preventative spend argument been made? This is an area where, frankly, things are not going to get better. Self-evidently, they are going to get worse as vehicles age, with all the potential dangers that come with that through simply not equipping our officers to do the job that we are asking of them.

**Chief Constable Livingstone:** I recognise that summary as identifying the challenges. Ideally, we would seek to have a fleet that turns over on a cycle of anywhere between three and five years. Exactly as Margaret Mitchell identified, going past that puts pressure on the revenue budget in terms of maintenance, for example, or the need for more mechanics.

I have asked the fleet managers and everybody in the organisation to look at things as closely as they can, but never to compromise on health and safety. The Scottish Police Federation makes a great contribution in that regard, as it often highlights issues that might arise right across the country, which we then seek to mitigate.

If we do not have the additional investment that I suggested earlier, the challenges that Margaret Mitchell identified will become more acute going into 2020-21 and beyond. I am trying to do things on both sides. I am maintaining business as usual—giving officers and staff the equipment that they need and maintaining the estates and the fleet—but also, critically, revising and improving our information and communications technology infrastructure. That ICT infrastructure is also core equipment, as the officers need digital devices and properly functioning systems through which they can access data. They need those to do their jobs better, so that they can protect the public. They need both and that is the challenge that we face within the challenging financial settlement.

**Margaret Mitchell:** I will ask you one final question. The cabinet secretary has indicated that he might return to the capital budget mid-year because of the concerns that are being expressed. However, given the urgency of the situation, I consider that to be a little bit short-sighted and inadequate. Do you have a view on that?

**Chief Constable Livingstone:** I have been clear with the Police Authority, with my own

officers and staff and in public—as I am doing today—that, as a strategic vulnerability, the service has not had the capital investment that it requires over a number of years. Equally, my job is to take whatever allocation I am given and make sure that it is used shrewdly and in a way that maximises the benefit to officers, staff and the public, and balances the various demands that the sub-committee has outlined this morning.

**Margaret Mitchell:** I am sure that you would want that investment as soon as possible.

**Chief Constable Livingstone:** Yes, please.

**Daniel Johnson:** You have made it quite clear that you think that your capital budget should be in the region of £90 million. However, the budget sets it at £35 million and you are therefore 60 per cent short of what you say that require. Given that you have asked for £90 million, what else are you not going to be able to do—on top of estates and vehicles—as a result of that capital shortfall?

**Chief Constable Livingstone:** Clearly, the budget is still a draft—I am aware that it is a key matter at the Parliament today. However, at this stage, we are working through a series of challenging and difficult prioritisations to determine what we should go ahead with and what we should stop. We cannot even take a 2019-20 view, as we need to think about the best way to maximise the return. We would be better not to start some projects at all than do just some elements of them.

13:45

Other challenges that we will have relate to the key priority of the transformation of what we call our corporate services, which are colloquially known as the back office. That transformation involves the need to integrate eight separate human resources departments and eight separate finance departments and to manage resource deployment in relation to everything from citing witnesses to court and paying officers and staff overtime to moving people from one division to another geographically and territorially. We have an awful lot of people involved in transactional and very traditional, paper-driven processes—certainly, the processes are misaligned across the country. There is an enormous potential to invest in a proper corporate services change programme and use some tried and tested ICT frameworks that other organisations use. The type of work that we are talking about is not police-specific. It is not to do with organised crime or anything else that involves issues of operational security; it is, essentially, organisational, transactional work.

We will have to slow down our work in that regard, which is an enormous frustration, as we think that it could release enormous amounts of

savings and improve the quality of the service that we provide to our own people and to people who deal with us, and it would release funding capacity—money—to reinvest in policing.

That is one example, but there are many ICT programmes of change that we are probably not going to be able to go ahead with if the capital budget stays as it is.

**Daniel Johnson:** The figure of £35 million represents some 3 per cent of your total budget. On the face of it, a capital investment of 3 per cent for any organisation seems low. However, am I right in thinking that, according to the briefing that you prepared, which is based on information from the Chartered Institute of Public Finance and Accountancy, on a per employee basis, Police Scotland has the fifth-worst capital expenditure of all police forces in the United Kingdom? What should the figure be, if we look to comparator forces such as the Metropolitan Police?

**Chief Constable Livingstone:** We are at the bottom of that chart. In my answer to the convener, I alluded to that when I talked about the non-pay costs per head—we are at about £6,500 against an England and Wales average of £20,000. We have benefited from the maintenance of the revenue budget, which has allowed us to sustain officer numbers. There is a net differential of more than 20,000 police officers between what England and Wales had in 2008 and what Scotland had in 2008. They have lost more than 19,000 officers and we have gained a little less than 1,000. I make that observation simply to say that that has benefited the organisation and the communities of Scotland and has allowed us to make significant inroads into violence and the murder rate and to deliver greater community confidence and cohesion. However, it is not enough in itself. You can have all the people you like but, if they are not equipped and resourced properly—if they do not have vehicles that are properly serviced and the IT that enables them to do their jobs—that becomes a false investment.

There is a balance between ensuring that we have the right capability and capacity in terms of numbers and, crucially, ensuring that whoever we have—whether they are police officers or police staff—has the right equipment to deal with policing in the 21st century. We are not looking for state-of-the-art or cutting-edge ICT; we are looking for tried and tested ICT that any organisation would expect to function with. We are not even working in an analogue age; we are still working with pen and paper in many areas, and that is not sustainable.

**Daniel Johnson:** In previous meetings, we have discussed in some detail your proposed £300 million ICT programme. Is that threatened by the budget settlement? Where does that sit, given the capital allocation that you are looking at?

**Chief Constable Livingstone:** Clearly, we cannot realise all our ambition this year, given the draft allocation. The overall programme involves eye-watering amounts of money—I accept that—but it would deliver a coherent single structure for policing in Scotland, which is something that we have never had. Again, we have never had that clear framework or that clear needs requirement—whatever language you want to use—for policing in Scotland and we now have that. Audit Scotland and others have recognised that that has been a step forward.

The challenge for us now is to look at the pace, prioritisation and sequencing of implementation. That is the difficult, challenging work that is being done by people in finance and ICT and, crucially, by operational police officers. Those are the lead operational teams where the greatest priority lies and where we can get the biggest return on our investment. The full extent of that ambition may have to be delayed, deferred or reprioritised, but those are the challenges that we have.

**Daniel Johnson:** I have one last question on the revenue budget and police officer numbers. Forgive me—there may be a few numbers in this question. According to the federation, you would need to reach the figure of 16,800 officers, which is a number that you used, in order to be within your budget. However, you are now talking about setting the level at 17,200 officers, which is 400 officers above that figure. Indeed, another concern that I have—I know that this was brought up at the board meeting yesterday—is to do with the 140 or so officers who are funded by local authorities. A number of local authorities, including the City of Edinburgh Council, are looking at withdrawing that funding, which by my estimate is worth some £6.5 million. I am concerned that those officer levels will lead to an increased deficit rather than the elimination of the deficit. Is that a concern for you? How do you intend to address that tension between officer numbers and revenue funding?

**Chief Constable Livingstone:** Everything that you have said accurately reflects the challenges that we have. I have just one point of clarification—I am not increasing the numbers by 100; I am just recruiting 100 officers earlier than planned. In terms of the 2019-20 budget, at this stage I am planning not to reduce officer numbers by 300 from 17,134 to 16,834 officers as I originally planned and, because of the imminence of Brexit, I will bring forward the recruitment of 100 officers. If Brexit changes its profile and, as Mr McArthur suggests, there are some intervening changes in the political settlement, I could turn the tap to slow down recruitment and try to readjust the budget in line with that. However, it will be enormously challenging. That is what I said yesterday at the Scottish Police Authority and I am

grateful for the opportunity to discuss it with the sub-committee this afternoon.

It will be a challenge for us to reduce our deficit at the end of 2019-20 and then reduce it to zero at the end of 2020-21—as was our intention—if we maintain officer numbers. I have spent a lot of time reflecting on this and taking advice but, ultimately, it is my decision as chief constable, with the operational independence that vests in that office. My judgment is that it would not be prudent at this stage to work towards having 16,800 or so officers until we get more certainty about the Brexit challenges, thus my request for some additional funding to support the organisation to ensure that the deficit does not grow, as Daniel Johnson correctly identifies.

**Daniel Johnson:** Could you give a brief clarification? I think that you quoted the figure of £12 million for the saving that you would make if you reduced officer numbers by 300 and, clearly, there must also be some concern about the community officers. If I was to say that the budgetary challenge that you are facing regarding officer numbers and revenue funding is around £18 million, would that be the correct order of magnitude?

**Chief Constable Livingstone:** It would not be far off it. I am not sitting here with the figures; as you said, there are an awful lot of figures and assessments around that issue.

The point about local authority-funded officers is relevant. We inherited those officers from legacy arrangements, which differed greatly across the 32 local authorities and the legacy forces. My assessment is that, roughly, 145 officers continue to be funded directly by local authorities. I have an ethical duty to ensure that those officers are clearly seen to be doing community-based work in the local authorities that fund them. However, if I need to exert my operational independence, I have the challenge of moving those officers around the country or to different duties, depending on emerging threat, risk and harm.

That is another area of funding that I am keen to rationalise and address. It would be difficult, because the system has run over a period of time, and we include those officers in our overall officer figures. However, not all those officers are funded directly by Scottish Government grants; there is also local authority funding. That creates a bit of vulnerability because, when local authorities are under pressure, they might seek to withdraw funding. Not all local authorities have done so; thankfully, a number of them have continued to support us.

**Rona Mackay:** Following the change in VAT policy, will the additional money go to the capital or revenue budgets, or will it go towards helping

with the fleet management problem? I know that you will not have any difficulty in spending the money, but what plans do you have for it?

**Chief Constable Livingstone:** The money has been mainstreamed into our revenue allocation, for which we were grateful. Prior to that, we were recompensed for the VAT that we could not recover through what was called the reform budget. I have been asked what I did with the reform money that I was given, which is a good question. I hope that I have outlined what was done with it but, if I have not, I can provide the sub-committee with further information. The truth is that an awful lot of the money in the early years went to paying the VAT, so the Scottish Government gave us reform money, which was also used for a voluntary redundancy and early retirement system for people who left the organisation. With the benefit of hindsight, I think that we did not use the money as wisely or as shrewdly as we could have done if we had invested in some of the change programmes that are now overdue.

The money from the change to VAT policy is mainstreamed into our core budget. Recognising the pressure on the public purse, I am very grateful that real-terms protection is built into the police budget, but it is important for everyone to recognise that the real-terms protection kicked in at the end of 2015-16, after which we had already taken out about £200 million in real terms from the cost of policing. Therefore, the cost of policing, in real terms, before the creation of the single service was £200 million more than it is now—that is the cost of more than three of the legacy forces.

I am really grateful for the real-terms protection, but I make a plea that people recognise that, through the structure of reform, the police service has been able to save a significant amount of money for the public purse. Not all reform programmes are able to make such savings. It was difficult and we did not get everything right in the process. I absolutely accept that we did not always take our people with us, that people were disorientated and that partners, communities and others were, at times, frustrated with some of the changes that were implemented. However, it is really important to recognise that policing has made significant savings that would not be back in the public purse had we not created the single service.

14:00

**Rona Mackay:** Have you or the SPA had any discussions with the UK Government about the back payment or are you leaving that to the politicians?

**Chief Constable Livingstone:** I have not. As I said in response to an earlier question, the only time that I would speak to UK ministers would be in relation to reserved matters; I am thinking of operational priorities such as counterterrorism or national security. When it comes to funding arrangements, the complexity of the matter and the constitutional ins and outs of it, for want of a better phrase, are such that I think that it is best left to the politicians and the SPA to represent the interests of policing.

**The Convener:** Daniel Johnson has a brief supplementary.

**Daniel Johnson:** You mentioned your involvement with the UK on counterterrorism. A few days ago, there was a press report that said that there had been discussions about changing Police Scotland's involvement in the counterterrorism network. Could you provide an insight into your thoughts or plans in that regard? You also have the opportunity to deny that report.

**Chief Constable Livingstone:** I am grateful for the question, because it gives me the opportunity to clarify that the Police Service of Scotland has absolutely no intention of stepping away from the UK counterterrorism network. I was totally unaware of any such thoughts or observations.

I do not discourage officers, functional heads and managers from thinking about options when they face challenges—as I said earlier, we need to be as creative and open-minded as we can be. However, ultimately, it would be for me to make any such decision, and I am extremely reluctant to move away from the counterterrorism network because, in my judgment, the best way to protect the people and communities of Scotland is for Scotland to be part of it. If—God forbid—we are ever the subject of a terrorist attack, we will benefit from that network and structure.

We participate in the network and we work to common standards of interoperability, intelligence sharing and operational practice. That allowed us, when Manchester was attacked, to immediately send more than 50 detectives to assist in the short term. We also send armed response vehicles to assist our colleagues in the short term, safe in the knowledge that, if there were ever a similar attack here, we would get the benefit of such resources. I have no intention of stepping away from the UK counterterrorism network, and any such decision would be for me and no one else.

**Daniel Johnson:** That is good to hear.

**The Convener:** We intend to conclude the meeting at about quarter past 2 and we have a number of questions still to get through.

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I am looking for short answers on

three separate subjects, but before I ask my questions, I have an observation to make. I started my IT career in the 1960s and spent 30 years in the industry, and I will continue to believe that there is still a place for paper and pencil. I hope that there is not a headlong rush to automate everything until the technology is mature.

You talked about the diversity of the IT systems. I understand that point. You also referred to the existence of diverse HR systems—IT was part of that, but process was part of it, too. Are there other, as yet substantially incomplete, parts of the integration system that should be being reflected in the finance that you get at the moment?

**Chief Constable Livingstone:** Fundamentally, ICT is the biggest challenge. A lot of the operational practice—the response to murders, domestic abuse, rape, terrorism and antisocial behaviour—has been aligned. We have common standards that are implemented with a local flavour, depending on the needs. The biggest challenge is mostly to do with the complexity of getting a consistent framework and a consistent ICT product for the challenges in each of the different areas, whether it is crime, missing persons or the handling of productions and property.

**Stewart Stevenson:** That is clear. That is all part of the reform and change, but I imagine that, even when you have completed that work, reform will be a continuous part of the process. Will you say a little about what you are doing on that and, since we are talking about budgets, whether you have adequate financial support to continue to improve the performance and operational efficiency?

**Chief Constable Livingstone:** In my judgment, the quality of policing in Scotland is extremely high. We have just finished a Christmas and new year period in which I did not have to account for great difficulties at the public events that we had, whether it was football matches or Hogmanay celebrations. We did not have challenging outbreaks of crime in particular communities, unsolved homicides or a poor police response to difficult issues. The level of operational response of our men and women across Scotland is extremely high.

I absolutely agree that simply introducing ICT systems, although vital, will not in itself make the change. The biggest challenge is building a common culture and shared set of values. In policing in Scotland, we benefit from the fact that we all trained at the Scottish Police College at Tulliallan but, inevitably, in eight legacy forces being brought together, people have come with their own backgrounds and proud traditions, as is right and proper. In the early years of the single service—I was there and part of it—we prioritised

consistency, conformity and standardisation. We needed to do that so that everybody had common standards, on issues such as what we expect will happen with victims of domestic abuse or with perpetrators of domestic abuse, in terms of bail visits and other investigatory measures.

Now that we have established that framework of common standards and high quality, my priority, which I am absolutely committed to, is to allow much greater autonomy at local level, within that framework. Local commanders and local officers know their communities best and they know their partners, whether they are in health, social work, the third sector or community groups. It is about allowing them to police in their areas and exercise the discretion that comes with the office of constable, but within the existing framework. In some ways, the reform is about using the great benefits that we have from the single service but ensuring that the service is more agile and flexible and more tailored to local needs. That is a significant challenge.

**Stewart Stevenson:** You have talked about local innovation—or that is the label that I might use. Given that that local innovation will have value in local communities, how is it being reflected in and transferred to other domains in the police service where it might be of value? Do you have a distinct formal process for doing that?

**Chief Constable Livingstone:** Absolutely. We have strengthened the senior leadership team in Police Scotland. The early part of 2019 feels very different from where we were this time last year, when there was a lack of resilience and we had stress and strain in the leadership team. We have recruited a number of high-value individuals. Fiona Taylor has returned to Scotland and Will Kerr has joined from the National Crime Agency, having served in Northern Ireland for many years. He is now leading a structured and disciplined approach to do exactly what you outlined: to ensure that local initiatives and local best practice are identified and then to ensure not that those are simply imposed somewhere else—by definition, they might not necessarily work elsewhere—but that the principles and tactics, if appropriate, are widely known. That is being done in a disciplined manner.

Again, it is about the relationship between having an overview and oversight of the country as a whole and allowing best practice to flourish. At the public meeting of the Police Authority in Kilmarnock yesterday, a lot was said about the work that the local division there is doing on trauma-informed policing and ensuring that local officers and staff have awareness of adverse childhood experiences in their work. We will take the learning from that. We will not simply impose it

everywhere; we will see how other divisions and communities can benefit.

**Stewart Stevenson:** In the 30 seconds that the convener suggests that I have remaining, I have one more question. You used the word “agile”. Are you specifically looking at agile project management techniques? Projects are inputs, outputs and time, and, if you can squeeze the time, you get the benefit faster and you spend less money. Are you deliberately looking at processes and to do smaller projects more often in order to get benefit streams running faster, or at other approaches that relate to agile project management?

**Chief Constable Livingstone:** That is a very good question.

**Stewart Stevenson:** You might wish to write to us if you have a very long answer.

**Chief Constable Livingstone:** I will do, and I will briefly say something that relates to an earlier question. We had a plan for our digital investment and, given our capital allowance, we need to readjust that. Part of that assessment is about achievability so, if we can achieve something quickly, we should do that, as opposed to doing a more complex project or programme that might take more time. I am grateful for all the assistance and advice that is available.

**Liam McArthur:** We talked earlier about police numbers and some of the changes in relation to pay, conditions and pensions. In response to Stewart Stevenson, you talked about the importance of training and reaching certain standards.

We have had exchanges in and outwith the sub-committee about the issue of officer and staff wellbeing. It has been accepted that, in the recent past, some of the work on and investment in training and continuous professional development, particularly for those who move into senior management roles or roles with a greater degree of responsibility, has not been done or made. People have perhaps been put into roles on a temporary basis and have almost been expected to learn on the job.

Is there anything that you can point to in the past 12 months that suggests that some of that is being addressed? More important, what are the intentions over the next three to five years to ensure that the shortcoming with regard to officer and staff wellbeing is addressed?

**Chief Constable Livingstone:** I identify with the summary that you provided as part of your question. I have said that here and in other quarters, and it is why people are a priority for me and the organisation. People, ICT investment and greater flexibility in the local profile of policing are

the three principles that I have overtly stated and will take forward in my role as chief constable.

Over the past year, we have done a significant amount of work on that, starting with wellbeing. I have led our wellbeing work over the past two years. We have a network of wellbeing champions. They are not distant figures in departmental offices; they are all well-respected individuals in teams and operational units. They are there to signpost people to employee assistance programmes, whether they are in relation to financial pressure, mental health issues, fitness issues or whatever. We have taken significant steps in our commitment to that in terms of practical support and I have a personal commitment to wellbeing. However, I accept that that work started from a low base and there is more to be done.

More formally, we have revised our leadership programme and we now have a senior leaders programme, which a number of our senior officers at superintendent and chief superintendent rank have undertaken, and an emergent leaders programme for newly promoted inspectors. We are revising our first line managers course, which, in old money, is the sergeants course but also includes support staff members who provide that function. We are entirely revising our approach to officer assessment, appraisal and promotion.

An awful lot of work is being done in that area and I am really committed to it. You gave a summary about our underinvestment around that in the early years; I feel that closely because, as a younger officer coming through, I benefited from a lot of inputs, training and opportunities that some officers do not get now. We need to get that back on its feet in the short term, and we have begun to do that. I am happy to provide further details.

**Liam McArthur:** That is encouraging, but having a process in place is just one aspect. In earlier exchanges, you talked about the pressure that officers are under for various reasons. In those circumstances, postponing or delaying further training, or whatever, is often the easiest thing to do. What safeguards are you putting in place to ensure that that does not happen and that the training, however difficult it is to accommodate with other responsibilities and the demands on individuals' time, takes place in a timely fashion?

**Chief Constable Livingstone:** It is given straightforward priority. In our language, it is a duty parade—it is not optional. That priority means that local commanders and officers know that it is not a matter of their feeling guilty about going away on a training course for a week when they know that their team is busy, because they understand that they need to make that investment. They understand that that is what the organisation wants, and that if additional support is needed to



allow officers to take the training, the organisation will make sure that that support is in place; that is what it will do.

**The Convener:** There are no further questions. I thank the chief constable for his frankness. We have regular contact with Police Scotland and get updated information from it. I am sure that that will continue. Thank you very much for your attendance here today.

14:15

*Meeting continued in private until 14:18.*



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.

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