



OFFICIAL REPORT
AITHISG OIFIGEIL

Justice Sub-Committee on Policing

Monday 5 October 2020

Session 5



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Monday 5 October 2020

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JUSTICE SUB-COMMITTEE ON POLICING
9th Meeting 2020, Session 5

CONVENER

*John Finnie (Highlands and Islands) (Green)

DEPUTY CONVENER

*Margaret Mitchell (Central Scotland) (Con)

COMMITTEE MEMBERS

*James Kelly (Glasgow) (Lab)

*Fulton MacGregor (Coatbridge and Chryston) (SNP)

*Rona Mackay (Strathkelvin and Bearsden) (SNP)

*Liam McArthur (Orkney Islands) (LD)

Shona Robison (Dundee City East) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Bill Kidd (Glasgow Anniesland) (SNP)

Humza Yousaf (Cabinet Secretary for Justice)

CLERK TO THE COMMITTEE

Diane Barr

LOCATION

Virtual Meeting

Scottish Parliament

Justice Sub-Committee on Policing

Monday 5 October 2020

[The Convener opened the meeting at 11:06]

Decision on Taking Business in Private

The Convener (John Finnie): Madainn mhath, a h-uile duine, agus fàilte. Good morning, everyone, and welcome to the Justice Sub-Committee on Policing's ninth meeting in 2020. Apologies for the slight delay in starting; there was a technical issue, which I am grateful to staff for resolving.

We have apologies from Shona Robison. I welcome to the meeting Bill Kidd, who is attending in her place.

Agenda item 1 is to decide whether to take item 3, under which we will review the evidence that we will hear today, in private. Do members agree to take item 3 in private? I notice that we are all agreed. Thank you.

Police Governance and Accountability

11:07

The Convener: Item 2, which is our main item of business, is an evidence session on the police governance and accountability review. I refer members to paper 1, which is a note by the clerk, and paper 2, which is a private paper.

I welcome to the meeting the Cabinet Secretary for Justice, Humza Yousaf, and Clare Hicks, deputy director, police division, Scottish Government. I invite the cabinet secretary to make some brief opening remarks.

The Cabinet Secretary for Justice (Humza Yousaf): Good morning. I hope that all members of the sub-committee are keeping well and safe.

I am very pleased to have been invited to speak to the sub-committee today about the governance and accountability of policing. I know that the sub-committee rightly takes these matters seriously and that it has a keen interest in them.

If you do not mind, I will begin by reflecting on the events of the past six and half months and their implications for policing, and by highlighting the importance of scrutiny.

The role that the police have played in the events of this year has been nothing short of remarkable. Policing has been firmly at the forefront of the public health imperative in keeping all of us safe, and it has done so in a manner that totally fits within the traditions of policing in this country—by consent, encouraging responsibility, and explaining and educating, with enforcement as a last resort, where necessary. We know from Scottish Police Authority and Police Scotland survey work and the work of the independent advisory group on the policing of the Covid regulations, which is chaired by John Scott QC, that that has been very well received by the people of Scotland.

The work of John Scott's group is an example of the great scrutiny that is in place for policing in Scotland. The group was jointly devised by Police Scotland and the SPA, it reports to the SPA, and it has Her Majesty's Inspectorate of Constabulary in Scotland involvement, as members will know. That anchors the accountability of what can only be described as unprecedented policing powers firmly within the existing governance landscape. The SPA has also regularly received and interrogated reports from Police Scotland on policing activity, including on staff wellbeing and health and safety, which are crucial during the pandemic.

That demonstrates how the SPA has been fulfilling its scrutiny role. Nevertheless, I think that it is right that we continue to consider whether the structures that we have in place are fit for purpose eight years on from the Police and Fire Reform (Scotland) Act 2012. We should always continue to ask difficult questions about whether we have the governance structures and the accountability framework exactly right, and I think that the scrutiny role that the sub-committee plays in that regard is exceptionally important.

In response to the issues raised in recent HMICS and Audit Scotland reports, I convened a meeting in March of the main players and stakeholders in the policing landscape in Scotland. The round-table discussion brought together the vice-chair of the SPA, who is the interim chair, the chief constable, Her Majesty's chief inspector of constabulary in Scotland, the Police Investigation and Review Commissioner, the Auditor General and my senior officials.

The sub-committee has received a note of the meeting. Although work is to be done, the same conclusion was reached at the discussion as was reached by the three recent independent scrutiny exercises by HMICS, Audit Scotland and the Justice Committee. The conclusion is that there is no case for an existential or wholesale review of the governance and accountability structures of policing. However, important and pertinent questions have been asked. That conclusion has more recently been supported by Bob Black, the former Auditor General, who conducted an independent review of the role of the chair and members of SPA earlier this year.

It was agreed at the round table that there is an opportunity to refine and clarify roles and responsibilities, to ensure that we have the best possible system in place for governance, accountability and scrutiny.

Despite Covid-19, good progress has been made. For example, I know that the SPA has written to the sub-committee outlining the range of work that it has undertaken in that space. Last Friday, we published a revised governance and accountability framework, which makes clear the relationship between the authority, the Government and other partners.

The governance round table will reconvene shortly to review progress and to identify additional work, reflecting particularly on Bob Black's report and, indeed, on any views from this session.

I am keen to work with you on the issues and, indeed, to involve our wider stakeholder community. As Covid-19 has shown, the governance and accountability of policing in Scotland are crucial, and I am committed to

ensuring that we get them to the best possible standard.

As always, I look forward to the discussion with members.

The Convener: Many thanks, cabinet secretary. I am sure that members would echo your remarks about the important community safety role that Police Scotland's officers and staff play and about John Scott QC's vital role in the oversight of the legislation. We will be hearing from him in due course.

Our first set of questions is from James Kelly.

James Kelly (Glasgow) (Lab): I echo the comments of the convener and the cabinet secretary in support of the important work that the police have carried out in this difficult time for the country.

Will you clarify a matter for me, cabinet secretary? The Auditor General stated that there was a need for a review of governance and accountability. When you wrote to the sub-committee, you said that you had chaired a round table on governance—you referred to that in your opening statement, too. Can you confirm that accountability is also part of the review? If that is the case, will you outline how that has been encompassed in the review?

Humza Yousaf: Yes, I am more than happy to. Perhaps we should reflect on what we have written and how we have termed the round table but, yes, the review includes the issue of accountability.

I want to reassure James Kelly. At the round table, there was quite a passionate discussion about the accountable officer role, which is also addressed in Bob Black's report. There was a fair bit of discussion about whether the accountable officer function is sitting in the right place. That, of course, is key to the issue of financial accountability for policing. The issue was discussed as part of the first round table.

The short answer is, yes, accountability is part of the review. I will reflect on what James Kelly said and how we term the round table. For the next meeting, which will take place shortly, it is my intention to bring a formal remit for agreement by the members. I can give an absolute assurance to James Kelly that accountability will be a part of that. I do not think that you can have one without the other—good governance is there to ensure the accountability of an organisation.

11:15

James Kelly: I agree that good governance and accountability are certainly linked strongly, especially with regard to this issue.

The 2019 HMICS thematic report indicated that challenges remained with regard to putting the role of SPA on a proper statutory footing. That was clearly a major concern. Do you think that that was a fair assessment at the time? What is the current situation with regard to the statutory role of the SPA?

Humza Yousaf: Any report that is done by HMICS is important for the Government to reflect on, as well as our key policing partners, the SPA and Police Scotland. I have an immense amount of time and respect for Gill Imery, the chief inspector. I am sure that she would have brought forward her assessment with all the evidence to back it up.

Again, the answer to your question is a firm yes. The organisation is on an even firmer footing now, and I think that that is down to the leadership that we have seen at a couple of levels. Members will know David Crichton well. He is a public servant and a professional to the core, and his leadership has been exceptionally helpful. The appointment of Lynn Brown as the interim chief executive officer has also been important. James Kelly might well know her, as she spent a fair number of years—more than a decade—as director of financial services in Glasgow City Council. She comes with a strong financial pedigree, and I think that she has made a great change.

With regard to the latter part of your question, as well as the annual plans, the corporate plans and the strategies that the SPA is working on and is forming a committee to deal with, I think that the pandemic has been the real test. Has the SPA fulfilled its scrutiny function and its advocacy function? It has that dual role, and people have asked about potential conflicts arising from it. The pandemic has cast some light on that. Anyone who watched the board meeting that took place last week would have seen some robust scrutiny by the SPA of Police Scotland's cyber strategy. At the same time, during the pandemic, the SPA has been engaged in the advocacy side of things. For example, there was a meeting between the Cabinet Secretary for Finance, me and the interim chair, David Crichton. As you can imagine, at that meeting, Police Scotland and the SPA strongly advocated to the Government what their financial position was and what they would like to see in the next spending review. Obviously, those discussions continue.

As I said, in short, the answer is yes. However, the work that we are looking to do in terms of the round table and the work following on from the Bob Black report will get us on an even firmer footing than we are already on.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Good morning. I am aware that an advertisement has been posted today for the

appointment of a new chair for the SPA. The advert says that the closing date is 31 October. I understand that you will not be able to give a definitive answer, but are you looking for that post to be filled early next year?

Humza Yousaf: Again, the short answer is yes. I have already referred to what an excellent job I think David Crichton is doing as the interim chair. There are reasons for the delay. If the sub-committee wants me to get into those, I can do so but, as Rona Mackay says, the advert has now gone live and I hope that some exceptional candidates will put themselves forward—I am sure that they will.

Rona Mackay: HMICS pointed to the fact that there have been three chairs of the SPA and each of them interpreted the role differently, which led to confusion about governance. Has any work been done to ensure that the SPA enjoys a period of stability from now on and to avoid different interpretations of the role of the chair?

Humza Yousaf: The work that Bob Black undertook goes into a fair bit of detail on that—that was his primary remit. He is widely respected across the Parliament for the work that he has done and the experience that he brings. His work on the role of the chair and of the board, which is very different from any other public board, will help to provide clarity.

To be somewhat reflective, in some respects, when new chairs of organisations or public bodies come into their position, they often have perhaps not a different interpretation but a different emphasis on what they see as the most important issues affecting that body. We might well see that with the new chair coming into the SPA, whoever it may be. They might put a focus on a particular area. That is not necessarily a different interpretation; it could be a different point of emphasis, and we should not necessarily be afraid of that. The chair should have the autonomy to focus on what they think is important in respect of the public interest.

Rona Mackay: So there is not really any guidance on what the role should be—the new chair will interpret that in the way that they see fit.

Humza Yousaf: There is the revised governance and accountability framework, which is very clear on the role of the chair. That was published last week, which might have been too recent for the sub-committee to have a chance to look at it, but it focuses on the role of the chair and makes clear what it should be. On top of that, we have Bob Black's work. The revised governance and accountability framework was assisted by his work.

The role of the chair is clear. All I am saying is that I have been a minister for eight-odd years,

and a number of public bodies have been under my remit. I have seen new chairs come in, and they have often brought a difference in emphasis and focus, which often is not a bad thing.

Rona Mackay: That is helpful.

The Convener: Our next set of questions are from Liam McArthur.

Liam McArthur (Orkney Islands) (LD): I echo the comments that have been made about Police Scotland's role in community safety throughout the pandemic. I pay particular tribute to Chief Inspector Matt Webb in Orkney, who has been hugely helpful in providing reassurance about the way in which the advice and regulations are being applied at the local level. As a local MSP, I have found that enormously valuable.

On the questions from Rona Mackay, I was struck by the fact that the cabinet secretary's description of David Crichton as

"a public servant to the ... core"

is a pretty faithful echo of how the cabinet secretary described Susan Deacon when she took on the role, or how she was described by ministers at the time.

Cabinet secretary, you will be aware that, in resigning from the post of chair of the SPA last December, Susan Deacon pointed to what she called fundamental flaws in governance and accountability. She was not mentioned in the roll call of those who were at the round table. Was it a missed opportunity not to have Professor Deacon at that initial round table to set out her concerns and the basis for them?

Humza Yousaf: I echo the thanks that Liam McArthur gave to Chief Inspector Matt Webb. I thank all the chief inspectors and local divisional commanders who are keeping MSPs, MPs and councillors updated about the local situation in their constituencies and areas. That is hugely important, and I know that the chief constable values having as much devolution as possible to local divisions.

On the substance of Liam McArthur's question, I do not take away from what I have said previously about Susan Deacon. It would be churlish for anybody to suggest that she has not been a public servant for the many years of public service that she has given in a number of different role—it would be churlish to suggest otherwise. She made some important changes to the SPA. The openness and transparency that she brought to board meetings, for example, was hugely important and a legacy with which the SPA continues to this day.

I am more than happy to consider whether Ms Deacon's involvement in the next round table

would be appropriate. Obviously, we can have her contribution through other means, without her having to be part of the round-table meeting. When a person moves on from such a role and somebody else takes it on, it is important that, although we learn from that person's experience, we give the new person the ability to shape the organisation in the way that they see fit. The comments that Susan Deacon made on her resignation were certainly not dismissed, and that can be clearly evidenced in the fact that we asked Bob Black to do work to fundamentally address some of her key concerns.

Of course, if Susan Deacon wishes to give me input as the Cabinet Secretary for Justice, I would be happy to speak to her and to take any written submissions that she might wish to submit. I would, of course, give her views the attention and weight that they deserve.

Liam McArthur: I am sure that Professor Deacon would be happy to provide further input not just on her concerns at the time but on the extent to which they have been allayed by the work of Bob Black and others.

I will move on to the issue of local accountability. Notwithstanding my comments about Chief Inspector Matt Webb, local authorities have expressed concern about the lack of effective engagement around the local impact of national policy decisions. What steps have been taken to address those concerns?

Humza Yousaf: Liam McArthur will not mind if I refer back to his remarks about Chief Inspector Matt Webb, because it is an excellent example of local authorities, local MSPs and local MPs being kept up to date by the person who is leading the local policing response. It was helpful of him to put that on the record.

However, that does not take away from the fact that Liam McArthur is right about the wider issue of localism. The chief constable appeared in front of the Justice Sub-Committee on Policing—or perhaps it was the Justice Committee—and spoke very passionately about how he wishes to see further devolution of policing.

To answer Liam McArthur's question directly, a number of changes have been made. I know that, since the report, the SPA has actively engaged with COSLA's police scrutiny committee. More importantly, the SPA has co-opted Councillor Kelly Parry, the chair of that committee, on to its policing performance committee. If issues with performance creep up in any of the 32 local authorities, Kelly Parry is now on the policing performance committee to give that local input.

I last spoke to Councillor Parry a couple of weeks ago, when we discussed policing. She did not raise any particular concerns about the local

dimension. The SPA has taken some positive action in that regard, but I have no doubt that, as the round table continues to convene, localism will be a part of the discussion.

Liam McArthur: That is helpful although, to be fair, the concerns that I raised have rarely been about engagement with local commanders, who, by and large, have had very strong relationships. They are more about the difficulty in accessing those higher up—in Police Scotland in particular, but also in the SPA—to have the discussions about the national policies that local commanders will be required to implement. That is the concern that I was seeking to address.

Humza Yousaf: I take Liam McArthur's point, and that is why co-opting Councillor Kelly Parry, the chair of the COSLA police scrutiny committee, on to the policing performance committee will make a big difference, because it will put her with senior members of the SPA.

In my next conversation with Kelly Parry—I have conversations with her with some regularity—I will ask her whether she thinks that, from a COSLA perspective, more can be done in relation to access to senior members of Police Scotland or the SPA. However, she certainly did not raise that concern in her most recent conversation with me, which we had roughly a fortnight ago.

The Convener: The next set of questions will be asked by the deputy convener, Margaret Mitchell.

11:30

Margaret Mitchell (Central Scotland) (Con): Good morning, cabinet secretary. In your opening remarks, you touched on the difficulty of the SPA's role, given that it involves advocacy and scrutiny. A recurring theme in the HMICS inspection was the limited ability of the SPA board to recognise issues of significant public interest and to effectively hold Police Scotland to account for decisions that impact on communities. In your most recent appearance before us, you said that you thought that there was more robust scrutiny of cyberkiosks, but that issue was identified by the sub-committee, not the SPA.

How has that worrying problem been addressed? Is it not time that the public were consulted so that we can assess their confidence in the board and in its ability to acknowledge and deal with such issues of concern?

Humza Yousaf: I thank Margaret Mitchell for raising the issue of the SPA's dual role, which is one that she has raised regularly. I do not know whether I misspoke or there was a misunderstanding—I will need to check the *Official Report* of the meeting—but I was referring to

robust interrogation not of cyberkiosks but of Police Scotland's cyber strategy, which was not brought up by the Justice Committee or the sub-committee, although I know that both had discussed it previously. The scrutiny that I was referring to was of the wider cyber strategy.

At any board meeting that I have viewed, there has been what I would describe as quite a healthy tension, as there should be when the organisation in question has a role to play in scrutinising another organisation. In the meetings that I have seen, I think that the SPA board has done that well. The work that we are doing on roles and responsibilities will be important in that regard. As the discussion between the main stakeholders evolves, some roles might be clarified further.

As well as doing the job of scrutiny well, I think that the SPA does a good job on advocacy. The SPA will interrogate the figures that Police Scotland produces with regard to the spending review. Once it has interrogated those figures, it will then advocate on behalf of Police Scotland to the Government—to the Cabinet Secretary for Finance, the Cabinet Secretary for Justice and others—on the funding and resource that the police require.

Margaret Mitchell's wider question about the public is one for the SPA to reflect on. We know that its board meetings are conducted openly and transparently. Members of the public can view those meetings, and the press often rightly report on what is discussed at them. I go back to the point that I made in my opening remarks, which is that none of the three independent reports has suggested that a whole-scale review of the role of the SPA is needed.

As far as the round-table group that I will reconvene is concerned, I will be more than happy to think about whether there is a role for further consultation with the public on the matter.

Margaret Mitchell: Perhaps we can look at the different roles later, as I know that other members have questions on that. However, you have not said anything specific that gives me much confidence that the issue of the SPA's ability to identify issues of public interest will be resolved.

You mentioned financial accountability. I noticed that the independent review that was undertaken by Bob Black looked at the role of the accountable officer for the SPA, which is currently performed by the chief executive of the SPA. Why was the role of the accountable officer looked at? Given that the chief constable is responsible for the spending of nearly all the £1 billion of Police Scotland's resources, would it not make more sense for the chief constable to be the accountable officer?

Humza Yousaf: It is very interesting to hear your view on that. You obviously have great experience of policing and justice issues from your former role as the Justice Committee convener and your role on the sub-committee. I did not know that your position was that the chief constable should be the accountable officer. I do not know whether that is your personal view or the view of the party that you represent; either way, it is interesting for us to be able to have your view on the record.

There should be a discussion about the accountable officer. It was not specifically part of the remit that we gave to Bob Black, but, given his pedigree and credibility, it was not surprising that he would explore the issues that he thought were the most appropriate.

My view is that the question of where the accountable officer role should sit merits a discussion. Often, when I appear before the sub-committee or the Justice Committee, I am asked about Police Scotland's operational spend. My answer often is that it is for the chief constable to determine operational decisions for the organisation, so I can see the logic of what your position seems to be—that the chief constable should be the accountable officer.

My concern is this. When we created the SPA, one of the significant purposes of doing so was to ensure sufficient distance between ministers and operational policing. That was for very good reason. We should understand the enormity of the chief constable's power in the single service, and the possibility of the perception that there could be political influence. If we made the chief constable the accountable officer, he would ultimately report to the permanent secretary. To me, the question to ask is whether that would bring the chief constable too close to Government. That—or even just the perception of it—is something that I would want to avoid. We can think of a number of cases where we would want that distance between Government and policing to remain.

Margaret Mitchell: If the chief constable was the accountable officer, he would report not to the Scottish Government or ministers but to the Parliament. That would actually increase the transparency and accountability of Police Scotland's spending decisions.

Humza Yousaf: With respect, I do not think that that is right. Of course, the chief constable regularly appears before committees—whenever he is asked to do so. He speaks to a number of committees, and that would not necessarily change. You might call him in to discuss finances—the Justice Committee and the sub-committee already do so—with regard to the spending review and finance issues. You regularly

call the chief constable in and interrogate him about his spending.

If the AO function sat with Police Scotland, the significant change would be that there would be a direct link between the Government and Police Scotland, given that the permanent secretary is the principal accountable officer. In the 2012 act, which I know that Margaret Mitchell had great involvement in, the structure was designed so that there would be clear separation between the Scottish ministers and Government and Police Scotland. If we made the chief constable the accountable officer, that distance would certainly narrow, and that is something that we have to consider.

I am not stating a position yet, because I would like to hear the views of the sub-committee, of course, and the round table of stakeholders. However, I do not think that making the chief constable the accountable officer would mean that there would be greater accountability to the Parliament, because the chief constable already answers questions. The more significant issue that we, as parliamentarians, have to consider is whether that would narrow the distance that there rightly is between Police Scotland and the Government.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Good morning. Cabinet secretary, you will be aware that the independent review found that the SPA currently has very limited staff resources at its disposal. Do you agree with that? Is that a justified concern with regard to effective governance and holding Police Scotland to account?

Humza Yousaf: It was really helpful that the revised governance and accountability framework, which we published at the end of last week, clarified that the board is the authority and that it has an important role to play in scrutiny and advocacy, where that is necessary, for Police Scotland. It is important to recognise the board's functions and role in that regard.

It is also important that the board and the staff have the skills and experience to enable accountability for a vital public service. A number of key posts are currently being recruited for as part of a wider organisational restructure. I think that that will strengthen the authority's oversight, and I hope that it will also address a number of the challenges on which external reports have shone a light. I am pleased that that change will come at no additional cost.

When I compare it with other policing oversight organisations, I am comfortable with the size and the shape of the organisation, at the moment. We always have to be mindful of the public purse, but

we must also ensure that the organisations have the resources that they need.

To answer Fulton MacGregor's question, I note that recruitment for key roles will be advertised shortly. I will continue conversations with the SPA on whether it needs specific resources, but I do not think that the organisation is fundamentally the wrong size.

Fulton MacGregor: The review suggests that the scheme of delegation should give explicit authority to the senior staff of Police Scotland to undertake spending up to a specified limit, and that beyond that limit, Police Scotland should engage with relevant committees of the SPA. Do you agree with that assessment?

Humza Yousaf: If Fulton MacGregor does not mind, I will reserve complete judgment on that until I have had discussions with other relevant stakeholders. Obviously, Bob Black has raised that question, and it is helpful for us to consider those issues. On whether I see merit in that, we would not want Police Scotland to be impinged on in any way when it comes to day-to-day operational decisions—including, potentially, on spending. However, one of the main reasons why the SPA was created was to scrutinise spend. Those matters have to be weighed up, and I do not doubt that that issue will be part of the discussion that we will have when I reconvene the round table.

Fulton MacGregor: I appreciate that you want to reserve judgment, but the question is one of the issues that you are weighing up. Would you have concerns about the SPA's legitimacy being brought into question with a spending limit specified?

Humza Yousaf: People might well ask whether, if there was an increase to the delegated spend, that would dilute the purpose of the SPA's scrutiny function. Obviously, we have to consider that question—it is part of our consideration. The matter is raised in Bob Black's report and deserves consideration.

Fulton MacGregor: I will ask a final question, if that is okay, convener.

If Police Scotland were to be given authority to make spending decisions up to an increased limit, how could the SPA ensure that ethical, legal and human rights issues were considered prior to spending decisions being made?

Humza Yousaf: That question touches on the very reasons why very detailed consideration of the issue is needed. I have every faith that Police Scotland acts ethically, legally and in a way that considers human rights, as Fulton MacGregor said. I have absolute confidence that Police Scotland does that, but it is important for policing

that there are the checks and balances that the SPA provides. Any increase in the devolved spending limit would need to be made with the agreement of the chief executive, because she is currently the accountable officer. Fulton MacGregor is right that, if we were to make that change, the issues that he referred to would have to be considered before such a decision was made.

11:45

The question also relates to public perception, which was raised by another member. Perceptions are important; they might not always reflect reality, but for policing, perceptions are important. Public confidence in and consent for policing are hugely important.

Fulton MacGregor: Thank you, cabinet secretary.

The Convener: I will ask a question on that. If you are considering changes to the threshold at which Police Scotland can purchase on its own, what do you think of the situation under the present arrangements, in which a few thousand pounds shy of £0.5 million-worth of equipment was bought without assessments of data protection impact, privacy issues, community intrusion or human rights impacts, and was trialled without a full assessment impact of those trials? Of course, I refer to the cyberkiosk digital triage devices. As you know, the sub-committee did a full report on that. Would how that affair was conducted influence decisions about altering the threshold?

Humza Yousaf: The sub-committee's scrutiny of digital triage devices—otherwise known as cyberkiosks—was most welcome, because it shone a light on a number of ethical issues to do with accountability and scrutiny of decisions that involve people's data. The member will know that, since then, we have created the independent advisory group on new and emerging technologies in policing, which will be led by Dr Liz Aston, who is well-respected across the board. Much has been learned from the sub-committee's rumination on and detailed scrutiny of the issue. The short answer to the question is yes. That issue will inform our consideration of devolved spending limits.

The Convener: Thank you for that, cabinet secretary.

Margaret Mitchell: The Bob Black review suggests joint forward planning between the SPA and HMICS. However, it seems to me that that would not only be ill-advised, but would be a complete non-starter, because it would clearly compromise HMICS's independence and its ability to hold the SPA, Police Scotland and other key stakeholders to account. Do you agree?

Humza Yousaf: As I mentioned, Bob Black is a person of integrity and credibility, for whom I have enormous respect. Because the suggestion was in Bob Black's report and we asked him to do the report, it would be wrong not at least to have a conversation with stakeholders about it. Stakeholders will have strong views, such as those that Margaret Mitchell has expressed, on the suggestion. However, I give an absolute assurance to Margaret Mitchell that, if any of Bob Black's recommendations are taken forward, they cannot and must not impinge on or dilute—or give the perception of diluting—the independence of HMICS. Gill Imery plays her role in scrutinising police and the SPA without fear or favour; if there was any suggestion—even if it was just a perception—that that was being infringed, I would resist that strongly.

Margaret Mitchell: That reassurance is welcome.

The review suggests that accountability to Parliament could be further improved by regular—at least annual—meetings between the Justice Committee or the Justice Sub-Committee on Policing and the SPA, Police Scotland and senior staff. How do you think such meetings would improve accountability to Parliament? If those meetings were to involve suggestions about how Police Scotland should be operating, rather than just involving scrutiny, would that compromise the independence of Police Scotland?

Humza Yousaf: Ultimately, that question is for the SPA, Police Scotland and Parliament to discuss; it is not for me to give directions in that regard. If you would like my opinion on it, I can say that I have always believed that having as much parliamentary scrutiny as possible benefits us—we are the better for it, not weaker for it. That is why I am happy to appear before Parliament and committees whenever I am asked, and I would have no issue with that happening more regularly.

There is a way in which such meetings can be conducted in a productive and constructive manner that does not impinge on the independence of any of the participants.

As I said, ultimately, it is a decision for the Parliament and the other stakeholders, but I see no great disadvantage.

Margaret Mitchell: I think that others might disagree.

Humza Yousaf: Possibly.

Margaret Mitchell: That is me finished, convener.

The Convener: Cabinet secretary, I want to take you back to the letter that you wrote to us about the policing governance round table. The members did not believe that there was a

requirement for a whole-scale review of the system. What efforts have been made to elicit the views of others, such as local authorities, human rights groups, black and minority ethnic groups and the third sector? If that has not taken place, can you ensure that it does?

Humza Yousaf: I am happy to reflect on that. I think that I said earlier that, at the next meeting of the round table, I will bring forward an established remit for the approval of the membership, and I also hope to carry out what could be described as a mapping exercise, which will consider what the next steps could be, and they will no doubt involve further outreach work.

I am not keen to extend too much the key stakeholders who will be involved in the round table, because I think that we have identified the significant key stakeholders who can meet regularly around the issues of governance and accountability, but I absolutely think that there is a role for the third sector, human rights organisations and others. That will be discussed at the next meeting, in terms of what the mapping exercise will look like. Of course, I am more than happy to endeavour to keep the sub-committee informed of those considerations. It is a good point.

The Convener: Thank you; we would certainly welcome updates. Is there a deadline for concluding the review?

Humza Yousaf: The short answer is no. It may well evolve to have a longer-term focus, so there is not a deadline. With the pandemic, it is not advisable to put deadlines on too much of this work. Without being too presumptuous, I can say that I think that the round table might continue into the next parliamentary session. It is a good forum and, on reflection, perhaps we should have thought about bringing it together with more regularity before.

The Convener: Thank you. Bill Kidd will ask the next question.

Bill Kidd (Glasgow Anniesland) (SNP): I welcome the cabinet secretary and Claire Hicks to the meeting. I want to ask about something that I think that you have already mentioned. In its written evidence, the SPA states that it has been working closely with the Scottish Government to develop a revised governance and accountability framework for policing, and that it expects it to be finalised in a few months, although, as you have said, cabinet secretary, such timescales might stretch as new evidence is taken.

Can you tell us what is likely to be contained in the new framework? I think that you have covered this, but will external stakeholders be able to submit their views? Will the outputs of the

framework be subject to consultation with the sub-committee and others?

Humza Yousaf: To clarify, the revised governance and accountability framework has been finalised and was made available at the end of last week in the Parliament's library, and it should be on the SPA's website, too.

When the framework was being reviewed, it was shared with stakeholders such as HMICS, who offered their views and considerations. I take your point, and the convener's previous point, about what more can be done with regard to external stakeholders. That is probably less of an issue with regard to the revised governance and accountability framework, although that is important. For decisions that are made around the issues of accountability that the stakeholder group will look at, I take the points that have been made about how we can engage with wider stakeholders, and I am happy to consider that.

Bill Kidd: That is helpful. I know that you have answered a number of those points already, but I just wanted to draw things together a wee bit at the end.

The Convener: That concludes our questions, and the public part of the meeting. I thank Claire Hicks for her attendance, and I particularly thank the cabinet secretary, as I know that a change of diary was required to enable him to attend this morning. Thank you for your comprehensive answers, cabinet secretary.

The next meeting of the sub-committee will be on Monday 26 October, when we will take evidence from Police Scotland on the impact on policing in Scotland of the United Kingdom leaving the European Union. In the meantime, any follow-up issues will be dealt with through correspondence, which, as always, will be published on our website.

11:57

Meeting continued in private until 12:14.

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