



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Public Audit and Post-legislative Scrutiny Committee

**Thursday 11 February 2021**

**Session 5**



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Pàrlamaid na h-Alba

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**PUBLIC AUDIT AND POST-LEGISLATIVE SCRUTINY COMMITTEE**  
**5<sup>th</sup> Meeting 2021, Session 5**

**CONVENER**

\*Jenny Marra (North East Scotland) (Lab)

**DEPUTY CONVENER**

\*Graham Simpson (Central Scotland) (Con)

**COMMITTEE MEMBERS**

\*Colin Beattie (Midlothian North and Musselburgh) (SNP)

\*Neil Bibby (West Scotland) (Lab)

Bill Bowman (North East Scotland) (Con)

\*Alex Neil (Airdrie and Shotts) (SNP)

\*Gail Ross (Caithness, Sutherland and Ross) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Lynn Brown (Scottish Police Authority)

David Crichton (Former Chair, Scottish Police Authority)

James Gray (Police Scotland)

Liam Kerr (North East Scotland) (Con) (Committee Substitute)

Chief Constable Iain Livingstone QPM (Police Scotland)

**CLERK TO THE COMMITTEE**

Lucy Scharbert

**LOCATION**

Virtual Meeting



## Scottish Parliament

### Public Audit and Post-legislative Scrutiny Committee

Thursday 11 February 2021

*[The Convener opened the meeting at 09:00]*

### Decision on Taking Business in Private

**The Convener (Jenny Marra):** Good morning, and welcome to the fifth meeting in 2021 of the Public Audit and Post-legislative Scrutiny Committee. I have received apologies from Bill Bowman this morning; I welcome Liam Kerr, who is attending in his place.

Agenda item 1 is to decide whether to take items 3, 4 and 5 in private. I will assume that everyone agrees to take those items in private, unless a member indicates otherwise.

As no member has indicated that they think that we should do otherwise, we will take those items in private.

## Section 22 Report

### “The 2019/20 audit of the Scottish Police Authority”

09:01

**The Convener:** Agenda item 2 is consideration of “The 2019/20 audit of the Scottish Police Authority”. I welcome to the meeting our first panel of witnesses, from the Scottish Police Authority. Lynn Brown is the interim chief executive, Martyn Evans is the chair and David Crichton is the former chair.

I understand that David Crichton has a brief opening statement, which I invite him to make now.

**David Crichton (Former Chair, Scottish Police Authority):** Thank you, convener, and good morning, everyone. It is just under a year since I last appeared before the committee. Clearly, it has been a difficult and distressing year for all of us. The year has brought huge challenges for everyone who is involved in the Police Service of Scotland, and in support and oversight of it.

Nevertheless, the SPA has continued to meet its responsibilities fully, transparently and proportionately throughout the past year. Our board and committee meetings have all taken place as scheduled, and the public sessions of those meetings have been broadcast live on our website in order to maintain the transparency that we have demonstrated over the past two or three years. I also understand from Audit Scotland that we are one of the few public sector organisations to have met the final accounts and audit timescales for 2019/20.

We welcome the Auditor General’s section 22 report, which is measured and constructive. We especially welcome the emphasis on the progress that the authority continues to make in its financial planning, financial management, governance arrangements, organisational capacity and the stability of its leadership.

However, the Auditor General correctly points out that the authority remains in structural deficit. He stresses—helpfully—that it is for the authority, Police Scotland and the Scottish Government to collectively find a sustainable solution to the deficit, and that it is not something that could be fixed by the authority acting alone. I have made that point in every one of my reports to the board since I stepped into the chair’s role in December 2019.

I am pleased to say, therefore, that the Scottish Government’s draft budget for 2021-22 includes

an additional £60 million of revenue funding for the authority. That will enable us to enter 2021-22 on a financially sustainable footing. Achieving that has required a collective effort by the authority, Police Scotland and the Government, just as the Auditor General recommended. I want to recognise in particular the excellent work of the Police Scotland finance team under the direction of Deputy Chief Officer Page and chief financial officer James Gray.

The Auditor General refers to the continuing absence of a strategic workforce plan for the police, which I also highlighted in my opening remarks this time last year. I am pleased to report that Police Scotland submitted its strategic workforce plan to the authority's board meeting of 22 January. That substantial piece of work by Police Scotland is a significant milestone and, as the plan evolves, it will play a crucial role in maintaining financial balance.

The Auditor General also recognises the improvements in skills and capacity in the authority. That improvement has continued in the past year under the leadership of our interim chief executive. For the first time, we have an organisational structure that is specifically tailored to the roles and responsibilities that we carry. Therefore, I am confident that the authority has a strong platform for our new chair and chief executive to build on, and that we are as well placed as we have ever been to meet our duty as the primary oversight body for policing in Scotland.

Since this is my penultimate day as a member of the authority, I would like to take this opportunity to thank the Police Service of Scotland for its continued excellent performance and the remarkable contribution that it has made—and continues to make—in protecting the safety, health and lives of all our citizens during the pandemic. I also want to thank my colleagues on the board and all the staff in the authority for their relentless resilience, adaptability and professionalism.

**The Convener:** Thank you very much for that statement. I will now open the meeting to questions from committee members.

**Alex Neil (Airdrie and Shotts) (SNP):** I echo what David said about the debt that we all owe to Scotland's police—not for the last year only, but for the last year in particular. This nightmare will probably be with us for some time.

There have been major calls on police resources because of the pandemic. Those are likely to continue until at least the end of this calendar year. On top of that, the huge conference of the parties—COP26—will come to Glasgow later in the year. That will require massive investment of resources by Police Scotland.

Taking into account the additional £60 million that the Cabinet Secretary for Finance announced—after the Auditor General's report was published—does Police Scotland now have the resources that it needs for the coming year to tackle those issues satisfactorily? Also, is there still a structural deficit this year, or is that covered by the additional £60 million?

**David Crichton:** The impact of Covid-19, COP26 and other demands on police resources have been reflected in the budget settlement. We will go into the 2021-22 financial year in a financially sustainable position. As well as the £60 million that the draft budget has allocated, there is £15 million to support additional costs that are incurred because of Covid-19.

Not only will the settlement allow us to go into 2021-22 in a sustainable position, but it will enable maintenance of officer numbers at the current level. The chief constable rightly recommended that as being fundamentally important, given the pressures on the service.

We will remain in structural deficit during the current year, but will move into a more sustainable financial position in 2021-22.

**Alex Neil:** Does that mean that the new figures for 2021-22 indicate that—for that year, anyway—despite the heavy demands that will be placed on Police Scotland, there will be no structural deficit for that year?

**David Crichton:** That is correct. We move into the new financial year with a sustainable budget.

**Alex Neil:** I also want to ask about more mundane business. There have also been two or three very large—and, I presume, fairly expensive—investigations. I will start with the one that relates to Rangers Football Club. I will come on to speak about compensation in a minute, but what has been the total cost of the investigation to Police Scotland? I believe that it was carried out at the behest of the Crown Office, and is now described by the Crown Office as having ended up in a malicious prosecution by itself.

**David Crichton:** I do not know the cost for that investigation. The question would be best directed at the chief constable and his team.

The Scottish Police Authority has not yet had any proposal or decision put to it to the effect that it should take on the costs that are associated with that investigation.

**Alex Neil:** Given the adverse publicity, particularly after the Lord Advocate's statement in Parliament on Tuesday, has not the board been asking questions? Obviously, I do not expect it to get into operational matters or to be involved in the investigation, but I would have thought that, given its scrutiny function and the adverse publicity

surrounding the matter, it would be overseeing and asking questions about the costs of the investigation. Although the current emphasis is on compensation, the fact that we have ended up where we are means that all the money that was spent on the investigation could have been spent on better things, had the Crown Office not insisted that Police Scotland investigate the cases.

**David Crichton:** The board has asked questions about the investigations. At our last meeting, we asked the chief constable about the lessons that might be learned from that experience. I know that he and his colleagues will be reviewing those lessons and will discuss them with the Scottish Police Authority in due course.

**Alex Neil:** To be fair to the chief constable and his officers, were his hands not tied by the fact that the Crown Office had instructed the investigation?

**David Crichton:** That is, indeed, the case. The chief constable has to act on the instruction of the Crown Office in such circumstances.

**Alex Neil:** Right. So it is not just the compensation that represents a big call on public money. The costs of the investigation, which is where we have ended up as a result of the ineptitude of the Crown Office, have been a huge call on Police Scotland's resources.

**David Crichton:** Yes—the costs of the investigation will have fallen on Police Scotland.

**Alex Neil:** Before we leave the subject, can I have clarification of a point? The compensation figures that have been bandied about have now been confirmed by the Lord Advocate, although we do not know the final figure. I certainly do not want to stray into matters that are still under judicial consideration. I know that the compensation will not come out of your budget, but how much of it was awarded against Police Scotland?

**David Crichton:** That is still going through a process, so you will understand that I do not want to go into great detail. All I will say is that at no time has the Scottish Police Authority had any proposal put to it for proving expenditure against the investigation or the subsequent settlement of claims.

**Alex Neil:** I will not stray into the pros and cons of it—that is not why we are here—but, on the same theme, how much did the Alex Salmond investigation cost?

**David Crichton:** I cannot put a figure on that from the authority's point of view. The chief constable might want to comment on that matter, too, but I cannot provide a figure. That has not come to the authority for any form of approval.

**Alex Neil:** Did the instruction to carry that investigation out not also come from the Crown Office?

**David Crichton:** Correct.

**Alex Neil:** And, of course, it ended up in there being no convictions so, again, there is a big question mark over what the Crown Office and Police Scotland—

**The Convener:** Okay, Mr Neil.

**Alex Neil:** My final question is—

**The Convener:** Mr Neil, can you hear me?

**Alex Neil:** I can hear you, Jenny.

**The Convener:** I think that where the costs will fall when the Crown Office instructs an investigation can be taken as read. The problem here is that David Crichton does not have the figures, and it sounds to me as though the SPA board has not been provided with that level of detail or a breakdown of figures for costs.

I suggest that, once he is back at his desk, David Crichton could write to the committee with a breakdown of the costs. Perhaps you could provide us with figures later in the week or next week—as soon as you can.

**David Crichton:** I will be happy to do that, convener. We will provide whatever figures we have available.

**The Convener:** Do you have a final question, Mr Neil?

**Alex Neil:** I add that, in requesting that information, I would like to know about the big picture. How much of Police Scotland's investigative work is as a result of referrals from the Crown Office?

The point that I am getting at, from an audit point of view, is that because Police Scotland has to follow the instructions of the Crown Office, it is, in effect, not in control of its own budget. These are large sums of money, and we have been talking about a structural deficit in Police Scotland for years. We have to get a handle on how much of that is within Police Scotland's decision making powers. If the board could provide us with the wider picture in that regard, as well as the costs of the two investigations that I mentioned, that would be helpful.

09:15

**Liam Kerr (North East Scotland) (Con):** I have two questions for David Crichton that arise from Mr Neil's questions about the budget and the increase in revenue, which had been promised. Before the budget, I think that Police Scotland requested that the capital budget be increased to

£85.7 million. However, I think that the budget increases the capital budget by only about £500,000, to £51.7 million—a shortfall of about £33 million—and that capital reform funding has not been increased at all. Those are the cold, hard numbers, but what do they mean in reality on the ground? What will not happen as a result of the £33 million shortfall in what Police Scotland requested?

**David Crichton:** That is a major constraint. Although the increase in our revenue budget to put us on a sustainable footing in revenue terms is reassuring, our capital budgets are needed for investment. When it comes to maintaining capital balance, capital investment that improves productivity, efficiency and cash or time savings is fundamental, so great attention will need to be paid to the capital budget. We welcome the allocation that was made available this year and that has been made available in the draft budget. We also understand that we are in straitened circumstances. However, long-term financial sustainability depends on capital investment in order to generate the productivity, efficiency and benefits that will be necessary in the future.

**Liam Kerr:** Police Scotland asked for £85.7 million and there is a £33 million shortfall. There must have been plans for the allocation of the requested capital budget. Are you able to say, “If only we had that extra £33 million we could do X.” Can you help the committee to understand what the “X” is that I presume that you cannot now do?

**David Crichton:** There have been long-term investment plans for the digital, data and information and communications technology—DDICT—strategy. We discussed the strategy with the committee last year. Police Scotland has had to phase the investment, depending on the available resources. Some important investments have been made, for example, in mobile working, the new contact assessment system, core operating solutions and other aspects of our IT platform. Those investments are demonstrating good results. However, future investment will have to be rephased and reprioritised, if necessary, to adjust to the resources that are available. Police Scotland will consider that and the SPA will review the position with it. Rephrasing and reprioritisation is surely required; we have to live within the budget.

**Liam Kerr:** My final question comes from a slightly different angle. Are you expecting issues or shortfalls in relation to your capital receipts? The police are going through transformative change. Given the impact of the pandemic on property values and the ability to sell, do you envisage that impacting on your estate, on your ability to dispose of it and on your capital receipts?

**David Crichton:** The Auditor General, in the evidence session with the committee on the section 22 report last December, said that that issue is affecting most public bodies. We do not know exactly what the impact will be yet. Lynn Brown could come in, if you want any more detail.

That is a possibility, and the Auditor General has flagged up that property values will have changed over the past year, which might affect the capital receipts that we might otherwise have counted on.

**Graham Simpson (Central Scotland) (Con):** I want to follow up on a couple of points that have already been raised. Liam Kerr asked about the capital budget. Does the shortfall mean, for example, that you could not replace or rebuild ageing police stations, or replace older vehicles? There have been a number of stories over the years about police cars being held together with sticky tape. That is probably an exaggeration, but you know what I am getting at. Is that the kind of impact that we are talking about?

**David Crichton:** The capital spend must be prioritised, and the top priority must be to support items essential for maintaining the health, safety and wellbeing of officers. There will be a long-term effect on the maintenance and revenue budgets if the capital investment cannot be made in order to renew an already ageing infrastructure. The priority will be what is essential to maintain the basic infrastructure and enable the health, safety and wellbeing of officers and staff.

**Graham Simpson:** To go back again to what Liam Kerr asked, can you provide the committee with any details on what cannot be done in terms of the infrastructure?

**David Crichton:** Police Scotland has produced a compelling and effective estate strategy that identifies the plans for the sale and repurposing of assets, and for co-location with other public bodies. Where new provision of office space is required, the default position is, as it has been for some time, to look for ways of sharing that space with other public bodies, such as local authorities. There is an excellent example of that in Aberdeen, where we recently approved plans to repurpose an existing police facility. The facility will be shared with the local authority so that the investment, both capital and revenue, can be spread across different users more effectively. We will look for that to continue as the standard approach to new estate provision. It has been successful so far.

**Graham Simpson:** Lynn Brown wants to come in. I will ask a further question after that.

**Lynn Brown (Scottish Police Authority):** I can give a bit more detail in support of what Mr Crichton said around the prioritisation of the capital spend. For example, this week, the SPA's



resources committee looked at the draft capital budget under five categories: regulatory and mandatory; committed; critical; difficult to stop; and discretionary. The committee prioritises measures against those headings. For example, the issues that have been raised around the maintenance of essential buildings and the fleet would be covered in those categories in the capital plan. The plan will come to the SPA in March for approval. There is a structure to ensure that essential maintenance is carried out.

**Graham Simpson:** Okay; that is useful.

I will follow up on something that Alex Neil asked, which goes back to the Rangers case. Will Police Scotland have to pay out any compensation as a result of that?

**David Crichton:** It is likely that it will have to do so, Mr Simpson. As I said, the matter did not have to come to the Scottish Police Authority for approval, so any payments so far will have been within the delegated authority of Police Scotland. Therefore, at this stage, we have not had—nor are we anticipating, certainly in the short term—any requests for the authority to approve—[*Inaudible.*—payments beyond what is already within the delegated powers of the police service.

**Graham Simpson:** Okay; thank you.

**The Convener:** I will pick up David Crichton's earlier point about the whole issue of financial sustainability, because that is a large part of the section 22 report that we are scrutinising today. I think that you said that you are going into the next budget year in a financially sustainable position. Did I hear you correctly?

**David Crichton:** Yes, for 2021-22; the draft budget will allow us to go into the start of that financial year in a financially stable position.

**The Convener:** Okay. However, the Auditor General is concerned about the financial sustainability of the SPA. When he appeared before the committee to discuss the section 22 report, we asked him whether all parties understood the urgency of getting to financial sustainability. He said:

"It is hard for me to say with any conviction that they understand the urgency."—[*Official Report, Public Audit and Post-legislative Scrutiny Committee*, 17 December 2020; c 7.]

Has the position that you will achieve financial sustainability next year come about all of a sudden? If the Auditor General was concerned about that just a number of weeks, if not months ago, why is it suddenly all okay?

**David Crichton:** The Auditor General's report predated the draft budget, so he would not have had that information available to him at the time. Nevertheless, the issue of financial sustainability

has been at the top of our priority list over the past two or three years. Working with a structural deficit is not a good position for the chair or board of a public body to be in.

What is different now, and what we have achieved collectively over the past year or two, is a better understanding of the causes and consequences of the structural deficit. That is primarily due to the simple arithmetic that 85 per cent of the policing revenue budget is associated with staffing costs for officers and staff. As long as there is political commitment to the particular number of 17,234 officers, and as long as the chief constable legitimately advises that that number is necessary to meet the growing and known demands on the police service—which we talked about when Mr Neil asked his questions—there will inevitably be a continued deficit unless or until the Scottish Government provides the funding that is necessary to close the deficit. The positive news from the Government's draft budget is that that has now been accepted, which is huge testament to the financial control and management, and to the performance and contribution, of the police service.

**The Convener:** What has had to give in order to put you in that situation? As we know, the policing numbers cannot shift, because the 17,234 figure is written into law, so what has had to give to let you prepare a draft budget that is financially sustainable?

**David Crichton:** Primarily, what has changed is the additional revenue budget that the Scottish Government included in its draft budget for 2021-22.

**The Convener:** The additional money.

**David Crichton:** That is what has changed.

**The Convener:** That has covered it.

**David Crichton:** Yes.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** I will explore workforce planning. As David Crichton mentioned, 85 per cent of the payroll costs are people, so workforce planning is vital.

Section 22 reports have repeatedly criticised the lack of workforce planning. My understanding is that Police Scotland developed a strategic workforce plan, which was published in January and presented to the SPA on 22 January. I realise that it has not been a long time since then, but has the plan been approved by the SPA?

09:30

**David Crichton:** We have welcomed the plan. We are pleased with the first iteration, which represents a huge amount of work by officers and

staff at all levels in Police Scotland. Great credit is due to them for achieving that, given all the other pressures that the service has been under in the past year.

We have always recognised that the first iteration would not be the finished article. The Auditor General's report recognises it as a first step. In some regards, a strategic workforce plan never will be a fixed, finished article—it needs to be flexible enough to respond to changing circumstances. However, it has been produced, and it can be used, tested and refined. It is a substantial piece of work, for which there is no real comparison elsewhere in the police service or, indeed, in other public services. We are delighted to have it—it will make a major contribution to the long-term financial sustainability of the police service. It needs to evolve and it needs additional data behind it, but the key point for us is that it has been produced and that it can be worked with and tested, and be used as a tool for more effective resource planning.

**Colin Beattie:** Given when it was produced, events have slightly overtaken it. The draft budget proposes additional resources for Police Scotland. How will that affect the strategic workforce plan, given that that is tightly linked to the resources that will be available to support it? The resources have changed, so how relevant is the plan to Police Scotland now?

**David Crichton:** That is a fair challenge. It goes back to what I said about the need for a strategic workforce plan to be flexible. It is more difficult to do such planning in the police service than it is in some other public services, because the demands on the police service are so unpredictable. Who could have predicted the pandemic? Who could have predicted, two or three years ago, that COP26 would be coming to Glasgow? There is great uncertainty about and instability in the demand on the police service, and workforce planning has to be adjustable and adaptable enough to accommodate such changes. It will continuously evolve—that is the beauty of it. It is a tool to be used, rather than a fixed strategy that stays in place for two or three years; it must be adaptable.

**Colin Beattie:** Clearly, the strategic workforce plan has to be implemented at some point. What are the planned timescales for that, and how will the SPA monitor progress?

**David Crichton:** In effect, it was implemented as of 22 January. The agreement that we made with the chief constable then is that it can now be implemented, and it is being implemented; it is being used. The authority will receive regular reports on how it is evolving, what it is telling us, how it is being used and how it is changing over

time, so it will become a major part of our oversight and scrutiny.

**Colin Beattie:** To what extent does the strategic workforce planning take account of all the protected characteristics covered by the Equality Act 2010?

**David Crichton:** Last year, we brought to the SPA board a substantial report from Police Scotland on its work on diversity and equality. There is a huge amount of work going on in the police service, and there is a huge commitment at leadership level—which is now playing out in specific initiatives—to improve diversity and equality in policing so that the police service properly reflects the communities that it serves.

The strategic workforce plan per se is not the vehicle to do that—it is more about assessing demand and the overall numbers, deployment and skills that will be needed in the workforce. However, we are definitely looking at the issue of equality and diversity, which is linked to recruitment and career development. That is a fundamental issue, on which we have shone a spotlight in the SPA. The Police Scotland leadership is absolutely committed to ensuring that there is equality and diversity in the workforce. There are already some strong initiatives under way, and it is important that that work flows all the way through the service, right down to operating level.

**Colin Beattie:** I must confess that, looking at the timing of the strategic workforce plan and the historical issues that it was addressing, and taking into account the funding that has now been put in place, it seems to me that the plan must require an enormous rewrite. It was based on releasing and redistributing officers, and on trying to bridge a substantial budget gap that is no longer there. Is the plan at all relevant, or does it require a complete rewrite? Are you sending it back to Police Scotland for that rewrite? How are you handling it? To implement what has been proposed would surely no longer be relevant.

**David Crichton:** I disagree on that—the plan is relevant, as it seeks to anticipate changing demand. I will give you an example. Part of the demand analysis in the report looks at forward projections of population and trends in socioeconomic deprivation in certain areas. Those are all indicators of what sort of police resource will be needed in different parts of the country. There is, therefore, a forward-looking component fundamentally built into the plan.

The plan does not take the past two or three years as a given—it is designed to reflect and accommodate how demand will change over the coming years. If it did not do that, it would be irrelevant, but it has been built with the specific

purpose of being able to anticipate and adapt to changing demands, so it is a very relevant document.

**Colin Beattie:** I have one last question. Over the years, I have had concerns about information and communications technology, and the failure of the police to implement an adequate joined-up system across the different legacy police forces. There have been elements of tacking together technology to enable systems to speak to each other to some extent, but there are an awful lot of silos. I do not see a strategy that will join all that up and bring about the huge benefit that Police Scotland should be achieving.

**David Crichton:** There is a clear strategy for resolving the legacy of underinvestment and unconnected systems in policing. Some of that, as I indicated earlier, has already been implemented through core operational solutions and single platforms for IT. When you talk to the chief constable and Mr Gray later, you can get more technical detail than I can provide. That work is under way, and those legacy issues are beginning to diminish and to be resolved.

As I said earlier, continued capital investment will be required to keep the programme going. We need to focus on that capital investment over the next two to three years in order to establish a programme of investment that properly meets those objectives.

**The Convener:** Liam Kerr has a supplementary.

**Liam Kerr:** I have a brief question that follows on from Colin Beattie's thoughts on the workforce plan. I seem to recall that when the plan came out at the end of January, there was some indication that officer numbers might have to fall by around 3,000. I think that there was some element of that in there; you will no doubt remind me.

The chief constable responded very quickly and said, "That's not going to happen—we can't do that because of Covid; it's not going to happen in the short to medium term at all." I believe that, because of the £60 million uplift, it now does not need to happen. That is good—in fact, it is great. However, that raises two questions. First, as far as you are aware, is that resource budget uplift the new normal, to coin a phrase? Is that the base resource budget that the SPA can now expect to maintain officer numbers? If not, is that a direction of travel in the longer term for where officer numbers might go?

**David Crichton:** First, there are no plans or intentions to reduce officer numbers in the current circumstances. The chief constable has made a clear recommendation to that effect, given the pressures that the service currently faces and is anticipated to face. There is no plan to reduce numbers.

The draft budget allocation allows us to maintain the officer numbers for 2021-22. By that time, with experience of the strategic workforce plan and having had time to have a much fuller debate about the nature of and demands on the police service, and about the type of police service that we want in this country, we may have the flexibility, the knowledge and the data to take different decisions on officer numbers. For the moment and for the foreseeable future, however, the existing level of officer numbers will be maintained.

**Liam Kerr:** That is very reassuring—many thanks.

Might I press you on one point? The £60 million increase is fantastic—it is great news—but is that the new floor, as far as you are aware, or could we, in theory, be sitting here next year with the draft budget, saying "Look—it's going back to what it was pre the £60 million extra"?

**David Crichton:** As far as I am aware, that is indeed the new floor—it is the new baseline for the budget. I will not predict things two, three or four years ahead but, as far as we understand it, that is the baseline for the budget for 2021-22.

**Liam Kerr:** I am grateful for that—thank you.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I have a question about virtual working. David Crichton mentioned in his opening remarks—this is also included in the report—that the public parts of the SPA's meetings are webcast. How does the authority plan to work that post-Covid? That sounds like a wonderful phrase, but we will get back to some sort of normality eventually. Does the webcasting allow more members of the public to access the SPA? It is obviously a good thing; how do you plan to continue it in the future?

**David Crichton:** Our meetings were webcast pre-Covid—anyone could tune into the website and watch the public parts of our board meetings. We have continued that while meeting virtually.

That commitment to transparency will remain—we will not cut back on that in any sense. We will face the same questions and options that any organisation will face post-Covid. Will the way in which we conduct our meetings fundamentally change? Will we continue to meet virtually and open up that opportunity for anyone to tune into the public sessions of meetings? I do not see the transparency changing; why would it? It is important that we maintain it.

The mechanism for holding the meeting is something that we will all have to consider in future. As you know, there are huge advantages to meeting face to face and having people in the room, but there are also huge advantages of

efficiency and cost in meeting virtually. We face the same options as any organisation but, whatever those options are, we will continue to ensure that our meetings are available to be viewed by the public.

**Gail Ross:** That is good to know—thank you.

09:45

**The Convener:** I have a question on the digital strategy. It was approved in 2018 to support the delivery of the policing 2026 strategy, but the strategies were heavily reliant on additional funding. Does the additional funding that you have received from the Scottish Government cover that? How is that placed now?

**David Crichton:** The additional funding is for revenue purposes not capital budgets. We have, if you like, a static budget for the year to come with some uplift. Mr Kerr mentioned the £500,000 or so for specialised equipment. The capital budget will remain static and that will inevitably constrain the pace at which the original DDICT strategy can be implemented. Some progress has been made and we are already seeing the benefits, but capital resource will be essential to maintaining the financial balance in 2021-22.

A lack of capital investment will ultimately have a major impact on revenue costs. Ms Brown might want to add to that. That is the broad position; the draft budget does not include anything other than a static position for capital investment.

**The Convener:** It will be hard to move forward if you cannot get the digital transformation properly under way, will it not?

**Lynn Brown:** In relation to the plans on capital and the challenges around that, there will be a prioritisation to do what we can within the allocation that we have been given to promote digital working. There has been investment in mobile phones for police officers. The chief constable and Mr Gray can give details of how that works operationally and the benefits of that. That seems to be an important investment, which has reaped benefits; that is the sort of focus that we will bring to the digital programme. Again, Mr Gray might be able to give more detail on funding.

**The Convener:** David Crichton said that there had been some progress and some officers have mobile phones now. What is the extent of that progress against the strategy? Are we 5 per cent there or 60 per cent there? What is the measure of that progress?

**Lynn Brown:** If I may, I would like to suggest that the chief constable gives a view on that. My understanding was that the target was 10,000. I cannot give the details of where we are against the target.

**The Convener:** What is the target?

**Lynn Brown:** Ten thousand mobile phones was the target.

**The Convener:** Surely the digital strategy covers more than police officers being issued with phones.

**Lynn Brown:** Yes, it does. In relation to operational matters and how that has been developed, I suggest that that question would be best answered by Police Scotland.

**The Convener:** Okay.

**Graham Simpson:** There have been a couple of reviews, one of which was done by Robert Black, and there was an inspection by Her Majesty's Inspectorate of Constabulary in Scotland. What progress has been made on implementing the recommendations of those reviews?

**David Crichton:** We have made good progress in relation to the review by HMICS that I think you referred to, and that has been acknowledged by HMI. Again, I will ask Lynn Brown to give the details of where we are on implementing those recommendations.

Mr Black's review is a very helpful independent assessment of the role of the authority and its members. The full implementation of Mr Black's recommendations is being taken forward by the Cabinet Secretary for Justice's round table, which brings together all the actors in the scrutiny system, and Mr Black's report is an important contribution to the work of that round table. Some changes have already been put in place in response to Mr Black's report—for example, in relation to the days allocated for board members' time for their work with the authority. The report was very helpful and constructive, and the main vehicle for taking forward its recommendations, because it affects the whole system, is the cabinet secretary's round table.

Lynn Brown will be able to give a bit more detail on our implementation of the HMICS thematic investigation recommendations.

**Lynn Brown:** There were 14 recommendations from Her Majesty's inspector, which came out in September 2019. We report on them regularly in public to our audit risk and assurance committee.

To date, three of the recommendations have been discharged completely. Those were to do with our corporate structure, how the authority oversees change, and the putting in place of a corporate plan.

One recommendation sits very much within the remit of the Scottish Government, which has to set out how in its view the SPA differs from other boards in how it is expected to operate.

Four recommendations involve other organisations. They are to do with reserved policing matters, how we deliver forensic services and custody visiting, and the role of the accountable officer.

Finally, six recommendations are very much within the remit of the SPA, and our approach has been one of delivering on the things that concerned us. Those recommendations, which are in progress, cover the role of the chair, our relationships with the Convention of Scottish Local Authorities and local authorities and with staff associations, how we perform self-assessment, and how we hold the chief constable to account. We are taking those forward, and we report, as I have said, in public and regularly through our audit committee.

**Graham Simpson:** Are all 14 recommendations either being acted on or in hand?

**Lynn Brown:** Three of them have been completely discharged; one is being taken forward, as I said, by the Scottish Government; we are taking forward four with other organisations; and six are in progress to quite a substantial degree. *[Interruption.]* Eleven are in hand, and three have been discharged so far.

**Graham Simpson:** Okay. That adds up to 14. Thank you, convener. *[Interruption.]*

**The Convener:** Okay, that is—*[Interruption.]* I am sorry—my house phone is ringing. Do members have any further questions for the SPA before we move on to the chief constable? No.

Thank you very much for your evidence this morning.

I suspend the meeting for a changeover of witnesses.

09:52

*Meeting suspended.*

10:04

*On resuming—*

**The Convener:** We will now take evidence from our second panel of witnesses. I welcome back to the Public Audit and Post-legislative Scrutiny Committee Chief Constable Iain Livingstone and James Gray, chief financial officer of Police Scotland. I understand that you are happy to go straight to questions, so I will kick off by asking you about governance.

The last time that you were in front of the committee, chief constable, I think that you accepted the view of the Auditor General and the committee that there needed to be a whole-scale review of policing governance and accountability

arrangements. However, the Government did not agree with that, so a governance round table is going on at the moment. How do you feel that is going? Is progress being made?

**Chief Constable Iain Livingstone QPM (Police Scotland):** Good morning, convener and committee members.

The work during the past year, as with everything in life in Scotland has been dominated by the response to the pandemic—and policing has been at the heart of that—and the focus on supporting communities, core police work and bringing us back to the purpose of policing, which is to look after the safety, security and wellbeing of our fellow citizens.

The governance and accountability of policing is a topic that continues to draw comment, as we see here this morning and have seen over a number of years not only in Scotland but internationally. To be frank, at times you can always point out some shortcomings and you would seek to have some improvements. However, what I would say—and this is the reason why I prefaced my response with the Covid context—is that policing and, by extension, the governance of policing have been tested under really difficult and extreme conditions, and have stood up.

A number of factors have contributed to that since we last spoke, convener. There has been more stability across the system. There has certainly been stability within Police Scotland's leadership and approach. There has also been stability in the Scottish Police Authority through the role of the interim chair and the interim chief executive, who you just heard from. There has also been greater understanding of the different roles and functions played by the Government and the SPA, and of the critical issue of the operational independence of the chief constable.

It is therefore a different operating environment from when I sat in front of the committee previously. We have had the benefit of the work of Bob Black, an enormously respected individual who spoke about all the individuals involved. I would associate myself with Bob's conclusions that the system, in essence, is sound and structured to keep the operational independence of the chief constable separate from interference but, at the same time, to ensure that he or she is highly accountable.

When we last met here, convener, I said that it is difficult to judge the statutory intent and the structures that are in place because there has been such instability in different parts of the system. However, we are in a different place now and have the opportunity to work within the existing structures, take Bob Black's proposals and recommendations, aligned with the work that

HMICS has done in regard to the Scottish Police Authority, and make the system work.

My final point is that we have views on governance and accountability, and I have expressed them, but, in essence, it is a matter for others how best to hold me and the Police Service of Scotland to account. My focus is on service, policing and doing the right thing to keep the people of Scotland safe. That will continue to happen, regardless of debates or discussions about governance. Again, as I said the last time that we met, I certainly feel highly accountable. My appearances at Scottish parliamentary committees and the oversight and—rightly—intense scrutiny from this committee and others such as the Investigatory Powers Commissioner, HMICS and the Scottish Police Authority show that policing and the office of chief constable that I hold are highly accountable. As I said, I think that there is more stability in the system and there is an opportunity now to see whether the existing system can deliver the high levels of accountability that we all seek.

**The Convener:** Thank you for that interesting response, chief constable. If I can summarise what you said, you now have people in post who are getting on with each other, so things are working much better. I accept that it has been a very difficult year for policing and all public services, and they have been tested. However, 18 months or two years ago, we came to the point where Parliament was starting to question whether the Police and Fire Reform (Scotland) Act 2012 was flawed, because the system was in such a state of collapse. Are we saying that all that, including effective governance, is solely dependent on the personnel that are in charge?

**Chief Constable Livingstone:** I will say a few things, convener. I disagree with your assertion, in that I never thought that the system was in or was close to collapse. There has been some commentary from the previous chair of the SPA, but policing in Scotland has never been stronger, so the governance that attaches to that has undoubtedly made a contribution.

Is the 2012 act perfect? I do not think that it is. Have the processes and systems that we have followed during the past seven to eight years been perfect? No, they have not. Have we learned from that? I think that we have.

It is a fair challenge for you to ask whether I am saying that it is all about people acting in a more collegiate and courteous manner. It certainly helps, but it is deeper than that. It is also about the roles of the Scottish Police Authority committees, the focus on what is discussed among the police authority boards and the increasingly good links that we have with local scrutiny panels and local authorities.

Again, there was fair commentary from a number of people that, in the early years of Police Scotland, we did not have enough engagement with local democracy and local elected members, so there was a gap at that level. As a police service, we have worked extremely hard—as has the police authority—to develop those relationships and make sure that there is not only more scrutiny of local policing but more local scrutiny of all policing, so that every community in the country is aware of what the national capability provides to every citizen and family in Scotland, as well as what local officers are doing.

There have been improvements in practice, policy and approach. Working collectively, we are far better at identifying issues of key public interest, whether that is about a new operating system in our control rooms, the greater use of technology to ensure public consent and human rights compliance, as well as greater scrutiny and oversight regarding things such as financial planning and the strategic workforce plan.

Bob Black's work has been extremely helpful. It might not have been the full review that we discussed this time last year, but Bob has produced a state of the nation overview that gives us a foundation on which to go forward.

**The Convener:** Okay; thank you, chief constable.

**Alex Neil:** I start by putting on the record our gratitude for the work of Police Scotland, particularly during the past year and the on-going difficulties of the pandemic. We are all very appreciative of the work that has been done. Speaking as a constituency MSP, I have noticed a huge difference, compared to a few years ago, in the responsiveness and service that we are getting from the local police, so I absolutely agree that progress has been made.

I move to financial issues. I do not know whether you heard the earlier evidence from David Crichton, but my question to him was about the fact that the budget settlement for 2021-22 as announced by Kate Forbes, gives the police authority an extra £60 million. I now put that question to you, because it is important to hear whether you, as chief constable, are happy. In your view, is that enough to eliminate the structural deficit and allow you to meet the exceptional demands that are already being made of you by the pandemic, as well as the mounting demands that will be placed on you in the run-up to COP26 in Glasgow later this year?

10:15

**Chief Constable Livingstone:** Thank you for your generous comments, which I will ensure are passed on to all officers and staff. Police officers

and staff have been asked to take on an extremely demanding role, which is, of course, in addition to our core duties. We continue to deal with fatal road accidents, homicides and incidents of domestic violence and child abuse, and the growth of online vulnerability is really significant. Police officers and staff have also been, at different times during this period, anxious about themselves, their families and their duties, so I appreciate your remarks.

I am pleased to hear that there has been great local engagement. Since I became chief constable, accessible local policing has been a key principle, because that goes to the heart of what we are about and is the tradition of policing in this country.

In relation to the structural deficit, I welcome the cabinet secretary's announcement. As chief constable, I have been raising concerns publicly since the summer of 2018 that, year in, year out, the funding of the Police Service of Scotland has not been enough to meet the costs of policing Scotland. There has already been a reduction in core funding of more than £200 million, which is almost the revenue cost of four of the legacy forces. Over the years, Audit Scotland has validated that point.

In 2015-16, there was a significant reduction in funding. There was extreme austerity across the public sector. We were not alone in having our funding reduced; I am not suggesting that we were picked out in any way. There was financial pressure on us, and yet we still managed to maintain 17,234 officers, restructure the organisation and improve the quality of what we do as a single police service. However, the financial strain was significant.

In essence, the cost of policing was significantly lower than it had been before Police Scotland came into being, but the funding had been reduced by more than that. To be frank—I am just telling it as it is—we got to the point at which, in relation to public transparency and public confidence, we had to start having that discussion and debate in public. We were not being critical at all; we were just saying what the reality was.

Perhaps understandably, there was at times some scepticism about police funding. I am not the only leader of a public agency who looks for additional resources, but our case was strong and had been validated through Audit Scotland's work. With the help of people such as James Gray, whom the committee will hear from later, we have built stability into our financial governance and recruited people from outside policing to help us to get a grip of the core capabilities. That work has led to improvements. The culture of the police service has also improved, with every penny being a prisoner and every leader, officer and member of

staff knowing the public money that they are spending.

In essence, that position has now been accepted. I know that there are many complexities but, in my view, the situation was so stark that, if we were to balance the budget over a period of time, our core funding meant that we would have had to reduce the number of police officers in Scotland. We spend about 85 per cent of our money on people, and there is a limit to how much we can take out of non-pay budgets.

The alternative to that is addressing the underfunding, which is what has happened. I have been impressed by and pleased with the level of openness from Scottish Government officials. We had the privilege of meeting the Cabinet Secretary for Finance, Ms Kate Forbes, to outline the history of the Police Service of Scotland. We explained that there is a funding deficit not through any neglect on our part or through lack of oversight from the Scottish Police Authority; it is a simple matter of the funding not being enough to pay for the number of police officers and the police service. Addressing the revenue deficit, together with additional Covid funding, will give us that basis, and my understanding is that it will be built into the budget. I welcome that.

**Alex Neil:** Good. The outstanding issue is the capital budget, which my colleagues will ask about later.

If the witnesses were listening to the earlier evidence session, they probably heard my final question. There have been a number of high-profile cases that have not ended well from the public's perspective. Some of the judgments made by the Crown Office cause a great deal of concern to many of us. I understand fully that, if the chief constable receives an instruction from the Crown Office to carry out an investigation, he has no choice. Therefore, I have a couple of factual questions.

I will not go into the pros and cons of any investigations; I am not qualified to do so, and it would be outwith the committee's remit. If the chief constable is not able to give us the figure off the top of his head, I am happy for him to write to the committee. What was the cost of the investigation into the Rangers issues? That resulted in a malicious prosecution, as it was described by the Lord Advocate in Parliament yesterday. Funnily enough, one apparently does not need to be malicious in order for it to be a malicious prosecution, which many people do not understand. However, that is beside the point. What was the cost of the investigation? What is the compensation claim? We have heard the figures from the Crown Office for the compensation that it is expected to pay out, although it is not going to come from its own

budget. Are you able to give us the equivalent Police Scotland figure for the Rangers matter?

**Chief Constable Livingstone:** I have a couple of opening comments by way of context. I am keen to tell you about the involvement and contribution of Police Scotland. First, you are absolutely right that the constitutional structure of Scots law has given a primary role to the Lord Advocate. The statute in common law—currently in section 17 of the Police and Fire Reform (Scotland) Act 2012 but in legacy legislation prior to that—sets out that I, as chief constable, must comply with any lawful instruction regarding the investigation of crime given to me by the Lord Advocate. That is the key constitutional point, which you were right to underline, Mr Neil.

Secondly, the investigation into the issues of Rangers Football Club dates back to 2012, so it predates the creation of Police Scotland. I think that the inquiry began in the summer of 2012. The takeover and the corporate structure behind it were complex. Therefore, it was a complex issue and a number of concerns had been raised with the police. Within weeks or certainly within months of the initial assessment in 2012, the matter was discussed with the Crown Office. From that time onwards, that very complex matter has been subject to the direction of the Crown Office. Again, that is a matter for the Crown Office, the Lord Advocate—not the Lord Advocate personally but the office of Lord Advocate and the team in the Crown Office—and that is not uncommon for complex issues, because they have legal training. There is a close investigative relationship between policing and the Crown Office in Scotland, but the distinct roles are always recognised, and that continues even on matters such as the on-going investigation into the Lockerbie bombing. On complex matters, we often consult the Crown Office at a very early stage and take direction on the next steps.

On the Rangers case, we continue to be subject to Crown Office direction and police activity continues, as the committee knows. The case transferred into the Police Service of Scotland and moved into our economic crime unit.

On the resources numbers, I can write to the committee. I will seek to give an indicative figure. With police inquiries, the contribution is not always linear. For example, there might be a contribution for a short time by an officer or of a resource in one specialist department. That is how policing operates. In essence, it is a team game. I will be able to outline the dedicated resources that were in place over a period of time and to give you a sense of what the commitment was.

The other element in some of the longer-term complex issues is that additional people do not always assist, because of the complexity. People

need to build up historical knowledge about the issues, the background, the evidential case, the counterarguments and the issues of public interest and concern. It is therefore not always a matter of simply putting in more resources; that is a misleading notion that often arises. Sometimes, a smaller number of people will be involved over a longer period of time.

On the settlement, as I think you heard from the Scottish Police Authority, I never asked for any authority for the extrajudicial settlement that I agreed with the representatives of Mr Clark and Mr Whitehouse. The reason for that was because it was within the limits of my delegated authority in terms of litigation. My delegated authority is to the limit of £75,000. I was able to settle with Mr Clark and Mr Whitehouse regarding their specific claims against policing. There was also a commensurate contribution towards legal expenses, as members will imagine, and thereafter the settlement was made and validated by the court. I am not allowed to say anything more than that in detail.

My final observation for this morning is that I listened to the debate in the Scottish Parliament yesterday, and I heard what the Lord Advocate and a number of members had to say. I shared the levels of concern that were expressed. I also share what was the will and intent of the Parliament, that the role of Police Scotland would be included within any judicially led inquiry that is established. I give my full commitment to participate fully in that. I agree that there should be an inquiry into the circumstances, and I give my commitment that the Police Service of Scotland will contribute to and co-operate fully with any inquiry that arises.

**Alex Neil:** Thank you very much, chief constable.

**Graham Simpson:** Good morning, chief constable. I echo the comments that Alex Neil made about our gratitude for the work that you do. I will come on to that in a minute.

First, for clarity, I will follow up on something that you have just said in response to Mr Neil. You said that you have agreed to pay out £75,000 in relation to the Rangers case. Is that correct? Is that the total, or are we expecting Police Scotland to pay out any more?

**Chief Constable Livingstone:** Thank you for your comments.

As the Lord Advocate outlined yesterday, there are still a number of litigations going through concerning the Rangers Football Club situation. There are a number of civil actions that individuals are pursuing, and there are a number of civil actions that individuals are defending. Police Scotland is still party to a number of those actions. I will be candid and say that it is a very complex



area and a very complex and unfortunate set of circumstances for the individuals involved and undoubtedly there is an effect on levels of public confidence in the justice system.

My comments related to both Mr Clark and Mr Whitehouse. Through my representative—a Police Service of Scotland lawyer—I was able to engage and to make reparation with regard to both Mr Clark and Mr Whitehouse within the limits of my authority. I did not have to go to the Scottish Police Authority because I am allowed to settle issues if I think it legitimate to do so, as I did in this case, within my limit, which is £75,000 in respect of each individual.

**Graham Simpson:** Okay. So, as far as Clark and Whitehouse go, that is it.

10:30

**Chief Constable Livingstone:** With regard to those two litigations, yes. In the interests of full transparency, as I said, I also authorised—rightly, I think—a payment for legal expenses for both individuals that was commensurate with the reparations made.

**Graham Simpson:** To go back to Covid and the work that the police are doing during the pandemic, your officers have to do what the rest of us do not. We have to stay away from people, whereas your officers cannot do that. They have to go to individuals and deal with incidents, which potentially puts them at risk; there are some obvious health risks. What have been the resource implications, in both financial and staffing terms, of dealing with Covid incidents for Police Scotland? You must have a number of officers off with Covid at any one time. Perhaps you can shed some light on that.

**Chief Constable Livingstone:** Thank you for the question, Mr Simpson. It gets to the heart of some of my earlier responses to the convener, in which I wanted to make clear Police Scotland's contribution to what is, in essence, a public health imperative.

I never saw criminal justice sanctions as a solution—that was a contributory factor. To be frank, in my view, that issue lies at the heart of the Police Scotland approach and the history of policing not only in the United Kingdom, but—I would submit—in Scotland in particular.

I have said a number of times—if you will allow me, I will say it again this morning, because I think that it captures the position—that I am not the chief constable of the law enforcement service of Scotland, but the chief constable of the Police Service of Scotland. I spent a lot of time as a detective earlier in my career, so I know that enforcement of the law, bringing offenders to

justice, supporting victims and ensuring that people are held to account for terrible acts of harm go to the heart of policing—but so do protection, prevention and social cohesion, as well as the role of the police as the service of last resort. That is what our relationship with the public is based on. It allows us to investigate serious crime, and it ensures that our detection rate for murder is, internationally, second to none because we have those close relationships with the public and the communities that we serve.

During the Covid pandemic, although the police were granted enforcement powers—people say “granted”, but we did not ask for them; that was what the police were asked to deal with, and it was our contribution to the national effort—we always said that enforcement would be there as a last resort, which was consistent with our values and principles. We looked to encourage and support people to do the right thing.

However, when people stopped doing the right thing, and were blatant about it, our tolerance levels, on behalf of the public and of society, became far lower than they were in the early months—with regard to holding house parties, for example, because people now know that that is not allowed. We are now almost a year in, and there cannot be anyone in the country who thinks that it is fair, reasonable or lawful to have a house party.

Those extra demands were there, and as a service—I mandated this early on, and there was a lot of hard work by the people in the service—we ensured that we had as much visible presence in our communities as we could. Increasingly, policing is asked to police not only the public space but the private space, to deal with violence and child protection issues, and the virtual space, to deal with all the harms online. Naturally, therefore, we need resources and capabilities in all those areas.

In addition, we are subject to scrutiny by this committee and others as we try to transform the organisation. We are trying to pick up what we inherited from the eight or nine legacy arrangements—the contradictory and messy ICT framework and issues that have been unaddressed for many years. We are trying to transform, modernise and change the service while keeping our focus on public service and our core values.

It was a priority for us to get our people into the community and to be public facing in order to provide that visibility, and to encourage people and enforce the law, but we were still having to make sure that we were transforming the organisation. We have produced a strategic workforce plan during the period. That has come not from a small team but from everyone's

contributions. The expectations and demands that I was putting on individual officers, staff and leadership teams across the country were quite phenomenal.

At its heart, policing is fundamentally about public service and working for our fellow citizens, from whom we take our authority. We have therefore maximised our visible presence, and we continue to do that because we know that, in this second period of lockdown, that is crucial. Surely we need to collectively make sure that Covid does not surge again when we come out of this lockdown period, and the police contribution will be central to that. However, we still have our core duties to contribute, so the demands have been extremely high.

My final point is that we have also seen the absolute benefits of operating as a single service. Our response has been consistent and proportionate. It has never been a soft touch and it has never been hard line. It has involved doing what is effective and proportionate. We have moved resources around the country when we needed to—for example, pushing people up into Aberdeen and the north-east when those places needed additional help, and moving people into the border country when additional visibility was required there. We have done that in a consistent, proportionate and sensible manner, which I think has shown the benefits of operating as a single service over the period.

**Graham Simpson:** Thanks. I think that your whole approach has been extremely measured, and I have followed your comments throughout. However, what I was driving at was the implications for staffing. Can you put a figure on that? How many officers have been off at any one time because of Covid, and what have been the extra costs for the service in dealing with the pandemic? If you do not have those figures, you can get back to us.

**Chief Constable Livingstone:** Thanks, Mr Simpson. I have a couple of comments, which I will try to keep brief. I will write to you as well.

Sickness and absence have fluctuated. In the early days—back in March and April—there was a bit of a surge, as there was a lot of precautionary isolation. Amazingly, when we got to the height of the pandemic in April and May, our sickness absence was at an all-time low, because people were so committed to trying to do the right thing for our public service. We are almost at the anniversary, so I will be able to give a view.

On costings, I have two points to make. The first is obvious, now that I am sharing it—again, I am being very open—but I had not really thought about it until three or four people pointed it out to me. We get income from large-scale events, such

as football matches, rock concerts and other, private functions that require policing capability. We police airports, under a statutory function that allows for airport security plans to be agreed with the operators and for payment then to be made for the policing that goes on at major airports—primarily, Aberdeen, Glasgow and Edinburgh. All those income streams were diminished. I think that there is cost pressure of £9 million or almost £10 million.

There were some additional purchases of personal protective equipment and other relevant and directly—

**The Convener:** Do you have a figure for any of that, or can you write—

**Chief Constable Livingstone:** I can write to you on that, convener. I thought that it was important to make the point about the loss of income. To be fair, in terms of the financial settlement, as well as the £60 million that we think is bedded in, there is an additional £15 million that is to do with Covid costs. I can give more specific information. My chief financial officer might have more detail at this time, or you may prefer just to take it in writing.

**The Convener:** We will come back to the chief financial officer in a minute. Will you briefly answer Graham Simpson's question on absence rates? It is not—[Inaudible.]—service; it is just the reality that we are living in. However, he asked the question.

**Chief Constable Livingstone:** I am sorry—I thought that I had. I said that there was a real peak in the early months and then, into April and March, we got to an all-time low level—

**The Convener:** I heard that—[Inaudible.]—any more specific statistics.

**Chief Constable Livingstone:** I will write to you on that, if I may, to show the committee the pattern and what has been done in relation to those who are off with symptoms and who are self-isolating and so on.

**The Convener:** Super—thank you. Can James Gray add any more information, especially on those figures?

**James Gray (Police Scotland):** Yes—I can pick up on the cost. In this financial year, we anticipate revenue costs of £6.7 million for the full-year impact of Covid, £3.5 million of which relates to PPE and hygiene products, £2 million of which relates to overtime, and more than £1 million of which relates to enhanced cleaning across our estate. It is therefore a substantial cost. However, as the chief constable said, the single biggest impact for us has been loss of income, which is closer to £10 million and which relates primarily to airports, sporting events and concerts.

With regard to capital, we have had £2.5 million-worth of additional capital costs. Those have related predominantly to the purchase of laptops to enable people who previously predominantly used desktops to follow the stay at home message and work from home. That cost was over and above what we anticipated. There was also the cost of bringing in a video comms solution—Microsoft Teams has been rolled out across policing. The costs are therefore significant. In terms of recovering them, we received an additional £8 million of resource budget in the spring budget revision to cover some of them.

**The Convener:** Thank you very much, Mr Gray—that was really helpful.

Chief constable, thank you very much for taking us through some of the Covid response, especially at this really busy time. We really appreciate all that is going on. However, I want us to turn to more specifics in the section 22 report that we have been asked to look at.

**Colin Beattie:** I will explore some points around workforce planning. The chief constable will be aware that workforce planning has featured in section 22 reports over a number of years now. It is really important, because 85 per cent of the budget for Police Scotland goes on the workforce.

I understand that Police Scotland prepared a workforce plan and gave it to the SPA on 22 January. During the earlier evidence session, the SPA said that it was looking at that plan at the moment. However, surely the workforce plan was predicated on a budget deficit situation that no longer exists, since that gap has been plugged. How will that impact on the strategic workforce plan and how will you address the changed circumstances? It must be a fairly big rewrite.

**Chief Constable Livingstone:** The premise of Mr Beattie's question is not accurate from my perspective. We produced a strategic workforce plan based on the requirements and demands on policing. To be candid, my professional judgment during the course of that work was that it would show that there was an excess of demand on the service compared with the available resources, both human and financial. You made an observation on the structural deficit and the fact that there was that gap in finance. For me, however, that was simply a driver. The production of the strategic workforce plan was about my, and our, articulation and improved understanding of the demands on policing. Through Covid, we have seen that demands come on a regular, constant and relentless basis.

The demands on policing needed to be fully understood so that we could shape our organisation and our workforce. As chief constable, my responsibility was to outline what

we needed to do the job that I see as being critical to our discharging our statutory and common-law responsibilities to keep the people of Scotland safe. If that then had a consequence for funding—which it would have—it would thereafter be a political decision about how much investment and financial support is given to policing so that we can discharge our responsibilities, shape the workforce and do what is required.

10:45

You may view this as a weakness in the strategic workforce plan, but I am being entirely frank about this. We approached the plan by asking questions: what is the demand on policing, what skills do we lack, what skills do we need, what do we think will become of policing as a result of demographics, more activity online or pressure from cyber, and what will we need to continue to do while always being the service of last resort? That is how we built our plan—we built it around our people, rather than ascertaining what funding was available and fitting the plan into that. We came at it much more from the basis of demand and need than the basis of supply.

I do not think that the plan requires rewriting. If anything, it now allows us to continue to modernise and reform. When we create efficiencies and capacity, the plan allows me and the service as a whole to reinvest those efficiencies and capacities to meet new, emerging demand, while allowing officers and staff—I give this direct example bluntly—to ensure that they take meal breaks and look after their wellbeing and welfare, such is the pressure and demand on the system at the moment. If we can find more efficient ways to work, rather than using that to pay off some of the deficit—rather than thinking that, if we are more efficient, we should reduce numbers and costs, which will reduce the deficit—the fact that the deficit has now been addressed allows the service to reinvest the efficiencies and capacity that we create to meet those new demands, an awful lot of which are articulated through the strategic workforce plan.

**Liam Kerr:** A very good morning to you, chief constable. I obviously wish to associate myself strongly with Alex Neil's opening comments, particularly on the excellent work being done in Aberdeen and the north-east. You have spoken about the maximisation of presence, which is both notable and very welcome. That has been happening very well on the ground.

I will put a question to you that I asked David Crichton earlier. It follows on from Alex Neil's discussion of the resource budget increase. Police Scotland was looking for a capital budget of £85 million, give or take. In fact, the figure will go up by only £500,000, to about £51 million. That is a £33

million shortage, and I think that the capital reform funding has not increased at all.

If I am right about all that, it means that you had a need for something that costs £33 million that it is now not possible to buy or pay for or whatever it might be. Are you able to tell the committee what will not happen because you do not have that £33 million in the capital budget?

**Chief Constable Livingstone:** Thank you for your comments.

With your concurrence, I will ask the CFO to add to my comments. I will make a number of observations.

Historically, and as a statement of fact, from my perspective as chief constable, we have had a very poor capital allowance for an organisation of our size and complexity. It has been less than that of Shetland Islands Council. Over the years, it has been less than that of the fire service. We should consider size and resources alongside the demands on and expectations of the force. There is a recognition of that. I do not think that I am saying anything that the people in Scottish Government finance would necessarily take issue with—I hope not, anyway.

There is also a recognition that there is pressure on capital, not only in this budget but for the future. I was encouraged to see some of the indicative capital figures when I looked at the five-year plan that was recently published, with a likelihood of the capital perhaps going up to £75 million or £80 million. That is crucially important.

For us, the central issue is ICT investment. We have been criticised in the past for our systems not speaking to each other, but my observation is that that is what we inherited. Police Scotland did not cause that; Police Scotland is the answer to that.

Previously, there were contradictory systems. We had about 1,700 different systems and applications, but we are now down to hundreds as we have altered our approach and taken them out. We now have a single system for custody and another for recording details of road accidents. We have rolled out mobile devices and have moved from having 10 control rooms to three. We now have a single national computer network, which officers can access from any police office in Scotland to obtain all their emails and data. None of that existed prior to Police Scotland coming into being. We have made progress with our ICT framework, but we have much more to do, particularly on building our cyber capability, which is where I want the input to go.

My final point is that the service does not have a lot of room for manoeuvre on capital. Our core responsibilities on fleet, estates, maintenance and

turnover mean that many of my priorities include matters such as health and safety and legislative compliance, which do not allow us a lot of discretionary investment. I am hopeful that we will get more capital, which would allow us to continue to carry out modernisation, particularly on ICT. The reason for our having long-term strategic plans is that we know that we cannot just plan year on year—we need to have an eye to the future.

I am not sure whether Mr Kerr would like the CFO to add to that if the committee has capacity for him to do so.

**Liam Kerr:** I would be grateful for that if James Gray is available and has something to add.

**James Gray:** I can add to that, Mr Kerr. You asked what we cannot do with an allocation of £55 million versus the £80 million-odd that we asked for. The difference means that we cannot move our asset base towards the level that we would like. As the chief constable said, we can address health and safety issues—our buildings and vehicles will be safe—and we will have a core ICT infrastructure. However, we will not be able to improve the third of our estate that is in poor condition. A recent condition survey has shown us that a third of our estate is in categories C and D, which means that they are considered poor or unacceptable respectively. We will not be able to do planned maintenance to enable us to get them out of that condition at the rate that we would like. We will not see much movement on that with our current level of capital.

On ICT, we will continue to operate with desktops that are more than 10 years old and can take 10 minutes to boot up when they are turned on the morning. That is not a matter of health and safety or compliance; it is just inefficient.

The average age of a response vehicle is now six years. Our fleet strategy states that it should be no more than five years old or should not have done more than 120,000 miles, whichever comes first, so we are outside that. Our current head of fleet in Police Scotland was the head of fleet for the legacy Strathclyde force, at which point the average age of a vehicle was three years. In addition, such underinvestment does not stand still. The £12 million a year that we are unable to put into fleet would allow the average vehicle age to stand still at six years old. However, in recent years we have spent only between £5 million and £6 million, so the average age of our fleet will continue to increase. Again, that is not a health and safety issue, in the sense that the vehicles will be repaired, but it will give the committee a sense of the situation. Going into the next financial year, our parts and car maintenance bill, which is a revenue cost, will be almost £1 million higher as a result of the increasing age of our fleet. It is

therefore factors such as the degradation of our core asset base that will be affected.

On investment in new areas of technology, the difference means that we are not able to progress at the rate at which we would like. Although, as the chief constable has said, there has been good progress on our core operating solutions, with improving key systems and moving towards national systems in policing, we would like to do more on unifying comms and having an internal phone network. For example, I am based in Dalmarnock in Glasgow, which is my home office location. However, my phone number has the 01786 code for Stirling, because we still have not sorted out such basic issues.

Essentially, the difference means that we are unable to modernise and improve our systems. I should say that we are looking only to get up to a reasonable standard, not towards gold-plating anything. As the chief constable said, having seen the capital spending review that was published last week, we are optimistic that our position will improve in coming years and that we will start to see capital allocations in the region of £75 million or £80 million. However, there are a few questions to bottom out that are linked to our ability to generate capital receipts.

Until now, it has been possible to retain all the capital receipts that Police Scotland has generated. However, the risk around the timing and the value of those receipts has lain with the police service. We are trying to follow what happens in other parts of the public sector, whereby we would tell Scottish Government finance that we anticipated generating £80 million to £100 million over the next five years; we would be allowed to retain the financial benefit of that, but the Government, with its bigger capacity to manage financial risk, would manage the timing of that £100 million-worth of receipts, rather than its falling on to the Police Service of Scotland. As it stands, if there were a delay in the sale of a building, that would result in a delay in our ability to invest in new areas. We are asking the Government to take that risk away and manage it on our behalf, as happens across the wider public sector. If we are able to address that in the next five years, we will start to be able to address some of those issues that I have just set out.

**Liam Kerr:** I am grateful. Thank you.

**Gail Ross:** I also echo the thanks to the service, especially locally. I have dealt with the service on a number of occasions with regard to several issues and I have found officers to be extremely responsive and very sympathetic in various situations. Overall, I have found them to be excellent, as I have said to them on several occasions, but you may pass that on from me, chief constable.

On the ability of staff and officers to work virtually, James Gray just told us that the service is working with a lot of old IT systems but also that it has provided some updated laptops. How is that working in practice? Are you keen to continue that way of working in future?

**Chief Constable Livingstone:** Thanks, Ms Ross, for your kind comments. I will ensure that those are passed on to officers in Wick, Thurso and elsewhere in the north of the country.

It is an interesting issue. Yesterday, we had the monthly meeting of the strategic leadership board, which is my board meeting of all the subsidiary boards and operational processes that sit within the portfolios of the deputies—finance, operational policing, specialist capability and preparation for COP26. Anything that plays out in the public domain, or any issues that I need to take to the police authority for approval or discussion, will go through the monthly strategic leadership board. We used to meet at Tulliallan or sometimes at Dalmarnock or elsewhere, and people would come from all over the country. A representative of my divisional commanders is always there and yesterday, it was George Macdonald who, Ms Ross will know, moved from Inverness to Aberdeen. This time last year, had the weather been like it was yesterday, the meeting would have been cancelled, and I would not have been able to address the issues in front of us, including setting the budget and an update on the strategic workforce plan, and, as a service, we would not have been able to go ahead.

One of the consequences of Covid has been far more remote working, just like this meeting. To put it bluntly, the benefits have been phenomenal. I will be candid: whether it is an age thing or just being institutionalised over many years, I initially thought that it would be really difficult to get that level of engagement through remote working. Of course, people adjust themselves and are very agile in their thinking and behaviour. We now have the ability, as a national service, for our default position to be to hold meetings remotely, which allows people such as Ms Ross, who is based in the north of the country, away from the central belt where I am located, to participate, involve themselves and take on leadership roles. The lead on roads policing in Scotland is Louise Blakelock, who works from Inverurie police office. She does not work near the M8 or near Edinburgh or Glasgow, but the technology allows her to take on that leadership role from a remote location. We have also provided support staff with laptops and access to different platforms to get our business done. We are trying to move towards greater use of digital technology, and we are working with partners on that.

11:00

The criminal justice system needs to be massively modernised. For different reasons, people have always been cautious about change. Covid has forced people to think a little bit differently and to get things done.

I was speaking about the culture, and I was being a bit self-reflective in discussing my own sense of it. People can be far more effective working over a short period of time if they have the flexibility. If they have caring responsibilities, they can work around them. There is no unnecessary travelling, and that helps our environmental approach as we try to reduce our carbon emissions. That helps individual wellbeing, and it gets the job done better.

I would like to do more. Some forces in England and Wales have some call handlers working remotely, as James Gray alluded to earlier. With our technology, we could not push that out yet, so we are still using our key call centres in Dundee, Bilston and Govan. However, we could have that capacity. Some of our human resources staff and our financial team are spread across the country.

I am actually quite excited about some of the changes that might come about as a result of Covid. I think that they will help to change the culture and make the system much more agile and more officer and staff friendly, and the service will improve as a result.

**The Convener:** Graham Simpson has a question. Please make it brief, and we will then finish.

**Graham Simpson:** This question is for Mr Gray, and concerns the fleet.

I was a bit concerned to hear that the fleet is getting older and older. Could you tell us how much extra money is needed to start getting the average age of the fleet down from six years, rather than leaving it to go up?

**James Gray:** I will start by saying that there is no issue with vehicle safety—that is paramount. The consequence is increased revenue costs for repairs, which are more frequent.

The standstill amount to not allow the fleet to age any more is about £11.5 million per year, so anything over and above £11.5 million would start to result in a reduction in the average age of the fleet.

When we did our fleet strategy in 2019, we estimated that we would need to spend £30 million in one go to catch up from the underinvestment of a number of years. That makes sense. If we had been spending £5 million or £6 million a year when it should have been £11 million, we had been underinvesting by £5 million a year, six years into

the existence of Police Scotland, and five times six is 30. That £30 million figure will be slightly higher now.

We are looking to do things differently in the future. We have a commitment to decarbonise the fleet, but only at the rate at which the technology becomes available to make it safe for police vehicles, which are obviously pushed far harder than normal vehicles. The initial focus will be on unmarked vehicles that are not used for response or for roads policing.

We were looking to move to a leasing model. That would probably allow us to move a bit quicker, although we would need investment further down the line; otherwise, we would only get to a certain point. We now estimate that we would be able to get only to about 40 per cent electric with the current level of investment, and we would level off at that.

As I said earlier, we are pleased to see an increase in capital allocations in the new capital spending review. If the risk around capital receipts is taken away from the police service, we will be able to get our investment levels up to where they need to be for the fleet and in other places.

**The Convener:** My final question is not on the section 22 report. Given the Covid restrictions, have your officers been able to get a tighter hold on the drugs situation in Scotland?

**Chief Constable Livingstone:** I do not think that I would be able to say that, convener. At times, people have experienced greater social isolation and there are fewer natural support networks available. Most drug abusers and drug addicts have multiple health and social issues that cause them distress, and therefore the ability to make interventions—

**The Convener:** I was asking about the supply of drugs.

**Chief Constable Livingstone:** The point that I was making was that the demand has not diminished. If anything—you have asked me to reflect and speculate, so I will—people might have felt a greater need for recourse to drugs. Where the demand exists, the supply will operate. We have continued to make significant interventions. There have been enormous seizures of class A and other drugs that have come into the country, and it remains a monumental concern.

On our approach, it is an international trade, so our big links are with London and Liverpool, along with the convener's area of the north-east and Dundee, where we are continuing with fantastic local initiatives to help addicts. We are working to roll out naloxone as an intervention for those who are suffering from addiction.

On a national and international basis, we are working extremely hard to cut off the supply of drugs. The issue is that we need to reduce appetite and demand for drugs by improving people's lives and health, which would then allow us to tackle these organised crime groups that operate ruthlessly as businesses and which trade in people as much as they trade in drugs. It has remained a highly demanding area, which underlines my introductory remarks that the core essential demands upon the police service continue to grow alongside the additional elements as a result of Covid.

**The Convener:** I appreciate all that. I thought that, given that there was a vastly reduced volume of traffic, particularly during the first lockdown, the statistics might show that the police had managed to catch more of the supply, because, from where I am sitting, supply does not seem to have decreased at all. If there is more information on that, we could talk about it another time.

We have asked all our questions on the section 22 report, chief constable. Like my colleagues, I thank you for joining us at this difficult time and for your evidence and the time that you have given to the committee. I also thank James Gray.

I close the public part of the meeting, and the committee will now move into private session.

11:07

*Meeting continued in private until 11:48.*





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