

JUSTICE COMMITTEE

Tuesday 2 October 2007

Session 3

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JUSTICE COMMITTEE

5th Meeting 2007, Session 3

CONVENER

*Bill Aitken (Glasgow) (Con)

DEPUTY CONVENER

*Bill Butler (Glasgow Anniesland) (Lab)

COMMITTEE MEMBERS

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Nigel Don (North East Scotland) (SNP)

*Paul Martin (Glasgow Springburn) (Lab)

*Stuart McMillan (West of Scotland) (SNP)

*Margaret Smith (Edinburgh West) (LD)

*John Wilson (Central Scotland) (SNP)

COMMITTEE SUBSTITUTES

Aileen Campbell (South of Scotland) (SNP)

Marlyn Glen (North East Scotland) (Lab)

John Lamont (Roxburgh and Berwickshire) (Con)

Mike Pringle (Edinburgh South) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

David Mulhern (Scottish Police Services Authority)

Mervyn Rolfe (Scottish Police Services Authority)

Chief Constable John Vine (Scottish Police Services Authority)

CLERK TO THE COMMITTEE

Douglas Wands

SENIOR ASSISTANT CLERK

Anne Peat

ASSISTANT CLERK

Euan Donald

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 2 October 2007

[THE CONVENER *opened the meeting at 10:32*]

Decision on Taking Business in Private

The Convener (Bill Aitken): Good morning. We have had no apologies from members, but Margaret Smith has intimated that she is running late. She will join us shortly.

The first agenda item concerns a decision to take items 4, 5 and 6 in private. Item 4 concerns the committee's arrangements to pay witness expenses. It is common practice for committees to consider such matters in private. Item 5 relates to the committee's approach to the consideration of our inquiry into the effective use of police resources, and item 6 relates to the potential candidates for the post of adviser in connection with that inquiry. Again, it has been past practice to consider such items in private.

Do we agree to take those three items in private?

Members *indicated agreement.*

Scottish Police Services Authority

10:33

The Convener: For item 2, we have with us witnesses from the Scottish Police Services Authority. David Mulhern is the chief executive, Mervyn Rolfe is the convener of the board and John Vine is a member of the board.

David Mulhern has 28 years' police service. He has been the interim chief executive of the organisation since September 2005, leading the preparations for the establishment of the SPSA. He was previously the deputy chief constable of Central Scotland Police and assistant chief constable of the British Transport Police.

Mervyn Rolfe has had a long and distinguished career in local government, having been lord provost of Dundee and lord lieutenant of Dundee. He also served as deputy leader of both Tayside Regional Council and Dundee City Council. He is—allegedly—no longer politically active but is currently chair of ESEP Ltd, or the east Scotland European partnership. Among the other posts that he has held, he has previously been a member of the Angus and Dundee Tourist Board and Tayside Business Gateway.

John Vine, who is the chief constable of Tayside Police, needs little introduction. Mr Vine had a prominent role in organising the G8 summit of world leaders at Gleneagles, which was carried out exceptionally successfully. He was appointed as one of the two chief constables' representatives on the Scottish Police Services Authority board, of which he is the vice-chair.

I welcome you to the meeting, gentlemen, and invite Mr Rolfe to make an opening statement.

Mervyn Rolfe (Scottish Police Services Authority): Thank you for your introduction and welcome, convener. We are pleased to be here to provide brief details about what the SPSA has achieved so far in its brief history.

As members probably know, the SPSA was established by the Police, Public Order and Criminal Justice (Scotland) Act 2006. Its founding principle was to drive efficiencies in the provision of policing and support services and to eliminate duplication and replication in order to enable police forces to focus on their core activities rather than on operational support and back-office services. Currently, the SPSA is responsible for providing training and education services through the Scottish Police College; information services, which comprise justice intelligence support services, Crimestoppers services and the management and delivery of, and provision of

support for, national information technology systems; and forensic services. Our new national forensic service consolidated the four forensic laboratories in Strathclyde, Lothian and Borders, Tayside and Grampian, the scenes-of-crime officers who were based within the eight Scottish forces and the four fingerprint bureaux, which were previously part of the Scottish fingerprint service. The SPSA now provides the criminal justice community with a fully integrated crime-scene-to-court service. The SPSA is also responsible for the maintenance of the Scottish Crime and Drug Enforcement Agency. The distinction between providing and maintaining services is an acknowledgement of the agency's operational autonomy in its fight against serious and organised crime as it affects Scotland nationally and internationally. The back-office services across our entire organisation are provided by our corporate services business area using a shared service approach.

The SPSA is now six months old. During that time, we have successfully delivered a full range of services, and the feedback from our stakeholders is that there should be business as usual. Such an approach continues to be our aim, although we try to improve our businesses and deliver enhanced services to our customers within our total budget of just over £80 million.

The Scottish Government gave us four strategic priorities, two of which we have already delivered successfully. First, we were charged with delivering a plan for integrating all police information and communication technology services into the organisation by 1 April next year. In 2005, the Association of Chief Police Officers in Scotland recognised the need to provide ICT services more cohesively and agreed that the SPSA provided the potential vehicle to deliver an effective service. Work is therefore under way to ensure the smooth transition of all the relevant resources. The model that is being developed will be based on bringing together ICT in a cradle-to-the-grave-services model to deliver and enable converged systems with cost and service efficiencies. There should be effective information sharing throughout the police service.

We were also charged with delivering a three-year plan for achieving efficiencies in the SPSA's operations. Our plan will deliver cashable efficiencies that will be equivalent to a minimum of 1.5 per cent in each of the financial years 2008-09, 2009-10 and 2010-11. In preparing the plan, we focused on our role in supporting the Government's priority of having a safer and stronger Scotland, with the commitment to a greater police presence on our streets, which will provide a responsive police and support service to deal quickly, efficiently and effectively with criminal activities. We also focused on our commitment to

the shared services agenda, which will drive efficiencies by eliminating duplication and replication.

We are making excellent progress with our two remaining priorities, one of which is to establish the SPSA as an integrated national authority that works as one organisation through which the police service and other criminal justice partners can express their needs and which can take responsibility for determining how to meet those needs.

We are engaging with our stakeholders and our partners, in particular ACPOS and the Crown Office, to ensure that we have a shared understanding of their business needs and how we can support them. For example, our forensic services are working with the Crown Office to improve prosecutions from forensic evidence. In addition, the Scottish Police College is working with all Scottish forces on the development of a national training strategy.

Our final strategic aim is to complete the integration of the Scottish fingerprint service into a Scottish forensic science service, and to carry through the work programme established in the Scottish fingerprint service action plan for excellence. The outstanding recommendations in the action plan for excellence form part of the forensic science business area objectives, work on which is progressing well. We are confident of the successful delivery of all our recommendations, including the achievement of a single quality standard across all forensic activities.

Our businesses collectively continue to deliver a quality service. The college is demonstrating its commitment to developing and delivering progressive, comprehensive and relevant training for the Scottish police service. The SCDEA is demonstrating its commitment to operational policing, tackling serious and organised crime across Scotland with an emphasis on class A drugs, money laundering and human trafficking. Forensic services are presenting new opportunities for a single integrated service. The delivery of an integrated crime-scene-to-court service is unprecedented and demonstrates a commitment to providing a world-class forensic service. Criminal justice/ICT is providing tangible benefits by combining the business responsible for the development of IT systems with the businesses responsible for lifelong management and maintenance.

In summary, we are delighted with the progress to date and look forward to working with our stakeholders and partners to deliver an efficient and cost-effective police support service for the people of Scotland.

The Convener: Thank you. Mr Mulhern, is there anything that you wish to add?

David Mulhern (Scottish Police Services Authority): Not at this time, thank you.

The Convener: Mr Vine?

Chief Constable John Vine (Scottish Police Services Authority): No, not at this stage.

Paul Martin (Glasgow Springburn) (Lab): I was going to ask members of the panel what their priorities were for the next 12 months, but Mr Rolfe has clarified them in great detail. He said that the SPSA was satisfied with the organisation's response to date, but the organisation must be concerned about there being some objectives in the strategic priority plan that are not being met. Are there any about which you are willing to have the humility to say that they are not going according to plan?

David Mulhern: Perhaps I should answer that. We are confident that we moving towards delivery of the four strategic priorities that were laid down by the previous Administration. We recognise that, due to the way in which the organisation was set up, which was a significant factor, we had difficulty in recruiting and selecting staff to lead back-office service provision. As recently as yesterday, our final member of staff, the head of human resources, started with us. It is true that we have faced difficulties and challenges in filling some posts and that we have had some false starts, but—as of yesterday—our entire corporate services team is now in place, and it will start to deliver. I have given a personal commitment to the board that, by the end of the calendar year, our corporate services will be fully functioning. I have set my own people the task of delivering on that by the end of October. I would like to think that, by the end of next month, our corporate services will be fully established.

Paul Martin: The development of a communication strategy that fits in with the SPC and the integration of police information services is one area of your future plans where you may be concerned about your ability to deliver. You are committed to delivering that by April 2008. Do you think that you will meet that target?

David Mulhern: Are you asking about our ICT integration?

Paul Martin: Yes.

10:45

David Mulhern: This Friday, our implementation board will meet for the first time. The implementation board comprises me; Colin McKerracher, who is the chief constable of Grampian Police, the lead on ICT for ACPOS and

a member of the SPSA board; and Christie Smith, who will lead for the Scottish Government. They will be supported by the current head of ICT for Scotland and the business change director for Scotland. I am confident that the implementation board will work well. We have learned many lessons from the creation of the SPSA. For example, in the build-up to April, there was much debate about how the forensic service would be delivered. We have learned lessons from that, as has ACPOS, and we realise that, this time, we must ensure that we move faster and sequence the process much better than we did previously. I am confident that we will do that and that we have the full support of ACPOS, which has been getting the organisation ready for transition. I am confident that we will have a smooth transition next April.

Paul Martin: So you are confident that you will be able to tick that box next April to say that the integration of the police information and communications technology services is complete.

David Mulhern: Yes, I am. As Mervyn Rolfe mentioned, we submitted an implementation plan on 30 June, which was endorsed by ACPOS and which outlined how we envisage the integration happening. We have stakeholders' full buy-in.

Paul Martin: What will be the benefits of the integration?

David Mulhern: As the convener of the SPSA board said, one of our tasks and goals is to remove duplication and replication from Scottish policing. Overduplication and overreplication exist—a good example is in the area of ICT, on which we have eight different approaches. The Audit Scotland report on call management that was published this week identifies 25 information technology systems that are associated with call management in the eight forces. That is after an investment of more than £30 million since 2001 in standardising and rationalising the approach to call management in Scotland. The fact that we have 25 systems just to cope with the single aspect of IT for call management suggests that we require rationalisation and a single, standard approach. That is a good example of what I envisage the SPSA will deliver—a single approach to call management, with full buy-in from ACPOS on delivering that.

A further example is command-and-control systems, which are basically the systems for logging calls and incidents as they come in. At present, five systems in Scotland deliver command and control for Scottish policing, but ACPOS is committed to delivering a single standard command-and-control platform in the next five years. We will be tasked with delivering that. We have full buy-in from the business—it recognises that it needs to standardise its systems and has tasked us with delivering that.

Paul Martin: On the systems that are in place, the Strathclyde contact centre has had publicity as a result of bedding-in and development issues. Might we have to start again from the beginning with a brand-new system that fits in with all the police authorities throughout Scotland?

David Mulhern: At this time, it is not intended to move the call and service centres that exist throughout the country to the SPSA next April—they will remain with the forces. However, we must have a debate about call management. Audit Scotland published its report on call management yesterday or at the end of last week. The debate will not be resolved by 1 April next year, but we will consider taking over the systems that support call management. We currently have 25 such systems—that must change. I like to think that, especially after the Audit Scotland report, everybody who is involved will recognise that we must consider and address the matter. I want us to be a major part of the debate on call management.

The Convener: You said that recruitment difficulties held back the completion of the operation to an extent. Do any particular issues arise from that, which you could share with us?

David Mulhern: Not really. Last week, we met representatives of what we can call quite loosely our sister organisation, the National Policing Improvement Agency, which is our English and Welsh equivalent. The NPIA came into being on the same day that the SPSA did and it is interesting to note that its representatives talked about exactly the same issues, including the difficulties with recruiting the right people and false starts in interviewing certain individuals. Sometimes interviews did not work out, either because we did not like the pack that we were presented with or because some candidates did not like the package that we were offering in return.

We are part of the public service, and we see ourselves as such—we see ourselves as delivering within that package. Although we attracted interest from people in the private sector, the package that we offered did not always interest or excite them, and they sought to renegotiate it. However, we were operating within the constraints of the public sector.

To summarise, there was no particular single issue, but we had a number of false starts.

Bill Butler (Glasgow Annie'sland) (Lab): Good morning, gentlemen. Mr Rolfe stated that the SPSA is working on the development of a national training strategy. Indeed, that is one of the organisation's prime objectives. To what extent is training localised at the moment? What progress has been made towards achieving a national strategy?

David Mulhern: I will give you some background to that. At the start of 2007, Her Majesty's inspectorate of constabulary for Scotland published a report on the Scottish Police College and its delivery of training. That report was supported by Her Majesty's Inspectorate of Education—it was the first time that HMIC and HMIE had taken a joint approach to the Scottish Police College and training. The report included a significant number of recommendations and suggestions about how the Scottish Police College and Scottish policing might reflect on how training is delivered.

We recognise the current debate around the distinction between national and local training. For example, firearms training is delivered locally—it is replicated eight times across Scotland. However, a United Kingdom standard is used for that training. The Association of Chief Police Officers manual is used for firearms training and the deployment of firearms in the UK and serves as the Scottish standard to which we work. That training is delivered locally, but I question whether that constitutes local training. HMIE referred to that example.

Bill Butler: So although that training is delivered locally, it is based on a national standard.

David Mulhern: Yes, it is a national standard that is delivered locally, taking into account the capacities of the various forces. The ability of Strathclyde Police, which covers half of Scotland, to deliver local training using dedicated resources in various areas is fairly easy to realise. However, smaller forces, such as Dumfries and Galloway Constabulary and my force, Central Scotland Police, would have difficulty maintaining the constant, permanent presence required to deliver such training. Those forces' operational resource constantly gets abstracted to deliver the training for a period, before officers return to operations.

Officer safety training provides another good example. Again, it is run to a national standard, but it is replicated eight times. Strathclyde has a committed permanent resource, staffed by non-police officers. Other forces, including Central Scotland, abstract operational officers to deliver that training for certain periods. If we consider the capacity and capability issue, we might ask whether we could rationalise our approach and deliver training from central locations, which could mean more effective delivery without abstracting police officers.

Bill Butler: Well, could you do that? You say that you want to tackle replication. Could officer safety training, for instance, be centralised?

David Mulhern: I think that it could be. We could examine how it could be delivered. I do not think that we would want to take that training to the

Scottish Police College and make everybody go there, given the travel involved. However, it would be much more efficient to have a collective approach whereby a nationally co-ordinated central cadre of non-police officer personnel could move around and deliver the training for us locally.

Bill Butler: I understand.

Mervyn Rolfe: The important point is that, as with any idea, there must be a proper business case for such an approach. The idea needs to be properly evaluated. After the evaluation, we would have to have a genuine dialogue with our partners in ACPOS. We would not say, "We think we can do it, so we're going to do it"; we would negotiate with our partner organisations, on the basis that we had done the arithmetic that showed that the evidence stacked up and the approach would deliver improvements in efficiency.

Bill Butler: Improvements in efficiency are the aim. What is your timeframe for doing the arithmetic and achieving the national training strategy that you described in your opening remarks, given that debates are continuing and questions remain to be answered?

Mervyn Rolfe: I will field your question to David Mulhern, but, first, it is important to acknowledge the other responsibilities that we have been handed by the Scottish Government, which we need to address in priority order.

Bill Butler: Will Mr Mulhern talk about priorities and timescales?

David Mulhern: On the national training strategy, a two-day event was held at the Scottish Police College, which included the Scottish police training providers from all eight forces and the college. We think that the business should develop the strategy—it is keen to do so—and hand it to us for delivery. We would deliver the strategy directly or co-ordinate delivery, as appropriate. We will work with our partners on how we develop that work.

I do not want to put a deadline on that work, because the strategy is not necessarily ours to deliver; we are there to support delivery with ACPOS. However, I would like to think that by April we will be well down the line in developing the strategy. As the SPSA moves into its second year, I hope that we will have a better understanding of how training might be developed in that regard. Mr Vine might have a view on that.

Chief Constable Vine: Committee members should realise that training in Scotland is already very centralised, in comparison with training in England and Wales. More than 90 per cent of all training is centralised on the Scottish Police College. It is important to have a national strategy, but we must be careful not to centralise for the

sake of it. We need to centralise to make efficiency savings and to keep police officers on the street. However, it might be more sensible to deliver training to a national standard in my training centre, for example, or in those of Dumfries and Galloway Constabulary or Central Scotland Police.

Bill Butler: There can be centralisation with in-built flexibility, to take account of operational requirements.

Chief Constable Vine: That is right. Training is important, but it represents an abstraction from front-line service. Every time that we take police officers and staff into a training centre—wherever it is—for one or two days or a week, those people are not available to be deployed on the streets. If the SPSA training strategy can help us to squeeze out extra efficiencies and maximise the time that police officers can be on the street, it will bring benefits. Each bit of training needs to be considered individually, to ensure that it offers best value.

Bill Butler: That is absolutely right. I do not think that you will hear any member of the committee argue with the positive aims that you have described.

You said that 90 per cent of training is centred on Tulliallan. We understand that the SPSA is reviewing the accommodation at Tulliallan. What consideration is being given to sharing facilities with other emergency services?

David Mulhern: The recently published Howat report says that there is an opportunity to centralise blue-light services, or uniformed services, around the Scottish Police College. We are keen to examine and develop that idea but we do not feel empowered to do so on our own.

11:00

Bill Butler: With whom would you examine the idea?

David Mulhern: We would like to think that the other services that are involved, such as the Scottish Prison Service, are willing and have an appetite to consider the idea with us, because there are synergies between our organisations. We are all uniformed services; we are all semi-disciplined; we have similar values; and to some extent we have a similar customer base. For example, we deal with the victims of crime who are picked up by the Scottish Ambulance Service and taken to hospital. The prison service is another obvious example, because we detect offenders and the prison service then has to incarcerate them.

There are also synergies between our business and the fire service. A few years ago, a joint report

by HMIC and Her Majesty's fire service inspectorate for Scotland said that today's rubbish-bin fire will lead to a school fire in four to six weeks' time. At present, neither our intelligence systems nor our command-and-control systems match, so we cannot track how that happens.

In recruitment and the training of probationers, there are lots of synergies between the organisations, including our work on dealing with the public, public service, diversity, and the integrity that goes with such organisations. At the other end of the business, there are lots of synergies around leadership and management. We could work together much more effectively in that regard.

I like to think that there are real opportunities, and I would like the services to develop them collectively. We could get together and make a commitment to do that. Also, I reiterate a point that Mervyn Rolfe made earlier: there might be a business case for joint working because it will deliver efficiencies and effectiveness for Scottish communities.

Mervyn Rolfe: As I mentioned, we are looking at our three-year strategy. At an early meeting of the SPSA board, we hope to look a little further and do more blue-sky thinking. I hate that phrase, but we want to do—

Bill Butler: Imaginative work.

Mervyn Rolfe: Yes—thank you. I prefer that phrase.

Bill Butler: So do I.

Mervyn Rolfe: One of the limitations is the fact that we have the word "police" in our name, but at our away day we may well be prepared to come out of our silos and consider our responsibilities to the shared service agenda.

We have to acknowledge that, at the moment, our principal customers and stakeholders are the police service and the justice community in Scotland. However, if there are synergies with other areas of public service and we can usefully engage with those, we welcome the challenge of doing that.

Chief Constable Vine: I support the principle of what has been said. However, we need a reality check. The Scottish Police College has a limited capacity and demographics show that we will lose a lot of police officers in Scotland in the next few years because they joined in the late 1970s and, after 30-year careers, they will leave between now and 2011, potentially in large numbers. We will have to use the estate that we have as we recruit probationers and, of course, if any more police officers join the service during the next few years, that will put additional pressure on the college.

However, progress can certainly be made, particularly on leadership training. It is entirely possible to provide such training across the public services. I do not think that the police service would be well served by joining colleges together at the moment, but in the medium to long term, that is entirely possible.

Bill Butler: I am obliged.

Nigel Don (North East Scotland) (SNP): I am a little confused about what I heard about the development of your training strategy. Mr Mulhern suggested that it was up to the eight police forces to suggest what should happen next, whereas I am not convinced that Mr Vine has suggested that it is up to him. Perhaps it is up to the police authority to decide on the way forward. I am wondering where the push and pull are on the development programme.

Chief Constable Vine: It is both push and pull. Recently we had a useful meeting with chief constables and SPSA board members. We want to find an event where we can do some—I am sorry to use this phrase—blue-sky thinking and map out mutually where we believe the synergies might be for the future development of the SPSA. That would be the best way forward—it would be unfortunate if the board went away and produced a list different to the one that ACPOS produced.

We also have to take into account other stakeholders in Scottish policing, such as the staff associations and the unions. The more that we can work together to explore where the future lies, the better. We are at the beginning of that journey; we have started some discussions and we hope that they will bear fruit at the beginning of next year.

The Convener: We move on to questioning on fingerprint and forensic services.

John Wilson (Central Scotland) (SNP): How effective has the integration of the Scottish fingerprint service and the forensic service been?

David Mulhern: It is one of the successes of current Scottish policing. As Mervyn Rolfe said earlier, it is unprecedented to have a system that goes from crime scene straight through to the court.

I will give you an example. Historically, if a drugs commodity was recovered in a particular packaging, there was no co-ordination about where that commodity was sent. The first imperative was to confirm that the substance was drugs, which meant unpacking it. After it was confirmed as drugs, we would look for fingerprints on the packaging. Clingfilm is often the packaging used and—I am sorry, but I found this fascinating when I learned it recently—it has a very fragile surface that does not grab anything, so a fingerprint sits on top of it and can effectively be

blown off. So we had a virtually zero success rate in getting fingerprints off clingfilm packaging from drugs.

The United States drug enforcement administration's approach is to have the drugs and fingerprints teams sitting side by side. When a package comes in, they will sit around a table and decide who will have the first go at it. The package can be put into a cabinet with vaporised superglue, which adheres anything that is on a surface to that surface. You can then do what you want with it—roll it up, kick it around, unwrap it—and the mark will still be on the surface of the package.

We are now at the stage where our organisations are working together towards having that dialogue. Although you would think that it would have been easy to do that in the past, we were working with three separate organisations: the crime scene examiners—who had to recover fingerprint or other evidence—and the fingerprint and forensic science services that were sitting at a separate location and in a different structure. Our new system gives us the ability to hold a dialogue and work out what will achieve the best overall outcome for evidence recovery.

Equally, our forensic science department was working to a particular technical and professional quality standard. The fingerprint service was working to a similar quality standard, but it was a managerial standard that was more process driven. There were also eight crime scene examiner organisations that were working to different and varying standards, none of which matched the other two sets of standards that were operating; some were not necessarily working to any standards. Within a year, a single quality standard will operate from crime scene straight through to court, which will reinforce to Scottish communities our ability to secure evidence and present it in court with integrity.

John Wilson: So there will be full integration by the end of this year.

David Mulhern: We are fully integrated now, but our intention is to work to a single operating practice and quality standard within a year.

Nigel Don: How are you interacting with the Crown Office and Procurator Fiscal Service to ensure that the information that you are able to provide is consistent with what it expects to receive?

David Mulhern: I would say that that has been one of the SPSA's early successes. The feedback from the COPFS is that it is now able to have a single dialogue with a single entity towards a single outcome. Previously it had to engage not only with eight forces, but with ACPOS, whose structure is based on 11 separate business areas.

This is not meant to be a criticism but, with such a structure, various interested parties can become involved and issues can bounce around different committees. We were finding that, when the outcome emerged quite far down the line, the original question—never mind the answer—had changed. The COPFS feels that it now has one port of call and can effect change fairly quickly, and we can point to this model as the standard that we want to employ and ask, "How can we work with you to ensure that it can be presented to and accepted by the courts?" The system is working extremely well and has been one of our huge successes within the first six months.

Nigel Don: That sounds very encouraging.

In its report on its inquiry into the Scottish criminal record office and fingerprint service the previous Justice 1 Committee noted that Independent Counselling and Advisory Services had been involved with staff morale issues. I understand that it might still be involved. What progress is being made on that matter?

David Mulhern: As you know, I led on the action plan for excellence for the year before the SPSA was created, and I have remained in very close contact with what was the fingerprint service and what are now the four fingerprint bureaux. In recent months, I have visited all four bureaux.

About three months ago, the whole of the former Scottish fingerprint service had an away day and, for the first time, its 120 staff came together in one room to discuss various issues. The feedback was extremely encouraging; the staff really enjoyed the day and there was a tangible sense of wanting to move forward, to leave the McKie issue behind and to get on with delivering a quality service to Scotland's communities. That has been achieved.

The health check provided by ICAS is still available to the staff of the former fingerprint service. However, the SPSA is negotiating with a single service provider for its entire occupational health provision. Things are going well; indeed, we are very close to finalising matters. Last week, we met all the tenderers for the contract and are looking to make an appointment within the next two months.

Margaret Smith (Edinburgh West) (LD): You might not feel able to answer this question, but, given what you have just said, I will ask it anyway. Morale in the service is important to us all. You said that there is a desire to leave the McKie issue behind; however, we have received communication from the Cabinet Secretary for Justice that there will be a public inquiry into that issue. Will that adversely affect morale in the service?

11:15

David Mulhern: In recent weeks, an inference made from my comments on this matter has been reported in the press. Obviously, we will fully support the Scottish Government in every way we can with regard to an inquiry. However, I hope that such an inquiry will not try to reopen the question whether the McKie print was a misidentification. I do not think that we will ever resolve that matter. The former Justice 1 Committee considered the issue in some detail and came to conclusions. The question for me is whether raising it yet again will have an effect on my staff. The answer is yes, it will. We will have to manage it—we will manage it.

I cannot say that such an inquiry will be completely irrelevant to our organisation; it will be relevant. We will fully support an inquiry, but I hope that it will not focus again on the veracity of the mark, given that that is where we have been for the past 10 years. By next January, we will be 11 years down the road and yet it continues to be an issue. We still appear in the press on the McKie matter—indeed, it was in the press at the weekend. The McKie issue continues to be a live issue. Every time that it resurrects itself, it has an impact on my people—on their wish to move forward and their enthusiasm for doing so.

The Convener: We come to questions on service delivery.

John Wilson: In your annual plan, you set out your intention to work closely with ACPOS and the police forces to ensure that service delivery meets their needs. What are the SPSA's formal methods of engagement with ACPOS and the eight forces? What response have you had thus far from them on the work of the SPSA?

David Mulhern: If I may, I will set out the technical process, after which Mervyn Rolfe may want to outline the event that we held last week with the chief constables, before handing over to John Vine.

Earlier, I mentioned the 11 ACPOS business areas. SPSA has representation on every single one of them, which is an extremely positive way in which to engage with the business. We try our best to understand the business and to consider business need and its delivery. Our engagement at that level is extremely important. At the personal level, we are keen to engage with the ACPOS council—the chief constables council—as that gives us the best understanding of what the chief constables, and ACPOS as an entity, are looking for, in moving forward. Our organisation has an engagement at ACPOS Ltd level—ACPOS the business—which ensures that we best understand its intentions. We are represented at every level, from operational to training and forensics. Equally, we are represented on a significant number of fora

in ACPO, which is the England and Wales equivalent of ACPOS. Again, that representation ensures that we are in touch with what is happening nationally and internationally and that we are positioned properly to consider the business and, where appropriate, to deliver on it.

Mervyn Rolfe: Like any business, it is important for us to keep a close eye on how our customers perceive us and our products. Obviously, that takes place at all levels in the interface between the SPSA, ACPOS and the police forces. The board has a stakeholder engagement policy, which ensures that we regularly meet chief police officers, individually and collectively. That allows us to pick up feedback on any differences in the performance level of our organisation. The important thing is to keep a close eye on quality assurance and to listen to anything that we get back from ACPOS, either on an individual or collective basis. John Vine may want to add to that, partly from the other side.

Chief Constable Vine: Yes. I suffer from mild schizophrenia these days: on the one hand, I am a chief constable; on the other hand, I am a member of the SPSA board. That said, when one thinks about it, the SPSA is part of the Scottish police service.

ACPOS supported the creation of the single body of the SPSA. I used to have officers on loan to the other organisations, which had no statutory footing. If anything happened to those officers, it would come back to my organisation—the individual police force. We have always been keen on what has now been created.

Liaison is built in to the constitution of the board, because two members of the board are chief constables. It is me and Colin McKerrachar at the moment; that might change in future, but chief constables will always have representation right at the heart of the board.

One of the challenges for ACPOS is to become an intelligent customer of the SPSA. The chief constables have supported institutions such as the fingerprint service, the forensic science service and the college, so we have never had to say, "We're the customer. This is what we want from the supplier." We have been the customer and the supplier. We need to think through what our relationship will be and how we will provide that intelligent customer focus to the SPSA. In return, because it has, in effect, a monopoly of the support services for the Scottish police service, the SPSA's challenge is to provide the very best service that it can, for example by comparison with what is found south of the border. We will work together within those constraints.

I am confident that the SPSA has made a good start. I have a large forensic science lab—a DNA

lab—in my headquarters in Dundee, and all my forensic people and scenes-of-crime people are working in the same way as they did before 1 April. They are all still made to feel welcome in my headquarters. We all sit down together in the same canteen. The lanyards around their necks are a slightly different colour, and say SPSA as opposed to those of my staff, which say Tayside Police. As far as the day-to-day delivery is concerned, however, things are working seamlessly, and we need to ensure that that continues.

The Convener: You have anticipated some of the questions that I was going to ask, which is helpful. We can move on to the relationship with the Scottish Crime and Drug Enforcement Agency.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): How does the SPSA's relationship with the SCDEA differ from its relationship with other agencies?

David Mulhern: The statute is fairly precise on that relationship. The director general of the SCDEA enjoys full operational autonomy, including operational autonomy from the board and the corporate business of the SPSA, from the Scottish Government and, to a great extent, from the chief constables. That is fundamental to the delivery of a police service in Scotland and recognises that, in that operational context, the director general enjoys full direction and control of his resources.

One of the corporate SPSA's strategic priorities is to create a single organisation. Each part of our organisation has a role in that. All our organisations bring different qualities to that corporate whole. The Scottish Police College has a long tradition that is important to Scottish policing. The SCDEA brings a strong team ethos and a single operational focus to the SPSA. Forensics brings strong technical, professional practice around quality assurance and how it goes about its business. ICT and criminal justice bring an auditing and compliance perspective to the organisation. Finally, we have a corporate service that delivers a shared service across our entire organisation. As Mervyn Rolfe said in his opening remarks, that removes duplication and replication within our organisations and allows each of our heads to focus on their core business and to have, in the context of the agency, a single focus on delivering an effective operational response to international and national crime.

Cathie Craigie: Just to get my head round that a little, is the director general of the SCDEA a member of staff of the SPSA?

David Mulhern: He is. The SCDEA's current director general is a deputy chief constable and no organisation other than a police organisation can

employ a police officer. I am on secondment to the SPSA from Central Scotland Police and our director general is on secondment from Strathclyde Police. Any police officer has to be on secondment. The legislation allows for direct recruitment, but that provision has not been implemented. We are looking forward to its implementation, as it will bring a very different dimension to our organisation, whether in how the director general and deputy director general are recruited or in how the police officers in the SCDEA are recruited. We look forward to that. Right now, however, those people are on secondment.

Cathie Craigie: So, he or she—if it was a woman—is at the moment an employee of the SPSA. The SCDEA police and support staff are recruited through the SPSA, although that will change. Ultimately, the director general is answerable to the Scottish ministers.

David Mulhern: Yes.

Cathie Craigie: Did we get the legislation right? Is it working effectively?

Mervyn Rolfe: The organisation in its current form is only six months old, so the jury perhaps needs a little more time to deliberate on that. To my mind, the accountability and governance aspect is covered by the board. The director general reports to the board in that respect.

Cathie Craigie: Okay. The agency also has to produce an annual plan that it presents to the SPSA. I know that the board is new, but have you had an opportunity to look at that plan? If so, have you made any modifications to it?

David Mulhern: No, we have not made any modifications to it. The annual plan was presented in advance of 1 April, before the board came into being, and was presented directly to ministers. We were set up with a big bang on 1 April and business had to start on that day. The board came on stream fairly quickly in the build-up to 1 April and the annual plan was not presented to the board, as the board was effectively not in existence at the time. The annual plan was presented directly to ministers, but that was a quirk of timing.

Cathie Craigie: Will the board consider the annual plan or has it considered it?

David Mulhern: It will consider it. The statute lays out in detail how the annual plan will be considered and consulted on, and that consultation will include the board of the SPSA and ACPOS.

Cathie Craigie: What are the strengths and weaknesses of the arrangements between the two organisations?

David Mulhern: I have tried to demonstrate the strengths of all our organisations. In the debates about what was intended and expected when the Police, Public Order and Criminal Justice (Scotland) Bill was published, the Justice 2 Committee's consideration of the SPSA in the build-up, and the parliamentary debates that followed, a lot of consideration was given to how the bill would work. You asked whether the legislation is right. I think that it is right. As you have heard from Mervyn Rolfe and John Vine, it is business as usual and we are delivering. We have introduced the organisation and have done what we set out to do, which was, if nothing else, to deliver business as usual. I hope that, as we move forward, we will enhance our business; however, right now, we are delivering business as usual.

I know of nothing since 1 April about which I, as the chief executive, my heads of business or the board have thought, "This isn't working. This is causing us difficulty." The board has impressed on me and on our business heads that, if anything that we have put in place or that is in place is causing us an operational difficulty in the delivery of business at least to the previous level, we want to hear about it so that we can change things. We have received the same commitment from the Scottish Government. We are not aware of any operational difficulties in the delivery of business.

The Convener: Who is the budget controller in the organisation?

11:30

David Mulhern: Our overall budget is just under £85 million, including capital. Within that, there is a ring-fenced, red-circled budget that is predetermined by ministers and dropped into the SCDEA. The rest of the budget is in effect dropped on the table of the board, and the board, the business heads and I determine how it is distributed.

The SPSA is one organisation, with one legal identity, so it has one accountable officer. The issue was debated for a long time in advance of the SPSA's creation, especially in the Justice 2 Committee, which gathered evidence on whether it was right, given the way in which the budget is set, for there to be a single accountable officer. I think that it is right. I stress again the operational context, which is that the SCDEA has full autonomy in the operations that it undertakes, how it undertakes them and how much they cost. Our role is to support the SCDEA in understanding the state of its budget and how it is able to afford what it is planning to do. We bring back-office support to the agency, to allow it to focus on operational delivery.

It is right that there should be one accountable officer—the chief executive—because we have

one budget. There is a single grant allocation, notwithstanding the fact that part of it is dropped down straight to the SCDEA. It is important that the chief executive should have oversight of the budget and should be accountable to, and open to scrutiny by, the Parliament.

The Convener: This is an unusual financial set-up; I cannot think of another example of that drop-down approach in the public sector. Could the chief executive of the SCDEA decide to take a particular course that had expenditure consequences that brought him into conflict with the accountable officer?

David Mulhern: Fortunately, I have never had the experience of saying to the board that it has made expenditure decisions about which I, as the accountable officer, am concerned. If we propose something that is unaffordable or spending whose legitimacy is questionable, it will be my responsibility to bring the matter to the attention of the Scottish Government. We have not encountered any such difficulty—long may that continue.

When I was deputy chief constable of Central Scotland Police, I was faced with the challenge of budget constraints; I am sure that John Vine has had the same experience. All of us must operate within budget constraints. There are many measures that make sense to us as ways of delivering policing, but if they are unaffordable, we must reconsider them. The same issue could arise in the SCDEA, but it has not yet arisen. Just as we have not had a problem with any of the board's budget proposals, I have had no concerns about the affordability of spending proposals by the agency.

The Convener: The director general could argue that, as long as he does not control the purse strings, he does not have full autonomy.

David Mulhern: I do not know how that would be a legitimate argument.

The Convener: We will move on from that point.

Cathie Craigie: I am still a bit unsure about the issue, as I was not a member of the Justice 2 Committee when it considered the Police, Public Order and Criminal Justice (Scotland) Bill. As the accountable officer, are you accountable for the total budget of the SPSA, including the budget of the SCDEA?

David Mulhern: Yes.

Cathie Craigie: Who is responsible for spending the SCDEA's budget? Who decides how many administrative staff can be employed and how much can be spent on operational matters?

David Mulhern: The director general has control of those matters. The same is true of all

our businesses. The director of the Scottish Police College, which has a budget of £12 million to £14 million, has the right to determine how that money is spent, within certain constraints. The biggest constraint, which applies across the public sector, is affordability. That constraint applies to every non-departmental public body in Scotland.

Stuart McMillan (West of Scotland) (SNP): Good morning. We understand that the director general of the SCDEA will be retiring from his post in November. What role, if any, will the SPSA have in the appointment of a successor?

David Mulhern: It is laid down clearly in the statute that the board of the SPSA will make the appointment. We have submitted to HMIC, through the Scottish Government, proposals on how the selection process will be progressed. We will follow the same process that we would follow for the appointment of any other chief officer to any police force in Scotland.

John Wilson: You said earlier that most of the senior staff are seconded from other police forces in Scotland. You have the authority to make direct appointments. Would the board be minded to make a direct appointment to the director general post?

David Mulhern: I apologise for giving a technical answer, but the board of the SPSA will make the appointment. However, legislation is not currently in place to allow the board to employ a director general directly. It is the only post in our entire organisation that requires to be filled by a deputy chief constable. Similarly, the deputy director general must be an assistant chief constable. Those posts are the only two in the SPSA that must be filled by a police officer. We do not have the statutory entitlement to make a direct appointment. The board will make the appointment, but the post will be filled as a secondment, just as the current director general and deputy director general, the director of the Scottish Police College and I are on secondment. That is purely a quirk of the current legislation. Another part of legislation has to be enacted—not the part that creates the SPSA but amendments to police regulations. Current police regulations say that a police officer can be employed only in the office of constable—in effect, he is not an employee. Such appointments can be made only by a police force.

The Convener: Does that mean that any successor to the current director general could only come from Scotland and that we could not make an appointment from outwith Scotland?

David Mulhern: No. An appointment from outwith Scotland would require a certain subtlety to be attached to it to make it legitimate, but it would be administrative subtlety. We are not

precluded from looking outwith Scotland to attract the best recruits. We are optimistic about attracting applicants from both within and outside Scotland, because the job is seen as extremely prestigious in policing in the UK.

The Convener: I am tempted not to pursue that line of questioning in case I reveal something of which I would disapprove.

David Mulhern: Thank you.

Stuart McMillan: It is intended to set up a multi-agency law enforcement campus at Gartcosh. I am sure that we all appreciate that such developments do not take place overnight. What is your understanding of the progress that is being made towards establishing that campus?

David Mulhern: I sit as one of five people on the project board that is considering the Gartcosh campus. My interest is primarily in the potential to create a forensic laboratory on the campus and to locate part of SPSA corporate services there. Also on the board are the director general of the SCDEA and other stakeholders who are looking to co-locate on the site.

We had a board meeting two weeks ago in which we looked to refine the business benefits case that underpins the whole concept. That was also considered in June in a number of workshops that were populated by people from various parts of the SPSA and the SCDEA and the other stakeholders involved. The business benefits case is being considered again to see whether we are sure that it is the case that we want to move forward. There is still work to be done on that. A copy of the current business benefits case was circulated as recently as Sunday. We have to understand clearly the business benefits of what we are proposing, who we would want to locate on the campus and what added value they would bring to it. The timing is fairly specific. We were hoping to have a presence on the campus by 2010. That might slip to early 2011, but there is still an optimistic view that we might be able to claw that back into 2010.

Nigel Don: You said that you felt that you were delivering against your three-year efficiency plan, which you said would deliver savings of more than 1.5 per cent a year. Where do you hope to get those savings from?

David Mulhern: I chair an efficiencies group that comprises each of our business areas. All those business areas have now quantified where they would attempt to deliver efficiencies. Without pre-empting the plan, which was delivered to the cabinet secretary only yesterday, I can say that we are optimistic that we can deliver savings of 1.6 per cent in our first year and that we can deliver recurring cashable efficiency savings of at least 1.5 per cent in the following two years. However,

those savings are not fully detailed yet because our organisation is only six months old. We hope to gather enough knowledge about the business during year 1 to enable us to consider the specifics of how we will deliver.

There is optimism in all our areas. For example, we have made a commitment to decrease the police officer presence in the SPSA by 15 per cent in the three years of the plan. That will come about as a result of the civilianisation—although I hate that word—of current police posts. Either that resource will be pushed back to front-line duties in the SPSA—exclusively in the SCDEA—or, alternatively, we will consider reducing the number of secondees to, for example, the Scottish Police College and forensic services, both of which currently have a police presence. We are talking about a 15 per cent reduction in police posts and the SCDEA is talking about an 8 per cent reduction in police posts within its overall establishment. Again, either that resource will be returned to the front line, or the posts will be civilianised.

Stuart McMillan: How many of the 1,200 people in the SPSA are civilians?

David Mulhern: Currently, 80 per cent of our resources are civilians.

The Convener: This session has been most helpful. It has been interesting to question you so early in the history of the authority. This morning, we have learned about various matters, ranging from the retention qualities of clingfilm to the complex relationships that arise when people work on an interagency basis. I do not think that we are entirely satisfied on the latter point, but we will see what emerges over time.

I thank you for taking the time to come here. We have found what you have said to be of considerable interest. It might be that, in the time ahead, we will have similar sessions during which you can advise us on the progress that has been made on what is, obviously, an important matter.

Mervyn Rolfe: I look forward to that.

The Convener: I will briefly suspend the meeting to allow the witnesses to leave.

11:43

Meeting suspended.

11:45

On resuming—

Subordinate Legislation

Licensing Conditions (Late Opening Premises) (Scotland) Regulations 2007 (SSI 2007/336)

Reciprocal Enforcement of Maintenance Orders (United States of America) (Scotland) Order 2007 (SSI 2007/354)

Recovery of Maintenance (United States of America) (Scotland) Order 2007 (SSI 2007/355)

The Convener: Under item 3, there are 10 negative instruments for the committee to consider. Are members content to note the first three instruments?

Members indicated agreement.

European Communities (Lawyer's Practice) (Scotland) Amendment Regulations 2007 (SSI 2007/358)

European Communities (Services of Lawyers) Amendment (Scotland) Order 2007 (SSI 2007/359)

The Convener: Stuart McMillan wants to raise a point about the next two instruments.

Stuart McMillan: When reading through the instruments, I was concerned that the delay in laying them before the Parliament—both pre-May and post-May—could have caused some damage if lawyers from Romania and Bulgaria had applied to practise in Scotland. I am rather unhappy at that delay, and I would like that to be noted. Can we write to the Cabinet Secretary for Justice to highlight the matter?

The Convener: The point is well made. Although massive numbers of advocates from the Balkans have not been queuing up at the High Court or the Court of Session, we could have been in a position of some embarrassment if any such person had attempted to obtain rights of audience in either court. In the circumstances, I think that we should note our concern by drawing the matter to the cabinet secretary's attention. Is that agreed? Are members also content to note both instruments?

Members indicated agreement.

**Gambling Act 2005 (Review of Premises
Licences) (Scotland) Regulations 2007
(SSI 2007/394)**

**Gambling Act 2005 (Fees No 3) (Scotland)
Regulations 2007 (SSI 2007/395)**

**Licensing (Training of Staff) (Scotland)
Regulations 2007 (SSI 2007/397)**

**Private Security Industry Act 2001
(Designated Activities) (Scotland) Order
2007 (SSI 2007/398)**

**Civil Legal Aid (Scotland) Amendment
(No 2) Regulations 2007 (SSI 2007/425)**

The Convener: Are members content to note the other instruments?

Members *indicated agreement.*

The Convener: As the committee will now move into private session, I ask all members of the public to leave the room.

11:49

Meeting continued in private until 11:56.

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