



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 30 May 2019

Session 5



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Thursday 30 May 2019

CONTENTS

	Col.
DECISION ON TAKING BUSINESS IN PRIVATE	1
POLICE CAPITAL RESOURCES (SCOTTISH GOVERNMENT BUDGET 2019-20)	2

JUSTICE SUB-COMMITTEE ON POLICING

5th 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:

David Malcolm (Unison Scotland)

Chief Superintendent Ivor Marshall (Association of Scottish Police Superintendents)

Calum Steele (Scottish Police Federation)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 30 May 2019

Decision on Taking Business in Private

The Convener (John Finnie): Feasgar math, a h-uile duine, agus fàilte. Good afternoon, and welcome to the Justice Sub-Committee on Policing's fifth meeting of 2019. We have apologies from Stewart Stevenson.

Our first item of business is to consider whether to take in private agenda item 3, which is on our work programme. Do members agree to take item 3 in private?

Members *indicated agreement.*

Police Capital Resources (Scottish Government Budget 2019-20)

13:00

The Convener: Agenda item 2 is capital resources for Police Scotland in the Scottish Government's 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 Chief Superintendent Ivor Marshall, president of the Association of Scottish Police Superintendents; Calum Steele, general secretary of the Scottish Police Federation; and David Malcolm, police staff Scotland deputy branch secretary with Unison Scotland. You are all very welcome. Thank you for your written submissions, which as always were very helpful. We will move straight to questions, as there is a lot of ground to cover.

Daniel Johnson (Edinburgh Southern) (Lab): Discussion of capital budgets can sometimes be a little confusing. People understand what revenue budgets are spent on, but the impact of capital budgets, or a lack of them, is not immediately obvious. I ask each of the panellists to bring to life their view on the impacts on delivering policing of the current level of capital budget that is being provided to the police.

Calum Steele (Scottish Police Federation): The simple reality is that the lack of capital funding cannot be looked at just in relation to financial year 2019-20; it has to be looked at as part of the general picture of what the police service has gone through since its formation as a single service and, to an extent, what was invested in the police service by the former forces. Ultimately, investment decisions that were made yesterday have an impact on what is available and what is required to be done today.

Undoubtedly, although there is a tendency to concentrate on the big glamorous areas of expenditure, such as information technology—regardless of whether people regard the i6 project as a success or a failure—capital goes much further than that. It goes to the replacement of vehicles and the building of new premises if modernisation is required.

The issue cannot be looked at in isolation, because a modest or derisory capital settlement—or, to paraphrase a colleague of mine, one that equates to hee-haw—has a direct impact on revenue funding as well, because much more of the care and maintenance side of the available funding has to be directed at trying to maintain things that are well past their serviceable best.

The impact of a lack of capital funding—or insufficient capital funding, depending on which political hat you wear or the language that you wish to use—is significant across the totality of the police service, from replacement of uniform to provision of fleet, buildings, estate and other infrastructure. The simple fact is that, through the creation of the Police Service of Scotland, we inherited—I use the royal “we” here—a disparate set of infrastructure arrangements across Scotland, and we require considerable investment to be able to put that right.

Chief Superintendent Ivor Marshall (Association of Scottish Police Superintendents): The impact of capital and revenue is fundamentally about service delivery to the citizens of Scotland. We can always trace it back to that, one way or another. I agree with Mr Steele that the issues of revenue and capital are inextricably linked because of the way that the system operates in terms of accountancy and the allocations of capital funding vis-à-vis revenue. In recent months, I have travelled the country speaking to colleagues in command teams, and at times they are frustrated that they do not necessarily have the autonomy or the budget—even the revenue budget—to be able to do small repairs to buildings and so on in order to prevent a big capital spend.

Calum Steele is quite right that we have inherited a legacy of matters that have been left over a long period of time. If buildings are left for a long time, the process is the same as it would be for us all at home. If you do not do small repairs they lead to a big capital project, which is not an effective or efficient way of doing things in the long term.

Capital is usually—and traditionally has been—spent on big information and communications technology projects, estates, fleet and specialist firearms and other equipment. If we do not invest in such things sufficiently in a capital programme over a period of time, that becomes a problem. It is always very difficult when budgets are done yearly, because capital programmes take a long time to scope out, commission, tender and deliver. It also takes a long time to deliver against such programmes. If we do not have sustained investment over that period of time, officers are left working with sub-optimal equipment in sub-optimal conditions, so they are not as productive or effective—ergo, the service to the public is undermined.

Daniel Johnson: Mr Malcolm, do you have anything to add?

David Malcolm (Unison Scotland): I echo the sentiments of my colleagues on the panel. Unison represents police staff. As we said in our submission,

“the question ‘how much does it cost to deliver an effective police service?’”

has never been asked. Instead, we are constantly asking how much money the police service has to run itself and how much we have to spend on projects such as the estate, fleet, management and ICT. We do not feel that those things are funded appropriately to deliver what is needed to service Scotland. Our members, with their officer colleagues, are then left trying their best to make things work. The phrase that is constantly used is that a sticking plaster is put over things so that we can just try to get by.

Daniel Johnson: A number of my colleagues might be interested in going into the specifics on equipment, the estate or ICT, but I want to ask about the understanding of capital budgets in general.

We might see a number against some budget lines but not know whether it is relatively large or small. I believe that the capital budget for the current financial year is 2.9 per cent of the revenue budget. We can compare that with the capital budget for the Scottish Fire and Rescue Service, which equates to 9.9 per cent of its revenue budget. Police Scotland’s capital budget is £1,526 per employee. The Metropolitan Police, which is a force of a comparable size, has a capital budget of £10,857 per employee. Admittedly, it had a capital plan that will see its capital budget reduce in the coming years, but its budget will remain much higher than that in Scotland.

Those are two possible benchmarks. What does the panel think would be a sensible benchmark for us to use to assess the capital budget for Police Scotland? Would it be comparator agencies in Scotland, or comparator police forces? What should we use as a rule of thumb to judge the capital allocation for Police Scotland?

Calum Steele: I will be first to have a pop at that one, if I may, convener. I do not think that we can neatly find a direct comparator for the police service in Scotland, principally because it is a relatively new entity. It does not have an established infrastructure that it created for itself. Arguably, it does not have its buildings and people—although people are a lesser consideration for the purposes of this discussion—where it wants them. It certainly does not have the IT infrastructure that the likes of the Metropolitan Police has had decades to develop and make fit for its own organisational needs.

If, for argument’s sake, we consider that the Metropolitan Police, with its established infrastructure, has a relatively high capital allocation per head, we might think that that is where the police service in Scotland needs to be—

certainly, it should not be starting off at any less than that.

Although comparing the police service with other agencies in Scotland would be unhelpful, the direct comparison with the fire service, as regards the proportionality of the capital allocation, is very interesting. This is not the first year in which this difficulty has happened. Last year—or, if not then, certainly the year before—in pure cash terms the capital allocation for the fire service was twice what was made available to the police service.

I am sure that the fire service put together a very strong and reasoned argument as to why that should be the case, but the simple fact is that those responsible for budget decisions—to some extent, that means every single one of you as parliamentarians—did not seem particularly exercised about the matter at the time, and we found ourselves with less cash for a more complicated service that has more complex capital needs than the fire service. However, the fire service would have presented a similar argument about its having to bring together the disparate arrangements of the former fire and rescue services.

We need something at least comparable to what the Metropolitan Police has, but for that to happen, we have to be given the opportunity to establish the infrastructure that it has developed over decades.

Chief Superintendent Marshall: I concur with Calum Steele that it is not necessarily equitable to benchmark the police service against other public sector agencies or even the private sector in Scotland. The best benchmarks are probably to be found in policing, because of the somewhat unique, complex and complicated work that we do. It is difficult, though, because we need to take into account the fact that ours is a national service that has to deal with huge issues in rural areas that the Metropolitan Police does not have to deal with.

With regard to benchmarking and certain statistics that the service and the Scottish Police Authority have looked at, we know that Police Scotland is at the bottom of the league table for capital expenditure—

Daniel Johnson: Fifth from bottom, I think.

Chief Superintendent Marshall: Given the history of the underinvestment in significant parts of the country prior to and since Police Scotland's inception, which Calum Steele has alluded to, we need to get from the bottom to at least the middle of the table, and that will require significant and sustained capital investment not just over one or two-year programmes but over the next 10 years.

Daniel Johnson: Perhaps I can assist Mr Marshall by pointing out that I have done the

maths and getting us to mid-table would require the budget to be doubled.

Calum Steele: That would bring us to roughly the kind of capital funding that the service itself deemed was required for this year alone.

Daniel Johnson: Do you have a view, Mr Malcolm?

David Malcolm: Again, I concur with my colleagues. I do not think that any other organisation in Scotland can be compared with Police Scotland, given the way in which it is made up of former legacy forces. Its individuality needs to be considered in that respect. I would not be surprised if, in future, forces in England and Wales look north to see how this sort of thing is being done.

The graph that James Gray provided in his report to the Scottish Police Authority shows how low Police Scotland's capital funding is compared with many other police forces across the United Kingdom that do not have the same area or geography to cover, the same staff or the same number of police officers. The Metropolitan Police is probably the fairest and closest comparison, but Police Scotland is looking to develop its own standing as it moves into the future.

Margaret Mitchell (Central Scotland) (Con): In the past, an issue has been raised about the lack or absence of any meaningful engagement with key stakeholders when the SPA and Police Scotland have looked at the capital budget. What kind of input have stakeholders had in the recent round of discussions on the funding required for an effective force?

Calum Steele: The direct answer to that question is none, although I need to apply a caveat to that response. I can speak only for my organisation, but as far as awareness raising and briefings are concerned, there is now much more engagement between the SPF and those responsible for the service's finances. However, when it comes to actual decision making about what the money will be spent on, there is nothing.

One might argue that that is a moot point. After all, when you have nothing or near to nothing to spend, getting lots of people around the table to argue about how that nothing should be distributed is perhaps not particularly helpful—not least when we would expect those in very senior positions to have more than a fair idea about the absolute priorities for spending the tiny amount of capital funding that is available to them.

13:15

I know that this has been a thorny issue for the sub-committee for about four or five years, and I would have hoped that we would have at least

addressed the fact that I come to you every year and give the same answer, although my answer this year comes with the caveat that the engagement on general money issues is much better than it has been. That is a good thing—there has been some progress.

I think that we have genuinely meaningful views about what should be priorities for the police. However, I think that the service and the authority are missing a trick by constantly keeping us at arm's length in that regard.

Margaret Mitchell: Their approach is counter to what the Parliament is doing. We now have pre-budget talks because we recognise that commenting after the budget has been set is not the most effective way of doing things. In those talks, we say what the priorities should be—we do not necessarily talk about what budget is available for things, but we talk about needs to be done. It seems to me that that is what you are talking about. You are concerned with what is required, not what you think that you have got. Until you have those meaningful talks, the situation will not move on.

Do the other members of the panel have a view?

Chief Superintendent Marshall: Again, I am in agreement with Mr Steele's position. We are engaged in a much more open and transparent exchange of information with the service and the authority with regard to the budget and how it is spent. We receive briefings. The most recent detailed briefing was a couple of months ago. It was given to us by Deputy Chief Officer David Page and concerned the priorities that the service's executive and the SPA had decided for the capital allocation and how it was going to be spent. We were made aware of the situation, but we were not made a part of any pre-budget decisions or decision-making processes.

The point that Calum Steele made—that many heads can be better than one—is valid. The viewpoints that we can collectively put forward on behalf of officers and staff might help to inform decisions about priorities and where the money might be spent.

In fairness to the service and the SPA, they seem to be focusing the money that they have primarily on essential requirements around health and safety and the prioritisation of the ICT programme, although that is only part of what was hoped for, in terms of the settlement.

David Malcolm: There is absolutely no pre-engagement on the setting of the budgets. We learn about how money will be spent from briefings. Normally, someone comes along to a negotiating meeting to tell us; sometimes, we are invited to a meeting to find out about the budget

beforehand. Often, we are dismayed at the decisions that have been made without our having been given the opportunity to influence the situation or make suggestions on behalf of our staff. I agree with what my colleagues have said.

Margaret Mitchell: The approach involving pre-budget talks has been effective in the Parliament with regard to the committee following up issues and making certain requests for funding to be allocated to things that would not otherwise have been given funding—the Crown Office and Procurator Fiscal Service is a case in point in that regard.

I hope that Police Scotland and the SPA are listening to what we are saying about what has proven to be an effective way of deciding what is required to deliver an effective workforce. It would be good if they adopted that approach.

Calum Steele: I completely agree. Although it is always dangerous to try to second guess what the service and the authority will say, I will take a punt at it on this occasion, because I know that they will come before you at a future meeting. I suspect that they will rely heavily on the fact that the policing 2026 strategy was consulted on, and that was as wide as the Clyde, to use a localism. They may say that the various organisations—the ASPS, Unison and the SPF—were given the opportunity to comment on the strategy, and that that is where they draw their priorities from. However, if that is the position that they take, I think that that is a cheap and narrow perspective.

Margaret Mitchell: We have got it well covered now, Mr Steele.

The Convener: I would like to hear the panel's views on the opportunities that exist to have some revenue spend that would offset the potential for capital spend with regard to the role of inspections and any maintenance regime that may be in place.

We are well aware of the work on workplace inspections that the staff association has done in recent times. Where does that work sit with what Police Scotland, as the employer, should have been doing with the premises? Is there a maintenance regime? Clearly, it is better to sort something than to buy a new one.

Chief Superintendent Marshall: I think that it was me who raised that point in the evidence. The issue is that revenue spend and capital spend cannot be seen as separate; they are inextricably linked.

Speaking to my colleagues and commanders around the country, my experience is that, in previous times, there was an element of local control at command level. Revenue flexibility meant that they were able to do relatively small repairs and to prioritise that work locally. That

process has now been centralised. Because of the pressures on the revenue budget that have been debated long and hard at this committee and in other places over the past five or six years, that flexibility is no longer there. There have been inspections and there have been attempts to make the work happen, but my colleagues submit work requests into the centre and, compared with other requests, tiles falling off a wall in a station do not hit the top line of a priorities list.

The force has been working on a more stable revenue position. If there was sufficient allocation, some of that would stave off the big capital issues that start to materialise.

There is a significant health and safety element to all of this. As commanders, my colleagues understand their personal and professional responsibilities in that regard. They are keen to continue to work with colleagues, particularly in the SPF, who have health and safety expertise and carry out station inspections. The intention and the methodology around that is to have a collective view on what the issues are and where the risks lie, to get them prioritised and presented in a suitable fashion, and to work with the service and the SPA to have them addressed. Health and safety responsibilities come first and foremost.

The Convener: We are here to discuss the capital and I took us on to revenue, but there is a link. Will Calum Steele comment on that, with regard to the recent publicity about some stations? Are workplace inspections done on behalf of other trade unions, such as Unison?

Calum Steele: I prefer to leave Unison to speak for itself. In the early days, as far as was humanly possible, we undertook joint inspections, not just with the service but with other staff associations.

It is important to highlight that the obligation to inspect the premises sits with the employer and the Scottish Police Authority. We are given repeated assurances that those inspections take place on at least a six-monthly basis, but what we found in Oban and the L division did not develop in six months. There are obvious questions about what they are doing with the results of those inspections.

Unfortunately, I was not able to attend the last meeting of the Scottish Police Authority but I understand that the live stream went down at a particularly unfortunate time, when the issue of L division was being discussed. I will say no more about that, other than that it was unfortunate. From those who were in attendance, my understanding is that, during the update that was given at the meeting, the service indicated that there was nothing that had been identified in the SPF deep dive in L division that it had not been aware of. In itself, that is frightening. That links

back to the issue of revenue and capital spending. The service was aware of the issue and appeared not to have done anything about it until it was shamed into doing so by a significant publication that we made available, principally for the benefit of our members but also for parliamentarians. Suddenly, money was made available.

To some extent, that goes back to the heart of the issues that Chief Superintendent Marshall highlighted. As I understand it, there is no allocation to divisional commanders for care and maintenance. That seems idiotic. The fact that, on the back of publicity, the authority and the service were suddenly able to find a sum of money and, more important, an initiative to try and fix the problem—we take a different view on whether or not they fixed it—suggests that they are perhaps not open and honest about the extent to which they could be doing more care and maintenance.

The Convener: If the issue was known about, who knew about it and how was it recorded? If such matters are now dealt with centrally when, historically, they were dealt with more locally, is there a maintenance regime and a register of defects?

Calum Steele: I am sure that you appreciate that that is a question that would best be answered by the authority. It will not be lost on you that we will be raising such questions in our subsequent full report, which will be completed in the near future.

David Malcolm: When there is an operational or reputational risk, it appears that Police Scotland is always able to fix things, but there does not appear to be a clear regime for the maintenance to get done. If there was, we would not be facing some of the situations that were highlighted by the federation in the press.

The SPA and Police Scotland inherited the properties in question from the legacy forces. That takes us back to what Mr Steele said at the outset—if the problems were not addressed before those forces were brought into Police Scotland, they will continue to exist. If capital spending to push forward with maintenance is not prioritised, such problems will continue to appear.

Liam McArthur (Orkney Islands) (LD): I will follow up on that line of questioning before I ask the question that I intended to ask.

I and a number of colleagues raised this issue with the cabinet secretary at the time of the reports. The assurance that was given was along the lines that Mr Steele suggested—that the concerns that had been raised were being dealt with and a fix was being put in place—but that begged the question whether that had triggered in Police Scotland, under the auspices of the SPA, a look across the estate to see where further issues

of that kind had arisen. I take it from what you are saying that that has not taken place.

Calum Steele: It is my belief that individual commanders, on the back of the L division report, have undertaken the same kind of scrutiny of the buildings for which they have responsibility in name.

To some extent, we are going down a blind alley if we think that this is the service's problem. The issue is undoubtedly that the service is not provided with sufficient money. That does not start with the SPA, but the SPA should be the body that makes a noise about it. It is for that reason that I pointedly suggested in my submission on behalf of the SPF that I believe that the SPA is not discharging its statutory functions. It is very clear under section 2(3) of the Police and Fire Reform (Scotland) Act 2012 that the authority must carry out its functions in a way that is, among other things, "transparent". Given that the authority—through the people who work for it or through the service—is aware of the scale of the problem, the issue should be being discussed in a very public forum and very public correspondence should be being shared with ministers to make sure that the situation is addressed.

We would not tolerate our teachers or our nurses working in such conditions, and it is clear that we are not prepared to tolerate our firefighters working in such conditions because, two years ago, the Scottish Fire and Rescue Service was provided with a capital settlement that, in cash terms, was twice that of the police service. When it comes to the police service, there is a willingness to rubber ear the concerns of those who deliver the service about the conditions that they are working in, which, in some areas, are a complete and utter embarrassment.

Before the meeting, I shared a link to another series of pictures that were taken in the past few days and weeks that illustrate some of the issues that are faced across the totality of the police estate. Frankly, I think that it is unfair to point the finger of blame at the service when the authority is not making the case for more funding for policing.

Liam McArthur: You referred to the concerns being rubber eared. The accusation was explicitly made that the SPA was downplaying the impact of the shortfall in the capital allocations on the delivery of policing. Would you be prepared to confirm that? Could you expand on that?

13:30

Calum Steele: Absolutely. Those are always matters of judgment or interpretation, but I encourage all of you—although I appreciate that you probably have many better things to do of an evening—to watch the meeting that was streamed

live at the tail end of March when the budget was being presented and to listen to the level and depth of discussion that took place on the allocation. The paper that the service presented could have been stronger in its own right, but the interest in the challenge of what the capital allocation for the service meant was pretty much non-existent.

I strongly believe that the SPA and, possibly more so, its chair are, for reasons that I genuinely cannot understand, deliberately trying to avoid conflict or anything that might appear to criticise the Government for the funding that is made available.

I will give another example. We had a very prestigious panel—if I may use that term generously—at our conference at the tail end of March. At that conference, a person would have struggled to differentiate between the role of the cabinet secretary through the answers that he gave to the questions that delegates from the SPF asked him and the role of the chair of the SPA, who, arguably, presented a much stronger defence of the Government position than was perhaps healthy in the position that she occupies.

Liam McArthur: Do Unison Scotland and the Association of Scottish Police Superintendents share that concern?

David Malcolm: It has always been a frustration for Unison that someone from the SPA or the service does not speak up and say that there is not adequate funding for policing. We have always said that. We said it in our written submission for this session, and we believe it. I share Mr Steele's sentiment that more could be said publicly. We read between the lines when we see the SPA's board meetings. It would be much preferred if someone stood up and said that to the Government.

Liam McArthur: Obviously, the command has a duty of care.

Chief Superintendent Marshall: I agree that, statutorily, the Scottish Police Authority has the role of speaking on behalf of the citizens of Scotland and the service to the Government on funding. All the evidence that I have seen is pretty clear that the capital funding for many issues has been deficient for some time.

Liam McArthur is absolutely right about my members' responsibilities. As I said earlier, they are personally and professionally aware of their responsibilities. Some of them who recently came to their positions were perhaps unaware of them because of a lack of training. We have raised that matter consistently with the service to ensure that officers who hold positions of command and departmental management are aware of their health and safety and other responsibilities. We

are aware that some commanders who have had inspection regimes in place for some time are reinvigorating them. The issue is that the approach is piecemeal—it is not systemically built in. The SPF's recent work has shone a light on that, and there are moves by the service to address that.

Fundamentally, we can have a great system and all the reporting in place, and we can speak the truth to power and say that buildings are falling down and cars in backyards cannot go out but, if there is not funding to repair and replace those things, the issue will not be moved forward.

That takes us back round in a circular argument to the responsibility in the service for taking forward the position on behalf of the people of Scotland resting with the Scottish Police Authority.

The Convener: Mr Steele, you said that you had hoped to resolve some of the communication issues by now. I am sorry, but would you clarify who that would be with? Would it be the SPA?

Calum Steele: You will recall that, under the previous iteration of the authority, I came here two years in succession and advised that there had been no engagement whatsoever. There is no doubt that the new chair of the SPA has changed that. We have absolutely built meetings into the diary to ensure that we catch up on a regular basis. However, the wider engagement has been with the service. We have had direct meetings with the deputy chief officer, who has made us aware of the finance, and with the chief finance officer.

The Convener: Is there a similar situation for APS and Unison?

Chief Superintendent Marshall: Likewise, the lines of communication with DCO Page and the finance officer have allowed for much more openness and transparency in relation to the budget lines, the paperwork and the prioritisation of decision making. In general—when it has not been about specifics—dialogue with the SPA has been through the chair.

David Malcolm: That has been Unison's experience, too. The new chair of the SPA has changed the way in which we engage. We meet in a forum to discuss general issues, as Mr Marshall said, so there have been improvements. We also speak to the finance officers at Police Scotland. Sometimes, we have to request that they come to meet us, but we eventually get the engagement that we are looking for.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Mr Steele said that Police Scotland's case to the SPA for the capital budget could have been stronger. Is there any chance that the SPA does not realise the severity of the estate problems?

Calum Steele: If that is the case, every one of them should resign en masse, because the SPA

must ensure that it is fully aware of what it is responsible for. However, the short answer is that I do not believe that there is a chance that the SPA does not know that.

I am reluctant to get into this matter at the moment—in for a penny, though—but I suspect that the concerns about the communication between Police Scotland and the SPA are not too dissimilar to those that existed in the past about the relationship between the former police boards and the former chief constables. I suspect that Police Scotland says what it wants to say in early iterations of papers that go to the SPA. However, after there have been a number of side meetings, what goes to the SPA will be a watered-down version of what Police Scotland believes is needed to be said publicly. I base that view on nothing more than 26 years of cynicism and knowing exactly how such relationships have worked in the past.

Rona Mackay: We all received the photographs of parts of the estate. The police have a large estate, so how representative are the grim pictures that you sent?

Calum Steele: We must recognise that the police service is not at a standstill position on anything. We have new buildings, relatively modern buildings and, frankly, decrepit buildings. The Paisley office is pretty much held together with black and yellow hazard tape, and the Ayr office was probably carved out of asbestos—that is the general belief, given the amount of asbestos in the building. No money is being spent on maintenance, so even our relatively new buildings are falling into a state of disrepair and looking tired and shabby.

The problem is not only with the physical buildings but with what is contained within them. The link that I posted at lunch time highlights the fairly significant risks and dangers due to the manner in which our buildings are slowly declining. Water is coming in around electricity points and stairwells, and our floors are not being maintained. One of the biggest causes of workplace pay-outs is slips, trips and falls. Such issues place significant additional pressures on our police service, which has very little money.

Although the pictures are illustrative of what we have found in the buildings that we have been in, it would be fair to say that the general maintenance picture across the totality of the estate—with the exception of, to use military parlance, the Gucci buildings: our two flagship premises, arguably, at Gartcosh and Dalmarnock, although a window fell in at Gartcosh in the past few years—is that the buildings are beginning to look tired and shabby. Coverings are coming off walls and floor coverings are wearing away. As I said, the Paisley office, for example, is pasted with so much black and yellow

hazard tape in order to keep the place together that I suspect it comes in by the truck load every month.

Rona Mackay: Thank you. I think that we get the picture.

Mr Marshall, you talked about the health and safety inspection report. When will it be forthcoming? I think that, when we talked about risks in the estate, you said that health and safety officers will produce a report. Is that what you said?

Chief Superintendent Marshall: I believe that a process is being carried out to take a more systemic approach to the matter.

I have been made aware by colleagues that, if they do not already have a regular inspection regime in place—as I said, that might be because they have come to the role only recently and did not understand that that was among the responsibilities—they will amalgamate information on health and safety. Therefore, every commander will have the opportunity to feed into a centralised point about the health and safety function of the service, to highlight what issues should be prioritised across their part of the estate. By their flagging them up, there will be full corporate knowledge of what the issues are, which will extend from water running in from holes in roofs to tiles coming off walls.

Again, the problem is to do with prioritisation, because lots of money can be spent on the things that are most obvious. Although tiles having come off a wall does not sound like very much, if that means that a shower block is out of commission—I am citing a real case—officers and staff do not have anywhere to shower either before or after their shift. There are basic hygiene factors to consider. It can take months of wrangling by the commander or area commander to secure enough funding to make repairs, and they then have to find workmen, who may or may not be vetted, and get them into the building to plaster the wall in order to put the tiles back on. If that takes somewhere between six and nine months overall, that is a significant issue for our officers and staff.

Rona Mackay: I am sorry to press you on the issue, but when will the collective report from area commanders on their buildings be ready? Who will pull that report together?

Chief Superintendent Marshall: That falls within the part of the service that is under Deputy Chief Constable Taylor who has instigated a piece of work to amalgamate that information into something. The timing of the report and what it will look like are matters for the service and the health and safety leads—it will be for them to pull it together and give an accurate picture of the situation. My position is that that should be done

as quickly as possible, but it must also be done honestly and forthrightly. In addition, it must be a full report.

Rona Mackay: When that information comes together, will you update the sub-committee on the results?

Chief Superintendent Marshall: I would be happy to do that, provided that we get sight of that information.

Rona Mackay: Yes, obviously.

The Convener: We may well write to Police Scotland to ensure that you get sight of it. If we did that, that would be very helpful for all concerned.

Liam McArthur: My comment might be slightly provocative. Police Scotland has said that, in the light of the funding settlement and given where we are with capital spend—I think that this is agreed across the board and that even the cabinet secretary, in evidence that he has given, has accepted this fact—the priority is to deliver on health and safety and on statutory requirements. What is the panel's view on the successful achievement of even that bare minimum?

Calum Steele: It is not being achieved. I do not want to make this all about L division, but the simple fact is that we had police officers from that division housed in buildings that did not have houses in multiple occupancy licences. HMOs require additional certification for gas and electrics, but there were no such certificates for those buildings. Those were straightforward breaches of the law.

We know that some of the cell accommodation was not fit for use, because of the actions that were taken on it. We also know that the identified cost of bringing the buildings up to fire and building regulation standards is about £300 million. The fact that the service and the authority know that they have buildings that do not meet the fire and building regulation standards yet continue to operate them clearly shows that they are not meeting the health and safety obligations, regardless of their desire or stated intention to do so.

Liam McArthur: Given the accepted shortfall in the capital allocation, should anything be done differently with the allocation to better achieve at least the bare minimum health and safety standards and the statutory provision that is required?

Calum Steele: That is a difficult equation to balance, given the allocation that we have. There are things that the service does—it is often prompted, but sometimes it is not—to ensure compliance. I will give you an example. Because the vehicles that we have are bought at such a relatively low spec, by the time that we put in the

safety equipment and allow for the weight of the occupants and the equipment that they have to carry with them, they do not meet the expectations of the police service. I know that there was much publicity about that. We therefore highlighted to the service that the use of the vehicles in general activities would result in their being overloaded, and the service, in conjunction with the SPF, put in place mitigation by issuing safety alerts to ensure that, for instance, there would be no more than three occupants in a vehicle at any one time. We also identified that the safety equipment that was used for locus protection on roads did not meet the British standard for reflectivity and size, so that was withdrawn.

13:45

That kind of mitigation happens when the issue is highlighted. However, when the mitigation involves putting down tape on a floor to deal with trip hazards—some floors almost have more trip hazards than we have tape on a roll to deal with them—that takes us only so far. In fact, it starts to present a hazard in itself, as people become blind to hazards of that magnitude.

Liam McArthur: That goes back to the point that colleagues raised earlier about the level of communication that exists beyond an initial conversation around budgetary priorities. There is some value in having a more granular discussion about how such issues are addressed. What you are describing sounds like Police Scotland spending money on things and then having to spend money again, either for mitigation or to replace something that it has purchased that has turned out to be a false economy.

Calum Steele: Indeed, and the replacements tend to be at the lower end in terms of quality, so they tend to have a shorter shelf-life than you might expect. We are hopeful that the replacement vehicles will not have the same weight issues that the current vehicles have, but we will find that out only when they are brought in and tested.

That brings us to a slightly tangential discussion about the knowledge that informs decisions around purchase and procurement. If we have very little resource and we have to stretch it a long way, it is inevitable that the quality of the replacement item will be as poor as, or poorer than, what is being replaced, even if it is newer.

David Malcolm: I speak with only 14 years' worth of cynicism, but I can see that Police Scotland is provided with a budget and then says, "This is all that we have to spend, so what are we able to purchase with it?" I would like the pre-budget engagement to involve the people who are going to be using the equipment. Police Scotland should talk to police officers and staff members. I

was inundated with calls from the mechanics, who were able to tell me about the vehicles not being adequate. They had that knowledge, but I do not know whether that was considered at the procurement level. Engaging with those people might enable the people in charge of procurement to spend the money more effectively.

Liam McArthur: I appreciate that you do not want to dilute the overall argument about the insufficiency of the capital budget but, whatever point we are at, I am sure that we want to ensure that whatever allocation there is is used as efficiently and effectively as possible.

Chief Superintendent Marshall: I speak with 30 years' worth of optimism—maybe that is the difference.

Calum Steele: And with a superintendent's pension behind it all. *[Laughter.]*

Liam McArthur: Do you want the rest of us to leave the room at this stage?

Chief Superintendent Marshall: That pension is, of course, paid for through my contributions.

In all seriousness, there is a point to be made about the fact that our service is a can-do organisation. Sometimes, we are our own worst enemies when it comes to making the most of certain things. However, as everyone else has said, we were not involved in any pre-briefing on the decision making and prioritisation other than through the broad consultation on the priorities for the 2026 strategy.

We were briefed by the service on the difficult position that it found itself in, with a small cake that it had to slice up. As I was not party to those discussions and am not in possession of the full facts about the circumstances, it is not for me to second-guess the decisions that were made in that regard.

As has been articulated, the service has to do certain things such as replace weaponry and other bits and pieces so that we can be operationally competent to deal with certain threats—those are need-to-do things. There is also a long list of health and safety elements going from very high risk to high risk and to normal risk. As Calum Steele alluded, it could take up to £300 million to do all of that, so prioritisation has to be applied. There are still aspirations to do something on ICT so that officers and staff can log in where they are instead of having to travel hundreds of miles to get to a computer where they can do so. Some very basic things—we are not talking about Gucci or some sort of designer approach—are needed to give them the ability to operate and do their job.

The service is not spinning just one plate; it is spinning a number of plates and is trying to do that with a very small cake, as I said. I admire what it is

trying to do, but, fundamentally, more is needed to enable us to do more of those elements. We will not be able to do all of those things unless we have a capital programme that has sufficient funding to allow us to commission all the relevant elements and have those mapped and delivered over a period. We are talking about having a five to 10-year programme just to stabilise the issues around health and safety, estate, fleet and equipment, as well as investing in ICT that enables officers to operate in the 21st century.

Calum Steele: We cannot lose sight of the fact that the capital allocation is not entirely without strings. There are expectations that the service will spend some of it on its DDICT—digital, data and ICT—programme. That goes against the ethos that the Government had when it came to power a significant time ago around the removal of ring fencing. If the service is provided capital funding with strings, although it might come to the same conclusions and determine that those strings are exactly what it will spend the money on, that does not deliver the full flexibility to enable the service to spend the money on its in-year priorities.

Fulton MacGregor (Coatbridge and Chryston) (SNP): You have touched on the subject of my line of questions, which are on ICT. You have started to develop the answer, so I think that I know where this will go. Do you feel that staff have access to ICT that allows them to provide effective and efficient policing? I suspect that the answer to that might not be a simple yes or no. If there are gaps, where are they?

Calum Steele: The answer is a simple no.

Fulton MacGregor: Where are the gaps?

Calum Steele: The gaps are in everything. I suspect that I—like everyone else in the room—have in my pocket something that is more sophisticated and advanced than the basic equipment on which police officers rely. My colleagues in Unison could speak with tremendous knowledge on the frustrations that its members have in maintaining IT infrastructure that is well past its best. Just recently, we moved away from a version of Windows that Microsoft has stopped supporting. In this day and age, it is idiotic that—as Mr Marshall highlighted—officers potentially have to move hundreds of miles to be able to log on to a system because they are programmed to a certain part of the network.

The gaps are wide and varied. The world has changed: we can book a holiday on our phones in nanoseconds, so we should be able to do something similar in respect of checking whether a person is wanted, or in identifying outstanding workload without having to revert to a bit of paper for a reminder. The gaps are so great that it would

be almost impossible to narrate them in the time that is available to us.

Fulton MacGregor: You have articulated pretty well that there are gaps, and you gave a simple answer. What impact has the situation had on officers' ability to provide efficient policing? Obviously, in the sub-committee and in the full Justice Committee, we hear a lot of good reports about police work across a number of areas. How have the gaps, which seem to be striking, impacted on policing overall?

Calum Steele: The gaps compound the sense of frustration. I am not in any way saying that the officers who are out there every day, and those who work the night shift, are doing anything but working as hard as they can to deliver the best possible police service, but they are hindered at almost every turn by the available equipment, facilities and technology.

First, they are lucky to get a vehicle that works so that they can get to the incident, in the first place. Then, because of the pressure of volume of calls—which is not a capital problem, but is a problem nonetheless—they do not spend as much time dealing with complainants and victims as they might wish. Next, because of the unavoidable requirement that they make multiple entries across a variety of systems, they spend time on inefficient bureaucracy, rather than on providing a service to the public. All those things individually would mean that the service that is being delivered is not as efficient, as effective or as professional as it could be.

Also, we cannot ignore the fact that, apart from all those pressures, officers have so little time that many of them are not able to get properly refreshed. Some could not, even if they had the time, because the buildings do not have facilities for them to do so.

I encourage members of the sub-committee who might want to visit a police station to do so not by getting in touch with the divisional commander, but by getting in touch with the SPF. Ask us whether you can come and have a look at a police station and speak to officers. I suspect that Unison would say exactly the same thing. Come and speak to our officers—come and speak to our staff directly. Do not go and listen to the hand-picked Harrys who will almost certainly be rounded up to tell you how glorious things are, when the reality is somewhat different.

Fulton MacGregor: Thank you for that robust response.

Do any of the other panel members want to come in? As a non-police person—I think that only our convener has experience of working in the police—I am hearing that the technology is not really suitable, or up to date. I want to hear a real-

life example of how that has impacted on police work, which is done in the public interest. Does Chief Superintendent Marshall want to give an example?

Chief Superintendent Marshall: First, I will talk about effectiveness and efficiency. I think that Police Scotland is effective. If we look at performance indicators and—which are more significant—at what the public say in surveys and the data on interactions, all the statistics suggest that policing in Scotland is among the best in the UK and in Europe, and maybe even globally. Fundamentally, policing is a human endeavour: it involves the men and women of Police Scotland interacting with the citizens of Scotland and the people who visit Scotland, and it is done to a very high standard.

Efficiency is different from effectiveness; it is about how productive the officers can be. ICT, the working environment that they are in, the vehicles that they use and the equipment that they have are all enablers in relation to how productive they can be at work. We have alluded to the fact that, with proper investment, better equipment and safer environments to work in, officers could be even more effective than they are.

However, I do not want you to fall into the trap of thinking that the Police Service is going to hell in a handcart. It is not. It is built on the endeavours, the motivation and the hard work of the men and women of the service. I want to make that clear.

Fulton McGregor asked about specifics; I might be a bit far removed from it, but if people are having to queue up at the end of their shift to get on to a computer so that they can download stuff or input material, as opposed to their being able to do that effectively during the course of their shift using mobile data and so on, there is something not right about bandwidth or the equipment, and how up to date it is. People could be much more productive and effective if those issues were fixed.

Fulton MacGregor: I realise that we are quite short of time, convener, so rather than taking up any more time, I will just make a final comment. I think that Chief Superintendent Marshall has summed up the situation well. In the answers that are being given, there are two almost opposing views. We are hearing a lot about how we have a very effective police service, which is doing a lot right, as came through in the inquiry that our mother committee, the Justice Committee, recently undertook, but that there are issues with ICT.

14:00

Daniel Johnson: I will try to keep my question brief, although I think that it is on an important issue. The fact that the service now has an ICT

strategy is a big step forward, but only £24.5 million has been allocated to IT transformation. With that amount, it will take about 10 years to achieve the transformation. Is that the right programme? Is the pace even vaguely adequate?

Among the things that are not being funded this year are the national cybercrime infrastructure, the general data protection regulation, the digital evidence platform and the custody and productions remodelling, which seem to be pretty important investments. What is your view on the generality of the programme and on those specific items?

David Malcolm: We live in a society in which it is commonplace for people to renew their phone annually. As you pointed out, we have an ICT strategy that could take more than 10 years to implement, by which time it will be out of date. I have people who are using computers that have probably not been replaced for seven or eight years, or who are working on old versions of Windows because licences need to be purchased or the software that runs on the existing platform needs to be updated so that it will work on the newer platform. Money might not be available for that.

The concern is that, without funding to bring in the strategy properly and efficiently, when we get to the end of the 10-year period, the system will already be out of date and we will be in the same position again. It will come as no surprise to anyone that criminals have no such concerns about updating their IT technology, and are well ahead of the police on that front. Although our staff and officers are definitely delivering an effective service that we are all supportive of, we could be much more efficient and could have greater capacity if we had a much better system behind us.

Calum Steele: I completely agree with that. The reality is that, given the speed with which technology develops, it is more likely than not that much of what will be purchased in year 1 will be out of date not by year 10, but by year 5 or 6. It is arguable that it would, at that point, be a greater priority to re-invest in infrastructure than to continue to upgrade to get to the programme end point.

Daniel Johnson mentioned the custody and productions system, on which the evidence chain is highly reliant. The safe, secure and effective tracing of productions is important not just for the criminal justice system, but for the job security of the people who are charged with making sure that nothing goes missing. Such tasks are invariably made much more difficult without the technology that enables them to be carried out. This building is but a few short miles away from a company—Amazon—that is one of the most advanced in the

world when it comes to logistics. It can track and move stuff in the blink of an eye: we should be able to do something similar, but we are hugely inefficient in that area. There is a particularly big risk as far as productions are concerned.

Chief Superintendent Marshall: We welcome the fact that an ICT strategy is in place, but 10 years is far too long a period over which to deliver it, given the pace of change. The expectation is exponential and keeps on growing.

I come back to the point that we need a programme that encapsulates ICT, estates and all the other issues that have been mentioned, so that we can map things out and phase the funding. When the public sector budget is under strain, it is unrealistic to secure £300 million up front to deliver such things, but it might be possible to provide £50 million a year for six years, which could be monitored. We need to take that type of approach.

We do not know what the future holds in many areas, but we know that technology is changing. We know that there will be demands with regard to green elements for cars, buildings and so on. If the Police Service of Scotland was forced in the future to migrate to use of hybrid or electric cars because of legislative change, the cost would be significant. We need to future proof the service by building in consideration of where the service will be in the next five to 10 years. We need to have a mindset that looks beyond the crises in which we find ourselves when it comes to buildings and cars, so that we can build a stable platform for continuing to invest in the service.

The Convener: I thank the witnesses for coming to give evidence.

I have not heard anyone say anything other than that the officers and staff of Police Scotland are—as Fulton MacGregor said—doing a very fine job, notwithstanding the challenges that exist. I assure the witnesses that we will follow up on the issue with the Cabinet Secretary for Justice, and that we will put robust questions to him. Although I cannot speak for the cabinet secretary, I know that meetings such as today's and our discussions with him will help him with his discussions with colleagues on future budgets. I hope that we see some change in that regard.

14:06

Meeting continued in private until 14:22.

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