

# **AUDIT COMMITTEE**

Wednesday 5 December 2007

Session 3

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## AUDIT COMMITTEE 8<sup>th</sup> Meeting 2007, Session 3

### CONVENER

Hugh Henry (Paisley South) (Lab)

### DEPUTY CONVENER

\*Murdo Fraser (Mid Scotland and Fife) (Con)

### COMMITTEE MEMBERS

\*Claire Baker (Mid Scotland and Fife) (Lab)  
\*Willie Coffey (Kilmarnock and Loudoun) (SNP)  
\*George Foulkes (Lothians) (Lab)  
\*Jim Hume (South of Scotland) (LD)  
\*Stuart McMillan (West of Scotland) (SNP)  
\*Andrew Welsh (Angus) (SNP)

### COMMITTEE SUBSTITUTES

Derek Brownlee (South of Scotland) (Con)  
\*James Kelly (Glasgow Rutherglen) (Lab)  
Iain Smith (North East Fife) (LD)  
Sandra White (Glasgow) (SNP)

\*attended

### THE FOLLOWING ALSO ATTENDED:

Miranda Alcock (Audit Scotland)  
Mr Robert Black (Auditor General for Scotland)  
Barbara Hurst (Audit Scotland)  
Catherine Vallely (Audit Scotland)

### CLERK TO THE COMMITTEE

Tracey Reilly

### SENIOR ASSISTANT CLERK

Joanna Hardy

### ASSISTANT CLERK

Rebecca Lamb

### LOCATION

Committee Room 4



## Scottish Parliament

### Audit Committee

*Wednesday 5 December 2007*

[THE DEPUTY CONVENER *opened the meeting at 10:30*]

### Interests

**The Deputy Convener (Murdo Fraser):** Good morning, ladies and gentlemen. I welcome committee members, members of the press and public and the Auditor General for Scotland and his staff to the eighth meeting this session of the Scottish Parliament's Audit Committee. I ask everyone to switch off their mobile phones and pagers.

As members might be aware, our convener Hugh Henry has suffered a family bereavement. I am sorry to say that he will not be with us today, but I am sure that we will all want to send him our good wishes and condolences at this time.

I welcome to the meeting James Kelly, who will substitute for Mr Henry. I invite Mr Kelly to declare any interests that might be relevant to the committee's work.

**James Kelly (Glasgow Rutherglen) (Lab):** I have no interests to declare.

### Decision on Taking Business in Private

10:31

**The Deputy Convener:** We move to item 2. I seek the committee's agreement to take in private item 6, which is consideration of our approach to the Auditor General's report, "Overseas staff in the NHS—pre-employment checks", and item 7, which is a discussion on arrangements for our NHS Western Isles inquiry. Are members agreed?

**Members** *indicated agreement.*

## "Overseas staff in the NHS—pre-employment checks"

10:31

**The Deputy Convener:** Item 3 is consideration of the Auditor General for Scotland's report, "Overseas staff in the NHS—pre-employment checks". I invite the Auditor General to make some introductory remarks.

**Mr Robert Black (Auditor General for Scotland):** This short report examines whether national health service boards are following their own policies on pre-employment checks of staff who are recruited from outside the European economic area, which is made up of European Union countries, Iceland, Norway and Liechtenstein and includes Swiss nationals.

Members might recall that this review does not form part of Audit Scotland's planned programme of national performance studies. Following this summer's security incidents in London and Glasgow, in which overseas staff in the NHS were said to be involved, the Cabinet Secretary for Health and Wellbeing requested a review of whether the NHS in Scotland is in line with the Centre for the Protection of National Infrastructure's guidelines. The Scottish Government also reviewed whether its national policy and guidance on pre-employment screening for overseas staff complied with the same guidelines.

The Government asked me whether Audit Scotland would review whether NHS boards are following their own pre-employment screening procedures. In recognition of the public interest in the area, I agreed to undertake the work. However, I should emphasise that I set the terms of reference for our review and made it clear that I wished to report my findings in public. That is what I am doing today.

All of us, including me and my Audit Scotland colleagues, recognise the important role that overseas health care staff play in supporting the NHS in the provision of care to all the people of Scotland. To ensure that it recruits the right person for the job, the NHS carries out pre-employment screening for all staff, including checking whether they have the necessary qualifications and experience. Boards are also required to ensure that overseas staff have the right permissions to work in the United Kingdom. The guidance on pre-employment checks is limited to assessing an individual's suitability for and capability to do the job and does not cover, for example, ideological beliefs.

At this point, with the committee's agreement, I invite Barbara Hurst briefly to outline the report's key findings.

**Barbara Hurst (Audit Scotland):** When we asked all 14 boards to provide us with the number of overseas staff that they employ, they reported that, at September 2007, there was a total of 1,161 overseas staff in employment, 89 per cent of whom were doctors or nurses. However, that figure is likely to be an underestimate, as we found that it was difficult for boards to provide us with accurate numbers, particularly for staff with the immigration status of indefinite leave to remain. Moreover, we found that not all staff information was held centrally, which made it more difficult to collate.

We examined compliance with the pre-employment screening procedures in five boards: Ayrshire and Arran NHS Board; Grampian NHS Board; Greater Glasgow and Clyde NHS Board; Lanarkshire NHS Board; and Lothian NHS Board. We selected those boards because information that had been supplied previously showed that they had the highest numbers of overseas staff. We looked in a sample of files in each of the boards for evidence of checks on identity; reference checks; qualification and regulatory checks, such as General Medical Council checks for doctors; checks on work and residence permits; and Disclosure Scotland checks, which examine criminal history in Scotland.

Given the problems that boards had in giving us accurate numbers for overseas staff, we cannot give an absolute assurance that the sample was representative, so our findings are indicative. However, we found evidence of a high rate of compliance with the checks. We reviewed 235 records in total, and the percentage of files containing evidence of the checks ranged from 90 to 99 per cent, depending on the check in question. It is fair to say that we were looking to see that the evidence was on the file. The fact that the evidence was not on the file does not necessarily mean that the check was not carried out—it might not have been recorded.

Our report contains a number of recommendations for the Government and NHS boards, including the need to make smarter use of the national workforce information system and more proactive use of immigration status fields. We also recommend that boards prioritise the wider use of their electronic records to support better management information on staff in general.

As the Auditor General said, the Government is revising its policy and guidance on pre-employment checks for overseas staff, which we understand will be issued this month. We think that that will include guidance on overseas criminal history checks.

On the boards that were not subject to our sampling, we are asking our auditors to check that there are similar processes throughout Scotland.

We are happy to answer questions.

**The Deputy Convener:** Thank you for that introduction. This important and timely report arises from the terrorist attack on Glasgow airport and the concern thereafter about the employment of overseas nationals in the health service and other public services. The information that the report provides is positive and encouraging, but there are still areas of concern.

**Stuart McMillan (West of Scotland) (SNP):** Page 3 of the report says that a total of 235 personnel files of overseas staff were examined. How were those files selected? Was the selection random or were particular individuals picked out?

**Barbara Hurst:** The files were selected at random, but given that we did not know the total number of overseas staff, the selection might have been skewed. That is the reason for the slight caveat about whether the sample was representative.

**Willie Coffey (Kilmarnock and Loudoun) (SNP):** I want to pick up the point about those with indefinite leave to remain. Is there a further problem to be looked at there?

Is information on tracking the movement of staff between health boards, or into other forms of employment, contained in the study? Is there such a tracking system?

**Barbara Hurst:** On staff with indefinite leave to remain, I will be modest and say that we do not claim to be immigration specialists. When we started this work, we found that immigration was pretty complicated. As an employer, a board might not necessarily need to know whether someone has been granted indefinite leave to remain. The checks that we were looking at were checks on work permits, for example, which people with indefinite leave to remain do not need.

However, our view was that boards should know which of their staff were in that category, if only for workforce planning purposes. They would need to know all the migration flows into and out of their workforce. We are not saying that this is necessarily a risk factor. We reviewed some files of staff with indefinite leave to remain, from which work permit checks were excluded. Of course, every member of staff has to have their references and identity checked.

Tracking staff was not part of what we were looking at. We were doing a focused piece of work on individual files. However, one would expect the same checks to be made if a member of staff moved between board areas. We did not specifically consider the tracking of staff, but we

would have done the same review if we had any such staff in our sample.

**Jim Hume (South of Scotland) (LD):** Page 11 of the report states:

"We were able to identify evidence of reference checks being completed in 90 per cent of cases"

only. Will you comment on that? Does that mean that 10 per cent of references—116 or so—were not checked?

**Barbara Hurst:** Ideally, one would want the files to show that 100 per cent of references had been checked, irrespective of whether a member of staff was from overseas. However, we are not saying that a reference was not checked just because there was no evidence of that on file. That was the difficulty. The focus was so much on the evidence on the files that we could not consider the whole recruitment process. However, you are right. Ninety per cent is the worst figure in the summary of compliance. We would certainly expect boards to ensure that they put evidence on their files.

**James Kelly:** You have stated that it is impossible to be precise about the number of overseas staff in the national health service. One reason that you gave for that is that some information is not held centrally. Is that common across all the health boards?

**Barbara Hurst:** It was common in the boards that we reviewed. However, in light of the number of staff who are employed, it may be appropriate that files should be with line managers, in particular hospitals or whatever.

We thought that better use could be made of workforce information systems. Key bits of information could be held in a central place so that people could retrieve them. However, there is no reason why things could not be decentralised for practical operational purposes. Probably all boards have records in their various operational units, but we would like all boards to have much better and more comprehensive central information too. That should be perfectly possible if the information is in an electronic format.

**George Foulkes (Lothians) (Lab):** I want to follow up on the question that Jim Hume asked. Is it not worrying that you could not access references in 10 per cent of cases?

**Barbara Hurst:** I suppose that the answer to that is yes and no. I do not want to be an apologist, but the committee should realise that we looked at the evidence on the files. We cannot categorically say that the references in question were not checked. All that we can say is that 90 per cent of the files that we checked contained evidence of reference checks.

**George Foulkes:** Did the other files simply contain boxes that had been ticked?

**Barbara Hurst:** No. The exercise found a mixed range of record keeping systems. Catherine Vallely may be able to give more details about that. Some files contained comprehensive copies of everything, whereas others contained copies of some papers with ticked checklists that showed what had been checked that was not kept on the file.

**George Foulkes:** Could you follow the information back? Was it evidenced? Had people signed papers after ticking boxes? Could you go to the person who had ticked a box and ask them whether they had seen the reference?

**Catherine Vallely (Audit Scotland):** Yes. In some cases, there was a pro forma with a tick from somebody in human resources who had completed and signed it, and we raised any queries with them.

**George Foulkes:** Paragraph 26 of the report is even more worrying. It states:

"There was evidence of work permits for 96 per cent of staff".

That implies that there was no evidence that 4 per cent of those staff had work permits.

**Catherine Vallely:** There were no photocopies of the work permits on file, but that does not mean that those staff did not have work permits. There was inconsistent record keeping.

**George Foulkes:** You have recommended that, in future, all boards should keep copies of references and work permits and not rely on tick boxes.

**Catherine Vallely:** Yes.

**George Foulkes:** Good.

**Barbara Hurst:** We have also recommended that people should streamline trigger processes to ensure that work permits are kept up to date. At the moment, the system relies on a range of people in boards to do that.

**George Foulkes:** I hope that the report is followed up. What will happen now? I keep asking that question in Audit Committee meetings. Audit Scotland produces excellent reports, and we must ensure that they are followed up.

**The Deputy Convener:** To be fair, that job is not for Audit Scotland but for us, as a committee. We will decide, at a later stage, what action to take to pursue the matter.

**George Foulkes:** Excellent.

**Barbara Hurst:** Although we, too, will ensure that this work is carried out in every board, not just in the five sample boards.

10:45

**Jim Hume:** On reference checks, even if ancillary and other workers were not all checked, did you identify that doctors were at least given reference checks?

**Barbara Hurst:** In a sense, the record keeping for doctors is likely to be better, purely because they also have to have regulatory checks, such as checks by the GMC. Perhaps Catherine Vallely has more information on that.

**Catherine Vallely:** I do not have a breakdown of the 10 per cent whose references were not checked, but I agree that the regulatory checks on doctors provide reassurance.

**Barbara Hurst:** The "Qualifications and Regulatory" category shows a 99 per cent compliance rate.

**Claire Baker (Mid Scotland and Fife) (Lab):** On the indefinite leave to remain category, I noticed that the figures for NHS Fife and NHS Lanarkshire are quite high. Is that down to different recording practices?

**Barbara Hurst:** The point is an interesting one. NHS Lanarkshire was one of the five sample boards. Its system for recording staff with indefinite leave to remain is one of the best that we saw. We are therefore not surprised that its returns show higher numbers in that category.

The information from NHS Lanarkshire helped to inform our suspicion that other boards employ people in that category but do not record the information because their systems do not enable them to retrieve the data.

**Andrew Welsh (Angus) (SNP):** You spoke of inconsistent record keeping. Do boards have the administrative machinery to impose an effective and up-to-date system? If so, can they do that within existing resources? What is the extent of the variation across boards?

**Barbara Hurst:** There is variation across and within boards. When the health service introduced its electronic workforce information system—I cannot remember its exact name—a few years ago, the aim was to improve record keeping significantly. Record keeping, in terms of centrally held information, will probably improve over the next few years, because people who are employed over that period are far more likely to be registered on that system. That will mean that information will no longer have to be produced by going back through records retrospectively. In our view, the system can be improved within current resources. Good record keeping on individual staff members is not rocket science. Given that we are talking about staff who work with vulnerable people, we should expect good record keeping.

**Willie Coffey:** You spoke about overseas criminal record checks, which you said complement Disclosure Scotland checks. What is the timescale for those checks? Are they doable?

**Barbara Hurst:** Obviously, this is an important area. In our work, we followed up what boards were doing, set against their local policies and procedures. Given that overseas criminal record checks did not feature highly in those policies and procedures, we did not include them as a pre-employment check. That said, we found evidence in some of the files that we reviewed that staff had had that check. The overseas criminal record check is probably the most difficult area of overseas staff pre-employment checking.

The national Criminal Records Bureau has details on the United Kingdom's bilateral agreements with other countries. Catherine Vallely will correct me if I am wrong, but I think that most of them are with Commonwealth or European Union countries. The bureau gives employers advice on conducting checks with other countries in that regard. That said, the process is, of course, a difficult one for employers.

The expectation of NHS employers is that they should undertake a risk assessment, because that will show whether such a check is worth while. Clearly, the check should absolutely be done for workers from countries with which we have an agreement.

**The Deputy Convener:** I have a follow-up question. Paragraph 28 states that some of the personnel records had evidence of overseas checks. What sort of percentage are we talking about?

**Barbara Hurst:** It is probably not very high. Catherine Vallely might be able to throw some light on that.

**Catherine Vallely:** As Barbara Hurst mentioned, such checks were not one of the key issues that we examined, but the number was not significant at all.

**The Deputy Convener:** I presume that those checks were done fairly randomly, so there was no particular pattern—perhaps they related to the type of job or health board.

**Catherine Vallely:** There was no pattern.

**The Deputy Convener:** Paragraph 27 states that there is evidence of Disclosure Scotland checks being carried out in 95 per cent of cases. Such checks are a legal requirement when people work with children. Is the issue with the remaining 5 per cent of cases simply that records were not kept properly?

**Barbara Hurst:** There are special rules about how records from Disclosure Scotland are kept. I



ask Catherine Vallely, who is becoming our resident expert, to explain what that actually means. It may explain why the figure is only 95 per cent. Can you help, Catherine?

**Catherine Vallely:** Again, the issue is inconsistent record keeping. The Disclosure Scotland form is not kept on the file—there is a reference number. In some cases, the reference number was not noted on the checklist. That accounts for the 5 per cent figure. We had no real way of checking anything further, as nothing is kept on file, for data protection reasons.

**Stuart McMillan:** I assume that agency staff are included in the figure of 1,161 overseas staff.

**Barbara Hurst:** No, they are separate. The figure of just over 1,000 is for health board employees. Agency staff are another category. We will ask the auditors of the body that has the national contracts for agency staff to do a similar piece of work to that which we have done on the five sample boards.

**Stuart McMillan:** Is there a timescale for that work?

**Barbara Hurst:** We need to plan that in the audit programme, but I guess that it will happen during the current audit year, so I hope that it will be done by March.

**Stuart McMillan:** Do you have an indication as to the number of agency staff who work in the NHS at present?

**Barbara Hurst:** I thank the Auditor General, who just provided me with some figures as I looked at you blankly. We have figures for nurses, but not doctors. In 2006-07, 728 whole-time equivalent agency nurses were working in the NHS. If the committee is interested, we can provide more up-to-date information for all the categories. We could probably find out the information for doctors.

**Claire Baker:** The report states:

"The guidance on pre-employment checks is limited to assessing an individual's suitability and capability to do the job and does not cover their ideological beliefs."

However, it continues:

"As employers ... NHS bodies can develop local procedures to supplement the statutory requirements."

Was there any evidence of NHS boards introducing additional procedures?

**Barbara Hurst:** The difficulty with the work was that the checks are basic good employment practice that organisations perform for most staff, although there are additional checks on work permits for overseas staff. We need to be absolutely clear: there is no way in which an NHS employer could spot a potential terrorist through

that process. How could they? In the same way, an employer recruiting a UK citizen would not be able to spot a potential terrorist. Boards may put in place additional local checks to supplement the good-practice employment checks, but they would not be part of the activities around what is, in a sense, a legitimate Home Office UK immigration policy.

**George Foulkes:** I have an entirely different question. Mr Black helpfully set out, as does the report, how we describe overseas staff, which is those who are not from the European Union, Iceland, Norway, Liechtenstein or Switzerland. Are residents of the Channel Islands and the Isle of Man considered as overseas staff?

**Barbara Hurst:** This is absolutely dreadful; you are exposing our total lack of geographical knowledge about immigration. I genuinely do not know.

**George Foulkes:** It is very interesting that you do not know. Do you know, Mr Black?

**Mr Black:** No.

**George Foulkes:** Do you know, Ms Vallely?

**Catherine Vallely:** No.

**George Foulkes:** It is interesting that three very qualified, experienced people are unable to tell me. I can tell you that the Channel Islands are not part of the European Union. Are they part of the European economic area? Did you discuss that? Were any NHS staff from the Channel Islands or the Isle of Man? It is very interesting.

**Barbara Hurst:** Thank you for exposing our ignorance.

**George Foulkes:** The Channel Islands and the Isle of Man are Crown dependencies and are part of the British isles. I can tell you a lot more about them if you are interested.

**The Deputy Convener:** We can leave that discussion to another day.

**George Foulkes:** I think that I have made my point.

**The Deputy Convener:** Indeed.

**Mr Black:** You have caught us bang to rights. The question that I anticipated—which has not yet been asked, but is perhaps to come—concerns the situation of Commonwealth citizens. Apparently, it is very complicated. Perhaps this issue is a subset of that.

**James Kelly:** I have a much more mundane question. Page 6 of the report gives a breakdown of the 1,161 members of NHS staff who are from overseas. Of the 45 staff who are categorised as "Other/unidentified immigration status", two thirds—a total of 30—work in NHS Fife. Was there

anything unusual about the way in which the categories were allocated in NHS Fife?

**Barbara Hurst:** It is difficult to say, because Fife NHS Board was not one of the boards that we examined. We may have more information once the auditor has looked at it. In a sense, at least the board was honest about the numbers. I am afraid that that is all I can say.

**Jim Hume:** Going back to my previous question about how the figures break down into doctors and ancillary staff, I see that exhibit 3 on page 8 of the report shows that all the overseas staff in NHS Ayrshire and Arran were doctors. Appendix 2 on the last page of the report shows that there was no evidence of a Disclosure Scotland check on file for five of the 44 staff sampled. Also, for five of the 44 staff sampled there was no evidence of a check on file for work references. That seems quite a large percentage. I would have hoped that doctors above all would have to undergo such checks.

**Barbara Hurst:** I can explain something here. We thought that it was unusual for 100 per cent of a board's overseas staff to be doctors. Ayrshire and Arran NHS Board was included in the sample, therefore we can say that some of the files that we sampled were not doctors.

**Jim Hume:** That means that the chart is wrong.

**Barbara Hurst:** The chart is based on the information that boards provided to us. Remember that I said earlier that they could not give us an accurate picture. We know that there are some overseas nurses in NHS Ayrshire and Arran because we have seen their files.

**Jim Hume:** Knowing that, why did you not change the chart?

**Barbara Hurst:** We asked all the boards to reconfirm the numbers.

**Jim Hume:** So the numbers came from the boards. There is something wrong there.

**The Deputy Convener:** Okay, I thank members for their questions. I remind members that we will return to the issue under item 5—item 6 on the amended agenda—when we will discuss how we intend to deal with the report. I thank the Auditor General and his team.

## “Police call management—An initial review”

11:00

**The Deputy Convener:** Agenda item 4 is consideration of the Scottish Government's response to our letter in connection with the Auditor General's report “Police call management—An initial review”. We have circulated to members a copy of the initial correspondence and the reply, dated 23 November, from Robert Gordon, who is the director general justice and communities.

I will invite comments from members at this stage and then from Audit Scotland. Thereafter, we will need to discuss what further action, if any, we wish to take. Do members have any comments on Robert Gordon's letter? Having read it, my impression is that it is somewhat vague on the detailed questions that we posed. In particular, I am concerned that there is little indication that the Government is progressing non-emergency numbers on a national basis. It seems that it will be left to individual forces and police boards to take the issue forward, rather than there being a national approach.

**Willie Coffey:** Police response times have been raised in previous discussions. The second paragraph on page 2 of Mr Gordon's letter indicates that “a draft performance indicator” will be in place “from April 2008.” I presume that the first data might not come from that until a year later—perhaps 2009. That is a bit long to wait to get an indication of police response times to incidents within communities. I am fairly certain that a lot of members receive constituents' enquiries on response times from time to time. Can we do more to sharpen up or hasten the process?

**The Deputy Convener:** Are the Auditor General and his team aware of any work that is being carried out on police response times at present?

**Miranda Alcock (Audit Scotland):** Yes. I confirm that the Scottish policing performance framework for 2008-09 contains a formal indicator on the proportion of emergency calls that are responded to within force target times, broken down into urban and rural areas. The time is usually 20 minutes for rural areas, with different target times for urban responses—often 10 minutes. The indicator will be included and formally reported on, as Mr Coffey said, at the end of 2009.

However, the Scottish policing performance framework is reported on quarterly, so the first report will be for the first quarter—April 2008 to

June or July 2008. A report will be made to Her Majesty's inspectorate of constabulary for the first quarter, so you will not have to wait for a whole year. Individual forces might report sooner than that. I suspect that as the indicator is being put into the Scottish policing performance framework, boards will ask more questions about each force's performance in relation to target times. Does that help?

**Willie Coffey:** The call centre management systems have been in place for a wee while now, and I anticipated that, even at this stage, some data would be available to show the public how well the police perform on response times. I want to clarify what you are saying: you are talking not about response times within the call centre management system, but about response times for police to get to incidents in the community. That is important to the public, and we need that element to be captured and embedded in the system. I was hoping that it would be done a lot sooner than 2009.

**Miranda Alcock:** The data will exist—it is just a question of whether they will be reported on publicly. The earliest that the data can be formally included is from the beginning of 2008, through the Scottish policing performance framework, which will be done, and that will raise the profile of the issue. Individual boards will be able to ask for the data earlier. The information should be available for the introduction of the Airwave system.

**Willie Coffey:** We will need to ask for that information.

**The Deputy Convener:** We can do that.

**George Foulkes:** It might be that I got out of the wrong side of bed this morning. We had an excellent report from the Auditor General, which the committee discussed in great detail. Hugh Henry then sent a well-drafted letter to Robert Gordon, asking five specific questions. He wrote:

"The Committee therefore seeks your views on:"

and listed four further bullet points. However, the response that we have received does not answer the questions at all. It is full of generalisations and phrases that are worthy of Sir Humphrey, for example:

"The two strands of work outlined above are likely to lead to consideration of several of the issues raised by the Committee, including the use of 0845 numbers and awareness amongst the public of alternative numbers."

What does that mean?

The letter goes on:

"We are not aware of any significant problems with the current arrangements. However, if there is evidence to the contrary, we will explore this further."

Has Robert Gordon actually read the report from Audit Scotland? Later on in the letter—I found this really astonishing—he writes, in the second paragraph from the bottom of page 2:

"Within these responsibilities, it is important that the need for local accountability and the importance of adopting national approaches in certain areas are successfully married."

That does not answer any of the points that were raised. Either we accept Robert Gordon's response and say that the Government is just cocking a snook at us and Audit Scotland, or we challenge it and find some way of getting specific answers to the questions in Hugh Henry's letter.

**The Deputy Convener:** We have a number of options. We can correspond further with the Government, saying that we are unhappy with its response and that we want to pursue matters further. We can invite the accountable officer, Robert Gordon, to the committee to give oral evidence, if that is the view of committee members. We can simply note the Government's response. Alternatively, we can refer the matter to the Justice Committee, which is currently pursuing a fairly broad-ranging inquiry into the police. Given that the Justice Committee is already doing that work, we might spend a lot of time investigating the issues and duplicating what that committee is doing. It is entirely in committee members' hands to decide how we pursue the matter.

**Stuart McMillan:** As a member of the Justice Committee, I know that we have touched on the issue of response times, but we have not examined it in any depth. That is not to say that the Justice Committee will not return to it later in the year, although up to now we have not considered it in great detail.

**George Foulkes:** I propose that we invite Mr Gordon to come and give evidence to the committee and answer the points in Hugh Henry's letter. Depending on his response, we could decide whether to refer the matter to the Justice Committee.

**The Deputy Convener:** Are other members inclined to support that proposal?

**Stuart McMillan:** It is a good proposal, but I would like to give Robert Gordon the chance to respond in a bit more detail. We could write to him again, saying that we are not happy with the response that we received and asking him to answer the specific questions in more detail. If the response that we get is along the same lines as the response that we have already received, I would be happy for us to invite him along to the committee.

**George Foulkes:** The issues could not be made any clearer than they are in Hugh Henry's letter. He got some help in drafting it from Tracey Reilly

and others. It is a clear letter that asks specific questions arising from the excellent report. It could not be clearer.

**James Kelly:** I support George Foulkes's proposals. As has been said, the letter asks specific questions, but the response is vague and does not address the committee's concerns. It is reasonable to invite Robert Gordon along to speak to the committee to get clarification on the specific issues that are addressed in Hugh Henry's letter.

**The Deputy Convener:** Given that we have already put those specific questions in writing and have not received a detailed response, I am disinclined to write again. In my view, if we want to pursue the matter, we should invite the accountable officer to the committee. Are members content with that as a way forward?

**Members** *indicated agreement.*

**The Deputy Convener:** Perhaps Tracey Reilly and the clerks can find an appropriate date for us to invite Robert Gordon to come and give evidence so that we can pursue the questions further.

## Audit Committee (Title and Remit)

11:10

**The Deputy Convener:** Item 5 is consideration of the title and remit of the Audit Committee. The clerks have helpfully prepared a paper on the issue. It arose from the legacy paper that was prepared by our predecessor committee, which recommended a change of name and a fairly technical change to the committee's remit.

George Foulkes asked for this item to be put on the agenda. George, do you want to say anything?

**George Foulkes:** The legacy paper was very interesting reading, and not just on the committee's title. Our predecessors made several helpful suggestions about the way in which the committee operates.

My preference is for the committee to be named the public accounts committee, but that might be too Westminster oriented for us. In Commonwealth Parliaments around the world, similar committees to this one are called public accounts committees. That title gives a much better indication of what we do. When people think about audit, they think of something very technical being carried out by chartered accountants, such as checking figures to ensure that they are accurate—I intend no disrespect to chartered accountants, or actuaries, even. That is an important part of the work of Audit Scotland, which I have come to respect greatly.

I have also come to realise, however, that this committee does a lot more than technical checking, in terms of value for money and a range of other aspects. It would reflect better the work of the committee if we considered the legacy paper's proposal. If changing the committee's name to the public accounts committee would be going a bit too far, "public audit committee", as suggested in the clerk's paper, is a reasonable compromise that I would go along with.

**The Deputy Convener:** The term "public accounts committee" is recognised in the zeitgeist; people are familiar with the concept. If we are going to change the committee's name, we should seriously consider changing it to the public accounts committee rather than the public audit committee. However, I am happy to hear members' views. Would the former convener like to make a contribution?

**Andrew Welsh:** The Westminster system is very different from the committee system in this Parliament. We are more effective and efficient, and our committees have wider powers than Westminster committees.

The Audit Committee's unique relationship with Audit Scotland benefits the Scottish public, whom we serve. We are fortunate to have Audit Scotland reports as the basis of our activities and, during previous sessions of Parliament, positive benefits accrued in sharpening up and improving the systems of the bodies that Audit Scotland has investigated. The big problem is that if you mention audit, people's eyes glaze over; the Finance Committee has the same problem. However, those committees are at the heart of ensuring good value for money and it is important that that is recognised.

I have no problem with calling this the public audit committee, but I seek assurance on the record from the convener that none of the changes will alter or affect the role and remit of any other Scottish Parliament committee.

**The Deputy Convener:** We can confirm that. We would not be altering in any way the committee's role and remit. The clerk's paper contains a proposal to make what is a fairly technical adjustment to the committee's remit to clarify the fact that the committee can consider wider public audit policy matters, which is what we—and the predecessor committee—have been doing in practice. Changing the committee's name will have no other effect on the committee's role and there is no question of it treading on the toes of the Finance Committee or of any other parliamentary committee.

11:15

**Andrew Welsh:** It is important to make that clear.

If the name "public audit committee" will give the public a clearer indication of what the committee does, we should adopt it, because the committee's role and activities should gain wider publicity and be better understood by the public. The committee can be proud of what it has done over previous sessions and in the present session.

**The Deputy Convener:** You would prefer "public audit committee" to "public accounts committee".

**Andrew Welsh:** Yes.

**The Deputy Convener:** Do any other members have a view?

**Jim Hume:** In a nutshell, I am quite happy with the present title. If we were to call the committee the "public accounts committee", we would make it sound as if we were getting into financial matters, because the word "accounts" is more of an accountant's term. Given that we represent the public, just adding "public" in front of the committee's name will not bring any great benefits. Audit Scotland already exists. If we changed our

name, would Audit Scotland have to change its name? I honestly think that it is quite clear what we do. "Audit" is a strong word and I see no benefit in putting "public" in front of it.

**Willie Coffey:** I am quite relaxed about the title, although I do not think that including the word "public" in it would give it any more pizzazz. Andrew Welsh mentioned the possibility of straying into matters of policy, which I would not favour. One of the advantages of the committee is that it is highly apolitical and is not a forum for re-enacting debates that take place elsewhere. That is a useful distinction between our committee and other committees and it gives it its strength. I would not like us to stray into debating issues of policy in the wider sense. I hope that we can obtain clarification that that will not be the case.

**The Deputy Convener:** I will let Tracey Reilly come in at this point.

**Tracey Reilly (Clerk):** The proposed name change is strictly a matter of clarification. There is no intention to change the way in which the committee operates or its procedures.

A particularly narrow reading of the committee's remit might suggest that the committee could examine audit policy only in relation to a document that had been formally laid before the Parliament. In the purely hypothetical situation in which the Government decided to consider amendments to the Public Finance and Accountability (Scotland) Act 2000 and consulted thereon, the committee would not strictly be within its rights to examine that consultation because it would not be a laid document.

Through the proposed change, we aim to capture such situations. We do not want to change the way in which the committee operates. Our intention is purely to enable the committee to examine issues of policy that pertain to its remit, not wider policy matters, which the subject committees rightly look at.

**Stuart McMillan:** I fully accept what Tracey Reilly said; she put the case for the change succinctly.

When you tell people that you are a member of the Audit Committee, initially their eyes glaze over, but after a while Audit Scotland will be mentioned. Retaining the word "audit" in the committee's title will ensure that there continues to be a good tie-in with the work of Audit Scotland. I am keen to keep "audit" in the committee's name.

I agree with Willie Coffey that putting "public" in front of the present name will not give it any more pizzazz. "Audit Committee" is quite a succinct title, so that would be my preference.

**The Deputy Convener:** George, do you want to reintroduce some pizzazz?

**George Foulkes:** I am a pizzazz expert.

Like the convener, if we were starting from scratch, my preference would be to call the committee the public accounts committee, which name is used not just at Westminster, but in many Commonwealth countries, as I said earlier.

However, I am also a member of that highly distinguished body, the Scottish Commission for Public Audit, which had a meeting last Wednesday at which Mr Black reported to us on some of the extremely impressive work that is being done by the Auditor General in developing countries, where public accounts committees are being set up and public audit work is being encouraged.

The examples of the Scottish Parliament and Westminster are being followed. The set-up that exists in London with the National Audit Office is similar to the one that exists here with Audit Scotland.

Since that other organisation is called the Scottish Commission for Public Audit, the proposed new name for this committee would be consistent—I go along with the idea of keeping the word “audit” in it. The clerk’s report to the committee contains a good compromise.

**Jim Hume:** Does George Foulkes know what the situation is in the Isle of Man and the Channel Islands?

**The Deputy Convener:** Is that within your sphere of knowledge, George?

**George Foulkes:** Yes, it is. Have we got an hour?

**The Deputy Convener:** No.

**George Foulkes:** The situation in those places is interesting. Because of their interest in issues relating to tax havens and the development of offshore finance, public accounts and public audit is even more important to them than it is in other parts of Britain. I could go on at length, if you want.

**The Deputy Convener:** Please do not.

Auditor General, do you have anything that you want to contribute?

**Mr Black:** I encourage the committee to consider the recommended change of name, for the reasons that have been given.

I go around the country a lot and, when we speak to people—from overseas and elsewhere—who do not know our system, the word “public” helps to make clear the fact that our purpose relates to accountability to the public for the use of resources. As the paper states quite clearly, the nuance of the title “Audit Committee” suggests that the committee is concerned with the Scottish Parliament’s internal resources. Therefore, I think

that the new title will strengthen the committee. The resonance with the title of the Scottish Commission for Public Audit is helpful. The change will simplify the situation for people and increase their understanding of the role of the committee. I encourage the committee to go in that direction.

**The Deputy Convener:** There are different opinions around the table, but this is hardly the most crucial issue that the committee will be required to address. Is there a general feeling—with the exception of Jim Hume, who is dissenting—that we should use the word “public” in our title?

**Jim Hume:** My dissent is not that strong.

**The Deputy Convener:** Obviously, it is not an issue that we want to divide over. Do we agree to propose to the Standards and Public Appointments Committee that we change the committee’s name to the public audit committee and that we clarify the remit of the committee to address the point that Tracey Reilly mentioned earlier, about the consideration of wider public audit policy matters?

**Members indicated agreement.**

**The Deputy Convener:** We will now move into private session.

11:23

*Meeting continued in private until 11:39.*

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