

AUDIT COMMITTEE

Wednesday 6 February 2008

Session 3

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AUDIT COMMITTEE

3rd Meeting 2008, 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:

Mr Robert Black (Auditor General for Scotland)
Caroline Gardner (Audit Scotland)
Barbara Hurst (Audit Scotland)

THE FOLLOWING GAVE EVIDENCE:

Robert Gordon (Scottish Government Justice and Communities)
Linda Rosborough (Scottish Government Public Service Reform Directorate)
Stephen Woodhouse (Scottish Government Police and Community Safety Directorate)

CLERK TO THE COMMITTEE

Tracey Reilly

SENIOR ASSISTANT CLERK

Joanna Hardy

ASSISTANT CLERK

Rebecca Lamb

LOCATION

Committee Room 6

Scottish Parliament

Audit Committee

Wednesday 6 February 2008

[THE CONVENER *opened the meeting at 09:32*]

Decision on Taking Business in Private

The Convener (Hugh Henry): Good morning and welcome to the Audit Committee's third meeting in 2008. Our first agenda item is a decision on taking business in private. Do we agree to take items 6 to 8 in private?

Members *indicated agreement.*

"Police call management—An initial review"

09:32

The Convener: Agenda item 2 is "Police call management—An initial review". Before us is Robert Gordon, who is the director general—I believe that that is the title—in the justice directorates and whatever else may be there. With him are Linda Rosborough and Stephen Woodhouse. Welcome to the committee.

Before asking questions, I will make a comment to Mr Gordon that also applies to any future correspondence with accountable officers. The committee has discussed Mr Gordon's response to its letter. We were disappointed that not all the questions that we asked were fully answered. The committee felt that the response was circuitous and vague, and we will pick up on some of the details. When we write to accountable officers in the future, we might specify that they should answer each point that we raise.

I will ask a general introductory question about 0845 and 0870 numbers. The trend for using such numbers seems to be increasing among public agencies. I understand that some might feel that if the cost of calling an 0845 number were the same throughout Scotland, that would be equitable and fair. However, we live in an era in which many people no longer use land-lines; they use mobile phones, which incur a significant cost in calling such numbers. Many people have inclusive call packages that do not cover such numbers. Therefore, for many members of the community, particularly poorer people, a disproportionate cost is involved. There is also an opportunity to look at the use of 03 numbers—the equivalent of 0800 numbers. Would you consider doing that?

Robert Gordon (Scottish Government Justice and Communities): Thank you for the welcome, convener. I will ask Linda Rosborough to respond to the question. Before I do so, if I may, I will answer your earlier point.

The Convener: Certainly.

Robert Gordon: I thought that I would be given the opportunity to say a couple of words at the outset, by way of introduction.

The Convener: Sorry—I beg your pardon.

Robert Gordon: In considering my letter of 23 November, some members thought that it was written too much in the style of Sir Humphrey Appleby. As you know from previous experience, convener, that is not my preferred style. I apologise unreservedly to the committee for failing to provide a response that met its expectations.

Some of the difficulty may lie in the division of responsibility among chief constables, police authorities and the Government—that oft-quoted, but less well-defined, tripartite relationship. I am sure that we will return to that matter in questioning today, as members seek to clarify who is responsible for what.

I will take the example of the investment programme in call or contact centres, which began in the early part of the decade and which Audit Scotland describes in its report. I guess that that programme reflected a different understanding of where the responsibilities lie than exists today. As the session proceeds, I hope that we will come on to some of the steps that have been taken over the past two or three years to clarify and set straight the relationships and responsibilities among chief constables, police authorities or boards and the Government. We will probably also talk about the various bits of machinery that were established when the Parliament legislated for the Scottish Police Services Authority to provide common services. For example, from April this year, the SPSA will provide all information and communications technology support. It will also support other mechanisms, such as the group that developed the policing performance framework, on which all parties came together. I hope that we will come on to that later.

Again, I apologise unreservedly for not satisfying the committee in my response, convener. Linda Rosborough will deal with your question on 0845 and other numbers.

Linda Rosborough (Scottish Government Public Service Reform Directorate): The 0845 number was set up to provide a system that worked well when most people used land-lines. People could access a number and pay the price of a local call. Public authorities and wider business could advertise a single number and handle calls efficiently, which was attractive to the public sector and beyond. However, the usage of mobile technology has grown. People are now on variable tariffs, including pay-as-you-go services, that make some calls very expensive. Any call beyond a simple call to a land-line is charged at an expensive rate. However, practice varies as to whether tariffs include free calls to 0845 numbers.

In the past, the Office of Communications has looked at 0870 numbers and has tried to tighten up things in that regard. It has also said that it will look at the regime around 0845 numbers. Indeed, at one stage, it said that it would consult on new ways forward by the end of last year, but no such document has appeared thus far. It has recently brought out 03 numbers that provide for the call to be charged at 01 or 02 rates. Significantly, it has said that suppliers have to include those numbers in the packages that they provide. The public

sector has the option of using those new 03 numbers. They were introduced as recently as last May, so experience is still filtering through, but they may provide a way forward.

I know that other agencies are looking at options such as providing a national number with a geographic code as an alternative to an 0845 number. Grampian Police is providing a number that can be used for texts, which are relatively cheap for people using mobile technology. There are a number of different options that agencies can use as alternatives to 0845 numbers, to supplement such numbers and to provide people on the more expensive packages with a cheaper option.

The Convener: Will you discuss with the forces the advisability of providing an 03 option and of making available a normal land-line number for those who wish to use it—not just for this, but for other functions?

Linda Rosborough: I have been involved personally in discussions with local authorities and forces that are interested in the 101 experiment. At our next meeting in March, I will bring to their attention the issue that you raise.

Murdo Fraser (Mid Scotland and Fife) (Con): I want to pursue the same issue. The question of 0845 numbers is relevant not only to people who use mobile phones but to people who call from land-lines. The historical position was that a standard local rate was charged. However, now many people are on packages that provide them with free local calls, so an 0845 number may represent a substantial additional cost, compared with what they would regard as a local rate.

We raised the issue in our correspondence with you. Mr Gordon, in your reply you say that there are two strands of work that

“are likely to lead to consideration of several of the issues raised by the Committee, including the use of 0845 numbers”.

Can you say more about those strands of work? When is a conclusion likely to be reached on the subject, which is of concern to the public?

Robert Gordon: I will let Linda Rosborough talk about the strands in which she is involved as part of the wider public service reform agenda. Doug Cross, who is the corporate director of Tayside Police, is leading a short-life group on national call-handling standards. The Government will want to engage with the group, which has just been formed. Issues of the kind that are being discussed today will be part of that conversation.

Following the rapid developments in technology that have taken place, different forces here and south of the border have looked at the options that are available. We can say more about the 101

experiment, but the model has been tested and there is a possible use for it. We need to keep abreast of developments such as the emergence of 03 numbers and the possibility that Ofcom will tighten up regulation to deal with some of the issues that the convener and Murdo Fraser have raised.

If we are to make the best possible decisions, we must take account of the point that different police forces have reached in the development of numbers locally. We want to be part of that conversation. I would like conclusions to emerge in the course of this year, although implementation of those decisions may take longer. The pace at which the process will move forward will be driven partly by other parties. Clearly, all the parties to which the recommendations in the Audit Scotland report are addressed need to respond within a reasonable timescale.

09:45

Murdo Fraser: If I may say so, that does not sound like a particularly accelerated timescale for trying to reach a conclusion. I am aware that a number of police authorities south of the border have introduced an 03 number. I would have thought that if they are capable of taking that decision and moving forward on it, with a clear benefit to the public, we would be able to move rapidly on it in Scotland. I am not entirely content with what you say about the likely timescale for implementation.

Robert Gordon: I offer that timescale because I have not had a detailed discussion with Mr Cross of Tayside Police or, indeed, with any police interests. From my experience of these areas in the Crown Office and over the past five or six years, I know that it takes time to secure agreement among a range of bodies that have to agree before moving forward. However, you may be assured that I will use my best endeavours to ensure that we move as quickly as we can.

The Convener: I have a couple of questions that partly flow from that. What is the experience elsewhere—if there is any—of the effectiveness of an alternative to the 999 number? What is your emerging thinking on that? In other words, what are the logistical and operational implications of trying to concentrate emergencies on the 999 number and having an identified alternative number for non-emergency or lower-ranked issues? How well has that approach worked elsewhere? If it has not been tried elsewhere, what is your emerging thinking on it?

Robert Gordon: I will let Linda Rosborough add something in a minute. The difficulty is that the 999 number is well known to everybody, but other numbers have so far not achieved the same

currency. The Audit Scotland report shows that if people are not sure which number to ring, they ring 999. There is obviously an issue about marketing numbers and educating people to understand the difference between them. Some forces that have marketed 0845 numbers have evidence that shows that, to some extent, people use that number rather than the 999 number. Obviously, if a 101, 03 or whatever number was well known, people might make a distinction between it and the 999 number.

The Audit Scotland report also shows that the availability of call centres and the likelihood that calls will usually be answered mean that the number of calls that go through has increased significantly, but the demand for the 999 number has not decreased significantly.

Linda Rosborough: The Home Office has funded a major programme with five pilot areas working with a 101 number. The programme involves a partnership between police and local authorities on dealing with non-emergency issues that generally fall into the antisocial behaviour category. The police and local authorities work together with a defined series of eight services to ensure that there is sufficient call-handling capacity to capture calls and that they can do something about the problems that are brought to their attention.

The pilots started in 2006—members might have heard of the Cardiff pilot and others—and the experience of those pathfinders is that the services are popular with the public: people are generally satisfied by how their call is dealt with and by the service provided. However, the jury is still out on whether the pilots have successfully reduced the number of 999 calls. The research showed that, when asked what they would have done if they had not phoned 101, 15 per cent of people said that they would have dialled 999, but the number of 999 calls in the pilot areas has not shown a consistent drop of that order. The picture is mixed.

The Home Office paid the total cost of those pilots, but it announced fairly recently that it would not meet the local costs in the future. It will continue to maintain the central contract, but local partnerships will have to decide whether to continue the service. In practice, of the five pilots, two have decided to continue, one has dropped out, one will retain a small element in one geographical area and one is undecided. There is a mixed picture of people's enthusiasm.

The evidence is that the service brings to the surface quite a lot of suppressed demand, which might involve abandoned cars or antisocial behaviour, so good ways must exist to deal with that demand. The service to support the number must exist if confidence is to be retained.

The package that the Home Office negotiated through Cable and Wireless and Ofcom for all providers involves a flat-rate charge of 10p a call, regardless of the caller's package or type of phone, and a charge of 1p a minute to the recipient. That package is fairly cost effective for both sides.

We in Scotland have been interested in how applicable such a scheme might be and what the opportunities are. Last year, we commissioned Glasgow City Council to examine readiness in Scotland, to visit pilot studies and to evaluate the ways forward. As the Home Office has ended its pilot stage, I have talked to it about where it is going and what the opportunities for Scotland might be. The Home Office is preparing a model of how partnerships beyond the original five, including partnerships in the United Kingdom outside England and Wales, could be part of the 101 scheme. The Home Office is working out protocols, what it would expect and what would be required. I am discussing that with the Home Office.

Andrew Welsh (Angus) (SNP): I have a problem. We have heard many words, but I am not sure what they mean; I am having difficulty in comprehending them. We are addressing a practical problem that requires a practical solution. In the real world, the consumer chooses the best-value service and buys it. Can you indicate what, so far, represents best practice and best value, instead of simply relating the different options that we have heard about so far?

We seem to be lost between a short-life group, call centre standards, looking at options and—somewhere along the line—the tripartite relationship and who is responsible. The system seems a recipe for confusion. Should not such relationships be clarified and simplified? Should not a practical solution be found to a practical problem? Nothing that I have heard even heads in that direction. When and how will you solve the problem?

Robert Gordon: We will solve the problem by engaging with police forces through the Association of Chief Police Officers in Scotland's group. That is how such matters are taken forward when the responsibility lies primarily with police forces, with some Government interest to encourage them in the direction that the committee wants them to go in.

Given where the Government wants to go in its relationship with local government, we are not in a position where the centre—ministers—can mandate that a particular solution is to be applied. We need to work with the people who have the primary interest, including police authorities, which would find the resources from the budgets that

they have been allocated to make a non-emergency number happen.

Andrew Welsh: That fits in with what you said in your letter:

"The two strands of work outlined above are likely to lead to consideration of... the issues raised by the Committee..."

However, one strand requires "substantial resource costs" and the other involves funding that you tell us the Home Office has said it is withdrawing. In other words, we are no nearer a solution. The problem is a practical one and it requires a practical solution. I see no solution emerging from anything that I have heard thus far.

Robert Gordon: My view is that we will get to a practical solution. We will work assiduously to reach one. Evidence of successful working together in other areas should be applicable to this area, too.

George Foulkes (Lothians) (Lab): I share Andrew Welsh's confusion and frustration. I have a simple question: have you decided that there should be a national non-emergency number?

Robert Gordon: No. That is not a firm decision as yet. There has been—

George Foulkes: Have you taken a decision that there should not be a national non-emergency number?

Robert Gordon: No.

George Foulkes: So you are in limbo.

Robert Gordon: No. With other stakeholders, we are working out the best way to do this. There is evidence, one example of which is the arrangement in the Grampian Police area involving the use of the 0845 number.

The current situation reflects how things have happened in the past, when different solutions were applied to different areas. We are trying to find a solution that will apply across the piece.

George Foulkes: But the last meeting of those involved was held on 13 November and we are now into February. People are using 999 calls for all sorts of purposes. The radio and newspapers tell us again and again about the misuse of the 999 number. There is an urgent need to get agreement on a national non-emergency number. I agree with Andrew Welsh: you seem to be sitting around waiting for a solution to come from Cardiff or London, or out of the blue. Surely you should be taking some proactive action.

Robert Gordon: As I said earlier, we are engaging with Doug Cross and the ACPOS representatives—they are the practitioners. Linda Rosborough described the work that is going on in other areas. We cannot simply say, "This shall happen," and it happens overnight.

George Foulkes: Why not? Scotland is not a big country; we are only 5 million people. The Government could decide that it would be in the public interest to have a national non-emergency number. Having taken that decision, and working within the framework of that decision, you could then discuss and negotiate implementation with the local authorities and police.

Linda Rosborough: If the evidence from the Home Office's work in a number of partnerships across England and Wales had been that investing in a 101 number—which is complicated and expensive—had led to a sharp and clear-cut reduction in the number of 999 calls, we would not be speaking to the committee in this way. However, the evidence was that the jury is out. Having spent a lot of money putting in place an alternative to the 999 number, the Home Office found no sharp and clear reduction in the number of 999 calls.

The Convener: If that is the case, you will have to come to a decision at some point to reject or accept the option. You cannot just drift on. At what point will you make the decision on whether the evidence from England and Wales is sufficient to justify rejection or whether you should try a Scottish option? If you can answer the question today, that is fine. If you cannot answer it, I hope that, once you have discussed the matter with ACPOS and the local authorities, you will come back to the committee relatively quickly and tell us when a decision will be made.

Robert Gordon: We will seek to get that decision as soon as possible.

10:00

The Convener: Whatever happens, do you have plans to improve education and awareness about the use of 999 and, if there are to be alternatives, the use of other numbers?

Robert Gordon: The Audit Scotland report showed that there were areas in which such work had been done. Part of our engagement with the group that Mr Cross chairs will be to see that that is spread across the country, in the context of seeking a standard non-emergency number of the sort that has been discussed this morning.

George Foulkes: Convener—

The Convener: Is it on something that has not been covered? I want to move on quickly to the subject of response times.

George Foulkes: I have one further question for Mr Gordon.

You said in reply to the convener that you would return to the matter. Tayside Police has already introduced an 0845 number. Lothian and Borders

Police is considering it. They are getting ahead, while you are sitting around doing nothing. It will cost people substantial amounts of money to use those numbers. Lothian and Borders Police and Tayside Police will presumably promote them. You have been considering the experiments that have been taking place down south, but forces there are giving up 0845 numbers and moving to 03 numbers. All that is happening while you are sitting around doing nothing.

Robert Gordon: We are not sitting around doing nothing. The primary responsibility has traditionally been with individual forces, and there is an issue about the extent to which the Government intervenes. The context is one of a tripartite relationship, in which we must respect the position of the chief constable and the police authorities, and play our role. It is about discussion, negotiation, and reaching consensus and agreement. I have given you the assurance that we will assiduously seek to play our part in that.

Of course different initiatives are being taken in different parts of the country. That is the way in which things have been done until now. The Audit Scotland report uncovers that and we are seeking to move as quickly as we can to a better solution. I am sorry if you are unhappy with the pace of progress, but it is a matter of negotiation with a number of interested parties.

George Foulkes: The 999 number would never have been introduced if the Government of the day had taken the attitude that you are taking, would it?

Robert Gordon: I do not think that that is—

George Foulkes: What if we had to wait around for every police force to decide? A national emergency number was introduced because the Government took the initiative to adopt 999 as the emergency number. Central initiative requires to be taken to achieve something like that.

People move around the country, but they can phone 999 in Aberdeen, Belfast or wherever they are. It is a United Kingdom number. At least in Scotland, a decision could be taken about a non-emergency number. You could bring the police and the local authorities along with you.

Robert Gordon: We will certainly seek to achieve that, but—

Andrew Welsh: How? When?

Robert Gordon: In the way in which we have done a huge number of such things, which is by engaging with other partners and reaching consensus. In other contexts, I would be severely criticised by committees if ministers or civil servants simply told police authorities and police chiefs that they had to move in a particular direction.

Andrew Welsh: That is not the alternative, though. What do you mean by “engaging with”? You might come to a consensus, but that has not happened yet. What does “engaging with other partners” actually mean?

Robert Gordon: It means participating in the working group that they have set up to reach conclusions. That group will hear from different people in different parts of the country, who have tried different things, with different levels of success. As Linda Rosborough said, the 101 experiment was not universally successful in reducing the number of 999 calls. Such issues must be thought through before investment is committed to something that we hope will work.

The Convener: You can detect from these exchanges that there is a degree of frustration on the part of the committee, as well as a sense of urgency, because the matter needs to be resolved. We hope that you will be able to revert to us at an early stage.

Stuart McMillan (West of Scotland) (SNP): I do not want to sound too controversial to my committee colleagues, but I accept Mr Gordon's point on the tripartite arrangement. I am a member of the Justice Committee as well, so I have learnt a great deal about the arrangement over the past few months.

There is an opportunity to introduce a non-emergency number. Page 4 of the Audit Scotland report says:

“There was no national strategy to assist forces in establishing their new call management systems.”

There was no strategy in the past, but there is an opportunity for the current Government to drive the matter forward. It is incumbent upon the officials and the Government to do that in conjunction with the partners in the tripartite arrangement. It should be put to the forefront rather than taken at a slower pace as appears to be the case at the moment.

Robert Gordon: Thank you, Mr McMillan. I agree entirely with that. We can talk about initiatives that have been taken since the initial investments were made in related and other areas, which have shown that the Government can take the initiative and in which parties have worked together to find solutions. For instance, with the Airwave radio system, it was necessary to find a solution for the whole country at once because of changes in frequency. That was done on a national basis. The setting up of the Scottish Police Services Authority to provide services for all forces is another example of action that was taken by the previous Executive but endorsed by the current Government.

Willie Coffey (Kilmarnock and Loudoun) (SNP): One of the questions that the committee raised in its letter to you related to police response times to incidents. Although we accept that that was outwith the scope of the Audit Scotland report, a number of questions on it arose in discussion within the committee. As you are probably aware, the public concerns that are expressed to us as elected members include questions about how long it takes the police to get to an incident and how many incidents they do not get to. My understanding is that the Airwave system, which was introduced a number of years ago—I hope that you will clarify how long it has been in place—allows the collection of those data to take place. You have said that there will be an indicator on that in the framework that will be put in place soon. Will we begin to see some data from across the forces on how long it takes the police to get to the prioritised incidents that they are asked to attend and will we be able to see how many incidents they are not able to attend in any given year? When might that roll through into public reporting?

Robert Gordon: We are proud of the Scottish policing performance framework, which came out of a recommendation by Her Majesty's chief inspector of constabulary and was a joint endeavour involving Audit Scotland, the conveners of police boards, police chiefs and the Government. We are beginning to see the first fruits of it and the first iteration—the first national publication of material in the policing performance framework—will be in August this year.

We started off with a limited number of indicators that we could all agree and negotiated with Audit Scotland about what it wanted. We are adding to that year on year. Does user satisfaction with the service include response times?

Stephen Woodhouse (Scottish Government Police and Community Safety Directorate): Yes, and feedback from the police about keeping people informed of what happened.

Robert Gordon: User satisfaction with the service will be included in the system from April 2008. The results of that data collection will be made publicly available a year-plus later. However, they will be available to police forces and police authorities quarter by quarter thereafter, which will make monitoring possible. The group decided that there should be full publication of results only after a year, when the material could be cleaned for publication.

Willie Coffey: It seems that the data on response times are probably not as clear as I had hoped. I understand that the Airwave system has been in place for a number of years and that it allows the collection of such data. Why has it taken so long to put in place an indicator on

response times? The public express their concern to me, as an elected member, about how long it takes the police to attend incidents. The issue is not how long it takes the police call handlers to pick up calls, but how long it takes the police in the field to attend. Will that kind of indicator be included in the new reporting framework?

Stephen Woodhouse: There will be an indicator on how long it takes for the police to respond to emergency calls. There have been no common command-and-control systems among the forces, so it has been difficult to get consistent and comparable data. However, the forces are moving to a new system called STORM MA, with the exception of Northern Constabulary, because of difficulties with the system in the outer islands. That system will allow a common approach to pulling out data. Data will be recorded in the same way throughout the forces, which will mean that the new indicator will be much more meaningful than anything we have been able to get before.

Willie Coffey: Are those data only for emergency calls?

Stephen Woodhouse: At the moment, they are only for emergency calls.

Willie Coffey: That would still worry me. The public must get an indication of how the police respond to the wide variety of incidents that they are called to help with. We have no indication of how long it takes the police to attend such incidents. We might have to come back to that issue in the future.

The Convener: Has there been discussion about what realistic police response times might be? The person who makes the 999 call, or who rings whatever number is eventually made available, probably thinks that they are calling about a significant issue that deserves an immediate response. However, the call may have a low priority for the police, depending on what is going on in their area—for example, a murder or a serious road accident. I know that there has been discussion of how calls are assessed, but has there been discussion of how the public are made aware of response times or of what an appropriate response time would be?

Robert Gordon: There is agreement among all eight forces about the categorisation of calls and responses, ranging from those where someone is at risk through to less serious issues, including those that do not need a police response at all. Stephen Woodhouse will respond on the extent to which police forces publicise their targets on that, but I will respond to Mr Coffey's point first.

Getting the policing performance framework in place and getting everybody to agree to it was an achievement in itself. I think that all the partners would agree that we started with something that is

not ideal. However, it uses the information that is available, and we are committed to adding to that year by year. An indicator on responses to emergency calls is the first priority, but we will seek as soon as possible to secure agreement among the partners to add an indicator on responses to non-emergency calls.

In the first year, the data will probably not be as good as they might be; they will have to be improved over time. However, we have found—the Audit Scotland report highlights this—that Grampian Police gets considerable benefit locally from the data. That shows that the performance framework is for the benefit of not only police boards, the Government, the Parliament and the public, but police commanders in their local areas. A lot of good is coming out of the performance framework already—I do not want to belittle that achievement—but there is much more to be done.

10:15

Stephen Woodhouse: Grampian is noticing a slight reduction in non-emergency calls. We attribute that to the fact that more calls are being answered, so the police are getting less repeat business. The system is enabling the force to manage calls better.

On the information that is provided about response times by the police around Scotland, the picture is fairly patchy. Some forces have an informal procedure whereby they respond faster in urban areas than in rural areas, which is perhaps understandable. We think that HM inspectorate of constabulary's thematic report on providing feedback will be interesting, because it will make recommendations about improving customer service, if I may use that term, and the quality of service in particular, by telling people what will happen. It is not for me to prejudge what the inspectorate will say, but that seems to be the thrust of what will emerge. I think that the report will answer some of the committee's concerns about ensuring that the public are kept informed about when the police might arrive and what will happen after they have arrived. Audit Scotland picked up that important point.

Stuart McMillan: What is the role of the Scottish Government in ensuring that there is a national strategy for call management?

Robert Gordon: The Scottish Government has a developing role. As I tried to explain, the starting point was that police forces were left to decide how they would deal with the people who phoned them up. Then, in the early part of the decade, there was a sense that moving to call centres and contact centres was the right thing to do to deal more effectively with the calls that were coming in and to answer more of them first time. The

strategy at that time was to invite forces to make business cases and to approve them if they seemed to be reasonable. However, as the Audit Scotland report points out, no single model was being applied.

We now have the agreement of all stakeholders and, obviously, the overwhelming agreement of the Parliament that we should have a common police services body in the Scottish Police Services Authority, which should progressively take on more tasks to support the police service in Scotland as appropriate. From April this year, the SPSA will take over ICT for all the forces. That provides a context in which a national strategy can be developed through the SPSA, in conjunction with the police forces, which are represented by ACPOS and the conveners of police boards on the SPSA board.

We are moving in various directions to achieve the joined-up approach that Lord Foulkes seeks, and fora in which clear decisions can be taken about the ways to progress. There are frustrations about how long it takes to get everyone to agree to move in a particular direction, but we are moving further and faster than we were in the past. Indeed, the policing performance framework was a good example of people getting together, agreeing that something had to be done, and getting on with doing it.

Stuart McMillan: Will the SPSA undertake the role of making a centralised policy for police call management in the future?

Robert Gordon: One way of addressing incompatible ICT systems would be to have everything done by the SPSA. Indeed, I pay tribute to the work of Chief Constable Colin McKerracher in leading the business change side of ACPOS by bringing together all the deputy chief constables and driving through decisions on consistency of approach. They will build on that in the future.

It is for the group chaired by Mr Cross, to which I referred, to reach agreement about the best forum in which to take forward the national strategy for call handling and, moving into the future, to keep an eye on developments in both technology and what could be called customer expectations.

Stuart McMillan: During the Justice Committee's inquiry into police resources, we spoke at some length about the SPSA, which appears to be an organisation that will bring many benefits to the eight forces in Scotland. However, there were some reports in the media of concerns that the SPSA may have too broad a remit and might take over specific roles or functions from the individual forces. Are those concerns valid? If call handling went to the SPSA, would that exacerbate those concerns?

Robert Gordon: First, there has had to be a period of adjustment with the change in practice,

and there are different views about the best way to do things. There are some issues about the chief constables having operational responsibility for certain things and needing to reassure themselves that they also have the control that they require. That is part of the debate about whether calls should be handled by one body, or whether each force needs to continue to have ownership of aspects of call handling.

The key is to have a consistent policy that allows for local variations—Stephen Woodhouse referred to whether different arrangements need to apply to the islands and remote Highlands. We need a consistent approach that meets the needs of the public and the operational needs of the police. The issue lies in achieving a common mind among eight chief constables, each of whom has a significant personal operational responsibility in their area.

Stuart McMillan: I have one final question on call handling. Has there been any consideration not so much of greater centralisation, but of greater working partnerships and relationships not solely within the police but among the police, ambulance and fire services, perhaps involving fewer locations from which to undertake the services?

Robert Gordon: There have been conversations about that, but again it is a question of dealing with a number of bodies that have specific views about the best way of working. I would be wrong to say that there is a meeting of minds on the fact that it would be better to do things differently. There is also a question of scale. The police deal with about 6 million calls a year, while the fire service deals with about 120,000 calls.

Stephen Woodhouse: It is 113,000.

Robert Gordon: Yes—113,000.

Jim Hume (South of Scotland) (LD): I declare a small interest. I am a board member of Lothian and Borders Police.

Scotland is quite a small country—there are about 5 million of us—but the report tells us that more than 25 systems are operating in Scotland. That has caused several problems, including difficulties with the transfer of information between different systems and forces. If I understood you correctly, you said that you left the forces to develop their own systems. That shows a lack of guidance. Everybody around the committee table is interested in best value and best efficiency. Why is it necessary to have more than 25 systems in Scotland? Is that efficient government?

Robert Gordon: No, absolutely not. I said that that was how things had been and that that had come about in the early part of the decade. That

may have represented an understanding at that time—I was not there, so I do not know—of relative responsibilities. It was thought that it was for individual police forces and boards to determine what would be best in their area and to persuade the Government that it should be funded, but we have moved away from that approach.

Again, I refer to the work that Chief Constable Colin McKerracher has done to get all the forces together to agree on common systems and common command-and-control systems. That is a challenge, because different forces were at different stages of development of different systems. One issue is what would be the best time to move over to a single system. A lot of critical systems are now being worked through with the aim of getting to single systems for all forces as quickly as possible. That involves investment by individual forces. Some forces will benefit if the system that they are using becomes the standard, because they will not need to invest; others will have to invest in new systems.

That work seems to be going forward very well. My colleagues—in what used to be called the department, but is now called the directorate—are now engaged on all the ACPOS business area groups, which take forward different aspects of policing. One of the issues is always to look for a common solution. We have much better engagement with the forces and the conveners, so that, rather than seeing things in terms of eight different forces, we can move forward for the benefit of a country of 5 million people.

Jim Hume: Everything goes back to whether the forces all have different 0845 numbers, which is completely inefficient. You said that we are working towards having one system. When will that be in place? It should be a matter of urgency.

Robert Gordon: Airwave is the same system throughout the country, with all the interoperability that that permits. The command-and-control systems are being introduced and they will be in every part by—

Stephen Woodhouse: By the end of the year, I think.

Robert Gordon: By the end of this year, or the beginning of next. That system is already in place in a number of forces.

Similar developments are taking place with other systems that the police use. Not all those systems are as operationally critical as command and control and Airwave, but I believe that they are getting there. ICT for the whole service will be provided by the SPSA from April this year, so a common approach will be taken.

Jim Hume: That is good to know. We will keep a close eye on that.

The Convener: You have talked about common approaches, consistency, simplification, a number of services being provided by one organisation and the SPSA's increasing responsibility. With respect to effective call management and consistency throughout the country, is having eight police forces the most effective way to deliver police services?

10:30

Robert Gordon: I will not be drawn on that, thank you very much. We have an interesting topography in which one force covers half the population and a variety of forces cover the rest. One might speculate on whether that is the best design, but it is what we have and the Government is committed to keeping the eight forces.

The Convener: If I remember rightly, the forces were a product of local government reorganisation in the 1970s.

George Foulkes: Those were the days.

The Convener: We will move on to accountability and governance.

Andrew Welsh: I can see that relationships may be complex and sensitive, but simplicity and completing action are important. The Audit Scotland report found that police authorities and the Scottish Executive had a limited role in the establishment of the new call management arrangements. The extent to which police authority members could exercise proper scrutiny of local developments was not always clear, and it is not always clear in the existing tripartite arrangements where proper accountability for national strategic decisions that affect local police services lies.

A lack of clarity about accountability is a common theme. Relationships and responsibilities are not clear, but such clarity is surely a basic essential for proper decision making. Given Audit Scotland's findings, what is the Scottish Government doing to ensure that police boards and authorities play a full part in decision making and in scrutinising decisions that forces take?

Robert Gordon: As you acknowledged, Audit Scotland's report describes a historical position. Much has changed since then. Most recently, following the election, we have worked with the new police authority conveners on their roles and responsibilities. We have issued updated guidance on their roles and responsibilities that takes account particularly of the responsibility that the Local Government in Scotland Act 2003 gave police authorities to secure best value. Engagement with police boards and their conveners on their scrutiny role has been positive.

I referred to an expansion in the definition of the responsibilities of the Government, police

authorities and chief constables. The Government is clear about and is developing positions that the previous Government took on a strategic view of policing—on assurance about resilience, capability and capacity. Tools such as the policing performance framework can show how performance is moving from the Government's point of view and from police boards' point of view in their areas, which can be compared with other areas when that is relevant. Chief constables can examine the performance of their forces and of parts of their forces.

The SPSA's creation puts in one place and drives through—under an accountable structure with a board that comprises independent members, representatives of chief constables, representatives of police board conveners and an independent chair—the development of better police support services, according to directions that ministers give.

Other work is taking place. I mentioned the department's engagement with ACPOS business areas. Work continues on ways in which capacity and capability can be arranged—that takes account of forces' different sizes and capabilities.

There is now much greater clarity about the relative responsibilities of the Government, police boards and chief constables.

Andrew Welsh: So you are saying that, through guidance and the policing performance framework, the clarity problem has been solved. Does the performance framework or the guidance that you have issued directly address the call management problems? Will those problems therefore be solved?

Robert Gordon: Aspects of call management response times are covered in the policing performance framework. Specific issues such as call management and single non-emergency numbers can be addressed in the context of that strategic framework, with clarity about the roles and responsibilities of the various players. What is described in the Audit Scotland report is not the situation that we would have today if we were embarking on a project to introduce call or contact centres throughout policing in Scotland.

Andrew Welsh: With respect, it is not addressing problems that is crucial but solving them. Where is action being created to solve specific practical problems?

Robert Gordon: Action is being taken in the groups that I described. The area is complex and there is a deliberate division of responsibility between chief constables, police boards and the Government. They work together to get the best solutions. That approach reflects and respects the different roles that the partners play.

Andrew Welsh: That is built into the system.

What is the Scottish Government doing to ensure that police boards and police authorities review the performance and effectiveness of police systems and services?

Robert Gordon: We should remember that police boards and police authorities are made up of democratically elected representatives of local communities. There has been induction training for new police boards, which covered their roles and responsibilities under the Police (Scotland) Act 1967 and more recent legislation including the 2003 act. However, the Government does not intend to direct police boards to operate in a particular way, other than to expect them to fulfil statutory responsibilities and engage with the guidance about how their roles might be performed.

Andrew Welsh: The representatives on the boards undoubtedly have responsibilities. How can you ensure that, in exercising those democratic responsibilities, they review the performance and effectiveness of police systems and services? The call situation is an example.

Robert Gordon: My expectation is that they would address that because it would be of concern to their constituents. We worked with others to develop the policing performance framework, which is a tool to help police boards in their work of holding forces to account.

The Convener: How effective are the boards in reporting to their constituent authorities on the use of resources and the effectiveness of what is being done? You talked about constituents. I have been a councillor as well as a member of the Parliament. Sometimes, boards are a mystery to councillors, never mind the public. Do the boards report properly to their constituent bodies on the use of resources?

Robert Gordon: I am afraid that I do not have that detailed knowledge. I have experience only of meetings with most of the new conveners, who certainly seem seriously engaged with the role that they will play. I assume that that includes reporting back to their constituent authorities. Of course, the new funding arrangements under the concordat will mean that the funding negotiations between individual authorities and police boards might be more intense than was perhaps the case in the past. Presumably that will involve a two-way street as authorities will want to know what their money has bought.

George Foulkes: I have one preliminary question. Audit Scotland has produced a very good report that makes a number of findings, including the one that Andrew Welsh mentioned a minute ago. How are all the findings being looked at and followed up within the Government?

Robert Gordon: The limited number of findings that are addressed to the Government are being taken forward within the police and community safety directorate. We will respond to Audit Scotland shortly. However, as some of the findings straddle the responsibilities of Government, police boards and chief constables, we are also working with others—primarily with ACPOS and the short-life working group that Mr Cross is chairing, but also with the conveners forum—to work through other issues.

George Foulkes: Are the police boards, the local authorities, the conveners forum and ACPOS considering how to respond to the recommendations?

Robert Gordon: Presumably, the reason for setting up the short-life working group is to do just that—

George Foulkes: Is the issue on the agenda of each of those bodies?

Robert Gordon:—but I would need to be guided by Audit Scotland on the route through which the recommendations that are addressed to forces and boards will be reported on. I assume that they will report to the Accounts Commission.

George Foulkes: On several occasions, you have mentioned that ACPOS is key to dealing with these issues. To whom is ACPOS accountable?

Robert Gordon: Individual chief constables are accountable to—

George Foulkes: No, I am asking about ACPOS as an organisation. To whom is ACPOS accountable?

Robert Gordon: I do not think that ACPOS is accountable to any board; ACPOS is a limited company.

George Foulkes: Should that be looked at? If ACPOS plays such a central role in decision making, should it perhaps have some kind of accountability? The SPSA is accountable to a board of members with an independent chairman. That is a welcome development. If ACPOS plays such a big role, perhaps some thought ought to be given to that.

My final question also follows up a question that Andrew Welsh asked. Many of the responses that we have heard today have been, “This is really not for us but for the boards or local authorities to deal with.” How do you clarify which areas are the responsibility of the boards and local authorities and which areas are the responsibilities of the Government?

Robert Gordon: It is not possible to say definitively that every issue that arises is the responsibility of one of those three but, over the past two to three years, we have sought to clarify

the Government’s strategic role. For example, the new Government has set up a serious and organised crime task force to bring together the various agencies. The Government has an interest in the strategy that is followed to deal with such issues. We also have a clear view on the roles and responsibilities of police boards for local policing and community policing. However, as I said earlier, the situation is complex and responsibility is shared. I am happy to write to the committee with the definition of the matter that we sought to provide recently for the Police Advisory Board for Scotland.

10:45

George Foulkes: That would be helpful. Some of your answers today have been what might be described as holding answers. When might you be able to come back and give us more definitive answers to our questions?

Robert Gordon: We will certainly want to get back to you, in writing or orally, within three months.

George Foulkes: Right. Thank you.

The Convener: That is helpful. Thank you.

You have talked about the way in which things are evolving. You said that responsibility for the evolution and development of community policing would be shared. Can you please clarify that?

Robert Gordon: In relation to that and the additional officers who are going to be recruited, we have—following the model of the policing performance framework—set up a working group that is chaired by my colleague, Bridget Campbell, who is the director of police and community safety. It involves police conveners and representation from the Convention of Scottish Local Authorities, ACPOS and other bodies. The group is seeking to establish the baseline of community policing—to agree a definition of what community policing means—and to see how, over time, we can increase the number of officers on the front line who are undertaking community policing.

The Convener: So the decision whether to have policing in the community and on the use of resources is no longer solely a matter for chief constables; it is a matter of that joint determination?

Robert Gordon: The specific decisions about the deployment of officers on a daily basis are clearly the responsibility of chief constables. The issue is about ensuring that the additional resources that are being invested in the recruitment of additional officers are devoted to additional officers who undertake predominantly front-line duties.

The Convener: If a chief constable sets his or her face against what the public expect, which is the deployment of staff in the community, will something be done about that?

Robert Gordon: That is a hypothetical question. At the moment, as far as I can tell, all the chief constables are committed to increasing the community policing presence.

The Convener: But it seems, from what you are saying, that under the new agreement the decision will not be left solely to chief constables—the Government will have a stake in that determination.

Robert Gordon: The Government is taking an interest in the recruitment of additional police officers and their deployment, but if there is an emergency that requires a large number of police officers to be redeployed from communities to something else, the chief constables must still have the operational discretion to do that.

In general terms, my sense is that there is agreement all round that more front-line police officers are wanted. Everybody is working energetically together to deliver that.

The Convener: Thank you very much for your input. I welcome your commitment to get back to us on several points and your expectation that some of the information for which we have asked will be available within three months. We will reflect on what has been said today.

Robert Gordon: Thank you.

“A review of free personal and nursing care”

10:49

The Convener: The next item is a briefing from the Auditor General for Scotland on his report entitled “A review of free personal and nursing care”.

Mr Robert Black (Auditor General for Scotland): As I am sure members of the committee are aware, our report on free personal and nursing care was published at the end of last week, on 1 February. It is a joint report with the Accounts Commission, in recognition of the key role of local government in implementing the policy.

In effect, the report is a post-legislative review of the implementation of a major policy that has been put in place since devolution. To be frank, it contains some quite challenging findings. However, in bringing the report to you, I am the first to acknowledge that we in Audit Scotland have had the benefit of hindsight to inform our analysis. Free personal and nursing care has been and is an important policy for the people of Scotland. As I shall outline, it has in some ways been successful.

Just as our work was beginning, the Scottish Government announced a review of the policy by Lord Sutherland. We have worked closely with Lord Sutherland’s team to avoid duplication and have done our best to provide information that will be useful to that team in its work. The Audit Scotland team worked exceptionally hard to produce a complex report much earlier than was originally planned, so that we could inform Lord Sutherland’s review. I am most grateful to the team for its efforts, which have allowed me to bring the report to the committee so early.

I will touch on the background to the policy, which is well known to the committee. Free personal and nursing care was implemented in Scotland in July 2002, through the Community Care and Health (Scotland) Act 2002. Under that act, the Scottish Executive provided councils with additional funding to support the removal of charging for nursing care services that are provided in care homes and personal care services for older people that are provided both in care homes and in people’s own homes. In the report, we examine the robustness of the financial planning, monitoring and reporting arrangements; the costs and funding allocations to councils; the financial impact of the policy on older people; and the financial implications for councils and the Government.

I will mention a few key points in the report relating to legislation and guidance. The Scottish ministers decided to introduce free personal and nursing care early in 2001. That set the Scottish Executive a challenging timescale—only 18 months—to develop the policy. The deadline was met. A care development group that was established to inform policy decisions carried out detailed work on financial and other implications of the policy, also to extremely tight deadlines. Legislation was enacted in 2002 and the Executive then gave guidance to councils. All councils successfully put in place processes to implement and deliver free personal and nursing care from 1 July 2002. That was a significant achievement, given the tight deadlines.

Other significant developments in health and social care were taking place at the time, so it is difficult to evaluate the impact of the free personal and nursing care policy in isolation from other changes. Those developments included a general shift in the balance of care from residential to home settings; increasing support for vulnerable people; improvements in joint working between health bodies and councils; and improvements in care standards, through the establishment of the Scottish Commission for the Regulation of Care.

The overall aim of the free personal and nursing care policy was clear: to make personal and nursing care free of charge to all older people who were assessed as needing it, in line with free health services. However, the anticipated outcomes were never stated explicitly. For example, there was no description of whether or how free personal care might improve the quality of life of older people. That makes it difficult to evaluate the success of the policy, other than in terms of the financial benefits to some groups of the elderly. Because the legislation established no quality standards, the report is mainly about the financial issues.

There were ambiguities in the legislation and the guidance, which led to councils making different interpretations. As a result, we see variations across Scotland in how the policy has been implemented. There is also an inconsistency between the legislation that the Parliament enacted and the guidance that the Scottish Executive produced on charging for food preparation. Those uncertainties have caused some councils to seek legal advice to clarify their obligations, and it seems that, in some cases, older people are unclear about what free personal care means in practice.

I turn now to the costing of the policy. The financial memorandum to the Community Care and Health (Scotland) Act 2002 is reproduced as an appendix to my report. It did not set out a robust assessment of the financial implications

and risks of introducing free personal and nursing care. It acknowledged that additional expenditure would be involved and a broad figure of £125 million per annum was given but, beyond that, the memorandum contained little financial detail. For example, there was not enough in the memorandum about the financial risks associated with the long-term projected growth in the older population and the effects of even small variations in unit costs on the total cost of the policy. Those risks were recognised by the care development group and commented on at the time by the Parliament's Health and Community Care Committee.

I acknowledge that the initial cost estimates for the policy, which were based on the care development group's work, were difficult to make because of the tight timescales and the limited information that was available at the time, particularly regarding the cost of personal care delivered at home. Those limitations were acknowledged at the time, but I have to report that, five years on, many remain unresolved. Central Government has not updated the longer-term cost projections since 2001, although it has carried out short-term projections to support the annual allocations to councils.

There is clearly potential for significant increases in demand in future. Numbers in the 75-plus age group are projected to increase by more than 80 per cent by 2030. In my opinion, longer-term cost projections are needed urgently. They should be based on the most recent population projections, together with a detailed analysis of the population's characteristics and, in the light of experience, robust costings of the different types of care packages that are appropriate for the different care settings at home and in residential care.

There has been limited monitoring of the policy's cost. The Audit Committee reported its concerns on that back in 2005. The funding that was provided to cover the additional costs was not ring fenced. Although councils have been required to complete financial returns detailing their additional expenditure on free personal and nursing care, Audit Scotland found that the information was unreliable, so it reviewed the cost data to collect more consistent information from all councils.

The Audit Scotland team went back to every council to ensure that accounting standards had been applied so that information was collected consistently—for example, to ensure that overheads had been included and any obvious errors, of which there were quite a number, were corrected. From that work, we estimate that the total cost of free personal and nursing care in the policy's first four years was about £1.8 billion. We also estimate that councils would have spent

about £1.2 billion of that even if the policy had not been introduced, because older people previously were means tested for free care. Those are only our estimates; they are not absolute figures.

We compared the policy's additional costs with the funding that the Scottish Executive provided for the first four years. The report indicates that there was probably a growing shortfall in central funding over those four years—I use the word “probably” because we are not operating with perfectly robust data. Working with the revised data from councils, Audit Scotland estimates that the annual shortfall could be between about £46 million and £63 million, depending on the assumptions used, although we are pretty confident that it is somewhere in that area. That is explained more fully in the main report in exhibits 9a and 9b on pages 26 and 27. The Audit Scotland team can help committee members to understand those numbers more fully if that would be helpful.

As I mentioned a few moments ago, it is likely that demand for free personal and nursing care will continue to grow significantly with the projected increase in the older population. In all probability, that will have significant implications for the future costs of the policy.

11:00

I turn to the financial impact on councils. Few councils have set specific budgets for the discrete elements of free personal and nursing care, and the Government has not required councils to do so, which makes it difficult to track the additional and total costs of the policy. Although we estimate that there has been a shortfall in funding for free personal and nursing care, it is significant that 27 councils spent less than their indicative funding allocations for older people's services in 2005-06.

There is evidence that, to manage costs, some councils have been tightening their eligibility criteria and using waiting lists. Some 23 councils have developed eligibility criteria or priority levels for their care services to enable them to manage demand. There is significant variation in how priority levels are defined or applied in Scotland, and those differences in criteria have not been transparent to older people and the public, according to the focus groups and the soundings that we have taken. In 2006-07, 18 councils reported that people were waiting for home care services and 12 councils reported that people were waiting for a place in a care home. As I mentioned briefly, there is a particular lack of clarity about charges for food preparation. Eight councils charge for some aspects of assistance with food preparation and a further 11 have charged at some time but have now stopped.

Continuing with the theme of the financial impact, I turn to the financial impact on older people. The policy has made a difference to the disposable income of some older people who, without it, would have paid for their own care. However, as we say in the report, it is not apparent that the policy has made a difference to older people on lower incomes who would have received free personal and nursing care services in any case under the old policy.

On pages 44 to 49, we attempt to give worked examples of how various factors affect the financial circumstances of older people who live at home or in care homes. It is worth while noting—as we do in exhibit 19 on page 47—that for older people who live in care homes and benefit financially from the policy, the financial difference that it makes is reducing each year because of higher charges and the lack, in the past, of inflationary increases in payments.

As I mentioned, the Government has not made a statement on how the policy contributes to the quality of care. More complex care packages are being put in place for older people who live at home and have complex needs, which should enable them to stay at home for longer. However, the provision of domestic home care services such as household cleaning and shopping is being reduced for many older people who live at home, partly as a result of councils prioritising personal care. That started to happen before the policy of free personal and nursing care was introduced, but, as can be seen in exhibit 21 on page 52, the statistics show that there is a continuing reduction in the provision of domestic home care services.

In conclusion, I encourage the Scottish Government and councils to take action to address the ambiguities around the free personal and nursing care policy and to agree a national eligibility framework so that there is transparency about what is available under the policy, and so that the public can understand what the policy is doing. In addition, as I mentioned earlier, more work is needed soon to develop long-term cost projections. Finally, I encourage the Scottish Government to consider carefully how to monitor the performance of the free personal and nursing care policy and how to report to Parliament on the expenditure on this major policy initiative and the results that are delivered.

As ever, my colleagues from Audit Scotland and I are happy to answer any questions, particularly in relation to the technical analysis—I look to the Audit Scotland team to help your understanding of that.

The Convener: Thank you, Mr Black. The report and your comments this morning make a powerful contribution to what is probably one of the most significant debates facing the Parliament both now and in future years.

I am aware that this is not the end of the debate, because the work that Lord Sutherland is undertaking to review the policy will probably throw up more questions. We may need to return to the issue.

I whole-heartedly endorse a couple of points that you made. You spoke about taking action to tackle ambiguities. Such action is long overdue. Ministers in the previous Administration attempted to address the issue and current ministers are attempting to do so. It is a disgrace that eight councils in Scotland are still charging for food preparation. Leaving aside whether you agree with the policy of free personal care, if there is such a policy it should be applied and implemented consistently—something needs to be done about that.

I was intrigued by your comment towards the end of your remarks that it was not apparent that the policy has made a difference to older people on lower incomes. As with so many of the policies that we are pursuing in this Parliament, many people throughout Scotland are benefiting, but people on lower incomes are not benefiting. We should seriously reflect on that. I thank you for drawing it to our attention.

I will ask about your comments that longer-term cost projections are urgently needed. From the work that you have done so far, do you think that, if those projections are not delivered, there could be implications for the whole of the Government's budget?

Mr Black: In relation to free personal care in particular, in the short term—I am thinking about the period since the policy was introduced—it is reasonable to conclude that increases in the elderly population have not contributed a huge amount to the likely resource shortfalls, but it is also true to say that there is a significant challenge in the longer term.

Since the legislation was enacted, we have seen the recent projections from the General Register Office for Scotland for the elderly population. I am sure that I speak for everyone in the room when I say that I am delighted that people's lifespan has been increasing markedly. For that reason, as I said, there will be something like an 80 per cent increase in the oldest group in the population, which is the group that will be dependent on the whole package of care services. It is not for me to second-guess the budget planning of the Parliament or the Scottish Government, but it is right that I draw your attention to the fact that, on the basis of current evidence, significant issues will require to be addressed at some stage.

Murdo Fraser: The report is important and helpful. Free personal care was a flagship policy of the previous Executive, but it was supported by all

the parties—there are no party political points to make on the issue.

I was struck by the comments in your report about the long-term cost predictions. I find it staggering that there has not been a long-term cost projection since 2001, which is seven years ago. There is widespread concern that a rapidly ageing population—as you said, that is not necessarily a bad thing; it is good that people are living longer—will add substantially to the cost burden. Is it responsible of Government to pursue the policy without taking a view on the long-term costs? Should we urgently look for long-term cost projections to be produced, so that we can address where the policy is going?

The Convener: Just before you answer that, to be fair, Murdo, like your earlier comments, that challenge should apply not just to the Government but to the Parliament. We are all in this together.

Mr Black: I am not really in a position to answer the first part of the question. On the second part, I strongly encourage the Government to examine the long-term financial implications. Indeed, the Government has asked Lord Sutherland to examine the forward policy and come up with an analysis and findings within a couple of months. To help Lord Sutherland, we were particularly concerned to use Audit Scotland's capacity to give a good baseline assessment of what is going on now and what has happened in the past five years. I look forward, as I am sure everyone does, to Lord Sutherland's report.

Murdo Fraser: Is Lord Sutherland examining long-term costs? Has he engaged with Audit Scotland on that aspect?

Mr Black: He is certainly examining the financial implications, but in a wider context than free personal care. He is attempting to locate the free personal and nursing care issue within the context of long-term support and care for older people.

Willie Coffey: Your report mentions that 27 councils are spending less on older people's services in general. That implies that they are spending more on free personal care, although we do not have a handle on how much more as there is no requirement to account for the spending because of the lack of ring fencing. However, irrespective of whether or not there is ring fencing, I would have thought that the councils could provide figures for what they are spending. I presume that an essential part of Lord Sutherland's investigation will be to get information from the councils about what they are actually spending. Could you clarify that please?

Mr Black: When we last reported on this issue to the previous Audit Committee a couple of years ago, it expressed concern that many councils relied disproportionately on estimates rather than

on hard numbers. Unfortunately, we are still finding that the numbers are not very good, and Audit Scotland had to put in quite a lot of effort to get consistent numbers so that we could make some estimates. Hopefully that will be helpful to Lord Sutherland, because he does not have Audit Scotland's capacity to go around every individual council and do that sort of exercise.

Willie Coffey: The implication of what you say is concerning. Could it be that the local authorities do not know how much they are spending on this type of care?

Mr Black: There is a doubt about the hard auditable numbers.

Andrew Welsh: Once again, Audit Scotland has performed a great service in shedding light on this important issue. It is a salutary lesson to all political decision-makers, and it has implications for the past, the present, and the future. The policy was universally welcomed, but hindsight has shown that the resources allocated never quite matched the task set. That was exacerbated by ambiguities and inconsistencies in the legislation and guidance. In other words, the political will was not matched by the resources and the machinery to deliver it. The lesson for everyone in Parliament should be that early planning and decisions are crucial in delivering policy goals. To my mind, that is obvious and essential good financial government, and it applies to us all. Audit Scotland has given good service to the Parliament through its report, and we all have a duty to look at, listen to and learn from it.

George Foulkes: What is the balance between the number of people who are receiving free personal care in their homes and those who are receiving it in institutions? I do not know whether that information is in exhibit 1.

Mr Black: You are right, Lord Foulkes; the information is in exhibit 1. The numbers in the text just above the exhibit give the basic figures.

11:15

George Foulkes: So, according to those figures, the number of people who receive free personal care at home has gone up from 27,337 to 41,386, and the number of people who receive it in care homes has reduced slightly, going down from 24,569 to 22,234. Is that right?

Mr Black: The latter two figures refer to the numbers of people who are fully publicly funded. The figures above that bullet point, on page 6 of the report, refer to those in care homes who contribute to their own accommodation and living costs but receive free personal care.

George Foulkes: That number has increased.

Mr Black: It has gone up.

George Foulkes: Right. It was never part of your remit to consider the quality of care in some of the private care homes—that is a separate issue.

Mr Black: Absolutely. There are two issues there. First, as I indicated in my opening remarks, the policy has never been stated in terms of what it was designed to do for the quality of care, so we had nothing to go back to on which to base an assessment. Secondly, as you will be well aware, it is the care commission's responsibility to look at the standards of care in care homes and it does its own analysis of that.

George Foulkes: The summary at the beginning of the report says:

"The UK government and the Welsh Assembly decided to implement free nursing care only in England and Wales on the grounds of cost"—

wait a minute, I do not understand that. Should that read, "decided not to implement free nursing care"?

Barbara Hurst (Audit Scotland): The Government in England has not implemented—

George Foulkes: Personal care?

Barbara Hurst: Yes.

George Foulkes: Right. I have it.

Barbara Hurst: Free personal care has not been implemented in England and Wales because of the affordability issue. I understand that Wales looked into it and, although it decided on affordability grounds not to implement the policy, it has subsequently introduced a more heavily subsidised approach for means testing.

George Foulkes: Is there any indication why there is not a huge demand for free personal care in England or Wales?

Barbara Hurst: It is such a complex area of interrelated services that it is difficult to isolate views about one element of a care package. It could be that what we need to do is look at health provision for older people alongside personal care—in our terms—and also at what domestic services are available. The differences in England and Wales are an interesting example of policy divergence across the UK. However, because we have not had time to ascertain what is happening across the UK, it is not yet easy to contrast the outcomes and decide whether they are better in any one place.

George Foulkes: That would be an interesting study. My impression is that we have got on to the hook of saying that everything is so much better in Scotland because we have this magical thing called free personal care. The implication is that

the provisions in England are not as good. However, what Barbara Hurst has just indicated is that, by combining a range of services, including home helps, district nurses and, particularly, free personal care for those in need—the convener referred to that at the start of the discussion—the provision in England and Wales is different but not necessarily worse for the individual than the provision in Scotland. Is there any way in which Audit Scotland, together with the National Audit Office, could do a comparative study of provisions north and south of the border for elderly people in need?

Mr Black: I suggest that it would be appropriate to wait until we have the report from Lord Sutherland. He chaired the UK royal commission on long-term care and is highly experienced in and knowledgeable about the area. It is possible—I do not know this for a fact—that he will set the Scottish policy direction in the context of what is happening in the rest of the United Kingdom. Wanless and others have also done quite a lot of work on social care in England and are coming out with some challenging messages.

Once we see what is in Lord Sutherland's report and the Parliament has had an opportunity to consider what it would like to do to inform its future policy direction, I would be willing for Audit Scotland to play a part by providing analytical support.

Barbara Hurst: Last week or the week before—I cannot remember which—there was a report in England on services for older people there. It came up with similar messages to what we found: pressure on some of the domestic services and real pressure in terms of eligibility for services. Many local authorities in England have four categories of eligibility and provide services for people in only the top two tiers of those categories.

Similar issues are being wrestled with throughout the UK. There are slightly different approaches to dealing with them.

Murdo Fraser: I will go back to a different aspect of the report. Exhibit 2 on page 3 shows the percentages of older people in the different council areas receiving free personal care. There is a wide variation in those figures. In the lowest percentage area—Argyll and Bute—the figure is below 7 per cent, if I understand the table correctly. The figure in Glasgow, which is the highest, is nearly 13 per cent. It is also interesting to consider life expectancy in those areas. I think that the life expectancy in Glasgow is the lowest in Scotland. By contrast, East Dunbartonshire, which I believe has the highest life expectancy, has a low take-up. That seems completely counterintuitive, because one would expect that, in areas with a higher life expectancy, many older people over 80

or 90 would make more demands on free personal care. Do you have any explanation for the wide variations in those figures and why areas with lower life expectancy appear to have a much greater demand for free personal care than those that have higher life expectancy?

Mr Black: We have not analysed the figures at the level of the individual councils, but the factors will include the health of the older population, the individual councils' different approaches towards eligibility criteria and priority thresholds and, I guess, variations in the extent to which older people get community support from family and friends.

I guess that that is one of the instances in which the numbers that we provide do not furnish the answers but provoke the questions. We come up against that remarkably often in our work. Questions arise from those figures. There are certainly questions about some councils spending less than the grant-aided expenditure indicative amount. Everyone recognises that the GAE indicative amount is not a mandatory requirement for spend on care services, but it is reasonable to ask the local authorities that are spending less than GAE why that is the case. It is also reasonable to ask councils such as Argyll and Bute Council and Stirling Council why their penetration into the client group seems to be so much lower than elsewhere.

Jim Hume: You have partly answered some of my questions. Page 32 of your report says:

"Twenty-seven councils spent less than their Grant Aided Expenditure".

Therefore, only five councils spent the allocated amount or, in the case of Shetland Islands Council, spent twice that amount. You mentioned that the grant-aided expenditure is not ring fenced. Is any previous underspend taken into account in the formula for determining the amount of grant that a council gets? Caroline Gardner is shaking her head, so that is fine.

I also wonder about the complexity of the GAE formula, which takes into account demographics, deprivation and health indicators. Is the formula correct?

Mr Black: The GAE formulas are jointly determined by the Scottish Government and COSLA on behalf of local government, so both sides have signed up to them. The principal objective of the GAE system is to provide local authorities with resources that allow an equivalent level of service throughout Scotland. I am remembering way back to the days when I was an adviser to the policy committee of the old Convention of Scottish Local Authorities and we used to struggle with the numbers. I am glad that I have left those days behind me.

Although it was always difficult to get absolute agreement on the numbers, it is fair to say that the GAE numbers provide a reasonable general indication of the level of spend that is appropriate to achieve a degree of equality throughout Scotland. Further than that, your question would have to be addressed to the Government and to COSLA.

Jim Hume: Do you know how often the formula is reviewed in different council areas?

Mr Black: It is kept under review. We certainly know that, among a number of councils that have comparatively more people who pay for their own care, there are concerns that there will be an adverse financial consequence for the councils. Clearly, free personal care requires them to put more resources into the pot, so to speak. However, we have not analysed the matter at that level of detail.

Jim Hume: Do you know how often the review takes place? Is it an annual review?

Mr Black: I do not know. Caroline Gardner might be able to help.

Caroline Gardner (Audit Scotland): In general, small adjustments are made to the formula year on year to reflect changes. There have been no significant changes for a while.

The Convener: As there are no further questions, I thank Mr Black for an enlightening report and contribution. We will consider what to do, but I suspect that we have not heard the last of the matter and that we will return to it.

Section 22 Report

“2006/07 Audit of the Mental Health Tribunal for Scotland Administration”

11:27

The Convener: We move on to agenda item 4. We have a response from the accountable officer on the Auditor General for Scotland’s section 22 report “2006/07 Audit of the Mental Health Tribunal for Scotland Administration”. The response covers the questions that we asked and the concerns that we raised. Do members have any further comments?

Willie Coffey: I would like to know whether the internal audit committee that was recommended has been established and has met.

Caroline Gardner: It has not met because board members are still being appointed. When the board has been established, the audit committee will be appointed from within it, and meetings will follow from that.

Andrew Welsh: The letter states:

“I can confirm the MHTSA has contracted to secure a professionally qualified financial manager with considerable public sector experience at a senior level.”

We should find out whether that has been done. Similarly, the second last paragraph states:

“we expect the Board and the associated Audit Committee to be up and running by February 2008.”

Again, we should ask for confirmation that that has happened, when it does.

The Convener: Okay. We will write to establish those things.

Subject to that further letter—I will keep the committee informed of information that is received—does the committee agree to note the response?

Members *indicated agreement.*

“Overseas staff in the NHS—pre-employment checks”

11:29

Meeting continued in private until 11:50.

11:28

The Convener: We have also had a response from the accountable officer on the Auditor General for Scotland’s report “Overseas staff in the NHS—pre-employment checks”. Are there any comments?

Murdo Fraser: It is worth noting that the response from Kevin Woods is helpful because he has taken the four points that we made and responded to each of them in turn, directly and comprehensively. His reply is a model that other departments should follow.

The Convener: Does the committee agree to note the response?

Members *indicated agreement.*

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