



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 28 February 2012

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JUSTICE COMMITTEE
7th Meeting 2012, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*Jenny Marra (North East Scotland) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)

*John Finnie (Highlands and Islands) (SNP)

*Colin Keir (Edinburgh Western) (SNP)

*Alison McInnes (North East Scotland) (LD)

*David McLetchie (Lothian) (Con)

*Graeme Pearson (South Scotland) (Lab)

*Humza Yousaf (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Deputy Chief Constable Andrew Barker (Scottish Chief Police Officers Staff Association)

Lewis Macdonald (North East Scotland) (Lab)

Deputy Chief Constable Gordon Meldrum (Scottish Crime and Drug Enforcement Agency)

Chief Superintendent David O'Connor (Association of Scottish Police Superintendents)

Andrea Quinn (Scottish Police Services Authority)

Chief Constable Kevin Smith (Association of Chief Police Officers in Scotland)

Calum Steele (Scottish Police Federation)

Dave Watson (Unison Scotland)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 6

Scottish Parliament

Justice Committee

Tuesday 28 February 2012

[The Convener *opened the meeting at 10:00*]

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning. I welcome everyone to the seventh meeting of the Justice Committee in 2012 and ask all present to switch off completely mobile phones and other electronic devices as they interfere with the broadcasting system even when they are switched to silent. I have received no apologies for absence and welcome to the meeting Lewis Macdonald, who joins us for item 2.

The first item on the agenda is a decision on taking business in private. Does the committee agree to consider items 3 and 4 in private?

Members *indicated agreement.*

Police and Fire Reform (Scotland) Bill: Stage 1

10:00

The Convener: The next agenda item is our first evidence session on the Police and Fire Reform (Scotland) Bill at stage 1.

I welcome our first panel of witnesses. They are: Chief Constable Kevin Smith, who is president of the Association of Chief Police Officers in Scotland; Chief Superintendent David O'Connor, who is president of the Association of Scottish Police Superintendents; Deputy Chief Constable Gordon Meldrum, who is director general of the Scottish Crime and Drug Enforcement Agency; and Andrea Quinn, who is chief executive officer of the Scottish Police Services Authority. Thank you for your very full submissions—I know that they are very full, because I read them all.

We will move straight to questions from members. Witnesses should self-nominate if they wish to respond to any question that is not specifically directed at them, and I will come to them in turn. The microphones will come on automatically—at least, that is the plan.

Humza Yousaf (Glasgow) (SNP): Good morning.

Chief Constable Kevin Smith (Association of Chief Police Officers in Scotland): Good morning.

Chief Superintendent David O'Connor (Association of Scottish Police Superintendents): Good morning.

Deputy Chief Constable Gordon Meldrum (Scottish Crime and Drug Enforcement Agency): Good morning.

Andrea Quinn (Scottish Police Services Authority): Good morning.

Humza Yousaf: All at the same time—that was very good.

Chief Constable Smith: It is the only thing we agree on. [*Laughter.*]

Humza Yousaf: I would like to hear from each of the panel members—as long as they self-nominate, of course—about the financial savings, which have been much discussed. I am particularly interested to hear whether Mr Smith and Mr O'Connor think that the savings that have been mentioned are reasonable and achievable and what the constraints might be in that regard.

Chief Constable Smith: Savings are the biggest issue in the reform and raise the question whether we will have the opportunity to reform and

redesign what is a very important part of public services or have to focus on financial cuts. At this stage, there is a risk that the latter will happen.

Let me articulate what I mean. The savings are to be made in three main areas. First, a small amount—£5 million—is to be saved in police officer delayering, or rationalisation. Secondly, another £30 million is to be saved in non-staff costs. That element must be explored to the nth degree before we get into the third and most critical part: the potential reduction in police staff, which is to account for up to 60 per cent of the savings. Because of the commitments on police numbers, on there being no voluntary redundancies and on there being limited changes to terms and conditions, that is the biggest issue.

For example, according to the business case in the bill, we are expected to lose more than 1,100 people by 2013-14. That is a significant figure. I stress that it is not that we do not want to do it, but if we follow the law, due diligence and due process in relation to redundancies, such a move will make running the organisation impossible. The earliest possible date for the new police service of Scotland to be a legal entity is 1 April 2013; in other words, that will be the first opportunity for the new chief constable and police authority to engage in meaningful consultation and dialogue with the union, to present plans and to secure agreement. We all know how long that process takes. At the very least, there has to be 90 days' consultation with the union and the individuals who will be affected.

The very recent—indeed, current—experience of forces is that the consultation period is followed by an implementation phase; for example, it took Strathclyde Police more than 18 months and four phases to take 200 people out of the organisation through voluntary redundancy. Based on what our professional human resources people have told us about recent experiences, our professional assessment is that, at the very best, it might be the third or even the final quarter of 2013-14 before we achieve the redundancies, which will very quickly eat into the savings that have already been set out in the bill.

Of course, the other practical question is whether—because of the limitations on compulsory redundancy—we will get that number of volunteers. Our assessment, based on recent experience, is that over the next two to three years we will not attract the expected 2,000 people. That is not because of lack of commitment in the police service: the simple fact is that not enough people will leave the organisation.

We have reached this point because of the outline business case, which was—although it has been very much informed by people in the service and subject experts—never intended by the police

officers who were party to it, or by the consultants, to be a document that contained sufficient detail on which to base significant decisions about investment and savings. Moreover, although it outlined at a high level what might be achieved, it did not set out any timescales. Finally, it did not say anything about what I would call due diligence and whether you could actually move up to 2,000 people out of the organisation in that time.

That, for me, is the biggest risk to the reform and redesign of a critical public service. The service is as one in trying to deliver a new reformed and redesigned national police service, in trying to do everything that we do locally and in trying to deliver what we can nationally within a very constrained financial envelope. We will make savings, but my personal and professional view is that the savings that have been set out in the bill will not be achieved in the coming years. I do not say that easily, but I would rather say it now than come back here in two years to answer your questions about why the savings have not been made.

Chief Superintendent O'Connor: I will build on that. There is a clear need to focus on maintaining a balanced workforce in the new service: there must be a balance between police officers and police staff. There is no doubt—because more than 84 per cent of the police budget is spent on staff costs—that there will be an impact on staff as we go forward. We have heard from Kevin Smith about the position on maintaining officer numbers, having no compulsory redundancies, the terms and conditions of police officers and, potentially, a dispersed service delivery model in the future.

I sense that the challenges that we face are about maintaining service delivery. Police performance is very high and crime is at a 35-year low. We must maintain public confidence and reassure the public about the service as we move from the current eight-force structure to the new single-service structure. Fundamentally, we need to maintain staff confidence and staff morale as we build the new model and the new service. That is about striking the right balance between police officers and police staff—the right people with the right skills must be doing the right jobs. I sense that that will be a significant challenge for everybody in the service.

Andrea Quinn: I will build on the support-staff side of the discussion. The specialist professionals in my organisation and across the forces play a crucial part in policing. We often hear of staff being badged as either front-line or back-office staff: that is disingenuous. I will give a few examples. Would we call an accountant who was working to track down a serious organised crime group and their ill-gotten gains “back-office staff”? Would we call a forensic scientist who is dealing with the body of a

murdered child “back-office staff”? Would we call information and communications technology experts in restoring police communications “back-office staff”? No. We would not.

It is vital that you appreciate the balanced team that all my colleagues have mentioned and the importance of getting the balance right.

Deputy Chief Constable Meldrum: I agree with everything that has been said and can be reasonably brief. As Andrea Quinn said, it is helpful to put into perspective what we mean by “police staff”. Perhaps it is not the case in this room, but when people elsewhere talk about police staff they conceptualise that as someone who is in an indoor back-office job.

I have a number of crucial staff at the Scottish Crime and Drug Enforcement Agency in disciplines such as e-crime, cybercrime, technical support, forensic accountancy and so on. They are police staff who have unique skills that many police officers do not have and they work as close to the front line as you can get without wearing a uniform. The notion that some police staff are tucked away in back offices and so on does not hold; many of them perform critical front-line operational roles.

The Convener: That is a very helpful elaboration of the definition.

Humza Yousaf: I find those comments very useful and reiterate that it is somewhat “disingenuous”—to use the word that Ms Quinn used—to make a simple black-and-white differentiation between back-room and front-line staff. Does it really become an operational matter, as it should be, for the chief constable or local commanders in terms of how best to deliver the service in the appropriate manner? Perhaps you can elaborate on that. I suppose the point, before I let other members plug away—

The Convener: No: I will let them plug away.

Humza Yousaf: Yes, indeed.

The Convener: I have to keep sorting this young man out.

Humza Yousaf: That’s me telt.

The Convener: That’s you telt, all right.

Humza Yousaf: Many of you indicate in your submissions that the Government is in negotiations about a VAT exemption. How much of an impact would it have if you did not have to pay that £22 million liability?

Chief Constable Smith: I will touch on the first point that you made about whether such decisions should be left to the chief constable. There is a need for a mature debate about the workforce mix.

My colleagues can probably articulate the point far better than I can.

For me, as a chief constable and someone who is leading reform, there is an issue of pragmatism. An elected Government has said that we will have 17,234 police officers. For the avoidance of doubt, I think that that is not a bad thing; it is a good thing. The Government has also said that there will be no compulsory redundancies. That is a strong statement to our people and is also a very good thing. However, when such factors come together we get pushed certain ways. Is it about the money that will be saved if those factors cannot be altered, or is it about phasing? I hope that I have articulated the problem.

10:15

The VAT issue is important and we have been trying to resolve it since the SPSA came into existence in 2007. I am confident that the Government is doing everything that it can do to resolve the issue—I do not think that anyone wants it. However, in the context of reform, VAT liability is not the most critical issue; the most critical issue is the savings that are anticipated, particularly in year 1, and the timing, given the due diligence and legal process that we need to go through. We will not deliver the savings that are based on the expected reduction in staff numbers if we follow due process and do what is right, legal and fair to our people—we will save only a very small proportion of that part of the budget. That is the single biggest threat and risk in relation to reform and the single biggest threat to what we want to do for the Parliament, the Government and the people of Scotland, which is to redesign and reform an effective public service and make it even more effective.

Chief Superintendent O’Connor: From an operational commander’s perspective, the mature debate that Kevin Smith talked about will be critical. In the potential 32 local area commands, and whatever structure sits beyond them, there will need to be a debate about how to strike the right balance between police officers and police staff in the range of public protective services that will need to be available in each area. That is key, and the debate must be had in the near future.

Humza Yousaf: Perhaps I did not express my question well. If the police had additional money, be it from VAT exemption or anything else, would you cut fewer police staff, or can you achieve an effective single police force alongside such a reduction in staff?

Chief Constable Smith: My understanding of the Government’s current position is that the savings that are anticipated in our budget are expected and that VAT liability, if it becomes an

issue, will be for the Government to resolve. I speak as a public servant in the wider sense when I say that I do not think that any of us would want £22 million to be taken out of the public sector, because we would expect at least part of the effect to drip down to policing at some point. In essence, it is for Government to determine where it wants to go in that regard. However, I understand that as recently as last week the Government said that the savings that we are expected to deliver would remain the same and the VAT liability would be for Government to resolve.

Jenny Marra (North East Scotland) (Lab): I want to pick up on two points that have been raised. First, Kevin Smith said that the police service will not attract the number of volunteers for voluntary redundancy that would enable you to make the savings that the Scottish Government is asking you to make over the first year. Is there anything that would make it easier to meet those demands?

Chief Constable Smith: The difficulty with the process is the commitment to there being no compulsory redundancies. That is a laudable and positive contribution to policing, but it restricts the people who are expected to deliver reform in their ability to make savings. If there is a commitment to having 17,234 police officers and to there being only voluntary redundancies, we must ask whether the anticipated savings are too high, or whether the time in which they are expected to be made is too short.

My view is that it is all about phasing. I think that most of us follow the logic of investing in reform and expecting the outcome in the following year. However, the budget has been set in such a way as to expect the investment in voluntary redundancy and so on and the savings in the same year. Government has also told us that if we do not spend all the money that has been laid aside for redundancy in that year, simply because of a process, the money will be lost to us. If we are looking for a logical, strategic way of reforming a service, that does not seem to be the best approach.

Jenny Marra: What if there was more time to meet the demands of the process? Am I right in saying that, if you are getting rid of resources and human resources quickly in order to construct a service that will be fit for purpose three to 20 years down the line, you cannot immediately get rid of people whom you might need in two years?

Chief Constable Smith: Absolutely. The problem with voluntary redundancy is that it restricts us to making redundant only the people who raise their hands. Redundancy cannot then be decided on the basis of who we need, where we need them and what posts we could do

without. It is, at best, an ad hoc way to reform a service.

As you have said, we may lose our human resources people and finance people, but when we are trying to manage our redundancy process during a period of reform, those are the very people whom we need in the organisation to help us deliver it. Equally, if we were to lose people who serve an important function that is part of the savings, for example staff in police control rooms, but were then unable to reach the reform stage quickly enough, that would be counter to good management of reform.

I am absolutely committed to maintaining police numbers and to avoiding compulsory redundancies, about which there are also strong Government commitments. If the Government expects savings to be made as part of a wider budget, we are the very people who will turn every stone to find them, but my professional view is that what is expected cannot be done according to the suggested timescale, for simple reasons of employment law and due process, which were never factored into the outline business case. It came upon us.

Jenny Marra: I will ask David O'Connor about the balance between police officers and civilian staff. At a time when we are trying to make savings, it seems to be counterintuitive to have police officers stepping in for civilian staff who are being made redundant. In effect that means, for example, a police officer who earns £45,000 might be doing a job that could be done by someone who would earn £25,000. At a time of financial savings, is that counterintuitive? Is there an optimum balance between civilian staff and police officers that would make the police force more effective?

Chief Superintendent O'Connor: There has to be a balance. From the operational commander's perspective, police officers are highly skilled and highly trained and come fully equipped. We would much rather see them out in communities, performing the jobs of preventing and detecting crime, and enforcing the law. We need to consider the skills that are needed for the critical roles that are performed by police staff and which allow officers to stay on the street. I sense that some of that debate still needs to take place, because we are still talking about the structures, what they will look like in the 32 areas and how they will work in the relationship between the 32 areas, the chief constable and the team.

To expand on Kevin Smith's point, we have to be careful in the short term that we do not throw the baby out with the bath water. We have a lot of very loyal, competent and experienced police staff with a lot of corporate knowledge, skills and expertise. I fear that at some point down the line it

may dawn on us that we still need those skills and, indeed, that we may have to buy them back.

The Convener: I remind members to keep their questions brief, because nearly all the panel members have already given evidence to the Finance Committee. I do not want to prevent members from asking questions about finance, but I remind them that the Finance Committee has already done so, as recorded in the *Official Report* of its meeting of 22 February, which I am sure members have read, along with lots of other stuff. We need to leave space in this meeting to ask about other matters, such as the independence of the police and other important principles.

Lewis Macdonald (North East Scotland) (Lab): I want to follow up on Kevin Smith's evidence on staff redundancy and the potential savings. You said clearly that the envisaged savings could not be delivered on time in line with legal requirements on the employer. What will happen if the Government maintains its commitment to introducing the reforms on 1 April next year?

Chief Constable Smith: That is a difficult question. I stress—in case there is any doubt—that we will do absolutely everything that is humanly possible to squeeze out money from the police-officer side and from the non-staff part. That is something that we do year on year.

It is a really difficult issue. The convener talked about making sure that we do not just focus on finance but look at other aspects of reform. For me, however, finance is the most critical part, because if it is not handled properly it will undermine the key objectives of reform, which are to maintain local policing, to enhance the national capacity and to increase local engagement. The savings are critical to those things. If there is no movement, the savings requirements will be pushed into the following year, which will compound the problem, or we will return to debates and discussions about, for example, police numbers and compulsory redundancy, which we do not want to do.

For the avoidance of doubt, I suggest that having 17,234 cops in Scotland and no compulsory redundancies are good things and we want to maintain those. We stress however that, because of the timing, not all the expected savings will be made in year 1. We can provide evidence of that, given recent experience. There is, therefore, a discussion to be had with the Government about how to proceed.

The Convener: The only reason I said that we should not focus solely on finance is that I do not want us to duplicate the work of another committee. If the other committee has asked cogent and thoughtful questions and has received

responses already, I do not want us to duplicate that when there is much else in the bill. I am aware of how serious finance is, but we do not want to duplicate effort. The Local Government and Regeneration Committee is looking at another aspect of the reforms.

Lewis Macdonald: The way that you have described redundancies, savings and the outline business case suggests that you are being asked to meet a fairly arbitrary target of 2,000 posts over the period. In other words, there is no design that says, "In merging the forces, these are the posts that we will save and this is the financial consequence of that." Is that approach not the wrong way round? Am I right in thinking that, if you are struggling to find 2,000 volunteers for redundancy, you will really struggle to say no to anyone who volunteers, no matter what post they hold?

Chief Constable Smith: I am sorry; can you please repeat your last question?

Lewis Macdonald: You said that you had struggled to find enough volunteers to meet the redundancies target. Does that mean that, if members of staff whom the police service wants to keep are among the volunteers, it will be very difficult for the police service to refuse them?

Chief Constable Smith: Absolutely. One force received 500 expressions of interest over the past couple of years but could release only 200 people. The other 300 people were in roles that were such that it would have been expensive to allow them to go. More critically, they were in posts that had to be maintained—posts in control rooms, custody, front-office counters and so on. If those people were released, the force would have been in the silly situation of taking cops off the streets. I and other chief constables will make every effort to ensure that we do not pull cops back in, but if the redundancy situation is not managed properly, that is unfortunately a threat and a risk.

Lewis Macdonald: So, there is no design behind the target of 2,000 posts.

Chief Constable Smith: Last year, in trying to find out how we were going to meet the financial challenge, the sustainable policing team looked across a range of policing functions and, over a period of six weeks, along with support from consultants, reported to Government on what might be achieved. That work was never intended by those who did it, nor by the consultants who advised them, to be used in making such a significant decision on police reform. It was seen as a means by which Government could consider three options—a single force, a regional model and the status quo—and say, based on a level playing field, which one looked the best. The Government's intention was that, thereafter, that

would be subject to a full and robust business case, which would more fully articulate costs, savings and achievability and would do the bit of work that I call due diligence, which would involve an examination of the mechanics of achieving the financial savings, if they amounted to the loss of upwards of 2,000 posts, and what the timescale for that would be. That was not done. We are doing that now.

10:30

Lewis Macdonald: I have a simple yes or no question for all the witnesses. Would an additional year make the process more manageable and effective?

Andrea Quinn: Yes.

Deputy Chief Constable Meldrum: Yes.

Chief Superintendent O'Connor: Yes.

Chief Constable Smith: What I would say is that we will start the new single service on day 1. It will be functional and operational and it will deliver what we are delivering today. What is required is greater thought in terms of the phasing of savings and investment. Just now, there is investment up front, with anticipated savings at that point. Our sense suggests that the savings will filter through in due course, following the investment. However, I do not want that to be construed in any way, shape or form—as, unfortunately, it can be—as representing a lack of commitment to police reform. Our approach is about making reform work. In order to make reform effective, we need to get these wicked issues out in the open, challenge them and resolve them.

The Convener: I think that we follow that.

Graeme Pearson (South Scotland) (Lab): I suppose that I should state my personal background. I was previously a police officer and a member of ACPOS and, as a result, I have a particular interest in these matters.

Following on from what Mr Smith has just said, it occurs to me that day 1 is April fool's day. If we were not debating such a serious issue, I would note that that was probably a good choice of day to begin the exercise that we have just discussed.

You have mentioned the issue of redundancies among civilian staff. Hopefully, the fact that some of us have been raising that issue on the floor of Parliament over the past six months will give you some comfort.

Mr Smith concentrated on the fact that maintaining 17,234 officer posts is a good thing. However, maintaining those posts has implications, in terms of the 2,000 redundancies. You have made a clear statement of the damage that can be done in relation to that. The issue has

obviously been discussed at length in the development of the current position. What has been the response from Government and the civil service in connection with the options that are available to you? Has it just been the pressure of time that has meant that a gateway review of the current business case and the development of due diligence that you mentioned earlier has been avoided?

Chief Constable Smith: The discussion has been that the Government is committed to maintaining police numbers. It is a very strong statement. I absolutely believe that that is a good thing and I am committed to there being no redundancies. However, you are right that that clashes with the other concerns. That is why one of the resolutions involves a more informed phasing, which should combat that to some extent.

What was the second part of the question?

Graeme Pearson: Let me deal with what you have just said, first. It is one thing to say that the Government wants to maintain 17,234 officers. However, is the subtext therefore that we should just get rid of 2,000 staff? Surely the budget should come along to maintain the service, in addition to the 17,234 officers.

Chief Constable Smith: While we and the Government agree absolutely with each other on the objectives of reform, we differ with regard to the practicalities of the financial aspects. The Government's position is that the outline business case was the most informed position ever on policing, and that the savings that were highlighted were achievable. That is the Government's position, and I disagree with it.

Graeme Pearson: Was it merely the timescale that prevented due diligence and a gateway review?

Chief Constable Smith: The Government's position was that it would do an outline business case and then a full business case. It moved from that to an expectation that we would do the full business case. That is what we are doing. Given your experience, you can imagine that we are going through a complex and detailed analysis of what we have now, what we want on day 1 and what we want for the future. It takes time to ensure that that is done properly.

The Convener: When do you expect to conclude the preparation of your business case?

Chief Constable Smith: I will attend workshops tomorrow with the executive leads. I expect to have the day 1 position by the end of next month. The work on savings will go on thereafter.

The Government's position was that the savings could be made, but my view was that there had been no due diligence. We are now going through

that, and part of that process is looking at employment law and how we deal with redundancies. My professional view, based on current experience, is that we will not move out 2,000 people in the time given, particularly through a voluntary scheme.

Graeme Pearson: May I ask Andrea Quinn a question, convener?

The Convener: I was waiting to see whether anybody else had a question. Is your question on the same point?

Graeme Pearson: Yes.

The Convener: You did not nominate yourself, Ms Quinn, so I was leaving you in peace. However, you can comment if you want to.

Graeme Pearson: My question is about the types of people who would be released from the civilian side of things or the support side, as it is sometimes described. Do police officers necessarily have the skills to replace the expertise that would be released through redundancies?

Andrea Quinn: I would say that they do not have the skills. On average, it takes four years for an accountant, a forensic scientist or an information and communications technology expert to qualify to do the job that they do.

Graeme Pearson: Thank you.

John Finnie (Highlands and Islands) (SNP): Like Graeme Pearson, I declare that I am a former police officer and full-time official of the Scottish Police Federation.

I address my question to the panel collectively, but ask Mr Smith to respond first. It relates to the term "balanced workforce", which has been much used today and in the evidence that we have received. Accepting the 17,234 figure and the no-redundancy figure, I wonder whether the debate that seems to be skewed as support staff against police officers in some quarters is not the correct debate, given that there is, and will remain, a statutory requirement to have an efficient police service, as gauged by HM chief inspector of constabulary. That being the case, the police would not allow any highly trained accountant or forensic scientist to leave, because they would not be in a position thereafter to discharge the obligation to have an efficient police service.

I wonder whether I can move the discussion slightly further on to the resource allocation model, which of course is key to everything. The written submission from ACPOS refers to the implications of that for the local resourcing of the police service. Paragraph 43 of the submission states:

"ACPOS does not anticipate this will have a detrimental effect on local policing".

So, it would have a positive effect. How would efficiency be reflected in a resource allocation model so that it would deliver better local policing?

Chief Constable Smith: In this debate there have always been concerns, which generally come from areas outwith the large urban areas that are primarily in the central belt, that we will see a migration of resources towards the cities and towns. My own experience would reflect such concerns. However, elected members, members of the public and police officers in the large urban areas have an equal concern that the resources that they currently have will be spread more thinly. There are two sides to the issue.

To give some reassurance before we get into the technical aspects of the resource allocation model, every one of the existing chief constables was brought up from being a young cop to their current rank with community policing in their DNA. Whether someone is the chief in a large urban area or in a small rural force, delivering local policing remains the fundamental building block.

One force, Strathclyde, is often mentioned because it covers half of Scotland. However, it can ensure not only that there are enough officers on the streets in the city centre of Glasgow, in Govan and in the housing schemes but that there are enough officers in Tiree, Oban, south Lanarkshire, south Ayrshire and so on. I have little doubt that whichever chief constable comes into place in the new service will have a desire to maintain the delivery of local policing, irrespective of any governance influences to ensure that he or she maintains that element. I am in no doubt that there will be greater scrutiny by local authorities to ensure that what we have on day 1 continues.

We will come up with a resource allocation model that will consider things such as crime and incidence, and the community-based style of policing that we want. We hope that the model will be open and transparent so that people can see what is there.

There are two other parts to that. Local policing is delivered not only by the well-known local community cop. It is delivered by the Scottish Crime and Drug Enforcement Agency and by counter-terrorism and public protection people. Those are all key components. The issue should not be a mere pursuit of numbers, but that is what we will have on day 1 and we want to maintain it. Ultimately, if the will of Government and Parliament is that savings are to be made, the chief constable will need some degree of flexibility in moving resources across the country.

John Finnie: The key point is that there will still be a statutory requirement to provide an efficient service.

Chief Constable Smith: Absolutely.

John Finnie: To return to the issue of support staff, the service could not be delivered if you were to dispense with the services of those people.

Chief Constable Smith: I have a couple of points to make about support staff. There is a notion that for every member of support staff that goes out, we put a cop in, but we have not done that. In the past two or three years, we have reduced our support staff by about 1,000 people, and that has not been followed by cops simply migrating in.

The fact that we have already lost 1,000 people indicates that there is a diminishing pool of people who might be willing to take voluntary redundancy. The blunter the instrument of redundancy becomes, the greater likelihood there is that it will not work.

One of the key considerations will involve deciding which jobs we can stop doing, support staff-wide, before we even think about putting cops in.

John Finnie: Which jobs can we stop doing eight or nine times?

Chief Constable Smith: Chief constables, deputy chief constables, assistant chief constables, staff officers, directors of human resources, directors of finance and so on: there will, for the avoidance of doubt, be opportunities for savings there. However, although those posts have high salaries, there is a small number of them.

Chief Superintendent O'Connor: Building on Mr Smith's points in response to Mr Finnie's questions, there will, with regard to the resource allocation model, certainly be fears in some of the more rural parts of the country that resources will be drawn to the centre. Likewise, however, we have members in the central part of Scotland who fear that their resources will be drawn to rural parts of the country.

We must remember that police resources belong to the people of Scotland and should be deployed in the areas in which they are most needed. In addition to the points that have been made about resource allocation, although there must be a focus on demand, crime, incidence and the number of calls, there must also be a clear focus on rurality and sparsity. Geography and logistics are significant matters in policing Scotland.

The Convener: I am sorry to say this, but we are nearly three quarters of an hour on. We have been wandering, but we have focused mainly on finance. That is perfectly right, but the committee needs to ask about so much else. I ask for discipline from committee members when it comes to asking questions that have already been asked.

Graeme Pearson can ask a short supplementary, and then I will bring in Roderick Campbell. I think that Mr Meldrum wants to say something first.

Deputy Chief Constable Meldrum: If I may, convener, I will respond briefly to Mr Finnie's point.

The Convener: Of course—we are here to listen to you.

Deputy Chief Constable Meldrum: With regard to the resource allocation model for policing the national threats that we face—which Kevin Smith already mentioned—I firmly believe that there is a great opportunity in Scotland's police service to bring together all the assets that are currently within the eight forces and the SCDEA that police counter-terrorism, organised crime, major crime and public protection and brigade them in certain parts of the country. We can then use them in an intelligent manner, based on the threats, intelligence and risks that we have. That will enable us to deploy a balanced workforce of police officers and staff to protect 5.2 million people in a very good fashion.

The Convener: Thank you—that was very helpful.

Graeme Pearson: Have any police officers replaced some of the 1,000 staff who have already disappeared? Are you saying that no police officers have been redirected?

Chief Constable Smith: Never say never, as they say. It would be rash to say that in relation to the 1,000. However, my understanding and my view—certainly in my force—were that, as a general policy, police officers would not be put in such roles. I am confident that, as a matter of policy, cops would not backfill posts. That would not be a good operational use of the resource, and making someone redundant then filling their post with a cop would be challengeable.

10:45

The Convener: I will let Jenny Marra ask a short question on the same point. After that, I must take Roderick Campbell, then we must move on.

Jenny Marra: Mr Smith said that he was not aware of police officers filling a whole backroom staff member's role, but is there function creep? Are police officers doing some roles that civilian staff used to do, but not as their full-time jobs?

Chief Constable Smith: In the past 10 to 15 years, the number of civilian posts has grown. Some of those roles were never done by police officers—for example, the growth of data protection and freedom of information has required growth in posts. However, there are still police officers in roles that would be more appropriately

done by support staff. My answer to Mr Pearson was that we have not as a matter of policy reduced the number of support staff and filled their posts with police officers. I am confident that that has not been done.

Every year, forces go through a process of challenging posts. Having said that, there will still be non-operational roles in the back office—I know that we try not to use that phrase—that are done by police officers.

Jenny Marra: So some functions are being filled.

Chief Constable Smith: Not every police officer is out on the street wearing a yellow jacket, but the way to protect the people of Scotland is not by having everyone out there in a yellow jacket.

The Convener: I call Roderick Campbell, who has been patient, after which Alison McInnes will ask about a completely different topic, thank goodness. We must get through this.

Roderick Campbell (North East Fife) (SNP): Good morning. I just want some clarity. Mr Smith, you talked about the difficulties of achieving 2,000 volunteers—I took your main reason to be employment law and due process. However, according to your submission, 2,000 is a cumulative figure for 2015-16. According to the figure work that I see, the number of voluntary redundancies by the end of 2013-14 is only 1,146.

Chief Constable Smith: I think that I said that. I referred to upwards of 1,100 at the end of 2013-14. At the end of the spending review period, the figure is about 2,000. Of course, as you know, further cuts are planned for the next spending review. The question of phasing will become more difficult.

Roderick Campbell: I am still a bit troubled by how the employment law timetable would have a serious impact.

Chief Constable Smith: In year 1, the first point at which we can sit down and have meaningful negotiations with the trade union is when the new service comes into place. At the earliest, that will happen on 1 April 2013. Dialogue and consultation will be required, including a 90-day period of consultation with the union and individuals. For those who are involved, phasing will be required—we have done that in the past few years. The process will not simply involve turning on a tap at a point in time and everyone leaving the organisation; people will want to determine when they will leave.

I will give an example, so that I am not giving simply my view of the world. One force recently had to phase the departure of 200 people in four blocks over 18 months.

Roderick Campbell: My point is that the 2,000 figure creeps in only in 2015-16, so it is some way hence.

Chief Constable Smith: The 2,000 figure applies in 2014-15—

Roderick Campbell: It is cumulative and relates to 2015-16, according to paragraph 4.2 of your submission.

Chief Constable Smith: To achieve the full-year savings, all that needs to be in on 1 April—the start of the financial year. Any delay would reduce the savings.

Roderick Campbell: I will leave it there.

The Convener: We have only another 20 minutes at most with the panel and we have lots more to ask about the bill. At the end, I can ask whether the panellists want to raise any other issues. We also have the evidence to the Finance Committee. We must move on to other subjects.

Alison McInnes (North East Scotland) (LD): I will ask about the impact that the proposals will have on local accountability. The bill sets up tensions between a local policing plan and a strategic policing plan but is silent on how those tensions will be resolved. I would be interested to hear the witnesses' views on how local accountability can be maintained or, indeed, enhanced under the proposals.

Chief Superintendent O'Connor: As the bill stands, local police plans will need to be submitted to the local authority for approval. We believe that the wording should be that the local policing priorities should be submitted for agreement.

I sense that, if approval is not given for those plans, there will be potential for dispute. We are a disciplined service that operates on accountability and, from a police perspective, the dispute resolution process would be to send the matter from the local commander to the chief constable. As we now have positive and progressive working relationships between local authorities and local commanders, I hope that such a situation would be the exception as opposed to the rule, but there is no doubt that it could arise. I sense that there would also be scope for the local authority to go to the Scottish police authority in such circumstances.

Deputy Chief Constable Meldrum: Whatever local accountability ends up looking like, it must be closely connected to national accountability. Neither of them can sit in splendid isolation from the other. If the national authority—the Scottish police authority—wished to consult the 5.2 million people in Scotland on something, a natural vehicle for it to use would be the 32 local entities.

Local accountability is critical. The shape of that local accountability—what it looks like and the relationship with the local commander—is key but the relationship between the 32 units of local accountability and the one unit of national accountability, the Scottish police authority, is equally vital. That should be a top-down and bottom-up relationship between the two layers of governance and accountability for the police service of Scotland.

Alison McInnes: Is the bill clear enough on that?

Deputy Chief Constable Meldrum: As my submission articulates, I am not convinced that we are as clear as we should be on that or that the bill is as clear as it should be on it.

Alison McInnes: Local accountability is, indeed, critical but it is being watered down from what is currently in place. Is that not the case?

Chief Constable Smith: It will be different. Of that, there is no doubt. It is not for the police to determine how we are held to account; it is for politicians to determine how we are held to account nationally and locally. However, if you are asking for a professional view on the arrangements, the first thing that I will say is that there is a danger that we think that the current arrangements are perfect. They are not; they are in need of improvement locally and nationally.

The reform debate that we have gone through over the past year started out being about improving local governance and accountability. I will make two comments on that. There is certainly a diminution in local governance and accountability because local elected members will not be able to select their chief, will not have a policing budget and will have less direct influence over the chief. However, equally there is an opportunity for more people to be engaged in the process, which will be significantly different from the current arrangements. That puts the onus on the local authorities.

The test is how local authorities, wider community planning partners and police engage with the current pathfinder projects to ensure that, whatever we do, we do not lose the jewel in the crown, which is local community policing. There is no doubt that the arrangements that are being introduced are significantly different from those that went before.

Alison McInnes: At the moment, we are fairly well respected for the way that we carry out community planning in Scotland. We have round the table chief constables and chief executives who are able to action things quite quickly. The new proposals will bring local commanders to the table, sitting with chief executives. Will they not have to go up the line to get approval for things

and will it not be much harder to progress with community planning?

Chief Constable Smith: Concern has been expressed to me about lack of direct access to the chief constable. However, I cannot ignore the fact that people in half of Scotland—in Strathclyde—do not have that concern. They have direct access to their divisional commander. If we speak to some chief executives and elected members, we find that they are pretty comfortable with what they have.

It is going to be different. For me, it is not about the rank of the individual. When I gave evidence to one of the other committees, I compared my time as a divisional commander in the east end of Glasgow with the experience of one of my current force—the chief inspector in Clackmannanshire. He is far closer to the community and the local elected members of the council than I ever was. Although I appreciate that chief executive colleagues become exercised about their rank, my professional view is that that is a bit of a red herring. The important thing is the professional relationships that exist locally. As long as we have a mature tasking and co-ordinating process to ensure that the local is supported by the national, I am confident that there should not be a significant bar to moving forward. However, there is no doubt that it will be different.

Chief Superintendent O'Connor: I agree. There is no doubt that many community planning issues straddle local authority boundaries. I sense that, if we are to have the economies of scale, the capacity and capability that are needed and the resilience that is necessary to deal with many community planning issues, there will have to be some structure above the designated commander in order to ensure that community planning can operate across the various local authority boundaries.

The Convener: There are supplementary questions on the issue from Graeme Pearson, Colin Keir and Lewis Macdonald.

Graeme Pearson: I have a quick question on the connection between local accountability and national governance. I do not imagine that there will be huge conflicts at the local level, but how will concerns that develop at the local boards be represented at the national board level? Has there been any discussion about that link?

Chief Constable Smith: No, and our submission would be that that is a gap in the bill. There needs to be direct connectivity between the local and the national. It might be rarely used, but the local must inform the national and vice versa. Gordon Meldrum spoke far more eloquently than I could on that.

Graeme Pearson: No options have been offered in the exchange with the Executive.

Chief Constable Smith: No. We have the bill, and we have articulated that concern in relation to it. It may well be that the Government will take the issue on board and address it in an amendment. We would welcome that, because we believe that the local must inform the national and vice versa.

Graeme Pearson: I am obliged. Thank you.

Deputy Chief Constable Meldrum: In doing research for my submission, in which I comment on the Scottish police authority and some concerns that I have about resilience, capacity and capability, I noted with interest that one of the six sub-committees in the Northern Ireland Policing Board's structure is its community engagement committee, which has as specific terms of reference

"To ... promote, support and monitor the effectiveness of the District Policing Partnerships"

and

"To ... monitor the implementation of Policing with the Community as the core function of the police service".

In answer to the question, that is a possible model, but only one, for how we connect the local with the national.

Colin Keir (Edinburgh Western) (SNP): Good morning. My question relates partly to Graeme Pearson's question a moment ago. I have not been a member of a local police board but, having been on the outskirts of such things in local government, I am interested in local accountability and scrutiny and I know that problems can arise because board members do not have security clearance. It is difficult to bring reasonable scrutiny to local issues when the people who are meant to be doing it are unable to do so. How could the bill improve the situation?

Chief Constable Smith: If the new police authority is to properly hold the chief constable to account, at least some, if not all, of its members must be vetted to an appropriate level. That would allow them to access secret material and look at the covert side of policing, which would ensure that that very high risk area was properly scrutinised by the authority. That should be a given for the make-up of the new authority. If it is simply about people who can bring in corporate, financial or human resources experience, we will be missing a trick. It must be about people who can get into the nuts and bolts of one of the more critical areas, which is the one that Gordon Meldrum focuses on in his day-to-day job. That area needs to be scrutinised, and security clearance is essential to that.

11:00

Deputy Chief Constable Meldrum: My own submission calls for the vetting of the Scottish police authority members for that very reason. As Kevin Smith says, we could either vet the entire authority, or vet just a subset of it to a higher level, with that subset then forming one of the committees. A good conversation could then be held in some kind of scrutiny session with the lead chief officer team on the side of the business that required that level of vetting.

Colin Keir: This clearly identifies a problem that we have at the moment with police boards, in that they cannot possibly scrutinise to the level that is perhaps required in this day and age.

Deputy Chief Constable Meldrum: I do not report to a local board; I report to the board of the Scottish Police Services Authority. Over the past four and a half years, we have had a workaround with that board, to which Andrea Quinn also reports. There are two chief constables on the board, both of whom are vetted to developed vetted status, so if I need to have a conversation about such issues, I have it with those two members as opposed to with the entire board.

Without this being too much of a hospital pass, regarding the local level there are others on the panel—

Colin Keir: Yes, perhaps it would have been better to direct my question to someone else.

Deputy Chief Constable Meldrum: Apologies, Mr Smith.

Chief Constable Smith: I can fully corroborate Gordon Meldrum.

The Convener: You are operating as a single police force before my very eyes. You are all chummy. It has been a long morning.

Colin Keir: You also appear to be discussing corroboration.

Chief Constable Smith: Mr Meldrum just needs to remember that he is the deputy and I am the chief. *[Laughter.]*

Deputy Chief Constable Meldrum: Touché.

The Convener: That was an evil comment.

Chief Constable Smith: Mr Keir is right that there is a gap in current governance arrangements at the local level. I cannot say whether this applies to every board, but insufficient numbers of people are vetted to the degree that allows for scrutiny of that aspect of policing. My view is that this is a very small part of what local boards do, and they clearly scrutinise and hold us to account on a whole range of local policing issues. Much is said about the quality of the current governance arrangements, and I think that everyone would

acknowledge that they can improve, but they have overseen policing at a time of record performance and there has to be some acknowledgement of that.

The Convener: Mr Meldrum wants to come in, but I do not think that it is an application for promotion yet.

Deputy Chief Constable Meldrum: No, but I just wanted to briefly mention to Mr Smith that I am sure I heard him say in response to the community planning question that rank is not important—[*Laughter.*]

Chief Superintendent O'Connor: I want to build on Mr Keir's point about security clearance and vetting. Section 46(3) outlines the information that will be supplied, ending with

"other information about the policing of its area, as the local authority may reasonably require."

Further clarification about what that information looks like is needed. There will be occasions locally when, in the interests of the prevention, detection and disruption of crime, it will be necessary for some information to be withheld. If information is to be exchanged as detailed in that section, what will it look like, and do the new committee members need to have the security clearance?

The Convener: I remind members that another committee—the Local Government and Regeneration Committee—is dealing with certain issues. It is good that there is some overlap. I do not mean to prevent members from asking questions, but I ask that we move on to issues that other committees are not dealing with. Lewis Macdonald, John Finnie, Humza Yousaf and Graeme Pearson all have questions on this topic. If anyone wants to drop out because their question has been asked, they should let me know, because I want us to move on to the question that David McLetchie wants to ask, which is on a completely different topic. We must be thorough in dealing with the bill.

Lewis Macdonald: I have a couple of questions. David O'Connor said that it is inevitable that community planning issues will cross local authority boundaries. I presume that police operations, as planned and delivered strategically, will also cross local authority boundaries. Is there a risk that, in seeking to improve on the current police board structure, we might throw away a significant strategic level of accountability? For example, in my area, Grampian Police reports to Grampian joint police board. Under the planned proposals, the police will have to report three times to three different authorities on smaller areas. Having to service a larger number of committees will presumably involve greater cost and greater effort for the police. Is there an

argument for retaining a regional level of scrutiny to reflect the police's regional operations?

Chief Superintendent O'Connor: Work on that area is on-going as part of the reform programme. We still do not know what the structures involving the 32 local commanders, the 32 local authorities and the chief constable will look like. There is no doubt that criminality and community problems straddle boundaries. As we move forward and it becomes clear what the structures will look like, I have no doubt that we can put in place the structures to deal with the problems.

We have a tried and tested tactical tasking model, which works from local force level right up to national level. That model will continue to be refined and developed so that it can fit into the work of the new police service of Scotland from next year.

Lewis Macdonald: That is helpful.

The other aspect that I am interested in exploring, which there has been some discussion of, is how we can link local accountability with national accountability. Given that the proposal is to have a very small national authority, the members of which will be appointed entirely by ministers, would it improve accountability and the local link to have on the national authority, for example, elected members from the regions who are chosen by their peers or who, in some other way, have a personal link that will ensure local accountability, rather than simply to have posts that are in the gift of the minister?

Chief Constable Smith: I believe that the worth of the authority would be greater if there was a degree of representation from elected members. My view is that they should not be in the majority. It is a question of balance. There will be a local bit and a national bit. I think that the national authority, which will have on it independents, if that is the right term, who will have experience in finance, strategic management and so on, would be informed if it were assisted by a number of people who have a record in and experience of local issues—in other words, local elected members. They should be appointed on the same basis as the other members, so that there are not two tiers of representation. They should go through the public appointments process so that they are there on the strength of their own skills, merits and worth. The national board would benefit from such representation.

Chief Superintendent O'Connor: With the new policing committees or whatever they are called, there will be opportunities to build on the democratic accountability that currently exists. There is no doubt that, at a national level, some form of democratic accountability needs to be built into the process. What that looks like and what

shape it takes is a matter for further discussion. I believe that democratic accountability will be reinforced locally, but we need to be quite clear about how, in future, we ensure that there is democratic accountability nationally.

Deputy Chief Constable Meldrum: I agree with those points. I think that the strength of the Scottish police authority will be in its balance and blend of democratically elected representatives who are appointed in the manner that Kevin Smith has talked about—I fundamentally agree with that—and independents. With all the authority's members operating as corporate members, the authority's strength will be in the balance that both sets of individuals will bring. The democratically elected representatives are critical, as citizens should be able to see a natural link through the democratic process to members of the authority.

The Convener: I will take two more questions on local accountability. We will then move on to another topic.

John Finnie: My question again relates to ACPOS's evidence. Paragraph 1.2 in appendix A of that evidence says:

"we firmly believe that reform will not fundamentally change the policing that the vast majority of the public see ... but it will change how the service is organised."

People have alluded to possible tensions between the local and the national. One thing that will not change is that a chief superintendent will explain his concerns about operational policing to a chief constable, and the chief constable will share concerns about operational policing down the way. David O'Connor talked about tactical tasking. Chief Constable Smith, can you reassure people that that will not do away with the good practice that already exists in sharing information across forces?

Finally, does any panel member have a view on what the contingency should be if an elected representative fails to pass the vetting process that is imposed?

Chief Constable Smith: I certainly do not have an answer to the second question, other than that, if he or she does not pass the vetting process, they cannot get access to material. How that would be managed is probably more of an issue for MSPs.

John Finnie: There would be a public manifestation of that fact.

The Convener: We will leave that question. We have been given a response, whatever we take from it.

Chief Constable Smith: From his first question, I think that John Finnie is looking for a reassurance that what currently happens with

chief constables and chief superintendents ensuring that the force informs the local level and vice versa will continue to happen. That is how we have been brought up as police officers. I have said that community policing is in our DNA. It is about the whole tasking process and ensuring that where and when resources are required, we have a process for that. That does not mean that everybody will get everything where and when they want it. It is about ensuring that we make the best use of scarce resources. The processes that are in place are part of the professionalisation of policing that has happened over the past 10 to 15 years, and I am confident that that will be a key part of what we will have in Scotland.

I hope that we can give some comfort on the notion that areas will lose out. The chief constables whom I know would certainly want to ensure that what is best about Scottish policing—what we see as the jewel in the crown—is maintained. I suppose that we bring greater capacity and capability in the national stuff where and when that is required. The good thing, of course, is that that specialist resource is not required all the time in most of Scotland, as most places in Scotland remain pretty safe and free from harm. We should look at the big issues that there have been in policing in my time. I was at Lockerbie. What happened there happened in the area with the smallest police force in the United Kingdom. Dunblane was in a small force area, and there was the Chinook helicopter disaster. Big things happen in small places. We often say that we are the biggest gang in Scotland. It is about ensuring that, on the rare occasions on which we are required, we can muster resources to help out.

The Convener: Did you call yourselves "the biggest gang"?

Chief Constable Smith: I did.

The Convener: That may be the headline tomorrow.

Chief Constable Smith: It will be now that you have said that.

The Convener: Don't mess with me. [*Laughter.*]

Deputy Chief Constable Meldrum: In response to Mr Finnie's point about how we task resources and assets and move them around the country, I say that that currently happens within the eight forces up to a point. Things come out of a force if there is a national issue, and the national tasking process deals with it. We have national partners around the table, such as the UK Serious Organised Crime Agency, the UK Border Agency and Her Majesty's Revenue and Customs. That is in the here and now. In the future, the tasking process will involve X number of territorial divisions in Scotland and some of the specialist assets in the police service of Scotland, and the

national partners will still be around the table. At the moment, the tasking process works through 10 organisational boundaries but, in future, the Scottish police service will have one organisational boundary, while continuing to work with the national partners. There is, therefore, room to improve some of our tasking processes.

11:15

Chief Superintendent O'Connor: Ultimately, there will always be conflicting priorities and competing demands for a finite resource, even within the new service. Knowledge, experience and understanding will be shared but, ultimately, professional judgment will have to be applied, whether that be by the chief constable or the local area commander. It will be very much part of the national intelligence model.

The Convener: I thank Humza Yousaf for withdrawing his question so that we can move on.

Graeme Pearson: One of the virtues of the current set-up is that joint boards operate in public, so the public are able to access their discussions and hear what is going on, but the bill is silent about that in terms of both national and local accountability. One presumes that the local boards will meet in public—I hope that that will be the case, without any debate. The only comparative board at national level is the SPSA, which operates outwith the public gaze. Do you accept that there would be a virtue to the national board operating in public, subject to arrangements to go in camera for the confidential and challenging issues that will need to be discussed in that way? Will meetings of the national board be held in public and fully minuted?

Chief Constable Smith: Anything less would be a deficit. To be honest, that has not come up during discussions. I assume that it will happen.

Graeme Pearson: I just want it on the record.

Chief Constable Smith: Absolutely. I think that that should happen.

The Convener: It is a good question. I want to move on. David McLetchie has been extremely patient.

David McLetchie (Lothian) (Con): It is not like me.

The Convener: No, indeed. I do not know what has happened to you. Is this the real David McLetchie?

David McLetchie: Good morning, everyone. I want to ask some questions about operational independence and the separation of the police service and police authority from Government. Some have suggested that the concept of operational independence should be enshrined in

the bill itself, but I want to explore the issue from the other way round: what are the limits of operational independence, and what is the legitimate role of Government in giving directions? What some might regard as political interference in operational independence might for others be a reflection of the democratic accountability of the service. Where does the boundary lie, and what is a legitimate direction from a minister?

Chief Constable Smith: Far more informed people than me have spent a lifetime debating operational independence and whether we truly are operationally independent. National and local government has a legitimate role in influencing people in relation to the type of policing and strategic priorities that they want.

On the direction and nature of specific policing operations, an easy example to highlight is the policing of industrial disputes. One of the criticisms of policing during the miners' strike some years ago—this is probably more true of England and Wales than Scotland—was that the police were politicised to a degree. I am not offering a view on that—it is a political issue—but it would be folly to ignore it. It is difficult to describe an elephant, but we know one when we see it, and the same principle relates to decision making for specific operations or specific classes of operations.

HMIC has made a significant contribution to the debate on the bill. During its evidence to a committee last week, it said that there was an opportunity to tease out some of the issues so that there is clarity for all as we enter this new era.

Chief Superintendent O'Connor: There has been a great deal of discussion of operational independence, operational primacy, operational responsibility and other such terminology. The starting point for us is that it is the first duty of Government to protect its citizens. Mr McLetchie's point about democratic accountability is, therefore, absolutely right. However, operational independence has been enshrined in case law and has been commented on in many cases over many years. The enforcement of the law is a technical exercise that requires mutual expertise. I think that there needs to be accountability, but that accountability should not go to the stage of issuing directions in relation to specific policing operations. That has to remain the responsibility of the commander or, indeed, the chief constable.

David McLetchie: I take that point in relation to specifics. Some of the evidence has discussed the minister's power of general direction over the authority, and some concerns have been raised about the exercise of such a power.

I will give a couple of examples of what I am talking about—they might not be good ones, but hopefully they are. As you will be aware, a few

years ago there was some controversy about whether police officers should be entitled to use tasers. Would it be a valid matter of specific direction by a minister to the Scottish police authority that police officers in Scotland should not use tasers? I just throw that into the pot for discussion.

In Parliament, as you know, we recently passed legislation concerning offensive behaviour at football matches. Whatever you might think of the merits of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, it has been passed by Parliament and would appear to reflect the general public concern that that sort of behaviour needs to be tackled more vigorously. Would it be a reasonable subject of ministerial direction to the police authority that resources and priorities in the service should be adjusted to reflect the law that Parliament has passed, which reflects an underlying public sentiment that that matter should be dealt with?

I simply throw those relatively recent examples into the discussion. Where do you see those examples fitting into the divide between operational independence and accountability?

Chief Constable Smith: There is never an easy yes or no answer to these questions.

The first part of the answer is, yes, I think that it is right and legitimate that elected members of the Parliament should be interested in an issue such as whether the number of police officers who are armed with tasers should be increased. I say that as an example—I do not want anyone to construe that as meaning that that is what I am advocating. However, ultimately, I think that it would be a matter for the chief constable, based on threat and risk and his or her duty to protect his or her officers and the people of Scotland.

On the second issue, I think that there should be an expectation that, if Parliament passes a law, the chief constable would take due cognisance of that. However, there are many laws that the chief constable should be expected to take cognisance of, and it should be left to him or her to make the operational decisions about the resource that should go into them. Equally, he or she should be held to account for those decisions. If the chief constable does not do enough, a scrutiny committee such as this one, the police authority or the local mechanisms should have the role of challenging the chief constable on that.

The basic example is that politicians should not be able to say to me, “Arrest that man!” but they should be able to say, “Why did you arrest that man?”

Deputy Chief Constable Meldrum: I agree strongly with everything that Kevin Smith has just said.

The Convener: That is helpful for you.

Deputy Chief Constable Meldrum: I was going to make a point about whether chief constables should take cognisance of Parliament’s passing of a law when they allocate resources and so on. Kevin Smith has already said that there are many laws, and that we have to take cognisance of them all. Critically, as well as our role in balancing the many laws that are passed and the responsibilities that that places on us, there is a 24-hour process of balancing all the threats, all the intelligence and all the risks that all our communities face. We have to be incredibly light on our feet in balancing and analysing all of that and deploying our resources as we see fit. That should always take precedence, as those are the pressing threats and risks that members of our communities face. I believe that that is firmly a matter of operational independence for the chief officer and their command team.

Chief Superintendent O’Connor: Police officers have a great number of powers at their disposal, including the power of discretion in many circumstances. When it comes to accountability, I have no doubt that the first thing that goes through police officers’ minds is their accountability to the courts for any acts or omissions in the way in which they perform their duties.

David McLetchie: Let us get to the content of the bill in this area. I hope that I am not putting words into people’s mouths. If you know what operational independence is but it is difficult to describe, I presume that it is difficult to define for the purposes of statute. That suggests that having the phrase “operational independence” in the bill would not be very helpful. Equally, it would be generally accepted that ministers should not have a power to make the specific direction, “Arrest that man!” as Chief Constable Smith graphically illustrated. That leaves the issue of a general direction up in the air. Where do you sit in relation to that? What should we, as legislators, do relative to the content of the bill on the aspect of general direction?

The Convener: I think that Chief Superintendent O’Connor told us that there was much case law defining operational independence. As a lawyer, Mr McLetchie, you will know that that is quite often what happens with statute.

Chief Constable Smith: When I said that operational independence is difficult to define—like the elephant—it would probably have been more accurate to say that it is difficult to get an agreed definition because many commentators have a different view on what operational independence would do.

When we have asked Government about ministerial direction, we have been told that it is

rarely used. Therefore, our question is why we would have it. We have also been told that, as a national body, we should be no different from any other national body or Government department. Critical services such as health are still subject to ministerial direction. However, in our view, we are different because we are the only people with coercive powers and authority, so we need to be seen as something more than just a Government department. Although we operate on behalf of Government, local authorities and citizens, we cannot be seen simply as a department of Government.

We ask that there be further articulation in the bill of where and when ministerial direction can be used. Although it cannot be used directly in respect of the chief constable, if the direction is to the authority, there is still a degree of influence that the authority can impose. We are uncomfortable because we are not used to it. At the time of the consultation last summer, the cabinet secretary recognised that there is some discomfort around the politicisation of the police and the ministerial control of policing, so he took some time to explore that with people. We all recognise, as we move into the new era, that there is an issue of perception. Therefore, we ask for greater articulation in the bill of where, when and how ministerial direction can be used and for the definition to be broader than just saying that it should not be in relation to specific crimes.

The Convener: That issue might be for guidance rather than primary legislation.

Committee members can see the time. Graeme Pearson and John Finnie have supplementary questions on the same issue, and Alison McInnes and Roderick Campbell want to start new areas of questioning. Do members want to sit here until 3 in the afternoon?

11:30

Graeme Pearson: Definitely.

David McLetchie: Yes.

The Convener: You are rotters. I wish that I had not said it now. Well, I do not want to be here until 3 in the afternoon.

I ask for short answers, because we have to explore other issues in the bill. We have full written submissions, so we also have those to work on.

I want to finish this evidence session, for the sake of the witnesses as well, by 11.45, so we have another 15 minutes. That means that we will have overrun by half an hour. I thought that I would tell you that, because I am getting cross.

Graeme Pearson: Thanks, convener. I know that you appreciate that we are dealing with a very

important issue. It deserves the time that we are allocating to it.

We have spent a great deal of time talking about redundancy issues and so forth, but a major part of ACPOS's submission is about operational independence. It states that

"provisions within the Bill threaten ... operational independence".

If I can summarise—and save a bit of time, convener—is your basic concern that the minister chooses the board of the authority, directs the board, pays the board, provides the budget to the board, approves the appointment of the chief officer and the policing priorities set by the board, which are decisions that are outwith the influence of the chief constable, who is left to try to manage a police service with operational independence? Is that the bottom line?

Chief Constable Smith: You have read our submission.

The Convener: I do not think that he missed anything out.

Chief Constable Smith: He did. He missed out that there is also the

"Power to call on Chief Constable to retire in the interests of efficiency and effectiveness".

One would imagine that that is actually in the interests of inefficiency and ineffectiveness. We believe that that provision has been lifted from the Police (Scotland) Act 1967. It comes without any safeguards.

Graeme Pearson: In fairness, you mixed up identities in your first response to David McLetchie about policing by consent, when you talked about Parliament directing. In fact, as far as the bill is concerned, it is the Government that directs, and Parliament has very little oversight. Given that we are talking about policing by consent, is that not a major issue?

Chief Constable Smith: I anticipate that, in the new era, people such as members of the Justice Committee will play a crucial role in scrutinising aspects of policing, whether that is directed at the chief constable or the police authority. Although that might not be articulated in the bill, given that there will be a single national service and it is a very important public service, my expectation is that whoever is lucky enough to get the job as the chief constable and whoever is convener of the new authority will come before the committee reasonably regularly to discuss significant issues.

Graeme Pearson: As a panel, would you welcome that?

Deputy Chief Constable Meldrum: Yes.

Chief Superintendent O'Connor: Yes.

Chief Constable Smith: Absolutely. It is an important aspect.

The Convener: Thank you. I am sorry for keeping your responses short, but we spent far too much time on finance, which is being done by somebody else, so we are now squeezing the other stuff in.

John Finnie: This is an important issue. It is not only the police that have a significant influence on people's lives. Social workers can take children into care, teachers can exclude pupils from school and housing officials can evict people. I am not aware of them calling for their operational independence to be enshrined in statute. Is it not the case that the bill is very clear that ministers cannot direct the chief constable or, indeed, make directions on any specific operation? Section 17 makes it clear that only the chief constable

"has direction and control of the Police Service."

Given that provision, I am not sure that I understand your concerns.

Chief Constable Smith: We are concerned that there is a power of ministerial direction, and when we have asked what it would look like very few examples have been given.

John Finnie: Does section 17 not say that only the chief constable

"has direction and control of the Police Service"?

Chief Constable Smith: It is a question of influence. Our view is that if there is ministerial direction to the authority on the allocation of resources or on the style or type of policing—

John Finnie: With respect, we are not talking about the operational autonomy of the police authority, because it is not an operational body; it is the chief constable who is responsible. It is clear that direction and control lie with the chief constable.

Chief Constable Smith: Despite the fact that the bill says that the authority will be subject to ministerial direction, we remain concerned that the authority itself will still have significant influence over the chief constable. We are not saying that there should be no ministerial direction but, in the brave new world of national policing, the provision needs to be refined more and articulated better; for example, it should be made clear that it applies more broadly than specific police operations.

The Convener: We can put these questions to the cabinet secretary, Mr Finnie, so I suggest that we move on.

Alison McInnes: At the moment, the bill separates out forensic services and gives responsibility for them to the SPA instead of the

chief constable. According to the Government, such a move will create a necessary

"sterile corridor between police investigations and forensic investigations".

I note from the panel's written submissions that there are differing views on the matter and think that it would be worthwhile to take some time to explore that.

The Convener: Rather than replicate the views set out in the written submission, we should simply focus on the SPSA's very clear points about forensic examination at the locus of a crime and investigation back at the laboratory, as it were.

Andrea Quinn: ACPOS and SPSA differ on the issue of scene examiners. Instead of repeating all of what I say in my submission, I should, as you suggest, focus on that point.

I must point out that, over the past five years, we have operated in exactly the way that the bill suggests we should operate and that the bill itself suggests no change in the relationship between policing and forensics. What is different is the proposal that forensic services be accountable not to the SPSA board but to the SPA.

Since as far back as 2006, the police themselves have acknowledged the value of putting scene examination and laboratories together. Because we believe that the sterile corridor begins with the collection of evidence, through its analysis and on to its reporting to the procurator fiscal, we think that scene examination should stay where it is. To do anything else would be a retrograde step.

The Convener: So the only change is to do with accountability.

Andrea Quinn: It is also about preserving and demonstrating the impartiality of evidence to ensure that the police are not open to claims of undue influence. As I have said, going back would be a retrograde step.

Alison McInnes: I would be interested to hear what the other panel members think.

Chief Superintendent O'Connor: Clearly we take a different view from Andrea Quinn on this matter. We believe that a sterile corridor can be created by separating analysis in the laboratory from scene examination and the local gathering of evidence.

The bill focuses quite rightly on the delivery of local police services, and we see no trust and confidence issues arising from scene-of-crime examiners, photographers, fingerprinters and others working with senior investigating officers and local commanders in the service and collating evidence for submission to the laboratories. If you accept the other argument, where will it stop? Will

it be applied to the gathering, collation and submission of other productions to the courts? I accept the proposal to create a new national forensics authority with responsibility for laboratory analysis but, nevertheless, I think that we should separate out and retain local services working in local communities.

Alison McInnes: Are you saying that that is not the status quo or are you simply saying that, given the bill before us, such a change should be made?

Chief Superintendent O'Connor: We are making the case that, operationally, the control and direction of those assets should be at the disposal of the local commanders and the chief constable.

Andrea Quinn: I agree that the chief constable and his command team should decide what scenes we go to and when we should go—I do not dispute that. However, I believe that we can do that with a national forensics gateway. At the moment, we have eight gateways doing things in eight different ways, which is simply inefficient.

For me, becoming part of a single force means having the opportunity to design a national gateway that would task forensic services nationally, which in turn means that we would manage the priorities across Scotland, and do so better. We would put in place an SLA—one exists today, and that is how we respond to policing demands. I envisage that that is how we would be held to account in the future.

The Convener: I am grateful to Graeme Pearson for telling me that an SLA is a service-level agreement. That is for anybody else who is as daft as me and does not know what it means—although nobody is admitting to it.

Mr Smith, do you want to come in?

Chief Constable Smith: I will take just 30 seconds because we articulated our view in our written submission. We do not believe that the case for questioning the independence of police involvement is made at all. We have asked for evidence in that regard, but have seen little. We laid out our case in our paper. What we have are two professional views about a very important service. ACPOS's view is that if what the bill proposes is the will of the Government and Parliament, the two services together will ensure that it works seamlessly.

I have asked scientists and scenes-of-crime people whether they have ever felt any compulsion to do anything that was not right, and their reply is "Absolutely not." Their own professional integrity would not allow it, but they have never felt any pressure anyway.

The main point for the committee to recognise is that there are different professional views. Whatever is decided, we will make it work.

The Convener: I am going to move on now. Roderick Campbell has a question.

Roderick Campbell: Rather helpfully, convener, I want to ask questions on the same area. I will keep it brief.

Has anything happened since the 2007 regime came in that you would say has been detrimental to the interests of criminal justice? The question is primarily for Mr O'Connor and Mr Smith.

Chief Constable Smith: In relation to crime scene examination?

Roderick Campbell: Yes. Can you point to examples of problems that have occurred since 2007?

Chief Constable Smith: There has been none that I am aware of.

Chief Superintendent O'Connor: I am aware of none.

Roderick Campbell: That is fine.

The Convener: I am going to conclude this long session. Thank you very much, gentlemen.

Chief Constable Smith: I just want to say that Mr Campbell was right regarding the figures for 2014-15 and 2015-16.

Roderick Campbell: I took the figures from your submission.

Chief Constable Smith: Absolutely. You were right, but the issue of unachievability remains the same, no matter what the figures are.

The Convener: I do not want to go back to the issue of finance. Thank you very much indeed. I see that you are all still friends.

I suspend the meeting for eight minutes.

11:42

Meeting suspended.

11:50

On resuming—

The Convener: We move on to our second panel of witnesses. Welcome, gentlemen. I understand that you were in the public seats while the previous panel was giving evidence. Deputy Chief Constable Andrew Barker is from the Scottish Chief Police Officers Staff Association; Calum Steele is general secretary of the Scottish Police Federation; and Dave Watson is Scottish organiser, bargaining and campaigns—an intriguing title—at Unison Scotland. Thank you all

for your full and helpful written submissions. I invite questions from members.

Humza Yousaf: Like all elected members, I talk to police officers on the ground and, from my limited perspective, I do not find them particularly resistant to change. There are concerns, of course. The Scottish Police Federation said in its submission that it represents more than 98 per cent of all Scottish police officers, right through the ranks. I imagine that there is no homogenous view among your members; what is the broad picture on reform and a single police force? What are people's main concerns?

I have a second question—

The Convener: Let us first have an answer to your first question, so that we do not confuse people.

Calum Steele (Scottish Police Federation): Thank you. The broad position for police officers—and I suspect for almost everyone who is in employment—is that they must put bread on the table and clothes on their children's backs, and anything that enables that to happen is a good thing and anything that threatens that is a bad thing. We know that there is a general shrinking of expenditure in the public sector in the United Kingdom across all areas of life. The police service is no different in that regard.

Police officers in Scotland take a slightly more positive view than their colleagues in England and Wales, who regard themselves as being on the receiving end of a particularly poor deal. In England and Wales, officers' terms and conditions are being eroded and politicians and the Government's general attitude towards and language about the police service is negative, which does not inspire much confidence or trust in the service. In general, the police service in Scotland is much happier than our colleagues south of the border.

In respect of the bill, it is fair to say that our concerns are not deal breakers but issues that the service and politicians locally and nationally can work through. Our concerns centre around the issues that the previous panel explored, such as the relationships that will exist in respect of governance and accountability and the link between local and national in that regard, various aspects of staffing, the locus and capacity of the police investigations and review commissioner and the operational independence of the chief officer.

I have nothing startling to say. Police officers in Scotland are generally happier than our poor colleagues in England and Wales.

The Convener: That is a start.

Humza Yousaf: The SPF said in its submission that, in relation to section 5(2):

"SPF has asked Scottish Government if this sub-section means:

'A direction may not be given in respect of any operation or on any issue which may affect an operational matter.'

SPF received a positive response that this was the meaning and therefore the Bill should be amended to state that precisely."

How would your proposed approach differ from what sections 5(2)(a) and 5(2)(b) currently say?

Calum Steele: I suspect that this is almost identical to the earlier debate between Mr McLetchie and the president of ACPOS, Kevin Smith, around the inability almost to define what is meant by operational independence; it is inherently understood, but difficult to write down. That said, we in the Scottish Police Federation have made an attempt to write down what is meant by operational independence, which expands on the sentence in our written submission. With the convener's indulgence, I will share these 140 words with the committee. It is our view that

"Police operational independence means that the police should carry out their duties in accordance with the law, but without direction from any other person or agency.

It is for the chief constable, taking cognisance of the law, to decide which incidents and matters are to be policed and how they are to be policed.

Police should apply their discretion where it appears to them appropriate.

Police should consider the views of all interested parties in assessing how to carry out their duties and whether, and to what extent, they exercise discretion.

In these matters, what to police, how to police it and whether to exercise discretion, the police are accountable to the law alone.

Operational independence, free from undue central or local political influence, underpins policing by consent and ensures policing is of the people, not the State."

We believe that those 140 words would not only provide the comfort that the service needs, but address the general unease that exists among the wider population that we may be on the verge of a police state. However valid or otherwise those concerns may be, I think that those 140 words could go some significant way towards addressing them.

Humza Yousaf: You think that those 140 words should be in the bill—that is interesting. Thank you.

The Convener: I go, "Ouch!" to suggesting putting 140 words in the bill. I think that I might take you to task on that, but we will see.

Still on this topic, it is Jenny Marra next, followed by Roderick Campbell.

Jenny Marra: Is it okay to address at this point the balance of civilian staff in the police force?

The Convener: Yes, certainly.

Jenny Marra: I will return to a point that the first panel raised. We heard a powerful endorsement from the four earlier panellists of the critical role that civilian staff play in the police force. It is my understanding from the conversations that I have had on the issue that it is important in a modern and efficient police force to get the balance of civilian staff absolutely right. What do the present panellists perceive to be the optimum ratio for civilian staff and police officers, bearing in mind the points that I raised earlier about efficiency savings and how financial stability is achieved through the ratio?

Dave Watson (Unison Scotland): Our concern is that there will not be a balance, because we are essentially talking about the large-scale decivilianisation of the Scottish police force. The last major study of civilianisation in Scotland's police was the Stewart report in 2009, entitled "Civilianisation of Police in Scotland". At that stage, civilians made up 28 per cent of the Scottish force, whereas in the force in England and Wales they made up 39 per cent, although that figure is 32 per cent if we exclude what are called in England police community support officers, which we do not have in Scotland. The best Scottish forces met that English average, but the worst did not. There were huge variations among forces in Scotland, with some achieving a higher figure in that regard than others.

Where are we going? In 2009 we were talking about around 6,300 police civilians and we are now talking about 1,000 of those having already gone. The committee heard earlier that, under the current plans, about 2,000 police civilians will go, but the position is far worse than that. If our members do not accept massive pay cuts, the ACPOS evidence shows that another 400 will go. If the VAT issue does not get resolved—we have not solved it with the SPSA, so I am not confident that we will solve it now—that will mean that another 600 jobs will go. On that basis, we are talking about 3,000 police civilian jobs coming out.

We have just completed a survey of members in which we got lots of feedback that, I am afraid, illustrates that we are already getting police civilian posts being substituted by police officers. Our recent survey shows that it is rare for police officers to substitute in full: the figure for that is between 10 and 17 per cent. However, 30-odd per cent of the police civilian posts are being substituted in part by police officers. We are talking about 53 per cent of the police civilian posts that have already gone being covered in part or in full by police officers. If we extrapolate that to another 2,000 to 3,000 police officers substituting on that basis, we are talking about 2,000 police officers by the end of the process being taken off

the street, in part to cover for police civilian staff. I accept entirely that there are statistical risks in making that extrapolation, but one police officer taken off the streets is one too many, and 2,000 is clearly a scandal.

12:00

We know that in hard numbers police civilianisation will come down from where it was at 28 per cent to around 15 per cent, in comparison with the England and Wales figures, which are double—and more—that particular figure. That takes policing in Scotland back to the 1980s. I enjoy watching back episodes of "The Sweeney" like anybody else, but it is not a model for a modern police force.

Jenny Marra: Just to clarify, the Government's commitment is for 1,000 front-line police officers on the beat. Are you saying that a lot of those police officers will be doing back-room or civilian tasks?

Dave Watson: Yes. That is inevitable. That is the only way that the Government can do it. You have heard the evidence—not only from us, but from everybody else—about the roles that police civilian staff now occupy. It is inevitable that those roles will require police officers. That is already happening, and it will happen in greater numbers in future unless we get a proper balance.

Jenny Marra: How does that affect the Government's savings targets? Is it correct that those jobs are being done on much higher salaries than your members were expecting or were used to?

Dave Watson: You can see from the figures that police civilian staff salaries make up 15 per cent of the cost, in comparison with police officers at 75 per cent. That is more expensive, but it is not just about cost; it is, as you have heard in other evidence, about particular skills. There are specialist skills that did not exist in the 1980s: the world has moved on and crime is more complex. The generic police officer is fine, but specialist roles are required and that is what police civilian staff do.

Jenny Marra: Does any other panel member have anything to add?

Calum Steele: Yes. As was discussed with the previous panel, we should never get into a situation in which we talk about the value of a police officer versus the value of a support member of staff. A balanced workforce is very important.

Before we start talking about staff numbers, we must remember what our original starting point is. The commitment to 1,000 police officers came at the beginning of the previous parliamentary

session. In the 10 years prior to that, from 1997 to 2007, police officer numbers in Scotland grew by only eight per cent at what was a time of general growth in overall expenditure in the public sector. In the corresponding period, police support staff numbers in Scotland grew by 71 per cent. That is undoubtedly a consequence in some ways of how the police service has evolved, but it would be beyond the pale to suggest that those levels of growth were a consequence of essential civilianisation where it took place. I am sure that many roles were undertaken and created not because they were essential, but because they were desirable or nice to have.

Although there are any number of titles and job roles that contribute very much to what is generally termed front-line policing, the stark truth—and it is hard to say—is that there are countless others that do not. I do not believe for a minute that by rhyming off six or seven of them we would identify 2,000 people, but if the police service wants to be considered as more businesslike, it must take a businesslike approach to such things. We must look at the jobs that we do and ask ourselves not who does them, but whether they need doing in the first place. I may be doing someone a disservice here, but I do not know what a change manager, a performance manager, a service delivery manager or a business manager is. I can guess what a graphics officer is, but I do not know whether that officer is essential to the delivery of policing. Posts such as marketing officer and environmental awareness co-ordinator exist.

We should try to avoid arguing, however, that if we stop doing those roles, police officers will undertake them, as there are aspects surrounding redundancy rules that would mean that they could not.

Deputy Chief Constable Andrew Barker (Scottish Chief Police Officers Staff Association): It is difficult to answer your question about what the ratios should be. To return to Kevin Smith's comments earlier this morning, once a full business case is developed we will know what we are seeking to deliver and how we want to do that.

Given the spread of support staff across the organisation—including in my own organisation—it would be inane at this point to say, for instance, that a senior police officer may be qualified to conduct the role of director of HR or finance. It is about getting the correct spread across the organisation.

I have sympathy with Calum Steele's point about identifying the essential roles that we carry out. The point has been made that we cannot do everything that we did in the past, but do we need to do everything that we did in the past? We need to identify what are the right things for us to do,

and where are the right places for us to have the correct staff in place to do those things. The spread will be very different.

In addition, we have the opportunity to modernise in relation to roles that have traditionally been done by police officers, but which do not necessarily require to be done by them. Instead, those officers could be used for front-line duties.

Humza Yousaf: I have a supplementary on that point. I welcome what the panel has said. Earlier, Mr Smith said—I hope that I have got this right, as I do not wish to misrepresent him—that there had been 1,000 redundancies among civilian support staff in the past year. He said that, by and large, he did not feel that police officers had slotted directly into those positions.

At the same time as there have been those 1,000 redundancies, we have seen a 35-year low in crime, as many witnesses have said. If the single police force comes in as the bill suggests and there is a reduction of 2,000 in the number of civilian support staff, will the police be able to continue to build on that record and achieve a 36, a 37 and a 38-year low in crime?

Calum Steele: My view is that the answer to that is yes.

I take the committee back a few years to a Scottish Police Federation annual conference; I do not know whether anyone in the room was at it. A speaker at the conference challenged the collective genius of the SPF by asking whether we wanted to live in a society that had a police officer on every street corner or whether we wanted to live in a society that did not need a police officer on every street corner. The answer in the hall—which, I would like to think, would also be the answer among the rest of the 5.2 million citizens of Scotland—was that we would very much want to live in the latter, but that we would not get to the latter unless we put considerable investment into the former. That is what we have seen with the provision of 1,000 extra police officers.

We must not lose sight of the fact that the provision of those 1,000 extra officers was the Government's commitment, although I am sure that Mr McLetchie would say that his party was strong in ensuring that that commitment was delivered on. I know that, as elected members, you hear on the doorsteps that that is what the communities of Scotland have been crying out for. They have not been crying out for fewer police officers. They want more police officers because they want to feel safe. They want to ensure that the success of the 35-year low in crime, the increases in detection rates and the reduction in violent crime will continue.

I know that many academics argue that the correlation between the number of police officers and the amount of crime is tenuous and that many more sophisticated elements come into play, such as overall environmental considerations, but given the present financial situation in the country, why on earth would we jeopardise a key element of keeping crime down by reducing police officer numbers when the economic circumstances indicate that the propensity for an increase in criminal activity is probably greater now than it has been for a long time?

Graeme Pearson: You mentioned the 35-year low. You will know that, in America, crime is at a 43-year low and that, across Europe, crime figures are plummeting. No one has an explanation for that. In the American context, crime is still going down, even though there is a depression.

I did not ask the first panel directly whether an officer was taken off the beat to replace a member of support staff. I asked whether any officers were now doing office work rather than street duty. Are you saying that, regardless of the duties that support staff perform and the specialisms that they have, it would be better to invest in police officers and to utilise those officers in such posts? Would you not acknowledge that there are many specially trained support staff members—people such as intelligence analysts and crime intelligence managers—who are paid less than police officers, and that using their services would give a better focus and be more efficient?

Calum Steele: I start by acknowledging your greater knowledge than mine of worldwide crime trends.

Graeme Pearson: Thank you.

Calum Steele: I am grateful for the courtesy that you extend me in thinking that I could possibly have the same information as you.

I am not sure whether what I said earlier contradicted in any way the question that you just posed. I acknowledge that many individuals perform many vital roles. Dave Watson and Andrea Quinn listed the roles and functions that are performed, which are vital to policing and the delivery of the police service. However, what I stand by is the point that some roles—I caveat that heavily by saying that I am not stating that the number will come to 2,000—are not immediately obvious to me. I do not know whether the service would necessarily suffer if those roles were not undertaken in the future.

Graeme Pearson: Do you feel that that figure must be more than 1,000?

Calum Steele: One thousand people have already gone.

Graeme Pearson: You are not missing them.

Calum Steele: In some areas, the loss of support staff has caused problems—that probably links to the question that Mr Macdonald asked the earlier panel. I have spoken to many operational police officers in one force where a number of support staff have been lost and where something that is called a virtual typing pool has been created. That has been described to me as meaning that all that happens now is that virtually no typing takes place.

Graeme Pearson: The job does not change.

Calum Steele: There are of course areas in which such losses have an impact, but to suggest that the consequence is that police officers do the typing, for example, is maybe taking it a wee bit too far. However, the situation has changed since I undertook operational policing—I was going to say that it was not that long ago, but it was that long ago. The practice of police officers undertaking elements of secretarial work and the like will continue regardless, because of the nature of recruits—they are far more keyboard literate than many of those in the past.

Dave Watson: The important point to grasp is that the 17,234 figure was not built up as an operational police number—it is arbitrary. We started with a figure and added 1,000 to it, which was how we got to 17,234. The creation of a new national police force provides the opportunity to review what the requirements are for police officers and civilians, and I urge the committee to do that.

A simple fact of life is that large numbers of police officers in one force do what are considered to be essentially civilian roles in other forces. Police officers are even doing HR functions in Scotland's larger forces, although they have no qualifications to do such work. We could give many other such examples.

Humza Yousaf referred to falling crime rates. The reasons for that are complex. I would not claim that it is the expertise of our members or of Calum Steele's members that has resulted in those numbers. However, I know that our members tell us that police officers have at least in part covered half the 1,000 posts that have gone. Only 9 per cent of that work is not being done at all.

Calum Steele can produce a few job titles that he has never heard of; equally, I could show the committee lots of police officers who do jobs that mean that they never get out on the streets. We need not to focus on such an approach but to work out the right balance between the two groups of staff.

Jenny Marra: Mr Steele is right that the public ask us regularly—it happened this weekend—about police officers on the beat. Do you agree

that the public expect to see every one of the 1,000 extra police officers that the Government talked about on the street performing front-line duties and not doing desk jobs in police stations?

Calum Steele: The honest answer is no. The nature of police work means that, once an officer lays hands on an individual and takes him or her back to the police station, that officer is off the street. There is no naivety in the public that police officers will spend eight, 10 or 12 hours of their shift on the streets. If that happened, it would create an interesting relationship between the police officer or police service and members of the public.

Jenny Marra: Perhaps I misworded my question. I did not necessarily mean the difference between being on the street and in the police station; I meant front-line policing duties that keep communities safe, rather than duties that could be done by the balance of civilian staff.

12:15

Calum Steele: Again, the answer is no. I would like to think that the general understanding is that much of what is involved in keeping communities safe cannot necessarily be undertaken when police are out on the street.

In preparation for today—well, I used today's meeting as an excuse—I watched the "Coppers" programme on television. The episode was based in rural Perthshire, which is a very fine part of the world. A lot of what those police officers did every day did not require them to be visible in the community all the time. If you take every aspect of what a police officer does in relation to being visible in the community—which, in its widest sense, involves things like appearing in schools and attending community council meetings—and ask whether it requires a policing power, you get into quite complex areas. That is what has happened in policing over the years. We have micro-analysed aspects of the police service's work and asked whether specific elements—such as visiting a school—required a policing power. If the answer was no, we said that that was 15 minutes, half an hour or an hour of a police officer's day that could be more productively spent doing something else, and have created various roles along the lines of school liaison officers to fill those functions.

The role of a police officer is highly complicated. It is not just as simple as turning up and giving the bad man the jail. A lot of what we do does not demand coercive powers; the point is that, when they are called for, we can exercise them.

Because of what they do, police officers can be expected to perform a particular function at the whim of the chief constable, at any time of day or

night, any day of the week. It is not just as simple as saying that a public-facing policeman in a yellow jacket provides confidence. There must be a greater appreciation of the sophistication that is associated with policing. Part of that, clearly, involves the ability to rely on many valuable members of support staff, who enable the police officer to perform in that way.

The Convener: I am most fascinated by the chief constable exercising whims, but I will not pursue that.

Roderick Campbell: Mr Steele, could you elaborate on the point that you make in your written submission that the chief constable should prepare the strategic police plan, not merely be involved in its preparation. Can you make the case for that?

Calum Steele: As is often the case, it comes down to defining your definitions. If the plan involves nothing more than high level governmental objectives, I have no problem with the bill as drafted. If what is meant by "strategic" becomes more advanced than that, I would have some concerns. The strategic direction of the police service, in broad terms, must be informed by the professional opinion of the chief constable. Andrew Barker will be able to give you the views of the Scottish Chief Police Officers Association on that.

The issue is simply to do with the definition of "strategic". If it simply involves general statements, such as "healthier, fitter, stronger", the bill is fine. However, at the moment, we do not know how it is defined.

Deputy Chief Constable Barker: I continue to draw the line between my position, as the chief officer of the SCPOA, and the position of ACPOS.

On the point that Calum Steele makes, the definition of "strategic" is important. What does the word mean? It is a relatively loose term. As Calum Steele said, if it involves statements on high level objectives, we do not have an issue with that. However, if it involves priorities of policing at a more specific level, it needs further explanation and clarification.

John Finnie: I understand the challenges that Mr Watson faces in representing his members at this juncture. The history of the current proposals goes back to 1996, with removal of central establishment controls, single-line budgets and a large measure of chief officers' discretion in how they configured staff.

I would like to ask about what you said about having a better workforce mix of civilian and uniformed staff. None of the changes regarding establishment controls or the funding arrangements altered the requirement to have an

efficient police service. Surely, if a police chief has an evidence-based position that he has an efficient service, that is something that you would need to accept. In saying that, I acknowledge that the maintenance of the 17,234 figure is likely to impact more on your members than on Mr Steele's.

Dave Watson: If only that were the case. We certainly welcome the fact that the bill will put a duty of best value on the new national police force. At present, there is only an "accountable officer" arrangement. However, in the years to come, it will be difficult to demonstrate best value if only 15 per cent of the police force are civilians. I have represented police civilian staff for more than 30 years. I remember, before 1996, going into police headquarters and stations where detective sergeants and detective inspectors were doing the work of clerks—I am sure that Mr Finnie remembers that, too—which is the sort of situation that we are going back to because of the numbers. I agree entirely with Calum Steele on micro-analysing police officers' duties, but large numbers of police officers never need to use their warrant cards, because they only carry out roles that can be done by civilians.

The public want to see police officers on the street, as is absolutely right. Part of the function and role of police civilians is to free up police officers to be on the streets. Other jobs that police civilians do are specialist functions that have grown since the days when I first represented police staff. The chief officers will have no choice; if they are stuck with 17,234 as an absolutely rigid and no-budge figure, the chief officer will simply have to take officers off the streets to do civilian jobs. There is no other way of doing the tasks.

That will not lead to an efficient force or to best value. In five or six years, we will be sitting round a table like this with Audit Scotland, who will say that the situation is ridiculous because we are paying police officers, at great cost, to do jobs that they are not qualified to do. We should not wait until then. Let us take the opportunity of the establishment of a new police force to consider the right balance between police officers and civilians. We should work that out from the bottom up, rather than from the top down, and we can then have a reasonable debate about what that balanced police force ought to be.

John Finnie: How many of the posts that you suggest are presently filled by police officers involve police officers who are on rehabilitative or return-to-work programmes or protected duties?

Dave Watson: There will be some, but such numbers are misleading. The Stewart report considered the establishment arrangements on that basis. For example, in some forces, staff in control rooms were almost all civilian, whereas in

other forces they were almost all police officers. Some forces have large numbers of police custody officers and fewer police officers, while other forces' numbers differ. The convener used the term "whim". Frankly, I suspect that the way in which civilianisation has developed is probably down to the "whim" of the chief constables. We know that different forces have developed in different ways, because reports have shown that to be the case.

John Finnie: Do you acknowledge that, through a combination of such arrangements, in any force at any given time, a number of officers—although I would not say that it is a significant number—fulfil functions that were hitherto undertaken by civilian staff?

Dave Watson: It is perfectly reasonable to have posts to cope with those arrangements, but that is entirely different from the issue that I am talking about. To give an example from our current survey, police civilian staff tell me that, in some police stations, no police officers go on routine patrol because they are doing paperwork. The police officers—Calum Steele's people—say that they do not want to be doing that. They want to do their job and not the paperwork that was previously done by people who were qualified to do it. That is about getting the balance right.

John Finnie: If I recall correctly, the outline business case alludes to an attrition rate of 3 per cent, which is fairly modest. I understand that, in the local government experience, a figure of 10 per cent is more realistic.

Dave Watson: We have looked at a figure of 7 per cent. However, as others have pointed out, we now have good experience of managing a job-loss programme, which is already pretty massive. It is relatively easy to lose people in the first stages of such a programme, but the further we go, the more difficult it gets to find people who are prepared to go. Age is a key factor, because the people who are left are younger. Another key factor is the current economic circumstances, and there is also the simple reality that some jobs cannot be released. Those three factors together make the process difficult.

John Finnie: Has the package—for want of a better phrase—improved since the initial offer?

Dave Watson: The situation depends on the different arrangements in different places. Of course, a huge package might attract people, but any package that will not rightly attract the attention of your colleagues on the Finance Committee is not going to solve the problem. We are talking about job functions, age and other opportunities. In the context of people who are prepared to retire at 55 to 65, the numbers will be

few if we must lose another 2,000 or even 3,000 civilian posts during the next few years.

John Finnie: The Unison submission says:

“The certification and ‘fit and proper person’ test”—

The Convener: Wait a minute, John. A couple of members want to follow up the point about civilian staff. I will come back to you so that you can start a new line of questioning.

Lewis Macdonald: I guess that my question relates principally to civilian staff. Do witnesses think that the bill is properly drafted in relation to transfer of undertakings from the existing employer to the new employer?

Dave Watson: In our view, it is not. The arrangements in the bill have largely been lifted from the approach that was taken when the SPSA was established. The world has moved on since then and there have been changes in the UK situation, under Cabinet Office rules.

We need to go back to arrangements that were used previously, for example in relation to the Water Industry (Scotland) Act 2002 and the most recent local government reorganisation. We need a full statutory transfer order, which covers all the issues in the Transfer of Undertakings (Protection of Employment) Regulations 2006. In essence, we simply say that if TUPE does not apply—it could be argued that it does not apply, because we are talking about an administrative transfer—the principles of TUPE should apply. In fairness, I will say that the Scottish Government has consistently applied such an approach. However, it is not currently applying it, as the bill stands. I do not think that that is malicious or intentional; I think that it is an oversight.

We have concentrated on police and civilian staff, but we should remember that local authority staff also provide services to police in a number of forces and would come into the scope of TUPE. That is another area that is missing. There is a particular issue with Fife Constabulary and Dumfries and Galloway Constabulary, which are much more integrated with the local authority than some other forces are. The bill is vague and unclear in that regard.

Calum Steele: There is a significant matter in respect of how TUPE relates to staff who are currently employed by the Strathclyde Police Authority. As far as I am aware, no other authority employs full-time members of staff, and if we follow the general and, indeed, the specific provisions of TUPE there is almost a read-across whereby such individuals would become staff members in the new Scottish police authority. I am not saying that those staff members would not have the skills and abilities to do that, but there might well be an issue to do with balance across

the expectations of wider areas of local government, in relation to whether such an approach is fair. That is a general observation.

By and large, the provisions for police officers mirror those for the previous amalgamation schemes, with the notable exception that an officer's protection from the expectation that they must move house in the event of amalgamation would be lost as a consequence of promotion. That is a step too far; such provision did not exist in 1976 and it does not need to exist now.

Lewis Macdonald: The committee has had discussions about civilianisation and decivilianisation of posts. In essence, the question is whether it is possible to plan in a way that identifies essential jobs and ensures that the right balance is struck. I think all the witnesses have talked about balance.

I asked the previous witnesses whether they thought that a transition year or further period in which to implement the new arrangements properly would make it easier for the police service to strike the right balance and get the right people in place. Do you think that a transition year or some other period would be helpful in that respect?

Dave Watson: It would be helpful, but it is not the solution. The solution is to say, “We have a national police force, which is differently structured and has different requirements; let's build the staffing structures from the bottom up and work out what we need.” That is how we would find the right balance and work out how to make the changes. If we did that, we would get a more balanced workforce and avoid many of the difficulties that Kevin Smith and other witnesses have highlighted to you this morning.

The Convener: I agree, but we have covered that subject, so I ask for shorter answers. The question was fair, and you have said that the suggestion is not the solution but might be helpful. That was the essence of your answer. Do other witnesses feel that a transition period would be helpful?

Calum Steele: For the sake of brevity, my answer mirrors Dave Watson's.

Deputy Chief Constable Barker: Yes.

The Convener: I like that; I really like that.

12:30

John Finnie: I want to ask about two matters in Mr Watson's submission. At the bottom of page 3, you mention double jeopardy. I do not understand what you mean, so could you explain it?

In the second paragraph on page 2, you say:

"UNISON Scotland is also concerned that this could lead to police staff being redeployed to other areas, possibly at short notice and disruption to work life balance."

I would have thought that such issues would be covered by existing terms and conditions.

Dave Watson: The bill contains separate provisions on the need for a certificate for police custody officers, because of their particular duties, and I will give members of the committee an example of how double jeopardy might arise.

If misconduct leads to disciplinary action and a final written warning, the situation might arise—under the bill as drafted—in which the chief constable decided to take away the PCSO certificate on the ground that the person was not a fit and proper person. So, following a disciplinary procedure, the person could suffer double jeopardy if the chief constable intervened. The chief constable would not have been part of the original disciplinary action, which would have been dealt with by a more junior officer or a civilian member of staff. The risk of double jeopardy is not necessary. Every police officer and every police civilian member of staff has to be a fit and proper person in order to do their job—that is implied in their contract of employment. I do not understand why it should be written into the bill. It is unnecessary, and could be abused.

Mobility clauses can be a grey area in law. Our police civilian staff have a contract of employment. Unlike the situation for police officers, that is not set down by regulations; there will be individual contracts. Arguments might arise over whether a particular move were reasonable, but the same protections that the bill builds in for police officers are not built in for police civilians. Risks might therefore arise. This would not be written into the bill, obviously, but our members are concerned that, if there is just one police force, they could end up being shunted around Scotland. Most of our members who are police civilians are women and they may have caring responsibilities, so moving may well not be a practical option.

John Finnie: That situation is not unique to the bill. Were anyone to be unreasonably shunted, I am sure that employment action from their union would follow.

Dave Watson: That is not necessarily the case. At the moment, the employer has a limited geographical area; under the new arrangements, the employer will cover the whole of Scotland. The issue has arisen during other centralising reorganisations with quangos, for example. It is not a theoretical problem; it is a real problem. The bill might not be where the problem should be sorted, but we would certainly seek reassurance from the minister on application of the policy.

John Finnie: Could there be red circles?

Dave Watson: Yes—a range of possibilities exists that are not dissimilar to the arrangements that apply to police officers.

The Convener: I remind members that we are considering the bill, not contractual matters.

John Finnie: They have been mentioned in evidence.

The Convener: That may be so, but it may be that not all the evidence is relevant.

John Finnie: Okay.

The Convener: Tush, tush.

I should not have said that, but I have.

Graeme Pearson: Andrew Barker mentioned considerable concerns over section 14 and the opportunity for the authority to

"call on a senior officer to retire from office in the interests of efficiency or effectiveness".

Is it fair for legislation to include such a measure? What is the kernel issue for you?

Deputy Chief Constable Barker: My members certainly feel that they are placed at significant risk by the fact that the bill has no definitions of "efficiency" or "effectiveness". I highlighted in written evidence that, by the very nature of the amalgamation, a number of my members will not have substantive posts within the new organisation. There is undoubtedly a fear that the "efficiency and effectiveness" proposal, which gives no process or right of appeal for what would be summary dismissal, could be viewed as an easy way to get rid of officers who are regarded as surplus to requirements as we move into the new organisation.

We completely accept the need for a system to deal with inefficient or ineffective senior officers—we do not question that. However, what we seek is fairness and protection for officers. I drew on comparisons in my written evidence, which I will touch on now very briefly. At present, a matter of misconduct on the part of a chief officer requires an independent investigation by a chief constable, consideration by a joint police board or a police authority and an independent solicitor's view. Thereafter, the Lord President of the Court of Session appoints a panel to take action on the misconduct of the chief officer or senior officer.

It appears, however, from the wording of section 14 of the bill that the police authority can conclude that an individual is inefficient or ineffective, give the individual

"an opportunity to make representations",

then require that person to retire.

Graeme Pearson: Are you aware, from your research, of a similar power elsewhere in the public sector or the private sector?

Deputy Chief Constable Barker: I have taken legal advice on the matter and have been told that there is no similar power in the public or private sectors. There are opportunities to dismiss very senior people, but they entail financial recompense and an examination of the circumstances. At the minute, my feeling is that, as section 14 is drafted, the decision can basically come down to—I will use the word that the convener used earlier—a “whim” of the police authority or others as to whether an individual is surplus to requirements and could be required to retire. I stress that there could be massive financial and career penalties for such individuals.

The Convener: On what Graeme Pearson said, I note that you state in paragraph 6.3 of your submission:

“Whilst a similar provision existed within the terms of the Police (Scotland) Act, 1967 it has never, to knowledge, been used and ... would be challengeable by Judicial Review.”

Is it not the case that if a fair process is not in place for calling on a senior officer to retire, such a request would be challengeable under article 6 of the European convention on human rights, which gives the right to a fair hearing? An individual who was called on to retire would be entitled to challenge that, irrespective of employment law. I take your point about the drafting of section 14, but if it remains challengeable as it is, I have no doubt that the Government will take cognisance of that.

Deputy Chief Constable Barker: Officials have acknowledged that work is required on the matter. The similarity to the 1967 act is in relation to the word “efficiency”; the word “effectiveness” has come from left-field, to put it bluntly, into the bill.

The Convener: Humza Yousaf has a question.

Humza Yousaf: It is on a completely different matter, if that is okay.

The Convener: Good. I might give sweeties for completely different matters. Do we have many more questions?

David McLetchie: I have one.

The Convener: David has one. Are there any more? That will give me an idea of our timetable. No? Right—Humza.

Humza Yousaf: The other panellists might have a view on this, but on the bill’s proposals for the police investigations and review commissioner, the Scottish Police Federation’s submission suggested an amendment for section 63, which is:

“S. 63(1)(d) – Change ‘Commissioner’ to ‘Lord Advocate’.”

That amendment refers to proposed new section 33A(1)(d) of the 2006 act in section 63 of the bill, which states that among the commissioner’s functions would be investigation of

“other matters relating to the Authority or the Police Service where the Commissioner considers that it would be in the public interest to do so”.

Why do you suggest replacing the commissioner with the Lord Advocate? Would not there, in that case, be a danger that the Crown would be tied in too closely with the police authority? Should it not remain for the independent police investigations and review commissioner to decide what is in the public interest?

Calum Steele: Vesting in an individual—I appreciate, of course, that the Lord Advocate is an individual—the power to decide what is in the public interest raises the questions of whose public and whose interest. I do not think that those aspects are necessarily easily understood. In any event, a decision on any investigation that takes place in Scotland is ultimately for the Lord Advocate.

Our concern about “public interest” is that it can be construed very widely and that reference to it in section 63 could provide, depending on circumstances that could unfold at any time, the ability to go on a fishing expedition. To be clear, we have nothing against the principle of a police investigations and review commissioner. There is nothing wrong with external scrutiny of the police service. In fact, I am pretty confident that a PIRC will show what we have said for many years, which is that the police service is not a closed shop but is highly efficient in its investigation of itself and deals appropriately with misdemeanours when they occur.

My fear about use of the term “the public interest” is that what is in the public interest can be determined by the *Daily Mail*, which I know is not a particularly popular organ in Scotland—or, at least, is not one that anyone would admit to reading. Whatever happens to find itself on the front page of that paper can become a matter of public interest. We think that the provision is a bit loose. There would be nothing wrong with further consideration of what could be meant by it.

Humza Yousaf: I heard some grumbling in the corner when the *Daily Mail* was mentioned.

David McLetchie: The circulation figures are high in Scotland.

Humza Yousaf: Mr McLetchie is a robust defender of the *Daily Mail*.

I can understand why you might be concerned about the public interest aspect, but you have not

really explained why “Commissioner” should be changed to “Lord Advocate”. As you rightly pointed out, the Lord Advocate is still one individual. Do you accept that there is a perception—even though it may be incorrect—that the relationship between the Crown and the police service is a bit too cosy and that they are a bit too close, which could undermine the Lord Advocate having that function?

Calum Steele: That perception may well exist, but when legislation is being drafted we should deal with reality. I do not think that the Crown and the police service are overly close on such matters. If we try to legislate on the basis of perception, we will be on very shaky ground indeed.

Humza Yousaf: I admit that, but with such a role, when a complaint comes in from the public, there has to be confidence in the role. Would that not be undermined by having the Lord Advocate involved? I still do not understand the rationale for shifting the responsibility for determining what would be in the public interest to the Lord Advocate. I do not feel that you have explained it. You have explained your difficulty with the term “the public interest”, but what is the rationale for shifting the onus on to the Lord Advocate?

Calum Steele: Our view is that the Lord Advocate is in a position to take a more informed position on what is in the public interest, because of their general understanding of what goes on in the criminal justice system.

Now that we have touched on the PIRC, I make the point that there are some areas of conflict with regard to independence and the separation of functions. An example of that relates to external scrutiny. The provisions of the bill indicate that the PIRC will be responsible for monitoring complaints against himself or herself. That seems to me simply to move the problem from one place to another.

There is also an obvious deficiency in the proposed arrangements in circumstances in which the PIRC may be responsible for investigating a matter that turns out to be criminal, but which goes back to being misconduct. Is there a conflict in that role? To me, it seems that there is an obvious conflict, in that the PIRC, after deciding that the matter is criminal, will be expected to determine whether it could amount to misconduct. Such conflicts and difficulties will prevail. It is to ensure that the PIRC has clean hands that we believe that it would be more appropriate for the Lord Advocate to have a role in something as significant as a public interest investigation into the police service.

The Convener: I should never ask whether there are any more questions. David McLetchie

and Graeme Pearson will ask the final questions, unless something really compulsive appears—I did not mean you.

David McLetchie: I am an obsessive compulsive, on occasion.

In relation to back-office and front-office functions, phrases such as “officers on the beat”, “officers in the community” and “officers on the streets” are seen as a shorthand for what policing is supposed to be. If we were to do a head count of our 17,234 officers on a typical Tuesday in Scotland, how many of them would we find were on the streets and in the community? Would you like to hazard a guess at that?

Calum Steele: I would hazard the guess that the figure is probably less than 10 per cent, but there are reasons for that. Police work is a 24/7 profession. If we accept that that is the nature of the beast, we must accept that police officers will work shifts and that, as a consequence of that, they will have days off. Many shift patterns have evolved over time. A common shift pattern across the police service at the moment is a five-shift rotating shift pattern, which will result in 40 per cent of the staff being on days off at any one time. If the other three shifts are allocated across a 24-hour period, 20 per cent of the police officers will be on duty at any one time. This is pure finger-in-the-air stuff, but it is not unreasonable arithmetic to suggest that half of those are probably on the street.

The Convener: That was wonderful. We should have you do part 1 of the Criminal Cases (Punishment and Review) (Scotland) Bill, because we do not understand the arithmetic in that.

12:45

David McLetchie: I will follow up the point about the number of officers who are on the street and in the community. At this moment in time, how many officers are working not on management functions but on operational matters, such as investigating things and writing reports—all of which is a necessary part of the criminal justice system—in police stations and headquarters?

Calum Steele: Now we really are getting into guesswork. I suspect that not even ACPOS could answer your question, despite all the resource that is at its disposal.

The Convener: My advice is to quit while you are ahead, Mr Steele.

Calum Steele: In many ways, the question links back to the exchange between me and Ms Marra about the fact that policing is not always about doing something that is linked with the criminal justice system. Policing also involves being there and providing comfort and assurance. A lot of

what takes place in police stations is linked to providing comfort to the community, although it is not necessarily directly linked to the criminal justice system.

David McLetchie: Being in a police station does not mean that someone is not doing police work.

Calum Steele: Absolutely.

David McLetchie: Lots of valuable investigative work can be done by sitting at a desk, making calls and all the rest of it. That is just as valuable as knocking on a door in the community.

Deputy Chief Constable Barker: We are getting into the huge area of difficulty about what is what. That shows the complexity of the police service. We could argue about rural policing, urban policing, public order policing, child protection and domestic violence measures—I could go on and on. The point was made that all such functions protect the communities of Scotland and that people might sit behind a desk to do such work.

Do we want our e-crime investigators, who deal with internet pornography and child abuse, to be out on the street in a yellow jacket? I do not want that; I want them to be doing their specialist task and to be protecting the public. The number of officers who are on foot on the streets of Scotland becomes largely irrelevant; the issue is the totality of policing rather than the specifics in each area.

Dave Watson: I accept that, but the phrase “on the streets” is where the political target comes from—that description was used. We would not have a difficulty with getting police officers on to the streets, which includes doing some of the tasks that my colleagues on the panel have described. However, we should not forget—we get this all the time—that large numbers of police officers are still doing tasks that are better done by civilians.

The Convener: We have explored that. I am not cutting you off, but we have the evidence on that issue.

Graeme Pearson: I ask for a brief response on one issue that we did not manage to discuss with the earlier panel, which was ICT and the challenges that the police service faces in providing a good intelligence background and information technology support. I presume that a specific plan will be needed to ensure that ICT is well supported in the single police force and that people with the skills to do such work are available.

In fairness to the committee, I should declare an interest: I previously advised software companies about ICT and I may well go back to that in the future.

Deputy Chief Constable Barker: I will speak with my day job hat on, rather than my staff association hat. I am closely involved in the programme of looking at how we rationalise eight organisations’ systems. We will prioritise the crucial systems for moving forward, rather than the desirable systems, and we will try to enhance value for money across the piece.

Dave Watson: We represent a lot of the staff who do the ICT work. It has been pointed out not just by us but by others that some of the expected savings in ICT are optimistic, given experience from past reorganisations.

The committee should also consider cost displacement. It is easy to put in place a new system when all that it does is displace work to operational staff.

Calum Steele: One of the many benefits that will come about as a consequence of the single service is undoubtedly a more joined-up approach to IT. I do not mean to be in any way disparaging about ACPOS, but it used to be said that the only thing that ACPOS could agree on was the colour of a tie—and it later transpired that even that was not the case.

The Convener: What a happy little family you are.

Calum Steele: Even when we had ACPOS working together to come up with common IT solutions and agreements, what we got was down to the individual negotiations and approaches that were taken in forces. Despite the fact that we started off with a high-level agreement for universality, we did not get that. The opportunities that arise for investment in IT will make the service better.

I will expand on a point that I made at the Finance Committee. I highlighted the fact that the police service, probably like nothing else in society, holds a fascination for the general public and, indeed, politicians. You will find that more people have an opinion on the police service than do on anything else, other than football and the family.

The Convener: Believe you me, they have an opinion on politicians.

Calum Steele: Obviously, much of the scrutiny that is directed at the police service is understandable, but it comes at a cost as the service needs to have the IT and the individuals to feed that requirement.

This is very much a quick analysis, but I checked the Scottish Parliament website and found that, in the previous session of Parliament, the word “police” features in almost 1,950 speeches in parliamentary debates. Mentions of

nurses and doctors collectively come to 250 and there were 500 mentions of teachers.

Similar but broader statistics indicate that crime and justice hold a greater fascination than health and education. Although health accounts for approximately 35 per cent of the Scottish budget, it does not account for 35 per cent of the scrutiny that is applied by elected members. If that level of scrutiny is, rightly, going to be directed at the police service, our argument is that it is entirely right that politicians step up to the mark and put the arguments over funding more vociferously to ensure that the police service is properly resourced.

The Convener: On that public relations submission for the police service, I will close the evidence session. I thank you all very much for your evidence.

12:52

Meeting continued in private until 13:25.

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