



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 12 September 2019

Session 5



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JUSTICE SUB-COMMITTEE ON POLICING

7th Meeting 2019, Session 5

CONVENER

*John Finnie (Highlands and Islands) (Green)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

James Gray

David Page (Police Scotland)

Elaine Wilkinson (Scottish Police Authority)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 12 September 2019

[The Convener opened the meeting at 13:02]

Pre-budget Scrutiny 2020-21

The Convener (John Finnie): Feasgar math, a h-uile duine, agus fàilte. Good afternoon, everyone, and welcome to the seventh meeting in 2019 of the Justice Sub-Committee on Policing. We have received no apologies.

Before we begin, I record our thanks to Daniel Johnson and Stewart Stevenson for their work as members, and I wish them well in their future roles. The committee will be joined by Liam McArthur, who is presently engaged on another matter.

Before we move on to business, I will raise an issue that I would like Police Scotland to respond to positively. This will not come as news to Mr Page. As committee convener, I wrote to Police Scotland on 29 July requesting details of the plans that Police Scotland has in place to introduce use of facial recognition technology, including details of any trials that have taken place or that are planned. Suffice it to say that we do not have that information. I have a list here that I will not trouble to read out, but you will be aware of it. Can I ask you, Mr Page, as the most senior person from Police Scotland present, to ensure that that information is provided to the committee clerks by close of business tonight?

David Page (Police Scotland): Yes. I apologise. My colleagues are working on that and we will endeavour to get it to the committee by close of play today.

The Convener: Many thanks.

We have a series of questions for the panel. I will start with a question for Ms Wilkinson. Could you explain the rationale and decision-making process surrounding the introduction of interim arrangements for the post of accountable officer?

Elaine Wilkinson (Scottish Police Authority): Back in May, the chief executive, who was also the accountable officer in the Scottish Police Authority, went on sick leave. The arrangement with the Scottish Government is that if, after four weeks, the post is not substantively filled, temporary arrangements are put in place. The temporary arrangement was that Mr Gray would take on that temporary role as accountable officer.

It was checked that there would be no conflict of interests between his role as chief financial officer in Police Scotland and his taking on this role on a purely temporary basis.

The Convener: I should say at the outset that this is about process, not about individuals and Mr Gray.

Can the SPA confirm the specific duties that attach to the interim role? You said that there was no conflict of interests, but is there a possibility that an outsider might see a conflict of interests when one and the same person is in the oversight body and the body that is being overseen?

Elaine Wilkinson: In Mr Gray's role as chief financial officer, there is a dotted line to the chief executive accountable officer post in the SPA. In his chief financial officer role, Mr Gray has oversight of the SPA's and Police Scotland's financial arrangements.

The Convener: Thank you.

Margaret Mitchell (Central Scotland) (Con): Can you explain the rationale behind the joint submission from the SPA and Police Scotland, given that the SPA has a distinct role in the oversight of Police Scotland?

Elaine Wilkinson: The SPA works closely with Police Scotland, and the bulk of the £1.1 billion budget goes to Police Scotland. With the SPA having oversight of Police Scotland, forensic services and the SPA itself, it is important that there is full understanding right across functions, which is fully supported by James Gray. We are clear, and Police Scotland is clear, about the requirements for capital for Police Scotland. It made sense to make a joint submission because there is no difference between our positions on the requirements.

Margaret Mitchell: When we talk about a Police Scotland submission, who are we talking about? Are we talking about the views of the whole force?

David Page: We do a lot of internal planning around our capital requirements. We have a process that runs throughout the entire year to gather information and data.

We built a draft submission internally and agreed it with the chief constable. We then put the submission to the SPA to review and make any amendments from its perspective. The submission then came back to us to ensure that we were comfortable that the joint submission still reflected the views of Police Scotland, which it did, so we submitted it.

Margaret Mitchell: I note that you mentioned the chief constable. I ask you to reflect on the wisdom of having made a joint submission. The sub-committee heard that although the

communication between the unions, the senior force and the SPA has improved, the SPA needs to make a more robust case to the Scottish Government for the funds that Police Scotland needs, if it is to improve its information and communication technology and to deal with major backlogs of maintenance, replacement of buildings and equipment.

The perception is, therefore, that you have gone to the chief constable to get his views, but the Scottish Police Federation and the unions have not been engaged in the conversation and their views have not been taken into account. Before we start, we are casting some doubt on just how good this joint submission is.

David Page: I fully understand the concerns of the SPF and the Association of Scottish Police Superintendents and others, that Police Scotland's views are being diluted in some way through the SPA. That is why the chief constable signs off to show that he is comfortable with what goes through. We have been clear that although the initial draft submission goes through the SPA, we have final sign-off after it has been through the SPA to make sure that it still reflects Police Scotland's view as expressed by the chief constable, me and Mr Gray.

We have considerably improved our engagement with the Scottish Police Federation, the Association of Scottish Police Superintendents, Unison and Unite, as was reflected in their evidence to the committee on 30 May. We had a pre-budget submission meeting with the federation and staff representatives on, I think, 20 February, at which we asked them for their input on the draft budget that we had formulated. Only after that meeting did we submit a draft budget to the SPA.

For the coming year, we have invited those bodies to our capital investment group, which is the planning group at which we take bids from all parts of Police Scotland and collate them into what is, in effect, a wish list. We did that last year, when we had a £99 million ask from Police Scotland. The issue that the federation, ASPS and the unions were most concerned about was not how much we needed or what Police Scotland had asked for, but the allocation that we got. We asked for £99 million but got considerably less, so the issue was prioritisation of the funds. This time, therefore, we have invited those organisations to the capital investment group, which is where we discuss that. We see what the business areas ask for, then the capital investment group looks at the operational priorities. The federation, ASPS and the unions being part of that discussion is a further step towards improving their engagement in, and their input to, shaping prioritisation.

Margaret Mitchell: There is still a perception that the SPA is not making a robust case about the lack of resources in the areas that I mentioned, which police officers tell us about daily.

Elaine Wilkinson: I will add to what Mr Page said. Significant progress has been made this year in our approach to putting together the budget ask. At the start of this calendar year, which was in advance of the 2019-20 budget being set, a proactive approach was taken with the SPA and Police Scotland in order to develop a strong evidence base. A number of supporting strategies are now in place. There are strategies on estates and the fleet, as well as on the digital, data and information and communication technology strategy, which the sub-committee has discussed previously.

Also, Mr Gray has built up a strong and competent finance function, which supports the work on our requirements going into the next spending review and budget allocation. That work has been on-going since January or February this year right through to now. The matter has been considered at the SPA's resources committee on a number of occasions, and there has been significant engagement with the Scottish Government. That engagement has included the chair and the chief constable, along with Mr Gray, meeting the Cabinet Secretary for Justice and the Cabinet Secretary for Finance, Economy and Fair Work.

A lot of proactive work has been done this year, whereas in previous years there was a reactive approach to requests from Police Scotland and its requirements. This year, we have set out clearly what our requirements are. The views of the federation and the unions are absolutely taken on board, along with a broad range of other views, to inform the evidence base. We now have strong strategies on estates and DDICT.

Margaret Mitchell: It is clear from the joint submission that the capital requirements that have been identified are far in excess of the capital funding that is available. What discussions have taken place with the Scottish Government regarding the capital allocation that was received last year?

13:15

James Gray: We are in regular contact with our sponsor body, which is the police division, on the requirements. We do that as a matter of course, each and every year. In addition, as Ms Wilkinson said, we had a session with the finance secretary and the justice secretary, at which the information—the capital ask that is in the joint submission to the sub-committee—was shared with them, so they are aware of it.

With regard to conversations about this year's capital allocation, all that we can do is show the areas that are not getting the investment that is required in order to meet the standards that we want to achieve on the estate, fleet and ICT.

Our approach is not to look too much to the past and the fact that we did not get what we asked for last year, but to focus on what we need in the future. We have been clear that it is not sustainable for policing to continue with the current level of capital allocation because, each and every year, the asset base—the buildings, the vehicles and the ICT equipment—deteriorates. That point has been well made to the cabinet secretary and to Government officials in the finance, justice and police departments.

David Page: One thing that has improved the understanding of our position among our colleagues in the federation, ASPS, Unison and Unite the union is that we now, as a matter of course, invite them to our monthly corporate finance and investment board. Consequently, we have had better engagement with them for some time. They now see a more granular level of debate and discussion internally in Police Scotland. We are much more open and transparent. My estates and fleet people will come and have conversations about what is needed. In the past, that aspect has not been too visible, but there is now much more visibility in relation to what is needed. We also invite Government finance and police colleagues to those meetings, so that they can see the build-up of evidence and hear the discussion that results in the bids that we are making.

Part of the frustration of federation and ASPS colleagues is probably to do with the fact that although they are seeing a hard debate about what we need and what the shortfall is, what is coming out of that is not quite as punchy as they would like it to be. As I said, there is much more visibility, and I think that some of the frustration is about our not being quite as articulate as the SPA thinks that we should be. However, we are being much more open with everyone. We have a lot more confidence in the numbers, so the capital bids that we are putting in have very solid bases.

Margaret Mitchell: I will cut to the chase. Is it the case that, despite the talks with the Government and all the problems being clearly laid out, there has been no indication that there will be an increase in capital allocation?

James Gray: We are in discussions about the 2020-21 capital allocations, and we are hopeful that what we have said has been heard. We have a positive case in relation to the benefits that we can bring with further investment. We could get our asset base, buildings, vehicles and ICT fit for purpose for policing in the 21st century and

delivering the policing 2026 strategy which, of course, was agreed collectively by the Government, the SPA and Police Scotland.

I think that we have set out the case clearly, that we have been heard and that it has been understood that we require additional capital funding. We wait the outcome of the budget, to see whether that reflects in hard cash what we have said.

Margaret Mitchell: I think that we are establishing that there are no indications about that.

James Gray: There are no indications that we will get additional funding next year.

Rona Mackay (Strathkelvin and Bearsden) (SNP): It is encouraging to hear that the talks taking place are inclusive, open and accountable. What would the implications be for your estate if your capital ask was not met?

David Page: There is a timing issue here. The amount of investment that we have been asking for since 2013 has been considerably less than the estate has required. The current situation is that the settlements that we get are so small that we have to put the money purely into health and safety, so we are effectively putting Band-Aids on the estate and not addressing the shortfalls in the condition of the estate.

In 2015, a condition survey report basically said that 30 per cent of the estate was in poor condition. We have never been able to address that, because the amount of funding has meant that all we have been able to do is keep the lights on. The problem with that is that, over time, the estate degrades and degrades. We will do another condition survey report, and we anticipate that the results will be even worse, because we have not been able to address the shortcomings of the past.

Where we have got to at the moment—this relates back to the chief constable's statement to the board in August—is that our non-pay budget is 12.5 per cent of our overall budget. That very small amount—the average for United Kingdom police force is 22 per cent of overall budget—is the budget that pays for the fleet, the estates and the ICT. The amount is small, but we have to do two things with it: keep the fleet, estates and ICT working, which we are struggling to do, and look for savings, because we are running a deficit and 87.5 per cent of our budget pays for people. However, our non-pay budget is so small that we have no room for manoeuvre and we are running out of opportunities to find savings. That is why, as the chief constable has said, in line with the deficit management plan, we will have to cut police officer numbers by 750 by the end of next year, once we get past Brexit.

I am not addressing the deteriorating condition of the fleet, estates or ICT infrastructure. Unfortunately, it will only get worse, unless there is investment.

Elaine Wilkinson: The focus is on the fact that if we do not spend the money on the estates, it all deteriorates. However, there are much broader implications. On the back of the federation report, I visited Oban police station to take a look at what had been happening there, and I was struck by the fact that it made the service look inefficient. Due to the work that was required, some of the custody facilities had to be temporarily closed, which meant that officers and vehicles from outside the area had to be brought in to transfer those in custody to another area. That is an inefficient use of resources.

The issue is much broader, and we have looked at it in the resources committee. Situations such as that which happened in Oban will impact on the efficient use of our officers and staff across the organisation. Something like 30 per cent of the buildings have been assessed to be in the lowest category, so it is likely that more offices will have to be temporarily closed for refurbishment work. All that is inefficient use of our resources.

Rona Mackay: Was that work being done to comply with a health and safety requirement? Was it short-term work?

Elaine Wilkinson: It was being done to address health and safety requirements and it was essential that it happened.

The mood in Oban police station was upbeat—I live on the Isle of Mull, so I come through there—but the officers were clear that you cannot make a silk purse out of a sow's ear. That is what I heard time and again in Oban.

We were able to get the work done, and the most important thing is that a system was put in place in Police Scotland to ensure that high-risk health and safety issues were identified and prioritised in the maintenance and capital budget. We will continue to monitor that system to ensure that it works effectively, because we cannot afford for such work not to happen in other places.

Rona Mackay: Is Oban police station open again and back in operation?

Elaine Wilkinson: It is back in operation.

The Convener: Are you prepared to acknowledge that the course of action that the Scottish Police Federation took in going public on the situation in Oban indicates that there was a systemic failure in Police Scotland to respond to workplace inspection reports, which are required under legislation, as you know?

David Page: I do not agree that there is a systemic failure in our estates maintenance or management programmes. The federation's survey highlighted one area of the estate that was in particularly poor condition.

The Convener: It is an important area—the custody area. Was the issue identified by Police Scotland as a result of the inspections that it should have been doing, or in response to the inspection reports that were submitted by staff associations?

David Page: We did two things in response to the situation. First, we checked whether we had identified the issue. The second thing involved local policing. I think that Deputy Chief Constable Taylor wrote to the committee on that matter separately. Following the federation's look at Oban, we asked all the divisional commanders to look at all their estate and come back to us with their concerns. Separately, I asked my estates department to check our maintenance registers for a comparison. Local commanders raised 109 issues, 67 of which were identified as health and safety issues. Of those 109 issues, 50 were known to our estates department and 59 were not.

There are two issues, the first of which relates to timing. Something might be spotted locally, but it might not have made its way through the process to the estates department. Secondly, the matter might not have been reported. That relates to process and whether everyone is aware of how to report failures, some of which might relate to health and safety and others which might involve something being inconvenient and not working well. We are trying to address that by providing local divisional commanders with budgets, so that they can take tactical decisions. The issue might not be about health and safety, which our estates programme would deal with—we can only do so much at once—but about something that makes a difference locally to the lives of officers and staff. We give some discretionary budget to divisional commanders, who might be able to do some local improvements that make the lot of officers and staff much better, but that might not fall into the remit of the estates maintenance programme, which, principally, looks at wider statutory health and safety requirements. There has been a bit of a disconnect, and we are doing work to ensure that the estates maintenance programme reflects all the issues.

The Convener: Clearly, a failure in the process has been identified. Staff associations and trade unions carry out workplace inspections to inform the employer. I take it that you are not asserting that the Scottish Police Federation was not sharing such reports with Police Scotland when it was inspecting premises.

David Page: No, not at all.

The Convener: So, the reports were not responded to.

David Page: There is a timing issue for us in relation to getting round the entire estate and trying to do everything. If the federation calls something out on one of its visits, that issue, in effect, goes to the top of the list because of the amount of publicity that we get. It goes back to the question about the estates programme. If the federation identifies health and safety issues that are not on our list, I need to know why the process has not picked them up. If the issue is on our list, I need to know why it is not being dealt with or, if there are plans to deal with it, whether there have been conversations with local divisional commanders to let them know. There is a sequencing to that, and a programme that we follow.

The Convener: Is an identified individual police officer responsible for each police station?

David Page: Yes. Ultimately, the divisional commander is responsible for their area, but each police station has a senior officer who is responsible for that asset, and we link in with them. We have a planned programme of maintenance and health and safety checks. We invite federation colleagues to go around the entire estate with our health and safety board to look at health and safety and other statutory requirements. As part of Mitie's contract with us, it will fix failures—

The Convener: You have a contract for workplace health and safety inspections.

David Page: No. It is a facilities management contract. For example, Mitie will provide a boiler when we need one replaced.

The Convener: Does Mitie do the inspections? I do not mean boiler inspections, but the workplace inspections that are required under health and safety legislation. Who does those inspections on behalf of Police Scotland?

David Page: We have our own health and safety teams, but Mitie carries out on-going specialist electrical checks and so on.

Liam McArthur (Orkney Islands) (LD): I apologise for my slightly delayed arrival. I will pick up Mr Page's earlier point that non-pay budget savings have been exhausted, so any further savings would come at the cost of cuts to the service. I think he confirmed that a figure of 750 officers would be taken out of the service by 2021. What assessment has been made of the operational implications of a reduction on that scale?

13:30

David Page: The chief constable, the deputies and the wider force executive have discussed that in great detail and at great length. To take out 750 officers, we have to demonstrate that we have created equivalent capacity, which has to be validated by Her Majesty's inspectorate of constabulary in Scotland. We are confident that we can do that.

Anecdotal evidence has been growing for a considerable time that the demand pressures on policing are increasing. Members will be aware of discussions about feedback from the federation and ASPs about officers not being able to get toilet breaks and lunch breaks. Our demand and productivity unit is a new transformation activity that we put in place to quantify demand, and it has started to pick up where we can see the increased demand on policing. Some of that demand needs physical bodies out there—police on the ground to do physical work—such as for the sectarian issues at the weekend, the Brexit contingency and the climate change conference. The concern is that the demand that needs police officers to be physically present doing policing and protecting communities is increasing and that that cannot be offset by capacity creation that improves our processes—that will absorb some of the work but not the part that needs police officers to be physically on the ground.

Since we set the original three-year plan for deficit reduction for 2017 to 2019, the scenario has changed. There have been increases in core demand, but also in non-core demand, where police officers are required to pick up failure in other public sectors. For example, police officers now handle out-of-hours mental health issues because other agencies cannot do so. We did not have that information when we set the plan and we are still building it on. If we cut 750 officers to operate within the budget, the concern is that it will put even more pressure on police officers because of that increasing demand.

Liam McArthur: Given that the trajectory over three years will be challenging, is there a point at which it will become impossible to stick to the commitment to make that saving in the budget without serious knock-on consequences for operational policing? When, roughly, might that be?

David Page: We will definitely get there. We need an evidence base that is more than anecdotal; we are hugely conscious of the feedback from officers and staff, and the chief constable is completely committed to their welfare, as we all are. Scotland's community is completely reliant on those people being able to carry out their jobs. The demand and productivity unit is

building the evidence base to give us empirical evidence that will say that demand has gone up.

The other issue is our workforce mix to meet that need—not just the number of police officers but the best type of person, be it an officer or a member of staff. Workforce planning is being done on how to meet that demand. In the not-too-distant future, we will get to a point at which we will have to revisit our original assumptions in the light of the demand that policing is actually facing. When we have that evidence base, the chief constable will make sure that he is comfortable with it. We will then take it to the SPA and make our case to say that the world has shifted since our original planning three years ago and that we need to reflect on that and the future funding requirements for policing.

James Gray: I agree with everything that the deputy chief officer has said and I want to add another point to that, so that you can fully see the conundrum. There is no other way for the organisation to balance its books without reducing police officer numbers. There is nowhere to go on non-pay. There have been 1,700 reductions in police staff as it is, and that creates gaps. Potentially, some of the issues on estates that you are talking about are because of the numbers of people who have been taken out of corporate services. More than £200 million has been taken out of the annual cost base of policing since Police Scotland came into being, and every saving that has been made has come from places other than police officer numbers. We have been clear that that is the last resort. It is the thing that has not been touched, but there is nowhere else to make savings and to balance the budget.

This year we have a £25 million core deficit, but we also have £17 million-worth of police officers who are being funded by the Scottish Government for Brexit-related duties. That is one-off funding. When we take that away, the underlying position is that the cost base is £42 million higher than the funding made available. The only way to balance that without changing the funding arrangements is to reduce the numbers by 750 police officers.

Liam McArthur: I want to come back to the point about staffing, because that is key. You say that an evidence base is being built up. We know that the federation has been sceptical of the capacity creation modelling. I am not clear what the ASPS view on that is, but to what extent has it been engaged in the process? Is it comfortable with the veracity of the evidence that is being built up and with what Police Scotland is proposing to take to the SPA in due course?

David Page: There are two points to make about the capacity creation that we are generating. One is that we are generating capacity. We have good internal processes to validate that, and we

have had good engagement with HMICS, whose job it is to validate that. We are much better and much more transparent about our reporting of the benefits realisation and the capacity creation to the SPA and to others.

We have this conversation at the force executive a lot. The senior responsible officers for projects tend to be assistant chief constables or chief supers and the reality of the situation is that when capacity is created within a project, the first call on that, locally, is, “We want to use that capacity internally. There is so much pressure on our officers that we want to give them that capacity so that they can meet the need and demand that we are currently not meeting because we do not have enough bodies”. Or, on the welfare side of things, they want to make sure that officers can have a toilet break or a lunch break. There is a tendency to want to use the capacity to meet that need and to look after the officers and so on, and that is versus our having to operate within the budget, and our having made a commitment to the board saying that if it invests in X, that will create so much capacity, some of which we are going to have to cash in in the form of reducing officer numbers.

There is a real conflict there for an operational police officer who wants to use the capacity to enable them to serve their communities better, versus us in effect banking it to try to reduce our deficit position. That is an on-going challenge; it is a tension that we have all the time. In effect, the chief constable sits in the chair and has to manage the tension between us trying to operate within budget and the pressure from his police officers saying, “We want that capacity because it is going to help us do our jobs.”

I will give you a case in point. Two weeks ago, when we had the first sectarian issues in Glasgow, ACC Higgins was talking to the officers on the ground on the Monday. There were three sets of officers who had been out. He wanted to check how many officers who had been deployed in the public order space had been involved in all three cases. A very large proportion of those officers had had to stand up for each case. That is a lot of pressure on a small group of people over a period of time. When we are talking about capacity generation, you can understand police officers saying that it is not just about banking capacity and reducing police officers; it is about giving some of those officers time off between having to do that very intense level of policing, which is hopefully not required all the time but is a real pressure on the officers on the front end. There is a real tension between operating within budget and allowing police officers to do the job as safely and securely as we can, which I, James and the chief constable are constantly trying to manage.

Liam McArthur: One of the other areas of pressure has come from the reduction in civilian staff numbers. I think that Mr Gray mentioned the figure of 1,700. In many instances, police officers then backfill those functions. Do you have an estimate of how many officers are doing that to whatever extent as part of their duties?

David Page: I cannot give you a number off the top of my head. Over the past two or three years, there has been wide acknowledgement—and we have had conversations about this with the staff side—of the fact that it is completely uneconomic to offer members of staff redundancy on attractive terms that mean that they leave the organisation only for their roles to be backfilled by police officers, who, for the most part, tend to be more expensive and not as competent in the role as the civilian member of staff. We have been open about that, and also about the fact that police officers should be doing front-line policing for which a warrant card or particular policing experience is required. We have been pushing incredibly hard to make sure that we do not fall into that trap, and over the past two or three years we have hired in an additional 170 or 180 specialist civilian staff, whom we need in order to run a national organisation.

We have had a challenge on the transformation front, and over the first two or three years we quite rightly suffered criticism from Audit Scotland for our inability to transform on the corporate side. Part of that arose because we had taken out a large number of civilian staff. We put 10 organisations together into a single national organisation, and that created a different type of pressure on the civilian staff to support the national capability, so we have had to hire in additional civilian staff who have the appropriate levels of expertise, not least in finance.

For the first two or three years, we were under huge pressure from Audit Scotland—again quite rightly—with regard to poor financial control, poor governance, poor management and poor financial planning. Part of the issue about our underfunding and our inability in Police Scotland to articulate that arose because we had gutted our finance capability. We did not have enough people with the right capacity and competency. We just did not have enough people to do the work and articulate the case for Police Scotland to have more money. We have now invested in that area quite strongly.

We have again come in for criticism for doing that, because every penny that we spend on a civilian is a penny that is not spent on a police officer, so the federation and the ASPS have raised questions about that, but only by doing that have we been able to develop the corporate competence in the organisation that has allowed us to build business cases and understand the

true positions of our estates, our ICT and our fleet with the appropriate level of rigour. When we go into the Scottish Government, it now believes us because it knows that we have the competence to show that we are underfunded, but it has taken quite a long time for us to do that.

If we get the capital that we need, we will continue to push into the transformation space and ensure that police officers are not used in areas where they should not be used and that we use civilians where they should be used.

Liam McArthur: Has that process come to a conclusion or is it anticipated, in the run-up to 2021, that you will need to further increase staff numbers in whatever areas in order to, as you say, have the right mix of competences and skills across the force?

David Page: That comes down to the strategic workforce planning process, which we are going through at present. One of the things that we highlighted in the policing 2026 strategy was that cybercrime is growing exponentially. In order for the police service to provide the right levels of protection, we need to expand our investment and our capacity in that area, and there is wide recognition that much of that capacity can be civilian staff, given the required skill sets. Through much of the process, people do not need to have a warrant card, although that is perhaps needed at the end of the process. We have not been able to invest in that area as much as we would want. However, we are refreshing the strategy at present and cyber will continue to play a key part in it. If we get the investment, we will bring in additional staff.

It is purely for the chief constable to decide, between police officers and specialist members of staff, how we can best serve the communities of Scotland and address the threat. That is where the workforce mix comes in. We are trying hard to get away from saying that we need X number of police officers. We need X amount of effect, and it is for the chief constable to make that decision.

13:45

Liam McArthur: As you have a specific figure for the officer reduction that you need by 2021, I would expect there to be a figure for the staffing levels that you need to provide the service that the public expect across the board.

David Page: The strategic workforce plan will pop out the number, if you like, at the end of the process. I expect that we will increase the number of civilian staff in some specialist operational areas, where civilian staff can do that work. In the corporate area, I expect our overall staff number to reduce, especially as a result of the work that we have been doing to transform corporate services.

By introducing technology, we can provide better self-service and better processes and we can reduce the time taken to do jobs. At the moment, we waste a huge amount of time in some jobs. If we can transform, we will reduce that wastage.

We will reduce staff numbers in some areas and increase them in others. That is a function of having the money to make the transformation and create the new capability. Potentially, that will balance off, but we will wait for the outcome of the strategic workforce plan, which I hope will be sooner rather than later.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I want to go back to the issue of sectarianism and the events at the weekend and the previous weekend. We have had a couple of isolated incidents, and Glasgow City Council has banned certain marches from taking place this weekend. However, that is only a temporary solution. I believe that the decision was taken on the advice of the police. How do you account for the possibility of a longer-term difficulty that will require police resources? How do you include that issue in your budget considerations and discussions with the Scottish Government?

David Page: We have a budget that provides for the workforce mix that we have at the moment. There are two types of event that have an effect on our budget. One is anything that happens during the course of a year that is or looks like a one-off. We have to absorb those events within our budget as it stands. We have no option to draw down extra bits of money, because the budget is the budget, and at the moment we are over budget and running a deficit.

The second type involves one-off levels of activity that take us into a space that is outside our core capability to police—President Trump's visit, for example, or the coming climate change conference. In such cases, a couple of things happen. We would go to the Scottish Government to look for additional funding and, potentially—this has happened in the past—the chief constable would go to other police forces to have a temporary injection of resource through mutual aid. We would need additional funding to support that.

It is yet to be seen whether the sectarian issues over the past couple of weekends become a long-term matter. To be honest, I am not competent to comment on that, other than from a funding perspective. To put it in a nutshell, we operate within our budget unless there is a one-off exception of a scale that requires us to ask for mutual aid, and we would ask the Scottish Government to fund that.

The Convener: Mr Page, to go back to one of your earlier responses, will you provide the sub-

committee with a figure for the number of officers who are backfilling posts that do not need to be filled by officers? I appreciate that you do not have the figure to hand.

David Page: Absolutely. We will write to you and give you the best information that we have on that.

The Convener: Chief officer numbers have increased by a significant percentage since the creation of Police Scotland. How many of the 750 officers would be chief officers?

David Page: None of them. We have a workforce of 17,234 on the policing side, and the 750 would come principally from the police constable rank. That is because the capacity creation is geared at the operational processes that police officers are involved in. If by transformation activity and introducing new technology we can shorten the time taken to process a domestic violence case, that capacity creation will have an effect on the operational processes and activities that those people do. The transformation effect will not be on the chief officer side; it is geared at making front-line policing more efficient. That is why the reduction will not be at chief officer level.

The Convener: It seems peculiar that you would examine all areas except chief officer numbers for ways of reducing the budget.

David Page: I defer to the chief constable with regard to comments about what he needs in his chief officer pool but, in terms of meeting the budget, the largest part of our budget involves police officers. As Mr McArthur said, we have already taken our staff numbers down considerably—

The Convener: There is nothing personal in my question, Mr Page; I am just trying to establish whether there is a no-go area in terms of looking for cuts.

David Page: There are no no-go areas in Police Scotland with regard to attempts to find efficiencies. However, my response is that the figure of 750 officers is linked to our capacity creation, and the capacity creation is geared principally at front-line operational processes. If you shorten the time spent on operational processes, capacity is generated in PCs, effectively.

Margaret Mitchell: External funding from local authorities and other partners currently provides for around 300 officer posts. Funding has been declining—there are some exceptions; we know that Scottish Borders Council intended to increase the numbers that it funds—which contributes to the operating deficit. It has been suggested that it

might be worth considering the centralisation of funding. Can you comment on that?

David Page: That links to the earlier conversation about the 750 officers. The reason why we are going to have to reduce by 750 officers is that we do not have the ability to reduce our costs in any area other than police officer numbers, because my non-pay budget is so tiny now. I cannot reduce the spend in fleet, ICT or estates any further, because we are on the borderline with regard to safety now.

Since 2013, we have had a considerable number of externally funded officers. That number has been reducing year on year, right through to last year, when we—

Margaret Mitchell: If I may interrupt you, I do not understand how the centralisation of funding would work. The suggestion is that the Scottish Government should centralise the funding. Can you explain to the sub-committee how that would work? The funding is declining, but the officers are still there, so, clearly, funding is coming out of your budget just now. My understanding is that the suggestion involves separate funding—a central financial settlement. Is that something that you have lobbied for? Have you made representations to the Scottish Government in that regard?

David Page: We have made representations to the Scottish Government about the fact that we do not have any more ability to absorb any cuts other than through cuts in our officer numbers.

Margaret Mitchell: What has been the response to the suggestion of a central financial settlement?

David Page: We have asked whether the Scottish Government could fund the cost of the 300 officers that are externally funded. That would give us stability in police numbers. We do not want the possibility of not being able to afford to keep those officers to mean that we have a reduction.

Margaret Mitchell: I understand how that works. What representations has the SPA made on the matter?

Elaine Wilkinson: The matter has been incorporated in our representations to the Scottish Government with regard to the spending review for 2020.

Margaret Mitchell: So you are actively lobbying the Scottish Government on that.

Elaine Wilkinson: There is an anomaly that has been there for a number of years. We need to ensure that we find a way of addressing it.

Margaret Mitchell: With respect, that does not tell me whether you are in favour of the suggestion or are proactively lobbying for it.

Elaine Wilkinson: I think that we need to sort out the anomaly that I am talking about. The suggestion that has been made with regard to central funding is one way to do that; at present, the only other way of continuing that has been identified is the status quo.

Margaret Mitchell: You have already mentioned that, in the next few months, Police Scotland will face potentially unprecedented demands due to Brexit and the fact that a major climate conference will take place in Glasgow. When is the climate conference due to take place? Can you give us some details of the resources that will be required and the planning that is being done?

David Page: The conference will take place next November. The planning is embryonic. Detective Chief Constable Malcolm Graham, who is responsible for oversight at the DCC level, has been trying to get as much information as possible about the event. About 200 heads of state will visit Glasgow, so it will be an incredibly large and complex policing operation.

It is outwith our capability to support an operation of that scale, and we will need to develop plans to identify the number of police officers that we will need. We will use a mutual aid mechanism, which will quantify the costs. James Gray, in his role as chief financial officer, will make representations to the Scottish Government to seek funding from the UK Government for the policing operation. Obviously, the event will put a strain on Police Scotland.

Margaret Mitchell: I suggest that, as well as staffing issues to do with holidays and sickness absence, such events should be factored into the budget, because they come up just about every year. If you are against the suggestion that they should be funded centrally, they could be dealt with at a different level. Either way, if Police Scotland is to continue to meet the core demands on it—and to have the right number of police to address those demands—it needs to be able to do so without added pressures.

James Gray: We have dealt with and will continue to deal with such matters case by case. You are right that things generally happen every year, but they are wide ranging in size and scale. As David Page said, planning for the 2020 conference is embryonic. I would not want to put a figure on the cost of that event now because we have not done the detailed work, but I suspect that it will run into many tens of millions of pounds. The visit by the President of the United States cost £4 million to £5 million.

Our experience of such events is that the Scottish Government is responsive to our requests when we engage with it, and works with the UK

Government in order to secure the funding, as happened when we secured the funding for the US President's visit.

We have already started conversations with officials in the Scottish Government about our expectation that, because of the size and scale of the event, it cannot be funded from our core budget.

I said that we deal with such matters case by case. Because the size of one-off events varies so much from year to year, building an assumption into the budget would have quite a big impact on whether we were over or under budget. As I said, in my experience to date, the Government has been supportive of our requests and has provided us with the funding that we have needed to cover our costs.

Margaret Mitchell: I will ask about next steps. Police Scotland and the SPA have outlined two possible directions of travel to mitigate the shortfall in capital spending requirements. The first is to

"Continue to meet our commitment to eliminate the deficit through capacity creation".

When the SPF gave evidence to the Justice Committee, it said:

"Any talk about 'capacity creation' is a ruse: it means 'cuts' ... any talk about capacity has to acknowledge that we are currently delivering a service that struggles to meet all the demands that are placed on it."—[*Official Report, Justice Committee*, 23 October 2018; c 26.]

The idea that you will go forward with capacity creation hardly fills the SPF with confidence.

David Page: There is no "ruse" about capacity creation. It is the mechanism by which we are meeting our commitment to ministers that we would reduce police officer numbers in order to operate within our funding. The capacity creation is validated by HMICS. We do not have options. There is only one way in which we can operate within the allocated budget, and that is by cutting police officer numbers. Unless the situation changes, that is exactly what the chief constable will do, once we get beyond the Brexit challenge.

Margaret Mitchell: The most important thing in any organisation is its workforce.

David Page: I know that the chief constable would agree 100 per cent with you. He has put a huge amount of effort into maximising wellbeing and protection for our officers and staff in very challenging times.

14:00

Elaine Wilkinson: The capacity creation is a result of business cases that Police Scotland has brought forward for investment, including the one for mobility that everyone is aware of, which

means that police officers now have mobile devices. That and other business cases have the potential to free up several hours of an officer's day. We need to evidence that the capacity has been created, to satisfy ourselves and the Scottish Government that, with investment, Police Scotland can deliver.

The issue of how that capacity is then used is down to the chief constable. The wellbeing issues need to be addressed—

Margaret Mitchell: That is a helpful explanation of how capacity creation can work. Have you met the SPF, given the comments that were made to the sub-committee about having that dialogue?

Elaine Wilkinson: I have not met the SPF, but there have been discussions—

Margaret Mitchell: Or has the SPA?

Elaine Wilkinson: There has been discussion in the strategic partnership forum of the SPA, involving the unions and the chair and chief constable, which is outside the formal negotiating mechanism. The focus of our spending review submission and the need to demonstrate capacity creation and how that will be utilised have been discussed in that forum.

Margaret Mitchell: Thank you.

The Convener: The intention was to conclude this meeting at 2pm, because members have a commitment later this afternoon. We will go on to no later than 10 past, as there are a few questions yet.

Rona Mackay: I have a very brief question. Has the SPA made any representations to the UK Government about the repayment of the £125 million of VAT that was paid between 2013 and 2018?

Elaine Wilkinson: The SPA will have furnished the Scottish Government with the information, and that discussion is for the Scottish Government rather than the SPA.

Rona Mackay: Can I ask Mr Gray whether the SPA has made representations to the Government?

James Gray: We have not done that directly. Again, we provide the information to the Scottish Government and our expectation is that it will have the conversation with the UK Government. We are absolutely clear that, in the early years of police reform, a large element of the funds that were made available to the service had to be used for VAT. That bill was necessary, and £125 million was used for VAT that could have been spent on transforming the service and getting the police service further ahead than it currently is. We have been clear with the Scottish Government that that is the case.

Rona Mackay: Thank you. It sounds like it would be most useful at this time.

The Convener: Fulton MacGregor has a supplementary and then other questions.

Fulton MacGregor: I will follow on from Margaret Mitchell's line of questioning about operational demand. She asked about the climate change conference, and Brexit is looming more urgently. I take into account that the convener said that we only have until 10 past, so I am not looking for an overly massive response, but can we get on the record a few words about how the police force is preparing for that possibility? We are all working out what is going to happen, given the possibility of a no-deal Brexit and other scenarios.

David Page: DCC Kerr has provided briefings on the Brexit reserve, which we have now stood up and are utilising—we have used it over the past couple of weekends. I will ask DCC Kerr to write to the sub-committee with an update on exactly where we are on our Brexit planning.

Fulton MacGregor: I am sure that panel members know that this would not be a meeting of the Justice Sub-Committee on Policing if we did not talk about cyberkiosks. How has the delay in the roll-out of cyberkiosks impacted on the three-year implementation plan for the digital strategy? Has there been any need to revisit plans and timescales, including the policing 2026 strategy?

David Page: Cyberkiosks are quite a small component of the digital, data and ICT strategy, so they are not having a particularly big impact on it. The biggest factor that is impacting on DDICT is the lack of capital funding. That is the generic point. We have written to the sub-committee to give an update on where we are. The most recent letter was from ACC McLaren.

The Convener: Mr Page, can you say when the estate condition report will be ready, and will you share it with the sub-committee, please?

David Page: Absolutely. We have not commissioned it yet. We are due to commission a condition survey report. As soon as we do that and get the report, I will definitely share it with the sub-committee.

The Convener: Thank you. As we have no further questions, I thank the panel for their answers. Our next meeting will be on 3 October.

Meeting closed at 14:06.

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