



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Thursday 7 November 2019

Session 5



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JUSTICE SUB-COMMITTEE ON POLICING

9th Meeting 2019, Session 5

CONVENER

*John Finnie (Highlands and Islands) (Green)

DEPUTY CONVENER

Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*Jenny Gilruth (Mid Fife and Glenrothes) (SNP)

*James Kelly (Glasgow) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Liam McArthur (Orkney Islands) (LD)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Lucille Inglis (Unison Scotland)

Chief Superintendent Garry McEwan (Police Scotland)

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 7 November 2019

[The Convener opened the meeting at 13:00]

Decision on Taking Business in Private

The Convener (John Finnie): Feasgar math, a h-uile duine, agus fàilte. I welcome everyone to the ninth meeting in 2019 of the Justice Sub-Committee on Policing. We have received apologies from Margaret Mitchell. I remind members and witnesses that the public session must conclude no later than 1.40, to allow us to briefly consider a draft report and our work programme, so I ask for succinct questions and answers, please.

Agenda item 1 is a decision on taking in private items 3 and 4, which are on consideration of a draft report and our work programme. Do we agree to take those items in private?

Members indicated agreement.

The Convener: Do members also agree that, if we require to consider those items at a future sub-committee meeting, we will do so in private?

Members indicated agreement.

Custody Provision

13:00

The Convener: Agenda item 2 is on police custody provision. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper. I welcome today's witnesses: Chief Superintendent Garry McEwan, from the criminal justice services division of Police Scotland; Calum Steele, the general secretary of the Scottish Police Federation; and Lucille Inglis, Unison's police staff Scotland branch chairperson.

What are the panel members' views on custody transfers? For example, is the number of transfers at an acceptable level? How many transfers would be likely to result in individuals having to travel long distances?

Chief Superintendent Garry McEwan (Police Scotland): I am happy to kick off. As you will recall, at the sub-committee's previous two meetings on the issue, we mentioned transfers, which is definitely a hot topic and one that I, as the divisional commander, keep under continuous review. Since the previous time we were here, the transfer rate has reduced slightly compared with previous years, albeit only by 2 per cent in the past 12 months. The figure now sits at just over 4,200 transfers per year. That might or might not sound excessive, but it is 3.5 per cent of the total number of people who are remanded in custody. If we break down the transfers further, we see that a number of them are not for operational or capacity reasons but because of other things that are now beginning to come to light through earlier identification of mental health issues and so on.

I have some figures with me. There has been an increase in the number of transfers due to healthcare. As members might recall from the previous meeting, healthcare is not provided in every one of the 77 custody centres, but there is acute healthcare provision in the main primary centres that are located across the country. If a custody is brought in and he or she has distinct mental health issues, such as vulnerability or suicidal issues, we make the decision to take them to the closest place to where they have been brought into custody where they can get the right medical support. That is one of the reasons for the transfers.

The reason for 13 per cent of the 4,200 transfers relates to travel to the nearest court. Not surprisingly, a lot of individuals get locked up in one part of the country, on a warrant, perhaps, and are required to be in another part of the country on the next lawful day. Rather than moving people first thing in the morning, we will

move them at quieter times throughout the day, if we have the capacity and resource to do so.

The reason for the biggest chunk of transfers relates to violence and risks. We have observation cells in a number of our custody centres, but not in them all. If we have a custody who is vulnerable or extremely violent, we need to have them under constant observation, so we might make the decision to move them to the right custody centre that will meet their needs and those of my staff.

There has been a recent development with regard to the use of transfers. Police officers and/or my staff used to do the transfers but, since the last time we were here, we, along with the Scottish Prison Service, the courts and the Crown, have secured a contact with GEOAmeY. Now, all the transfers at the weekend are undertaken by that private contractor, not by Police Scotland. The abstraction of officers to do the transfers, which was once noted by the Scottish Police Federation and others, is no longer needed, because the transfers are now done by the private company. The company has Home Office-approved vehicles that are fit for purpose with regard to transferring individuals across certain distances. The vehicles comply with national criteria and strict guidelines.

I will pause there, because I am conscious of time. That is the current situation in relation to transfers.

The Convener: Thank you. Before I go to the other two witnesses, I have a specific question about that contract. It has been in place since February this year; it is part of the Scottish court custody and prisoner escort service contract; and it is with GEOAmeY. As I understand it, the contract is to undertake up to 40 transfers at weekends. Have you exceeded that?

Chief Superintendent McEwan: I checked that this morning, convener, because I thought that the question might come up. Since February, we have never exceeded the 40 transfers. For example, last weekend, there were only 18 transfers across the country. I do not know the actual numbers but my superintendent told me that it was 23 on the previous weekend.

If we had exceeded the number of transfers, there would have been cost implications, and we know that we have not exceeded it because we have not been billed for additional costs.

The Convener: Is that contract an addition to the existing contract, and is there a cost associated with that?

Chief Superintendent McEwan: No. We are talking about the current contract. The 40 transfers are built into the agreed contract. If additional transfers were required over and above that, there would be cost implications, but we have never

been required to pay that because we have never reached 40 transfers in a weekend.

The Convener: What contingency is in place if you exceed that number?

Chief Superintendent McEwan: There would be two choices. We would either pay the penalty—the additional cost of getting GEOAmeY to do the transfers—or we could revert to the situation that pertained before February this year, which is that, during the handover period on a Sunday afternoon, for example, some of my staff could be deployed to move the prisoners around. Fortunately, we have never had to do that.

The Convener: Is this a variation to an existing contract or is it a new contract?

Chief Superintendent McEwan: This is a new contract. Prior to February, G4S had had the contract for 10 years. The multiagency liaison group that I am part of negotiated a new contract with a new contractor, GEOAmeY, which started in February.

The Convener: I imagine that you will tell me that the cost benefit analysis is subject to commercial confidentiality.

Chief Superintendent McEwan: Absolutely.

The Convener: Thank you. We can go back to the original question on transfers. Can we have your comments, Mr Steele?

Calum Steele (Scottish Police Federation): My starting point has to be that we are still moving people unnecessarily. Notwithstanding the reasons that Mr McEwan has provided, if we had adequate provision in the places where we bring people into custody, we would not need to move them at all.

I am sure that I am not the only person who will recall this, but in previous evidence sessions, when we talked about the movement of prisoners, it was notable that only those who were non-violent and had volunteered to be moved were identified as having been moved. We are now being told that more than half of those who are moved are violent.

I fully appreciate and understand the reasons that have been given for moving prisoners and that it is because of the footprint of our custody estate. I make no criticism of the fact that we have to do it, but, in an ideal world, we would not have to do it. If the provision in the contract is 40 custodies in a weekend and we have 52 weekends in a year, that is less than half the prisoners that we are actually moving. The other 2,100 who are being moved must be being moved by police officers or the police service in some way, shape or form. That is just simple arithmetic,

and it will come at a considerable cost in its own right.

We also cannot lose sight of the fact that many of our own vehicles are in a poor state of repair, although that is not the fault of the criminal justice service department. We are expected to move prisoners in vehicles that are far beyond the serviceable life that would have seen them replaced once upon a time. I remain concerned about whether this is the best way of treating people who are in police custody.

Lucille Inglis (Unison Scotland): This is not such an issue for us because the number of transfers has vastly reduced. We must bear in mind the fact that we do not have purpose-built buildings, unfortunately. Kittybrewster is an example of one where everything is on tap. If there are issues around mental health observation or nurses being available, it is inevitable that some people will have to be moved. However, it is certainly not happening to the extent that it was the last time I was here.

The Convener: I would like to ask about the human rights aspects—I ask for brief comments from the panel. Are you content in that regard, Mr McEwan? Can you talk about the health and safety implications?

Chief Superintendent McEwan: I am content in that regard, chair. As I said, GEOAme's vehicles comply with Home Office specifications.

We need to remember that we are dealing with real people who have acute needs. If an individual would be kept at the weekend or overnight in Dalkeith with no medical practitioner in the area, it is right, from a police perspective, to move them to St Leonard's police office, which can provide healthcare and other wraparounds in terms of constant observation and closed-circuit television, so that we can look after them the best that we can.

Lucille Inglis: This area is very high risk, and I am concerned for our police staff who work in it. If somebody would be at risk if they stay where they are brought in, and they could be taken to somewhere where they will be safer, that is the thing to do. I am looking at the issue from the prisoner's side of things and the staff side of things.

Calum Steele: I reiterate what I said a few moments ago: I understand the reasons for it, but those reasons come down to the inadequacy of provision.

Liam McArthur (Orkney Islands) (LD): I have a brief supplementary question. You have talked about the reasons why transfers take place and have spoken about a slight reduction. I assume that the geographic impact of the longer transfers

falls more onerously on some parts of the country than others. Can you describe the disparity of the impact?

Chief Superintendent McEwan: Yes, you are right. Argyll and Bute is one of our most remote areas. Previously, there were five custody centres there, at Oban, Campbeltown, Lochgilphead, Dunoon and Rothesay. The medical provision in Lochgilphead, Dunoon and Rothesay is nil—there is nothing there—so we move custodies to where the best provision is. To put that in perspective, Campbeltown has 177 prisoners a year, which equates to half a person—if we can talk about such a thing—a day. I suggest that, if we were to ask the health service to put healthcare provision in Campbeltown, where less than one person a day would go in, it would say that that would be absolutely disproportionate. We need to make best use of resources to deliver the best service for the best value. For me, that would be about understanding the geographical challenges and moving the most vulnerable and the most in need to the areas that have the best service, which happens to be in the primary centres where there is the greatest number of custodies.

Calum Steele: The comments have been succinctly put by the chief superintendent. We have seen some dramatic reductions in the requirements to move in some parts of the country, including the north, where—if I do not mention it, the chief superintendent certainly will—abstractions have reduced by about 97 per cent because of technology that provides some remote supervision, which we might discuss later. The picture across the country is not consistent, and it varies from day to day.

The Convener: As far as Police Scotland is concerned, Mr McEwan, is it the case that no one would be detained in custody in a place where there was no medical presence?

Chief Superintendent McEwan: No, that is definitely not the case. If somebody is arrested and it has been decided to keep that individual in custody for a significant duration, my view and our instruction is that, if that individual has acute healthcare needs or mental health issues or is suicidal, we need to take them to the centres that have the best provision to suit their needs.

The Convener: If a prisoner is taken into custody in Campbeltown, which is a long way away, and they have none of those needs—

Chief Superintendent McEwan: They would stay there.

The Convener: Thank you. Liam McArthur has the next line of questioning.

Liam McArthur: I will go back to the hub approach to custody units. It would be helpful if the

chief superintendent could set out the rationale and vision behind creating that approach.

13:15

Chief Superintendent McEwan: Certainly. When I was last before the sub-committee, the hubs were just beginning to come to fruition. I mentioned then that 150 new members of staff were coming in, and that we had a really aggressive training plan. I was asked—I think it might have been by you, Mr McArthur—whether we would meet the need. Fortunately, I am proud to say, on behalf of all my staff, as well as the training teams and the Scottish Police College's training, leadership and development unit, that we managed to recruit the 150 new members of staff before the end of the agreed timeline, which was the end of last year. The knock-on effect is that a number of my police staff applied for those new enhanced roles, and that enabled me to recruit further criminal justice police custody and security officers. To recap, CJPCSOs differ from the police custody and security officers in that they have additional skill sets around case, record and production management.

In line with Unison and Unite, my aspiration has been to upskill our police staff across the country. They are a permanent professional presence in custody centres, where police officers come and go and move and develop. My aspiration is to build a model in which the majority of the staff are police staff who are professional CJPCSOs.

That is the key element of a hub. In that hub, those individuals are omni-competent in their ability to move across all functional areas within my division. It used to be the case that someone who looked after custodies only did that, and that someone who looked after productions only did that—they only dealt with case management, records and so on. Now, CJPCSOs are trained and skilled to move across all those functions, which enables me and my officers and staff to deploy them where there is the greatest need.

In the hub environment, there is now a morning meeting with the supervisor, who understands where the demands and pressures are across all of the business and moves the staff to meet those. That is the premise of the hub.

In addition to that, we got capital investment to put wi-fi into the hubs, which enabled us to have a mature discussion with a number of partners to encourage them to deploy themselves within the hubs. In the past few months, there has been some exceptional work in Aberdeen, Inverness and Falkirk, funded by Big Lottery funding of £400,000 that we jointly secured, to deploy key workers who are able to signpost custodies, so that, rather than police officers having a discussion

with custodies about unemployment, mental health or literacy issues, we now have a key worker who does that and makes the necessary referrals to the partner agencies, such as addiction services, while people are within the custody setting. That is the premise of the hub and that is what we are trying to achieve.

Some things have not managed to come to fruition. Last year, we had a commitment of just shy of £9 million in capital investment to address some of the other issues around custody, such as the delays in getting the custodies booked in. One of the big reasons for those delays is that a number of the custody centres do not have the right number of charge bars. Some might have only two and, if a violent custody comes in, we cannot use the other charge bar. We were looking to use that money to develop and broaden out the custody centres to make them more accessible, which would enable us to increase the speed of the throughput.

Another part of that investment would have been the creation of custody holding areas. I ask you to imagine some custody areas, where there are queues of police officers at the back door, literally sitting in cars with their custodies because we do not have a holding centre. In Aberdeen there is a holding centre, so that three or four custodies can be put in there with only two police officers watching them as the others are being processed. In other areas, we do not have holding areas, so we have to have local police officers waiting with their custodies.

The capital investment has not come to fruition. Unfortunately, it was withdrawn about this time last year, and we are now back in the bidding process with our finance people to secure more funding for the forthcoming year.

Liam McArthur: From your perspective, is that funding essential if you are to make the custody suites fit for purpose?

Chief Superintendent McEwan: Yes. I am sure that members have been shown around the custody suites. If not, I will happily do that. Some of them are so prehistoric that they need significant investment.

At the beginning of this year, Police Scotland asked for just shy of £100 million in capital, and was given less than half of that. Police Scotland had to prioritise its capital investment and, unfortunately for me—although I understand why; it was for mobile and fleet and so on—the decision was to withdraw the capital money that we had this year from me and reprioritise them elsewhere.

Liam McArthur: Colleagues will maybe come on to that.

Before we leave the issue of the hub model, it would be helpful to get Calum Steele and Lucille Inglis's views on whether, overall, that has improved the quality of police custody and whether there is consistency across the piece, or whether there are still concerns about either of those aspects.

Calum Steele: It is a mixed picture. The starting point is that, in an ideal world—we cannot forget and should not ignore this—Police Scotland would not be operating a hub model for custody, and we would have adequacy of provision across the country, rather than having to take prisoners some distance in order to get to custody centres. We also have to be careful that, when talking about custody hubs, we do not create an illusion—I know that Mr McEwan deliberately avoided doing so—that those are all-singing, all-dancing places and at the very top end of what we should be providing.

I have no hesitation in saying that the care that officers and staff provide to those who are in custody is exceptional, but the custody hub model creates additional difficulties, the most notable of which is the length of time that it takes to get to them and the length of time that it takes to get prisoners processed through them.

Liam McArthur: I am sorry to interrupt, but I want to go back to the chief superintendent's response to the convener's question about throughput. What if there is a specialist need, whether that is for mental health or other medical issues, in Cambeltown? Is there an acknowledgement that, in some instances, providing such specialist support in every custody suite is impractical, and that, therefore—whether it be a hub model or however we describe it—there is a need to transfer individuals to centres where they can get the specialist support that they need?

Calum Steele: That is very much based on an assumption that it is only the police who deal with those requiring medical intervention in those rural communities. I very much suspect that, as in the rest of society, there are people on the Kintyre peninsula who have mental health difficulties throughout their normal working day and require health provision.

One of the unfortunate realities is that, at this time, we are, in effect, hostages to the provision that is provided by other services. In those circumstances, I completely understand that, but I do not think that that should be an acceptable position to concede. Rather than expecting those who have extreme acute episodes to be helped by the police because they happen to come to our attention, the obligation on the health service to ensure that there is adequate provision for the general populace is one that I believe that we should be encouraging.

Liam McArthur: However, even in health board areas there will be a requirement to transfer patients to centres where they can get more specialist support. As such, it is presumably not an issue simply for the police service.

Calum Steele: Yes, indeed; and not everyone who comes into custody has a mental health difficulty.

Lucille Inglis: From our point of view, the hubs seem to be working well. The feedback—certainly from staff—is more positive. That is very dependent on ensuring that we have enough staff on duty. As the sub-committee knows, the mobility clause is now in CJPCSOs' contracts. So, although we are releasing police officers back to the beat, because of the mobility clause, it now falls on police staff to fill other areas that police officers should fill. It is right that police officers go back to doing what they should be doing, and that we take over. I think that we still have about 18 vacancies. About 14 are ready to come in, so that will make a difference. It seems to be working well.

I return to Kittybrewster, because that is a purpose-built building. It now has tablets, whereas I do not believe that we have sufficient funds to roll-out those devices. More money would, of course, be appreciated. The hub model seems to be working well. Staff are doing a good job, and prisoners are being looked after properly.

Liam McArthur: The chief superintendent made the point about the broadening and, in some respects, the upskilling of the CJPCSO role. Has the staff's response to that approach been positive?

Lucille Inglis: Yes. It is good that they get a break from the custody work, because it is a high-risk and pressured area at times. We have a programme board meeting tomorrow. My quest will be to ensure that our police staff who are moving into records production, for example, are productive. They should not just be seen to be there; they should be doing a worthwhile job and helping out. That is our next phase of work.

We should also keep in mind that not all the buildings are fit for purpose and a lot of money is being spent on bringing them up to scratch. If we had a bottomless pot of money, our having something purpose-built for this plan would be ideal.

Liam McArthur: I think that colleagues will touch on that.

The Convener: We are stretched for time, and I am grateful for the comments so far. Calum Steele wants in briefly.

Calum Steele: I think that it is important to remind ourselves that there is a world of difference between people with medical difficulties being

moved under medical circumstances with medical supervision and people with medical difficulties being moved under police supervision. There are unnecessary risks associated with the latter.

The Convener: Okay, thank you.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good afternoon. I want to ask briefly about backfilling and staff. We understand that backfilling has reduced. Have the new CJPCSOs contributed to that? Does the increase in PCSOs mean that more local police officers can go back to other duties, or does it not work like that?

Lucille Inglis: I would like to think that that is where we are going, because that is where police officers belong. Certainly, we are trying to make sure that the hubs are staffed. Once we get all our vacancies filled, that will tell us whether we have the right numbers. Across Police Scotland, in every sphere, there is no built-in resilience: if everybody is at work, it is fine, but it would not take much for things to turn the other way, because there is not funding for resilience.

Things are certainly going in the right direction and, in the future—I think that we are all on the same page about this—police officers need to come out of the custody environment altogether and it will be CJPCSOs who look after the care and welfare of prisoners. That is definitely a step in the right direction, with police officers going back to doing what they should be doing.

Rona Mackay: Will you clarify whether the GEOAme contract is just for transport, or does it impact on what we are talking about, in the custody units? Has that contributed to the reduction in backfilling?

Chief Superintendent McEwan: No, GEOAme does not have a role in care and welfare. It picks up custodies: it takes anybody who is going to court from the police station or from the prison service to the court, and, at the weekend, it transfers our custodies between centres.

Rona Mackay: Fine, thank you.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I want to ask about ancillary custody centres, which you mentioned in relation to the local approach in Argyll and Bute. Are those just in Argyll and Bute and more rural areas, or will you be implementing that approach across the country?

Chief Superintendent McEwan: No, those centres are predominantly if not solely designed for rural areas. It is simply because of the demand. In Argyll and Bute, we previously had—literally until the past few weeks—five centres open 24/7 with custody staff. Sometimes, if custody staff

were on holiday or sick, local police officers would be there.

When you look at the demand, as I articulated earlier, there is no justification in my mind for keeping a centre open 24/7 if fewer than half a person on average goes through it each day. In conjunction with the local policing commander, we have tried to build a model that allows his officers to be back on the front line. We have secured two additional posts to strengthen Oban custody centre and we are making that the primary centre.

I will explain the basis for the other four centres. If, for example, a custody goes to Campbeltown who is likely to be interviewed, arrested, released and not kept for court, the Campbeltown centre can stand as an ancillary centre, with local police and trained custody staff who will do that role. If, however, the decision is that the custody is to be kept for two days over the weekend, they would be transported to Oban, where we would look after them, thus releasing the local policing staff back to the front line.

Fulton MacGregor: Is the length of time the major consideration in those situations, or is it whether the individual might be violent or vulnerable, for example? Could such individuals be kept at an ancillary centre?

Chief Superintendent McEwan: It depends on the specific circumstances. In relation to observations, I would not use ancillary centres unless there was a very short time, such as half an hour or an hour, until the interview. We try to be reasonable in our approach to that, but if custodies are violent, vulnerable or suicidal, the ancillary centres are not, in my view, a safe place for them to be kept.

13:30

Fulton MacGregor: I have another quick question, convener—I know that we are tight for time. In my area, there are custody suites in my Coatbridge constituency and in Motherwell and Lanark. Is that format working well, particularly at busier times?

Chief Superintendent McEwan: Yes. We have certainly invested quite a few staff in those centres; I think that 15 of our CJPCSOs went there to strengthen them. I speak to the local commander there; I did not bring the breakdown per division, but the reduction in local policing officers going there is substantial. Overall, as I think somebody touched on, 75 per cent fewer front-line police officers are backfilling in the centres than was the case this time last year. It is a massive reduction, and those officers have been returned to their local policing command areas to be deployed as their commanders see fit.

Fulton MacGregor: Will further demands be placed on those centres in Lanarkshire? That might be when there are major events in the central belt area, such as an old firm game in Glasgow.

Chief Superintendent McEwan: Yes, absolutely. We are gearing up and trying to understand the implications of next year's climate conference in Glasgow. Indeed, we had officers down at the extinction rebellion events in London.

The significance of the conference and the impact on custody could be massive. We are already in the scoping phase of looking at what other centres we have shut or mothballed over the past 10 or 15 years, to see whether we will have to invest money in CCTV and get those centres back up to a reasonably good standard. I hope that the same number of protesters as there were down south will not be reflected up here. If it is, we are talking about many, many hundreds of people, so we are already beginning the planning to look at that issue.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): The SPF submission highlighted an issue whereby disputes can sometimes arise over

"what responsibilities lie with custody and which lie with the arresting/escorting officers".

Is that a significant concern for the SPF?

Calum Steele: The short answer is yes, if I may be so blunt. Primarily, it tends to come down to the question of responsibility at the time when decisions are taken about whether prisoners are to be placed under watch or some form of enhanced supervision—usually, in simple terms, suicide watch. That responsibility tends to fall almost exclusively on the officers who have the misfortune of taking the individual to the custody centre.

The return on the investment in the PCSOs who were to undertake that activity, which was understood to be one of the benefits that would come, does not appear to have been realised just yet. The difficulty that that creates for local policing is fairly significant, because the responsibility for the people in care sits with the criminal justice services department while they are in custody, which can result in tensions between the response and needs of local policing versus the response and needs of custody.

Jenny Gilruth: Both Police Scotland and the SPF mentioned PC-led custody centres in their written evidence. Can you say more about how those centres operate and how they differ from other custody centres?

Calum Steele: Certainly. As the name suggests, they are led by police constables; they do not have direct supervision involved in them. It

is fair to say that after some fairly hefty teething problems—that is probably the polite way of describing the situation—many of the early difficulties are in the process of being put right, with close collaboration between the staff associations and the service. Our view is that those centres were rushed into being and people were put into them without the necessary training or consideration of the risks.

The best examples that we have tend to be in the far north, where remote technology allows remote supervision to take place and, in time, the monitoring of activities in cells as well.

However, I am concerned that there are vulnerabilities, because the people who have supervisory responsibility supervise facilities that they do not know, other than through a TV camera lens. I hope that that will not result in any problems, but I fear that, in the future, it will.

Chief Superintendent McEwan: The point that the federation makes about PC-led custody centres is absolutely acceptable. In the north and west, the PC-led approach has been in place since time immemorial. In the east, there was an issue of cultural change, and we could have communicated better with my staff about that. That was a year ago, and there has been massive engagement since then. Risk assessments and protocols are in place and site visits for supervisors who are doing the work remotely have been enabled—they have been to the remote centres and understand the layout. We are working closely with our staff and the staff associations to make sure that the approach works.

I think that the approach is right. For example, the sergeant who was previously at Hawick is now at St Leonard's. We have not got rid of the post, but the throughput of custodies at St Leonard's is massive when compared with that in some remote areas. The sergeants authorise remotely, but the care and welfare are still provided by CJPCSOs, PCSOs or our police officers. That is a better and more proportionate way to manage the demand in a safe environment.

With regard to resources, since I was last before the sub-committee last year, we have put an additional 25 CJPCSO team leaders—first-line supervisors—in our custody establishments across the country, and we have also recruited 10 additional sergeants. We have 35 new first-line supervisors in place across my structure to try to support my police officers, staff and the custodies.

Calum Steele: At the death there, the chief superintendent gave a nod to the points that I was about to highlight. There is acceptance and agreement across the service that many of the PC-led centres should have supervisors. Although

Mr McEwan did not say this, the issue of finance has prevented that from happening. Sometimes, the service is very good at talking about posts and deletion of posts without talking about people. The simple fact is that there is a desire in many of those areas to put sergeants back into what are currently PC-led centres, and there is an acknowledgement that, but for finance, they would not have been taken out in the first place.

Chief Superintendent McEwan: I am not convinced that sergeants are the right solution. The role of the CJPCSO team leader—a police staff supervisor—is the solution. Lucille Inglis may have a view on that.

Lucille Inglis: Can I clarify whether we are talking about a PC and a PCSO working together and being remotely managed by a sergeant?

Chief Superintendent McEwan: Yes.

Lucille Inglis: Both the police officer and the support staff member find that situation difficult. They feel a lack of support. In some of the reports that we have received, the sergeant who does the supervision is not totally content because they cannot see the prisoner on camera—it is not clear enough.

I am definitely a fan of having the team leaders in the new structure and we are looking at that; we have the job description and we are about to review it. There should be an ability to be more hands-on, with either greatly improved cameras or more cameras. The situation is not ideal when a sergeant who is supervising and who is supposed to speak to the prisoner cannot get a clear picture. I keep saying that this is a high-risk area, and staff definitely need to feel supported.

The Convener: We have heard that very clearly, thank you.

James Kelly (Glasgow) (Lab): The SPF has stated that there is a perception that the number of custodies who require constant observation is on the increase. Does Calum Steele feel that there is an optimum number of staff required for health and safety purposes around constant observations?

Calum Steele: I fear that we will be defeated by time, given the clear steer that the convener provided at the start of the meeting. The difficulty is that observations vary along a graduated scale—it is 1, 2, 3 and 4, if memory serves me right.

Chief Superintendent McEwan: Yes.

Calum Steele: Those at the grade 4 level of supervision demand the greatest level of intervention.

In some cases, the risk assessment that is carried out by the service is done in good faith but

the medical professionals might not agree with that assessment. If I may, I will give a very quick example. If someone presents at a charge bar and says that they have self-harmed in the past, that might result in an assessment that they are suicidal or at risk of being suicidal. That means that they will get a very high level of response, even though there might be no indication that they will self-harm at that point. Another example is that the service generally takes the view that it needs to keep a very close eye on people who have reported that they are prone to fitting or taking seizures, despite the fact that there are epileptics walking around in our day-to-day populace who have taken fits in the past but who might never have another one.

It is difficult to come up with a specific number. I am absolutely clear that assessing risk is an invidious task for those who work in custody. Unless and until there is a willingness to invest wholesale in the requirements of custody, backfilling will always be necessary, unfortunately.

Chief Superintendent McEwan: We need to be very careful in relation to constant observations. The number of constant obs in the west is higher than the numbers in the north and in the east, and we are carrying out a review to try to understand why that is the case. I am being very subtle about the matter, because I do not want us to start pointing fingers or challenging my staff on the front line on why they did or did not do constant obs, particularly in the case of somebody tragically dying, with constant obs not having taken place because a member of staff was feeling the pressure.

We need to be very careful about the conversation on constant observations. My staff are highly professional and highly trained, and I empower them and commend them for the way in which they manage the risk assessments. We are looking at the issue, but we are doing so in a very soft way because I do not want anything tragic to happen.

The Convener: I thank the witnesses not just for their written submissions but for their full and frank answers today. I am sorry that time has crept up on us as quickly as it has done. If the witnesses wish to add anything to the submissions, they should please do so. In turn, we might write to them for further information. Again, I thank the witnesses for all their assistance.

13:42

Meeting continued in private until 13:47.

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