



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 13 March 2012

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**JUSTICE COMMITTEE
9th 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:

John Duffy (Fire Brigades Union)

Sarah Duncan (Unison)

Councillor Richard Durham (Scottish Fire Conveners Forum)

Richard Haigh (Association of Principal Fire Officers Scotland)

Lewis Macdonald (North East Scotland) (Lab)

Sir Hugh Orde (Association of Chief Police Officers)

Brian Sweeney (Chief Fire Officers Association Scotland)

Steven Torrie (Scottish Fire and Rescue Advisory Unit)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 1

Scottish Parliament

Justice Committee

Tuesday 13 March 2012

[The Convener *opened the meeting at 09:30*]

Police and Fire Reform (Scotland) Bill: Stage 1

The Convener (Christine Grahame): Good morning and welcome to the ninth meeting of the Justice Committee in 2012. I ask everyone to switch off mobile phones and other electronic devices completely as they interfere with the broadcasting system even when switched to silent. No apologies for absence have been received and once again I welcome Lewis Macdonald to the meeting.

The first and only item on the agenda is our third evidence-taking session at stage 1 of the Police and Fire Reform (Scotland) Bill. I welcome our first panel of witnesses: Councillor Richard Durham, who is representing the Highlands and Islands fire board and the Scottish fire conveners forum; Steven Torrie, head of the Scottish fire and rescue advisory unit; Brian Sweeney, who is chief officer with Strathclyde Fire and Rescue and is representing the Chief Fire Officers Association Scotland; and Richard Haigh, who is Scottish regional secretary for the Association of Principal Fire Officers Scotland. Thank you for your written submissions.

As usual, we will go straight to questions. If the witnesses wish to answer a question, they should let me know and I will call them—the light on the microphone will come on to show that it is live. If they have a supplementary answer, they should indicate and, as with committee members, I will bring them in.

Graeme Pearson will begin the questioning.

Graeme Pearson (South Scotland) (Lab): When asked about preparations for the legislation's implementation, the police service expressed major concern about timescales and the ability to deliver in the time available. By way of opening up the discussion, will the witnesses say something about the time that is available, problems that might be arising with the plans for implementation and any other issues that they want to bring to the committee's attention?

Brian Sweeney (Chief Fire Officers Association Scotland): The Chief Fire Officers Association is broadly content with the timetable, although events in one or two strands are perhaps

not as aligned with the legislation as we might, in ideal circumstances, have chosen.

First, we think that running the legislation in advance of learning the outcomes of the pathfinder projects for local blue-light committees might give rise to tensions. Secondly, a review of community planning partnerships and single outcome agreements is under way. Given that Parliament is—rightly—considering the context of police and fire services in CPPs and will consider the outcomes of the pathfinder projects over the next 12 months, the association believes the legislation to be somewhat ahead of those material considerations.

Outwith that, we are broadly content with the timetable. Not everything needs to change before April 2013, but the legislative base, the insurance liabilities and the service's purpose and function need to be clear. We will focus on those aspects in our evidence this morning.

Richard Haigh (Association of Principal Fire Officers Scotland): The Association of Principal Fire Officers Scotland has been critical of the pace of development of the outline business case. Although there was an opportunity for all stakeholders to engage with the process, we felt that it was limited and we are concerned that the bill is moving forward on the basis of the outcomes of that work and the latest outline business case. We believe that the timescale is challenging and we question the ability to deliver an efficient and effective fire and rescue service on 1 April 2013.

That said, APFO will contribute as much as it can to meeting that timescale. It is important that a chief fire officer is appointed at the earliest possible date, because clear leadership and direction are needed to support moves towards the commencement date.

Steven Torrie (Scottish Fire and Rescue Advisory Unit): To reinforce a comment that Mr Sweeney made, I make it clear that no one who views reform of the fire and rescue service as a large technical piece of work expects it to be completed by 1 April 2013; it will be an on-going process. A good partnership has developed between Scottish Government officials and fire and rescue service leads on reform to clarify exactly what needs to be done by next year's cut-off point and what can be put off and developed in due course.

Graeme Pearson: Richard Haigh mentioned the outline business case. In the normal process, one would expect a gateway review to check the detail of the outline business case and, quite properly, look at budget arrangements. You said that, largely, you will be able to deliver the mechanics of what the bill requires. Are you happy

that the financial arrangements will be in tune with those deliverables?

Brian Sweeney: There are some questions, which colleagues from the Chief Fire Officers Association provided to the Finance Committee—I do not want to rehearse those. The association broadly has no disagreement with the quantum of savings that the Government is setting out to achieve over the next three years. In the Government's outline business case, the quantum of savings is somewhere between £21 million and £31 million.

At the consultation stage, the association opted for the regional model, within which we identified savings of some £23 million. If we take the mid-point of the optimism bias—around £25 million in the Government's figures and £23 million in the CFOA figures—the difference is around £2 million. There is a difference of opinion, in principle or in practice, on the quantum of the savings. The difficulty will come in year one, when the difference between costs and savings will amount to some £8 million. That is clearly a concern for us.

However, CFOA's key concern is that we do not believe that the functions of the new service are sufficiently clear.

The Convener: Will you develop that point?

Brian Sweeney: The bill sets out the purpose of the fire and rescue service. The provisions on the fire part of the service are nice and clear, but the provisions on the rescue part, in my opinion and that of the Chief Fire Officers Association, are unclear in a number of material ways.

Fire and rescue services have been criticised through the years in relation to inland water rescue. A recent fatal accident inquiry criticised my service for not rescuing four fishermen on Loch Awe. The Government then commissioned an inquiry, led by Paddy Tomkins, Her Majesty's former inspector of constabulary, under which he made a number of recommendations, including that duties should be given to the fire and rescue service in relation to co-ordinating the registration of assets. No effect is given to that in the bill.

We have also been criticised in relation to line rescue. I will not enter into further discussion on those criticisms, but it is not clear whether the fire and rescue service is responsible for line rescue. On inland water rescue, the bill is silent. On line rescue—

The Convener: What is line rescue?

Brian Sweeney: An example of line rescue is a situation where someone is trapped in circumstances where they have to be rescued by a team equipped with lines, who can save them in almost a mountaineering sense. They may be

trapped in a collapsed building, a mineshaft or something similar.

The bill is silent on line rescue and water rescue. It gives us duties to prevent fires, but not road traffic collisions. If the purpose of the bill is to clarify the role of the fire and rescue service, we believe that more work needs to be done on it.

The Convener: Thank you. It is helpful to have that on the record. We will now have questions from Jenny Marra, to be followed by Alison McInnes and John Finnie.

Jenny Marra (North East Scotland) (Lab): My question follows on quite well from what Mr Sweeney said, as it is about the prevention agenda. I notice that the Chief Fire Officers Association states in its written submission that it is unfortunate that more attention is not being paid to the prevention agenda. I have been impressed with the performance of Tayside Fire and Rescue, which was recently rated top in Audit Scotland's report for its success in the area of prevention. Will you elaborate on the prevention agenda in the bill and say where you think that it should be stronger?

Brian Sweeney: I will try to be as brief as I can as I am conscious of the limits of time. The question strikes at the heart of the issue. On the prevention agenda, we are broadly satisfied with the arrangements for preventing fire and educating people about its consequences, but we do not believe that the legislation gives enough weight to the prevention of road traffic collisions, the development of young people—the young firefighters programme in Tayside is an excellent example—or water safety. It does not give enough weight to safety in contexts other than fire. It would be helpful if the committee could point out those issues with the framing of the legislation and the functions.

The fire provisions in the bill are okay, but the rescue provisions are not okay. The bill gives us no statutory functions to educate teenagers who get their driving licence and go on to the roads, no functions on water safety, and nothing to encourage the service to work with children and young people in the fantastic way that we do to save lives. The prevention agenda needs more work, particularly in the rescue context.

Jenny Marra: Is there a cost implication if the prevention agenda is to be as robust as you, the committee and the public would like it to be?

Brian Sweeney: The cost implications are broadly negligible. The staff are in post. The programmes are delivered, in the main, by station staff, who may be full time or part time. The programmes need resourcing, energy, partnership and power. This is only the second time that the legislation has been changed in 50 years. If

something is not mandated and the bill does not give effect to it, it will become someone else's problem—it will become a road safety initiative or a police-only initiative. The legislation needs to be clear about the purpose and functions of a 21st century fire and rescue service. That is what we are calling for.

Jenny Marra: Are you saying that your service is best placed to deliver the most effective road safety and prevention programmes?

Brian Sweeney: No, that is not quite what I am saying. I am saying that we are one of a number of agencies that need to be mandated, almost in a neutral, third-party sense, to work with young people at secondary 5 and 6 in Scottish schools—which all services do. Unlike, perhaps, our colleagues in the police, we take a much more neutral stance. We come at the issue from the point of view that it is about young people's safety, their lives, and peer pressure. There are some fantastic examples from Fife to Tayside to Grampian, where the fire and rescue service's involvement is critical, but that work is part of a broader partnership. We do not want to be, and we are not, the sole agency with such responsibility.

The Convener: The Cabinet Secretary for Justice's office will be noting your written and oral evidence, and I am sure that he will take that issue on board.

Richard Haigh: I will pick up on two points to reinforce what Brian Sweeney has said. First, to the association, the functions that the bill sets out do not harness the potential contribution of the fire and rescue service in its wider community safety role, which is work that we are already very much involved in right across Scotland.

Secondly, and probably as important, the bill does not meet the public's expectations. In 2005, when we changed from fire brigades to fire and rescue services, the public developed certain expectations. The functions that are set out in the bill do not meet those expectations.

Alison McInnes (North East Scotland) (LD): I, too, am interested in exploring the concerns that have been expressed that the bill does not fully capture the functions that you carry out. Jenny Marra successfully explored the issue of prevention. To go back to the rescue part of the service, have you estimated the resources that would be required if the bill was to make it clear that that was part of your remit?

Brian Sweeney: Rather than go through all the funding issues, if the committee were so minded and it would be helpful, I would be more than happy to provide a short paper that sets out the functions that we believe are missing and the

associated costs. That might help you in your deliberations.

The Convener: That would be helpful. Did you respond to that question when you went before the Finance Committee?

Brian Sweeney: I was not at the Finance Committee; it was the deputy chief who was there. However, having read the *Official Report* of the proceedings, I do not believe that the issue was specifically raised.

The Convener: If you are not in a position to provide that information to Alison McInnes today, we would be most obliged to have it in writing.

09:45

Alison McInnes: The point is important. You make a cogent case for putting such functions in the bill, but we need to understand the implications of that.

Will you elaborate on the Chief Fire Officers Association's concern about the legality of cross-border operational activity?

Brian Sweeney: The concern relates to our border with our colleagues in England and I clarify that it applies to only two services: Lothian and Borders Fire and Rescue Service and Dumfries and Galloway Fire and Rescue Service. There are issues of insurance and insurance liability when firefighters travel from the area in which they are insured and liable for operating to another country, but I believe that that is being considered in relation to technical components of the bill.

Lothian and Borders Fire and Rescue Service raised the issue of its cross-border movement. It asked whether the indemnification and insurance of firefighters are still valid when they operate as firefighters in England and whether the principles of Scots law or English civil law apply.

The question is technical and I would be happy to provide further information on it. We are broadly content that it is being addressed in the technical context of the bill.

The Convener: The system must function just now. I have a border constituency and I know that people nip backwards and forwards. What is the position now?

Brian Sweeney: The issue relates just to technical liability, indemnification and insurance.

The Convener: Surely the position must be resolved at the moment.

Brian Sweeney: I am unaware whether that is the current position. In Strathclyde, I do not have a border with England.

The Convener: We will require that information, but I pretty well think that the issue will have been resolved by now. I do not think for one minute that, when English firefighters come over here, indemnification problems arise. Clarification would be helpful.

John Finnie (Highlands and Islands) (SNP): Good morning, panel. My questions are to Mr Torrie. Some submissions suggest that an opportunity has been missed for the bill to pick up on a number of issues. The review of open water and flood rescue in Scotland that Mr Tomkins undertook recommended that a register of water rescue assets should be held. Does that have broader application? Coastguard services have been retracted. Does an opportunity relate to that? If so, how would that fit with the framework document and the integrated risk management planning system?

Steven Torrie: I—

John Finnie: And, sorry—

The Convener: Wait a minute, John. I am happy to let you ask several questions, but it helps witnesses if you ask one question at a time, after which you can add another question.

John Finnie: I have a comment rather than a question, which is that all that I have described leads to the suggestion of the service's designation as the primary rescue service.

Steven Torrie: I will try to deal with that. On water rescue, the Fire (Additional Function) (Scotland) Order 2005, which derives from the Fire (Scotland) Act 2005, asks the existing fire and rescue services to provide facilities to deal with serious flooding. As part of that, the Scottish Government has provided funding over the past few years for boats and other water rescue equipment such as personal protective equipment. There is a range of functions across Scotland at the moment.

Mr Sweeney was absolutely correct to say that reports such as that by Paddy Tomkins have not been fully implemented. Some of Mr Tomkins's recommendations about fire and rescue services taking on a broader co-ordination role have not been carried through to their natural conclusion. The opportunity exists to clarify that through legislation or, beyond legislation, in the fire and rescue framework.

I will make a broader observation about fire and rescue services. I understand and agree pretty much across the piece with what Mr Sweeney and Mr Haigh said about specialist rescue functions because, when it boils down to it, the fire and rescue service is often the only service that can adapt to and provide a rescue in unusual and

unpredictable circumstances. Something could be usefully said about that.

I caveat that with another observation that is part of our current conversations in the service about specialist rescue, which is that, if you try to be too clever and precise about defining functions, you could end up tying the service up in knots with different arguments. For example, when is a serious flooding incident a serious flooding incident and not a rescue from rapidly moving water, such as a river? I could give you countless examples; that is just one.

Is that a reasonable answer to your question?

John Finnie: Yes, it is.

Would it help if the bill designated the service as being the primary rescue service? I agree that it would probably never be possible to tie down all potential situations.

Steven Torrie: It would be helpful if the bill broadly recognised the fire and rescue service as the rescue organisation for Scotland, as long as we do not get caught up in too much detail at the level of the law.

Brian Sweeney: I agree with the principle that it does not matter whether we are the primary rescue service; as a rescue service, we should be involved in co-ordinating and engaging with partners to plan, prepare and deliver whatever the rescue is. It would be most helpful if that were clear in the bill.

I want to pick up on the observation about the coastguard that the honourable member made.

The Convener: We are not "honourable members" here.

Brian Sweeney: I am sorry, convener.

The Convener: Some of us may be, but we do not boast.

Brian Sweeney: In my eyes, you are all honourable.

The point that John Finnie made in relation to the coastguard is most apposite: coastguard services are being withdrawn from around the coastline of Scotland. In addition to the review of coastguard services, there has been a review by the Maritime and Coastguard Agency and withdrawal of the maritime firefighting response that was provided by Lothian and Borders Fire and Rescue Service, Strathclyde Fire and Rescue and Highlands and Islands Fire and Rescue Service. Again, we see no mention of that in the purpose and function of the new service, but Scotland as a nation is served non-stop by ferries to the Western Isles—both the Inner Hebrides and Outer Hebrides—the Orkneys and the Shetlands. We believe that there must be capability to deploy

firefighters, should there be a fire on one of those vessels, but that capability is being lost; United Kingdom funding for it ends in a couple of weeks, on 1 April. That is another purpose or function of the service that should not be lost.

Lewis Macdonald (North East Scotland) (Lab): I had intended to raise the point about marine firefighting. I want to generalise on some of the other rescue functions that the panel has described. If the bill were to reflect—as has been suggested—a formal responsibility for rescue and prevention, what would be the implications in legislative terms? In other words, is what is being suggested merely the addition of a couple of lines of formal description, or would it require significant change in resourcing the bill's provisions or in its timetable?

Brian Sweeney: That would require a fairly simple amendment. The arrangements are already being effected practically, so the bill would merely formalise arrangements that already exist in respect of all the functions. It would be a technical legislative amendment to reflect what already happens in real life.

Lewis Macdonald: Is that also Mr Torrie's view? Clearly, you have advised ministers.

Steven Torrie: That is absolutely my view.

Lewis Macdonald: That is very helpful.

Starting with Councillor Durham, I want to hear about accountability. Some submissions have raised issues such as the relationships between a national service and local authorities, and between a national service and regional responsibilities. Would panel members like to comment on that—in particular, on the composition and size of the central board or authority?

The Convener: Councillor Durham—that is your cue.

Councillor Richard Durham (Scottish Fire Conveners Forum): Thank you, convener. The Scottish fire conveners forum has always had some concern about that. When reform was first discussed with CFOA and the forum about two years ago, there was a clear view within the forum that reform had to come, although the general view of the forum was that the service should remain within local government rather than be centralised. Now that the principle of a single service has been established and is being implemented by the bill, the forum has come on board. Everybody has come on board and is going forward willingly into the new framework.

However, I am concerned, based on my experience as convener for the past five years, about the proposed size of the board. I am aware of the various sub-committees within my area's fire board, and I know that people get sick and are

unable to attend. The forum's view is that between seven and 11 members—I believe that the thrust is for 11—is still tight for a board of such significance. I believe that the Convention of Scottish Local Authorities has suggested that the number of board members should be 15. The conveners forum would be more comfortable with that number.

The other issue—

I should probably stop at that point, as I do not want to prejudge questions.

The Convener: It is so tempting when somebody says, "The other issue ..." and then stops. Why not just say it, please? If there is another issue that you want to raise, the committee would like to hear it.

Councillor Durham: There seems to be a gap in the bill. There is a clear route whereby the Scottish fire and rescue service will produce a plan and, having agreed that plan with Parliament and Scottish ministers, will then produce local plans. However, given the level of savings that will have to be found in the years ahead, there are almost certainly going to be tensions between local aspirations for service provision and what the national plan might say. There is a clear route in the bill whereby the service will engage with the 32 local authorities and, when agreement is reached, the local plan will be published. However—I have been in this scenario recently—change of local service provision can be hugely emotive, and it is crucial, so I foresee scenarios in which there is intransigence in the local authority and the SFRS. If that happens, there must be resolution. It cannot be left hanging, otherwise the reform will be seen from the local perspective as being just centralisation of the power within the service, which would be a great loss.

I could make suggestions as to what that resolution might be.

The Convener: What are they?

10:00

Councillor Durham: There are two democratically elected sides: a Parliament and Government on the one hand, and local councillors and a local authority on the other. To me, the resolution must be found between those two elected bodies. I cannot in my mind get past the fact that, ultimately, either the Parliament or the ministers will have to engage in resolving disputes. From experience over the past five years, I say that disputes are inevitable.

The Convener: I want to keep to this topic because it is a fresh one for us, so we will stay on the number of people on the fire board and

disputes between national and local plans. I will take supplementaries on those issues.

Lewis Macdonald: Councillor Durham suggests that there might be different ways of dealing with the issue. During evidence on the police service, we heard the suggestion that a link between the national and local levels might be achieved by having a number of local representatives—people with local government or other local connections—involved in the national authority. Is that applicable to the fire service or do different circumstances mean that that would not work?

Councillor Durham: Such representation is very important, particularly in the transition board of SFRS. You have to take existing expertise into the new set up.

I have lost my train of thought.

The Convener: I know the feeling. A few of us on the committee are the same. The members concerned will not admit to it, but I know who they are.

Councillor Durham: The problem is that when local authority representatives—local councillors—come on to the board, they have to leave behind their local issues, because once they join the board they will be responsible for the whole service across Scotland.

The Convener: It has been put to us that the role would be about holding to account rather than being representational. You are making the same point. It is necessary to leave the local hats on the hat rack outside the door.

Steven Torrie: I will make a brief comment to add to Councillor Durham's argument. The concern that he articulates is something that I have heard from day one, when reform was first discussed: if you create a large national organisation, you become remote from local communities and decisions are taken remotely. I will offer a couple of thoughts on that. The fire and rescue service is fundamentally a local service. Its only purpose is to operate at local level; that is all that it does. The fire and rescue services currently engage well at local level. In my past life, I have attended local community meetings here in Edinburgh to try to persuade people that it would be a good idea to shut their local fire station and move it up the road a bit. If you want an example of local accountability and local engagement, you should come along to one of those challenging events.

The Convener: MSPs also have such meetings.

Steven Torrie: I do not recommend it.

The Convener: I will not comment on behalf of MSPs.

Steven Torrie: Whatever the shape and form of the management of the service, it exists only at local level and will always be accountable at local level. Mr Sweeney is responsible for an organisation that provides services to 49 per cent of Scotland's population but is designed to work at local level. Everything is about the design of the new service and ensuring that things happen at the local level.

The Convener: Has Lewis Macdonald finished on this point?

Lewis Macdonald: Mr Sweeney perhaps wants to respond to the initial question. I am interested to hear his view.

Brian Sweeney: We are broadly content on the membership of the national board. The suggestion is that its composition will give councillors, local government and COSLA their voices on the board. Our submission points to the need for business, commerce, insurers and the fire industry also to have their voices on the board. In the context of the board, it is not so much about quantity but about quality; the bill needs to take into account the quality of the board membership.

We believe that tensions will emerge between the national and the local. It makes no difference whether the service is a national one that is delivered locally or a local one that has a national framework. Accountability can be dual, but responsibility must be solo. If there is responsibility locally for development of a local plan that might, let us say, close a fire station, that might clash with the national board's ambition. The sensible work that is being done through the pathfinder projects, the blue-light committees and the review of community planning partnerships needs to focus on the tensions that might emerge between national and local Government and how we will resolve them.

Obviously, it is for the bill to specify this, but one suggestion is that there might be a natural ombudsman role for Her Majesty's chief inspector of fire and rescue authorities. I have not rehearsed or discussed this with Mr Torrie, so I apologise for putting him on the spot somewhat. Perhaps we could have someone who is wholly independent to adjudicate in cases in which a local plan disagreed with the national strategy; surely the independent inspectorate would be the suitable home for that type of consideration.

The Convener: There you are, Mr Torrie. I will let you think about that.

I will take supplementary questions, if they keep to the numbers or the tensions between the local and the national. I think that David McLetchie wants to ask about that.

David McLetchie (Lothian) (Con): I want to ask about local accountability and local plans.

The Convener: Fine. We will then have questions from John Finnie and Jenny Marra on the same train.

David McLetchie: The bill envisages that local plans will be devised and will fit into the overall national plan. At present, with our eight fire and rescue services, do we have eight local plans or 32, or do we have none?

Brian Sweeney: There are eight local plans, which are referred to as integrated risk management plans. Some of the eight existing fire and rescue services subdivide their plans into individual plans for their constituent authorities, but others do not. There are definitely eight plans, although there might be more, because some services break down their plans for their constituent authorities. Of course, two of our eight authorities are unitary ones—Fife and Dumfries and Galloway.

David McLetchie: What, in that case, is the logic of the proposal to have 32 local plans? Will we end up with a situation in which one plan is duplicated, a new cover is stuck on it and we say that it is the plan for Clackmannanshire rather than for Falkirk? Is it the reality that there will not be 32 separate plans, but a number of regional plans, broadly corresponding to the present fire board areas and, within that, there will be further plans with different covers on them just to appease local sensibilities?

The Convener: Mr Torrie, do you want “to appease local sensibilities”?

Steven Torrie: I will try my best, convener. In addition to the integrated risk management plans from the eight fire and rescue services, there are 32 single outcome agreements and 32 community planning partnerships and community safety partnerships. All that detailed work at local level goes on at present in the 32 authority areas.

Councillor Durham: We must remember that Scotland is a varied place. Delivering fire and rescue services in a town in the central belt is different from delivering them on far-off islands in Shetland or Orkney, so plans vary. Fire and rescue services have worked under the current system since some time between 1993 and 1996—I cannot remember exactly when the relevant statutory instruments were put in place. One of the culture changes that will happen relates to funding for the services, which has been done in a historical manner. From a local government perspective, it has been done in a somewhat unusual way, whereby central Government has maintained the capital funding and then headed it out, but the revenue funding has come through the constituent local authorities.

To some extent, that pattern of funding over the past 15 years has dictated community expectation throughout the eight different fire and rescue areas.

There is a huge opportunity in the coming of a single service, because resources will be pooled. However, expectations in various parts of Scotland will probably have to change. I have a standard example that I use. In the Highlands and Islands, Fort William has a retained fire station, but 30 miles away, Oban—a town of similar size, Oban, but which is in a different fire and rescue service area—has a whole-time station. I mention that simply as an illustration that, over time there has been evolution in fire services throughout Scotland. In reality, and in difficult financial times, there will be pressure on the new SFRS to balance out how it provides services. There are tensions on the road ahead for everybody.

David McLetchie: I understand that—

The Convener: Before you come in, Mr McLetchie, I think that Mr Sweeney wants to say something.

Brian Sweeney: Thank you, convener. I just wanted to pick up on the point. The opportunity that a national service will have to consider Scotland irrespective of boundaries should not be lost; there is a fantastic opportunity to examine the issues that Councillor Durham raises. Where a certain service has been bound both administratively and financially by its borders and boundaries, the fact that they will be removed will offer a tremendous opportunity.

The problem will come when decisions are to be made. To give a brief example, in Strathclyde, we closed some fire stations two years ago. It was a sensitive issue. The stations were in Parkhead, which is in the city of Glasgow, and in Cambuslang, which is in South Lanarkshire. That was done under the aegis of the board, where corporate responsibility was brought to bear, and although individual local members, including members of the Scottish Parliament, might not have been happy with the principle, there was collective ownership.

The Chief Fire Officers Association's fear is that the national board could take such a decision, but it would then face two blue-light committees that might or might not share the same view. What will we do in those circumstances? How can we sensibly ameliorate such concerns?

David McLetchie: Thank you.

I move on to the related topics of local accountability and the relationship between local senior officers and local groups. From the evidence, it strikes me that people are most concerned about the creation of duplication in

bureaucracy at local level. I hope that I am not putting words in anyone's mouth, but it seems to me that the idea of a freestanding local fire consultative committee—or whatever title it would be given—is not being met with great favour. There seems to be a view that the existing mechanisms, through the community planning partnerships, are all that is required, and that there is no need for duplication with a parallel set of committees that focus only on fire and rescue services. Is that a fair summation of your evidence and your view?

Brian Sweeney: I very much concur with that. It is an important point. There is little that a police service or a fire service does in isolation. In fire and rescue, we routinely work with health, housing and social work services, social services, the education authorities and others to advance our agenda. “Scotland Together: A study examining fire deaths and injuries in Scotland”, which was provided to Parliament late in 2009, gives effect to consideration of those points. Merely by creating 32 blue-light committees, we would create a silo within which police and fire and rescue services would operate, whereas the reality is that they operate in a common environment with health, housing, social work and other colleagues. I therefore concur whole-heartedly with the point.

David McLetchie: Councillor Durham, would you like to give a view on that?

10:15

Councillor Durham: Perhaps not surprisingly, you would not get quite the same view from local government. As the Government led on the issue, it took the view that local councillors were not all engaged in the process of governance and accountability, and that the joint boards were perhaps not the best way to govern.

The local government view is that fire services will become national, by virtue of which they will be centralised to a large extent. There is concern within the local government community about what the local role will be. The minister has said in various announcements that the bill will enhance the role of local councillors and give them more say in the process, but the view on the ground contains a degree of scepticism on that point. The bill is not clear on what the role of democratically elected local councillors will be.

David McLetchie: Is the problem partly that community planning partnerships are full of professionals and do not have enough local councillors on them, beyond the heads of the council administrations concerned?

Councillor Durham: That is a fair comment.

David McLetchie: So, the problems with accountability stem from the fact that the vehicle that is meant to create co-ordination does not have enough elected representatives on it to represent the people in the community. If we are going to have an integrated accountability mechanism, we should look at who is included. I see that Councillor Durham and Brian Sweeney are both nodding; I am glad that we have some agreement on that. I will put that in my report. *[Laughter.]* I am sure that there will not be a dissenting report.

I just want to ask Councillor Durham what the convener of Fife police, fire and safety committee was so exercised about that he did not put his name to your submission, as is stated in big, bold capital letters at the end. Is there a substantial issue of principle in that regard, or is it an issue of lesser significance?

Councillor Durham: There is more of a historical framework to it. As I said at the outset, the fire conveners forum started debating reform together with CFOA quite a while before the major decision came from the Government and Parliament.

From the outset, the convener of the Fife committee took the view that the Government's position is right. The remaining seven conveners fought for fire and rescue and police services to remain as local government services rather than becoming centralised services. That was the origin: the Fife convener has consistently gone against that view and has rather disassociated himself from the rest of us.

David McLetchie: I am sure that that is a fair representation of his views. Your group is saying that it has now accepted—if not enthusiastically—that we will have a single service, and that we are now considering the bill in the context of how the service will work.

Councillor Durham: It is fair to say, now that the principle has been established, that everybody in our group wants to do their best to make the single service a success for everybody in Scotland, from the northern tip of Unst to Dumfries and Galloway and Campbeltown.

The Convener: That is a diplomatic answer.

Rod Campbell has been waiting for a long time. Rod, is your question on a completely separate issue or on much the same stuff?

Roderick Campbell (North East Fife) (SNP): To be perfectly honest, most of my points have been covered by what has been said so far. Just for my benefit, if for no one else's, will the panel clarify what the local plan is expected to contain, particularly if there is an overlap with community planning? What do you expect to see in local

plans, whether the number of services be eight, 32 or one?

Steven Torrie: I will be very brief, because I am sure that my colleagues will want to add some thoughts. Earlier, Mr Sweeney mentioned something called an integrated risk management plan, which is a clunky title for an important piece of behaviour for fire and rescue services. What it means is that the fire and rescue service needs to understand the risks in its local community and design its services around them, along with putting a great deal of emphasis on prevention work. The fire and rescue service would much rather prevent fires and accidents than deal with the consequences. Integration means that we can apply all that collectively.

The local plan needs to describe risk as the fire and rescue service sees it and describe the kind of response that the fire and rescue service will give in terms of protection, prevention and operation.

Brian Sweeney: What I would say is broadly similar. The integrated risk management plan has three facets. We seek to prevent incidents from occurring, whether that is a road traffic collision, someone drowning or someone having an accidental fire in the home. Prevention is clearly a multi-agency function; it cannot be and is not a sole function of the fire and rescue service. There might be health workers and social workers in the home, and there might be lots of duplication of data about vulnerable people who are at risk but, when the fire and rescue service arrives, we find out that we did not know about that. In a community planning partnership in Scotland in 2012, that cannot be allowed to continue. The fire and rescue service working on prevention in a community planning partnership context is absolutely unavoidable; it must happen.

Protection also involves multi-agency engagement. The only facet that is left is the response element. How many fire stations do we have? Should they be full time or part time? How quickly does the service arrive? How many officers are there? How well trained are the staff?

The first two facets are absolutely multi-agency issues.

Councillor Durham: I concur with the professional advice that the committee has been given, but I have something to say with my layman's hat on. The most important thing to the general public is that, when someone's house is burning and they dial 999, they get a fire engine as quickly as possible. Driving risk down has become a fundamental part of fire and rescue services in the past few years, and it has been hugely successful—risk has been driven down. However, there is a danger in simply saying that because, for example, the likelihood is that a life will be

saved once every 3,000 years in a remote community, there is no need for the response element. That will not be the view of that community.

I totally take on board the point about reducing resources and the point that in today's world resources must be prioritised, but statistics can take us too far. That is an issue and we in Highland have come across it recently in looking at how to use our resources. I have learned quite recently that it is ultimately very difficult and politically unacceptable to a great extent to close stations, but stations will probably have to be closed. That is a hugely sensitive issue that the service will face, and I can see intransigence between local interests and the wider national interest.

The Convener: MSPs are well aware of what will happen if there is an attempt to close fire stations, schools or post offices—there is a list of things. Obviously, councillors, MSPs and members of Parliament represent their constituents. There will, understandably, be a great deal of community resistance.

Members should ask short questions, as the time that the next witness has for giving evidence before he must leave is tight. Members are in a big queue, but let us move things along.

John Finnie: Councillor Durham, until you made the comment that you have just made, I was not going to mention the following issue, but I will be gentle—I think that you know what I am going to touch on. I take it that you do not think that everything in the existing arrangements is sound. Such a position is certainly not borne out by the Audit Scotland review of the role of boards. The northern joint police board's submission says:

"The Board seeks continuity in the performance of police and fire and rescue services"

in the Highlands. I take it that you hope to enhance performance. People want a fire appliance to arrive, but do you concede that they want adequately equipped and trained people to arrive with that vehicle?

Councillor Durham: Yes.

John Finnie: I have a question for the panel about an issue that came up in relation to the Police Service of Northern Ireland and the tension that can exist between resources. We heard from the assistant chief constable of that organisation that it has a tactical tasking service, so that if additional resources are requested locally, they are bid for centrally. Does Mr Torrie envisage such a system working in the national fire service?

Steven Torrie: Less so, I think. The functional arrangements for operational cover in the fire and rescue service are pretty different from the police

arrangements. Fundamentally, they are based on local fire stations, and attendance times, for example, have been worked out over long periods. When large incidents occur, there will be support from a broader area. The current services have mutual assistance agreements so that they can pass resources between them but, as a general principle, a local resource will attend operational incidents.

John Finnie: Can I touch on the issue—

The Convener: Does Mr Sweeney want to come in on that point before John Finnie asks another question?

Brian Sweeney: I agree with HMI Torrie. Such activity would not routinely occur in fire and rescue services, but there will be peak or spate conditions in the eight services on bonfire night or if flooding or storms and high winds occur, and all the services will prioritise the order in which they respond to incidents. For example, it would not be unusual in Strathclyde to have 50 or 60 incidents stacked in a queue on bonfire night and for officers to prioritise on that basis. The same goes for flooding.

John Finnie: I will touch on the cross-border issue. Do the mutual aid arrangements apply across the border? It is clear that Lothian and Borders wants to be a good neighbour to Northumbria and that Dumfries and Galloway wants to be a good neighbour to Cumbria. What reassurance can you give about terms and conditions, the pension aspect and liability?

Steven Torrie: I cannot give the committee any reassurance on any of those things, but my understanding is the same as Mr Sweeney's. The Scottish Government and the UK Government are looking at the issue as a technical matter.

The Convener: We will be able to clarify that. Some arrangement must be in place.

Steven Torrie: Both our existing border services have mutual assistance arrangements with our neighbours in Cumbria and Northumberland.

10:30

Jenny Marra: John Finnie touched on the question that I will ask. Councillor Durham, do you think that local accountability currently works well?

Councillor Durham: The honest answer is that I have experience only from my local area and I believe that local accountability works well.

Jenny Marra: You are uniquely placed on the panel. The best-value audit of the Highlands and Islands Fire and Rescue Service showed quite serious failings, so there must be some discrepancy if the local accountability element is

currently working well in the Highlands and Islands. Can you tell us what that is? If you think that things are working well, how come those audit results were found?

Councillor Durham: The results found by Audit Scotland and the Accounts Commission reflect the historical situation that the Highlands and Islands service has faced since it was restructured in 2002. I will go on, if you want me to.

The Convener: No.

Councillor Durham: This is probably not the right place.

Jenny Marra: So the issue is historical problems rather than local scrutiny and holding the service to account.

Councillor Durham: I suggest that a number of issues have come together and the situation has finally come to a head.

The Convener: In fairness to Councillor Durham, he is here talking on behalf of all the boards.

Councillor Durham: Indeed.

The Convener: It is rather difficult for him to talk about the specifics of the Highlands and it would also be unfair to the other fire conveners. As a convener myself, I am always fair to other conveners.

Colin Keir (Edinburgh Western) (SNP): My question is close to what Jenny Marra was going on about and is for Mr Haigh. In the submission by the Association of Principal Fire Officers Scotland, the comments under point 4 about the principle of councillors taking part in decision making and the scrutiny of performance seem to be both supportive and non-supportive of the idea, so I would like to hear your expanded view. Given the difficulties that you point out, how do you see that working?

The Convener: Colin, you should declare an interest. You are still a councillor.

Colin Keir: I apologise.

The Convener: I am only teasing.

Colin Keir: I am an elected member of the City of Edinburgh Council.

Richard Haigh: Your point is at the heart of the matter. Engaging more councillors in the framework sounds very good in theory, and the association would support that, but how will it operate in practice? How will more councillors across the 32 councils be engaged on fire issues? I do not have an answer, but I would be keen to see the idea worked through, and you will be aware that a number of pathfinder projects are being developed to put it into practice. The

difficulty, perhaps, will be that each pathfinder project will have the resources of the relevant fire and rescue service behind it to support and drive it and help its delivery, whereas with a single service the support, drive and direction will be more remote. There are therefore questions about whether the pathfinders will truly reflect how things will operate in a single service.

Brian Sweeney: I will make a brief observation about the functioning of joint boards—I cannot speak for unitary authorities because I have never worked in one. In a joint board context, the arrangements have some difficulties because of the third-hand nature of elected member involvement. Members are elected to their council and have council responsibilities in social work, licensing or education, for example, but they are also members of a fire or police committee, so the engagement of some of them can be third hand and at arm's length. That does not place blame on any existing elected members but reflects the reality of politics and the level of engagement and busyness of elected members.

Audit Scotland's reports show that, across Scotland, especially where there are joint board arrangements, some elected members are clearly fully engaged with, and on top of, the strategy and policies of the service, while others are less so. That is a product of the arrangements rather than a commentary on individual councillors.

Colin Keir: Given the comments that we have just heard, do you think that the present arrangements with the boards are satisfactory?

Richard Haigh: No. I do not believe that the arrangements are satisfactory at the moment.

I will go back to a previous question on the size and composition of the new board. For APFO it is not about numbers, size and shape but about the skill set, the experience and the expertise that are brought to the board. If we bear in mind that consideration and the current board arrangement, significant development is required of board members—of councillors—to enable them to fulfil their role effectively. That is not a derogatory comment about councillors; it is about getting to understand the nature and practice of a fire and rescue service to enable them to scrutinise and support the effective delivery of front-line services.

Alison McInnes: It has been a pretty upbeat panel, which has talked about “a huge opportunity” and so on. Others might think that it is a serious risk to local provision. Much has been made of the fact that local plans already exist and will continue to exist. The difference is that local plans are resourced locally now. The proposals mean that local plans will be drawn up locally and resourced nationally—or not, depending on the small board of 11 people. Does the panel think that financial

and human resources can be properly allocated by such a small national board?

Councillor Durham: I see no reason why not. Richard Haigh commented that it is about the quality of the person who sits on the board. I will qualify that to an extent in that, although I agree with him, it is terribly important that the people who sit on the board have an understanding of matters of fire and rescue.

I think the world of the Scottish fire and rescue service now, under the existing system, and I am quite sure that I will think the world of it under a single service. Those in the service are fantastic men and women of this country who do a wonderful job.

Whatever number of people sit on the board, the concern is that they understand what the Scottish fire and rescue service is and does. It will be a challenge to achieve that in the first board.

The Convener: Will you address the funding issue? Should it be local, central or whatever?

Brian Sweeney: We are in an extended period of austerity, which affects resourcing in the fire and rescue service, like every other service. Between the professional voice—the Chief Fire Officers Association—and the Government's outline business case, the saving looks like being a quantum of about £25 million. That is against the baseline budget of £388 million.

There is a certain reality around the figures that we are arriving at, which need to be considered in one important context. Either we reorganise the service in Scotland to remove duplication and examine the back office to save £25 million or we make between 600 and 700 operational front-line firefighters redundant. That is already happening in certain parts of Scotland, such as Fife, where firefighters have been challenged by redundancy and transferred to other authorities.

When it comes down to tough choices, the choice is between reorganising the back office and removing the duplication or losing front-line resources. I am for the former.

Alison McInnes: So you see the pattern of, for example, retained fire service stations being very similar to what we have at the moment. You see all the savings being achieved through back-office services.

Brian Sweeney: I would see some fairly significant changes coming through in the new single fire and rescue service, but I would be very surprised if the existing footprint of full-time and part-time stations changed or there was any large movement in the number of stations. I do not think that stations across Scotland will close now or in the next five years.

The Convener: I will move on to Graeme Pearson, then David McLetchie and Jenny Marra. I hope that these will be the last few questions. I do not want to curtail members—I know that we like to ask questions—but we have overrun again.

Graeme Pearson: A lot has been said about the conflict and rub between national accountability and local responsibilities. Last week, we heard persuasive evidence from the Auditor General about the involvement of democratic accountability in the governance process. I note that the Fire Brigades Union refers specifically to the need for the Scottish Parliament to be involved in such processes. Indeed, it suggests a number of roles for Parliament to play and identifies a committee to fulfil them.

No one on the panel has mentioned the role of Parliament in resolving the issues of the single fire service and the challenges that we have discussed over the past hour or so. We will speak to the union later this morning, but do members of the panel think that Parliament should play an additional role? Are you happy that the bill properly records what you want from the Parliament?

The Convener: Is there no response?

Brian Sweeney: I was waiting before answering in case any of my colleagues had a strong view. I have read the FBU's submission, which makes a valid point on the issue. Perhaps fellow witnesses were in danger of commenting on the existing arrangements and the factual aspects of the bill, rather than seizing the opportunity to examine another level of scrutiny and engagement.

The point is well made by the union. Parliament has a role to play. The single fire and rescue service is, after all, being discussed by a committee of the Parliament and its officers will be appointed by ministers. Parliament should retain an interest in the matter. Neither I nor any other chief fire officer would have any objection to any regular scrutiny by a standing committee, this committee or any other parliamentary committee in order to make sure that the service delivers exactly what it says it will.

We will not get a second chance to deliver a single service. The more value that can be added at this stage, and the more scrutiny that the Parliament can give to the arrangements, the better. I whole-heartedly support the FBU's proposal.

The Convener: It is, of course, open to any committee of the Parliament, within its remit, to conduct an inquiry and hold witnesses to account. It might be the Local Government and Regeneration Committee or this committee that will hold people to account for the delivery of the fire and rescue service in Scotland.

Graeme Pearson: My question was more about the process of governance than conducting an occasional review.

The Convener: That would happen as well. There are too few members to serve on and do justice to all the Parliament's committees. My comment was meant merely as an observation.

David McLetchie: The FBU's submission states:

"The fire service has a range of industrial relations practices that reflect the individual circumstances within the current 8 FRS."

I will ask the union about that, but I would also like a management view. To what extent is the range of industrial relations practices likely to be standardised when we have a single fire service? Do some of them need to be standardised, or should they be preserved in the aspic of the eight current fire and rescue services?

10:45

Brian Sweeney: I am happy to open the responses. Industrial relations across Scotland are stable. During the past 10 years, there has been a process of modernisation and reform, with stations closing and shift arrangements changing, and I commend the FBU's approach. As a result of consultation and negotiation with management, we have reached a stable industrial relations position where most authorities throughout Scotland work directly in partnership with all the unions, not just the FBU, in a mature, stable environment.

We are unclear at present about what the negotiating and consultation arrangements will be, particularly on pay, terms and conditions and the pensions of not just firefighters but our 1,000 support staff.

The question is very apposite. More flesh needs to be put on the bones of consultation, negotiation, pay and conditions of service and pensions before we get to the end of the process.

David McLetchie: Would anyone else like to comment?

The Convener: No one else has indicated that they would like to speak—I am sorry; Councillor Durham has a comment to make.

Councillor Durham: I would support the Parliament having any such role as proposed. If that could be worked into the bill, it would be welcome, certainly from the perspective of the existing fire conveners. It would give confidence. There is always a concern about the centralisation of power. It would be good for the bill to give the Parliament a role.

When I became a convener, I went back and read the previous legislation, which was written a

long time ago. Once the bill is enacted, it will probably be in place for a very long time. All the people who are currently involved will be long gone, so any effective role that could be found for the Parliament would be a good thing.

The Convener: Thank you very much.

Jenny Marra has waived her supplementary, so there are no further questions on the table. If, on reflection, members of the panel have any additional information that they wish to provide, I invite them to submit it in writing.

I suspend the meeting for eight minutes.

10:47

Meeting suspended.

10:55

On resuming—

The Convener: I welcome our second panel. Sir Hugh Orde is president of the Association of Chief Police Officers. He is accompanied by Oliver Cattermole, who is ACPO's director of communications. Good morning—yes, it is still morning. It feels as if it is the afternoon.

We will move straight to questions from members.

Humza Yousaf (Glasgow) (SNP): Good morning, Sir Hugh. The discussions that we have had about a single police force always tend to come down to the importance of local policing. You will identify with that. The idea of a single police force is always played off against the idea of local policing. From your experience, is it possible that a single police force could enhance local policing and, indeed, levels of accountability?

Sir Hugh Orde (Association of Chief Police Officers): The short answer is yes. The size and scale of the operation are not such that, by definition, the bigger the organisation gets, the less commitment there is to local policing. During my time in Northern Ireland between 2002 and 2009—it was seven years to the day—we had a substantial report to implement. The whole focus of the Patten report was on a local style of policing that was based on a human rights training agenda. It was very much about embedding the police in communities.

All my experience of policing tells me that the bedrock of our policing model is a policing-by-consent model, which requires huge community effort and engagement. It involves building a base of consent for some of the more difficult stuff that has to be done at a national level, a cross-force level and an international level. The success of the organisation is not a function of size; the things

that are necessary are commitment, absolute leadership on what is important, reassurance and getting the message across.

The first big challenge that was faced in implementing the Patten report was to change the name of the Royal Ulster Constabulary to the Police Service of Northern Ireland. That was not done by me—it was done by my predecessor, Sir Ronnie Flanagan. I think that he would say that it was one of the most difficult yet important things that he had to do to change the culture in the organisation to something fundamentally new and different. My job was to implement the other 174 recommendations, most of which were very much about delivering a style of local neighbourhood policing and getting legitimacy for that.

The Convener: You had 174 recommendations to implement.

Sir Hugh Orde: Yes. Looking back, I think that the Patten report was an incredibly sensible report. It was sensible because it was not rocket science—it was a very practical report. It put forward a model of policing that could be implemented around the world, albeit that there were some bespoke issues.

It goes back to commitment. We had delivered pretty much everything in the report that we could deliver by the time I left. There were two recommendations whose implementation was outside our control. One was to build a police college which, sadly, is only now being built; it should have been built long before now. The other was about allowing my officers to belong to the Gaelic Athletic Association and to play its sports. That was delivered by the association by 2005 or 2006.

Humza Yousaf: In your experience, whether from your time in Northern Ireland or from your work in England and Wales, what is the best model when it comes to reconciling the tensions that may exist between local and national priorities? The fact that such tensions exist was borne out when we looked at the creation of a single fire and rescue service but, in the police context, what is the best model for reconciling the differences that will inevitably emerge?

Sir Hugh Orde: There will always be tensions. The reality is that we have a decreasing resource. It seems to me that one of the strongest arguments for building a single force is that it involves removing overheads and focusing on the front line. Although the police in England and Wales are not going down that line—the present UK Government and, indeed, the previous UK Government decided that they were not persuaded of the need to reorganise the basic policing model of 44 forces, including the Police Service of Northern Ireland—I am seeing huge

efforts being made on collaboration and cross-boundary working to drive out efficiencies, whether from back-office functions or operational units, to maintain front-line service delivery. That challenge is not faced if there is just one force, but it is necessary to work out the balance in the policing model between local and national.

In the 21st century, the biggest threats to the country come from cybercrime, organised crime, international crime and terrorism. It is not possible to address those at a local level, but it is necessary to have the confidence of communities to keep them safe at local level. Every chief officer whom I have the privilege to represent recognises that, without that confidence, it will not be possible to deliver at the national level. One is a function of the other. Indeed, there are case studies that show that critical information from communities that has been gleaned through policing at local level has been fed up through what is quite a tight chain—even in our case, where we have 44 forces; you will have one organisation, plus security services—and serious terrorist offences have been prevented. Chief officers will not give that up.

11:00

Nevertheless, robust debate is needed and a robust accountability model that makes the police chief realise that they are being held to account and truly challenged on where their people are. In Northern Ireland, I had a policing board of 19 people, which was two more than my colleagues in England and Wales had. Ten of those board members were not directly elected but were nominated by the major parties in keeping with the d'Hondt principle, whereby the number of board members from each party depended on its success in the local elections. At the beginning, Sinn Féin was not engaged with policing at all, so Sinn Féin was not represented on the board. Those 10 members were balanced by nine independent members who were appointed by the Secretary of State for Northern Ireland.

The policing board was, without question, independent and it had legitimacy, which was a vital factor. It could also, in law, hold me to account in public. We used to have 10 or 11 public meetings a year at which my senior management team and I would be held to account in front of television cameras—broadcast live if there was an exciting set of questions, not live if there was not. I would also be available afterwards for interview by the media. It was a very transparent process, which was critical to the success of what we had to deliver in Northern Ireland.

Humza Yousaf: Previous panels have discussed the need for accountability and

transparency and the idea of holding public meetings.

Following on from our discussion of accountability, do you have any reservations about the proposed size of the Scottish police authority and its make-up as suggested by the bill?

Sir Hugh Orde: It is not for me to form a view on your plan, but I will describe what I think worked.

When I took over in Northern Ireland, there was a far larger police service there—much closer in size to the police service in Scotland—than there is now. When I left, I had 7,500 sworn officers; when I started, I had more than 10,000 plus support staff, even though we covered only 5,500 square miles, not the substantial territory that the Scottish police service is responsible for looking after. At the time, Northern Ireland had a population of between 1.6 million and 1.7 million. My sense is that people who did not live in Belfast, which is seen as the hub, felt that they had a clearly identifiable police leader to whom they could relate in their area. They also had a structure of accountability at a local level in district policing partnerships, whereby the local police leader, who might have been only a chief inspector or chief superintendent, would report every month to the local board, which was a mixture of elected and non-elected members with a full-time manager employed by the police board at the centre, so there was connectivity. At the centre, frankly, I could not have delivered in Northern Ireland, given its history, without a board whose legitimacy was rooted in a set of democratic principles and which had a number of members who could be related to because they were MLAs or others from political parties in the province. That was critical.

The board had numerous sub-committees that were very effective. Reflecting on the fact that I am due to appear before Lord Leveson's inquiry next week or the week after, I recall that we even had a sub-committee that would hold the PSNI's equivalent of Oliver Cattermole to account two or three times a year on the PSNI media strategy. The process was forensic and detailed, but the board was a big organisation with about 60 members of staff and quite a substantial budget. Critically, it sat independently in separate buildings. It also had quite a lot of grip under the legislation, and I could be ordered to attend board meetings—"required" was the slightly more polite word that was used. The board never had to use that power, though. If the chairman said, "Will you please attend?" of course I went. I had to answer questions and had limited grounds on which to refuse to do so. I could have appealed to the secretary of state on national security grounds, but I never did so.

The need for transparency is the main point. The more open and straightforward you are in your accountability structure, the more credibility you will have with the communities. There was great interest in policing in Ireland, although there is perhaps less in England and Wales. I suspect that there is a substantial interest in policing here.

Humza Yousaf: Thank you very much.

John Finnie: I declare an interest in my membership of Amnesty International, which has provided the committee with evidence. It is that evidence, along with evidence that we have received from the Scottish Human Rights Commission, that I would like to ask about.

Good morning, Sir Hugh. Accepting that the situation in Northern Ireland then was totally different from the situation now, can you comment on the significance of human rights to the progress that has been made by the PSNI? In particular, I am thinking about the inclusion of human rights in the oath that is sworn by officers.

Sir Hugh Orde: The first thing that I did was take the oath. It is very important. Lord Patten was trying to deliver a police service for all the communities. He wanted it to be seen not as a force serving one side or the other but as an inclusive police service. It had to be set up using a set of clearly recognisable principles. He, quite rightly, chose the human rights agenda. That is not a soft, flaky notion; it is a recognition of the basic rights of all citizens and it is about how we manage it when policing impacts on and, on occasion, collides with those rights.

The human rights agenda was embedded in every training course. I was inspected on our compliance with that agenda by independent people. Again, that goes back to the point about transparency. As an aside, I should say that all this was reassuringly expensive and we did have money. The people who held me to account were independent advisers to the policing board, not to me. The first was Keir Starmer, who is now the Director of Public Prosecutions, and the second was Jane Gordon, who is an eminent barrister and human rights expert. The principle was not just window dressing; it was embedded in everything that we did.

I have an example. Sadly, I had a fully armed service. One of the recommendations was that we had to review that every six months, although we never managed to reduce substantially the level of armament that our officers carried. When officers retrained, as they all had to do twice a year at a minimum, the first input was not about how to shoot at a target but about article 2 of the European convention on human rights.

The human rights agenda was embedded in our system, and public order and everything else were

policed against that agenda, which was hugely important.

David McLetchie: The experience of embedding human rights in processes has been explained in the submissions that we have received. To what extent should those practices be imported into police forces in Scotland or, indeed, in England and Wales? In many ways, what was done in Northern Ireland is promoted as an exemplar for other forces and is not seen as unique to Northern Ireland's circumstances. Do you believe that to be the case? Should those practices be imported into police forces in the rest of the UK, or are there unique aspects in Northern Ireland that mean that those practices are not suitable for importation?

Sir Hugh Orde: One of the unique aspects was the starting point, which was a substantial change in name and then the implementation of a substantial independent report. In a way, my job was quite straightforward in that I had a roadmap. All the clever thinking had been done, but we had to make it happen, and implementation is always challenging.

The human rights agenda is more implicit than explicit in the rest of the country. In my judgment, we in the UK operate against a background of human rights. We have the European code of police ethics; it is not just a British thing. Forces are becoming ever more aware of their obligations under human rights legislation. One has only to look at the debates about public order after the recent disturbances and previous demonstrations, and the new approach to demonstrations in the UK, to see how seriously it is being taken. It is difficult and challenging, but it is a good base on which to deliver effective policing based on what I—hopefully without sounding sentimental—call the Peelian principles, which go back to 1829, have stood the test of time and are still good for the next century.

David McLetchie: So we should import them then.

Sir Hugh Orde: They are there already, but they are not as explicit.

David McLetchie: That is the question for us. Should such practices be explicit rather than implicit?

Sir Hugh Orde: Far be it from me to dictate what you should be doing. As I said at the beginning, the Patten reform programme is a good blueprint for policing if one distils out some of the specifics, such as 50:50 recruiting, which was bespoke for Northern Ireland. It is a very good model for policing.

I am not persuaded that there is a huge gap between Lord Patten's vision for policing and what

we have here already, but we made some things more explicit. To an extent, that was to do with transparency and ensuring that the public, who knew their rights very well, were clear about where we were going and what our plan was. The process was very open.

The police board and the district policing partnerships were critical but, in my judgment, the informal relationships were as important as the formal ones, and I include the third sector in that. I think that I met Amnesty International, as well as the pressure groups, the single-issue groups and others with an interest in the whole history. I set a benchmark that I would speak to anyone who wanted to make a difference to policing. That was quite a good bedrock and it allowed me to speak to many people from many organisations, some of which had been quite difficult.

Graeme Pearson: I want to cover two areas. One follows on from our discussion with the earlier panel on how to resolve the tension between national interest and local demand. You were in the public gallery earlier, so you will have heard the views that were expressed about where conflict and friction can occur between the local delivery of service and national strategic aims. From your experience in Northern Ireland, and perhaps in your role in ACPO, how would you best resolve those issues? Given that we are at the planning stage for a Scottish police service, what lessons can we learn and how can we avoid some of the pitfalls?

Sir Hugh Orde: Thank you for the easy question, Graeme.

I have a number of points on that. When I took over in Northern Ireland, as one would expect, we had a fairly substantial central structure for firearms, intelligence, major crime investigation and anti-terrorism operations. It was a large and well-resourced service so, in a way, the huge challenge did not come until later in my time, when budgets started to reduce and we had to think about and do all the things that other forces had been doing, such as the necessary but unpopular closing of police stations and the amalgamation of small units into slightly larger ones. We went from 26 or whatever policing districts to a smaller number. The four regions in Belfast were reduced to two.

We implemented all the best practice to minimise the impact and maintain front-line service delivery. We ensured that the local resource was controlled by an empowered local district commander. Whether it was a chief inspector or chief superintendent, they were given the resource and the permission to deliver bespoke policing in their territory. Although Northern Ireland is nothing like as big as Scotland, like Scotland it has some very different areas. Belfast is a big conurbation,

but much of Northern Ireland is made up of small rural and agricultural hamlets and communities, all of which need policing. The district commanders had permission to deliver local policing in keeping with the local policing plans, which were drawn up by the district policing partnerships.

We also had a central plan, which was owned by the policing board. Because the policing board had the authority, there was a sort of connectivity between the two aspects, so the arrangement never created a huge tension. Unsurprisingly, the local communities wanted exactly what the national board wanted, which was to reduce crimes that impacted on communities, such as burglary, car crime and antisocial behaviour. Therefore, tensions never arose.

The process of deciding how much of the resource went where was more difficult. However, as I said, the approach was based on the principle that, if you lose communities, you lose the rest of it. Therefore, I did not want to denude my neighbourhood policing teams. For example, we set a rule that no officer could move to a specialist post—in a TSG, for example—within the first three years of their service. Officers were required to stay in their communities for the first three years as a minimum before they could move on and specialise.

The Convener: Sorry, but what is a TSG?

Sir Hugh Orde: Sorry—it is a territorial support group.

The Convener: I am not sure that I am any wiser after that.

Sir Hugh Orde: It involves the sort of officers who are trained in public order that Scotland kindly sent down to help to deal with the English riots not that long ago. In Northern Ireland, they are full-time officers who operate in units, whereas many such officers here are not full-time. That is a specialist post. By definition, those officers routinely deal with conflict. We said that we were not prepared to have an officer in that role, or in other specialist roles such as intelligence, with less than three years' service. Officers had to stay at the front end and learn their trade, for want of a better description, before they moved on.

At the end of the day, that is a decision that the chief has to make, but the important part of that message is that they must then be held to account for it. We were routinely challenged, quite properly, at the central board. For example, we were rightly challenged if we wanted to close police stations, because that is a highly emotive issue. The challenge was not just on the deployment of officers but on the deployment of equipment, too. The issue of tasers caused particularly difficult tensions around operational independence and the role of the policing board,

but we managed that without a meltdown of the structure, although it took us 18 months. Those difficult issues can be handled, but there must be a completely independent structure to hold the chief to account for where they put their people.

Graeme Pearson: You mentioned that board meetings were televised. Do you feel that the rehearsal of those arguments in public was healthy?

11:15

Sir Hugh Orde: There is no question about that. Frankly, I do not think that any chief constable thinks that operational independence means that you can do what you want and you simply pay lip service to the police authority. In my experience—and, indeed, in my current role, in which I speak to them all the time—chief constables take the police authorities' role very seriously. The public aspect is critically important and entirely proper, because it goes to the heart not only of transparency but of the relationship between the police and the press. It should be an obligation on chief constables to speak to the press about what they are doing because it is another form of accountability. Whether they were held in public at each month's main board meeting or held in the sub-committees, those conversations without question shaped and changed what we did without interfering with the role of the board or the independent chief.

Graeme Pearson: The move to a single Scottish police force will mean that many of the previous organisations and connections will go. What might that mean for the national UK response with regard to information and communications technology, organised crime and other such issues?

Sir Hugh Orde: I do not think that those connections should or indeed need to go as a result of reorganisation. Without consent, any model of collective policing that involves—crikey—65 million people and 140,000 or 150,000 police officers just will not work. Of course, things can go wrong. For example, in the recent riots, in which my role was not only to keep the Prime Minister informed of what was going on through the Cabinet Office briefing room but to co-ordinate the movement of officers around the country, there came a point where I had a conversation with the president of the Association of Chief Police Officers in Scotland, as a result of which you kindly sent us critical support at a critical time. The situation was tight, but the whole national infrastructure held. I am mindful of the Olympics and, indeed, the G8, when several thousand officers travelled south to north to support policing in Scotland. That kind of collective effort has to survive; it cannot fail.

On an equally important issue, the incident at Glasgow airport very clearly shows that people involved in terrorism do not respect any boundaries that we try to draw on maps. Those connections must be maintained and I am very keen to do anything I can to ensure that they are. We have an extremely good relationship with ACPOS; its president comes to my meetings and I go to its meetings as often as I can. We certainly have connectivity at an operational level.

Graeme Pearson: But you will appreciate that, with the move to a single police force, ACPOS—if there are sufficient numbers to maintain something like ACPOS—and the committees within that structure will change. Should we make it a priority in Scotland to ensure that whatever mechanism exists connects properly with the UK environment?

Sir Hugh Orde: Again, I do not know what will happen to ACPOS post-event. Although with its 300 or so members, including senior support colleagues, ACPO is far bigger, it, too, is shrinking. Although the law requires each force to have a chief constable and a deputy chief constable, an assistant chief constable might be shared between two forces. Interestingly, however, ACPO and the Police Superintendents Association of England and Wales together account for only about 1.5 per cent of the whole policing organisation, so perhaps we need to think differently about who leads these things. Chief superintendents and superintendents are highly able people who I am sure could take on some of that work for the collective good, but we simply must not allow this effort to fail.

The Convener: John, do you have a supplementary?

John Finnie: I had, but Sir Hugh covered the point in his final comment. It is all about positions rather than ranks.

The Convener: I think that we have already decided that rank is not relevant. I have to say that I am still chewing that over.

Roderick Campbell: With regard to the debate about having a sterile corridor between the police and forensic services, what in your view should the chain of command be in that respect?

Sir Hugh Orde: I note that the plan is for an independent structure. I am not a forensics expert, but I can say that, when I was in the PSNI, I had officers involved in forensic recovery to ensure that there was no confusion about who was doing what. Such work is not beyond the wit of front-line officers; indeed, because of resource issues, we spent considerable effort on training new officers in it at training school. It can be expensive if you do not allow people to make professional judgments about the likelihood of recovery and about what they should be recovering. It would be

easy to have a Rolls-Royce model. In a world in which, in my judgment, we are sadly becoming increasingly risk averse and less encouraging of people to take more risk, I can envisage situations in which an expert could require a lot to be done, which would cost the service a lot of money. I have read about and understand the service's concerns, and I encourage you to listen to them. Could what is proposed work? Yes, of course it could. A great thing about the police is that they will make anything work, but I am not sure whether the numbers add up for a completely independent service.

Lewis Macdonald: I am interested in your overview of policing across the United Kingdom. A body that we have not touched on, and which is perhaps an exception to the traditional local authority base of policing, is the Metropolitan Police. My question is similar to Graeme Pearson's questions about learning lessons. From the ACPO perspective, are there lessons to be learned for Scotland from how the Metropolitan Police balances ministerial command with local accountability?

Sir Hugh Orde: That is a nice way of reminding me that I came second in the competition for commissioner. Thank you. It is not for me to comment on London, and I am sure that the commissioner would be delighted to attend the committee.

I did 26 years in the Met—under a different system—and because of my current role I occasionally speak to the deputy mayor of London about the Met's contribution to accountability and legitimacy. If the Met does not contribute to the national agenda, we are in trouble. The commissioner is extremely supportive of the agenda. The Met is living proof that neighbourhood-style policing can be delivered for a very large population, but what Bernard Hogan-Howe does not have is the huge geography that you have here. I am not persuaded that geography is a killer on this, but it might be a limiting factor, because in some remote areas coverage is very low. I remember the chief of Northern Constabulary pointing out to me that he had to fly to get to some of his parishioners. There is a visibility issue, but size and scale are not issues for local policing.

The advantage that the Met has is that, in the majority of cases, the commissioner has enough resource to consume his own issues. Public order is an exception, and the Met is probably now more a recipient of aid in that area than a contributor, because of how public order demonstrations have moved on. There is no question but that it is more efficient if there is one force, because the individual in charge has a far larger army—for want of a better description—to deploy and can

generally manage without looking for additional aid. The big challenge that I had in the public order situation was that I had to deal with 44 chiefs rather than a smaller number. That debate is not live in the United Kingdom, but the ACPO view would be that it should be. With lines of command, there should be simplicity and a clear leader.

In Ireland, I made the decision early on that the chief constable has to be a visible leader—and not just the chief constable but their whole command team. I was lucky after the first year, which was challenging, to have a command team that stayed with me pretty much for the other six. I learned that it was important to have a consistent approach and to empower local commanders to be highly visible and accessible in their local communities. London's borough system is similar to that. Each borough has a chief superintendent who is the figurehead for local policing.

Regarding the national structure, the Met is hugely important in the world of anti-terrorism, and ACPO's terrorism and allied matters committee is routinely chaired by the assistant commissioner for specialist operations. The Met has a national function regarding multi-site terrorist attacks and, in certain situations, the national co-ordinator will have overall command across other jurisdictions. That is an example of our putting structures in place because we do not have a national or a regional service. I am sure that Bernard Hogan-Howe would be delighted to come up and help out.

Lewis Macdonald: Do you see any difference between London and the rest of England and Wales?

Sir Hugh Orde: It is simply scale.

Lewis Macdonald: Could you say something specifically on consent and community engagement with the police service?

Sir Hugh Orde: All services are committed to that, but certainly the Met, under all the commissioners whom I can remember, was very much organised around neighbourhood teams led by a sergeant, with a mixed team of police community support officers. Indeed, routinely, whenever those numbers come under threat, there are questions in the House of Commons—not only does Bernard Hogan-Howe have a mayor and a deputy mayor looking at what he is doing, it is not unusual for London MPs to raise issues in the House of Commons about such things as the resourcing of community teams in south London.

The Convener: The situation would be the same with MSPs in the Scottish Parliament, I think.

Jenny Marra: Have you found that there is an optimum ratio between police officers and

backroom staff that maximises the effectiveness and the financial efficiency of policing?

Sir Hugh Orde: The short answer is no. In England and Wales, we are seeing an absolute commitment from chiefs to drive money out of anything that is not operations. However, in the complex legal world in which we all operate—I am not an expert on your legal system, but I suspect that the issues that I am about to talk about are similar—it is impossible to run a police service without a substantial back-office capacity. You can do certain things to minimise that, and we can see things going on, such as outsourcing work to civilians rather than having directly employed staff. A lot of effort is being put into finding ways to deliver the back-office functions. However, you have to step back and look at the national picture. Some forces in England—one or two in particular—have more than 50 per cent unsworn staff. If every force has that level of unsworn staff, when we get the next instance of serious disorder, we could be struggling to be able to inform the Prime Minister that we have enough sworn officers to meet our commitments.

Issues to do with serious crime, such as disclosure, are hugely resource intensive, and much of that work requires someone with the skills of an officer—either an officer or a recently retired officer—to deliver it.

My answer is probably unsatisfactory, because, although we have continually tried to drive money out of that part of the business by bringing smaller units together and creating efficiency savings by having bigger units delivering to a wider audience, there will come a point when police services in the UK say that they cannot get any more out of the back office. Again, it is something that a police authority should constantly challenge chief officers on, and it is something that chief officers are undoubtedly challenging themselves on.

Your advantage is that you will have one force to drive the measures through. The challenge that we have is that collaboration is, by definition, suboptimal. It requires police authorities to agree on where they are focusing and chief officers to agree on what they are focusing on. That creates a situation in which there are all sorts of different collaborations across the UK, which cannot be the most efficient way of operating.

The Convener: We have no further questions, but you might want to speak about issues that you feel we have not touched on.

Sir Hugh Orde: You took me slightly by surprise by moving straight to the questions, but I think that you asked about all the issues that I wanted to raise.

If there were a point that I would stress from my experience of the world that I inherited in Ireland, it

would be the critical importance of a legitimate oversight body that had the confidence of a majority of communities—which was not the case at the beginning—and could hold me to account in a transparent and open way, coupled with an absolute determination to communicate in a far wider way and to talk about what we were trying to deliver in a way that gave confidence to the communities that were preparing to move towards us rather than away from us. Of course, that is different from the situation in Scotland.

The continual concern for the seven years that I was there was neighbourhood policing. I do not think that you can do enough to reassure communities that every chief officer is committed to the neighbourhood structure as the building blocks of the service, and is prepared to be held to account for any move away from that or any unnecessary centralisation. On the empowerment agenda, we found that, if we gave our district commanders the ability to fly, they flew. We gave them permission to deliver bespoke policing, which meant that, in parts of Northern Ireland where the threat was high, neighbourhood police officers were—sadly—heavily armed while, in other parts, they were lightly armoured and did not even wear body armour in the routine work of their days. That was because I wanted not a standard response that was right for the cops but one that was right for the people in the communities. That was hugely important.

11:30

I came from London, which is geographically small, which meant that we could move officers around quite quickly. However, I found that the larger geographical spread of Northern Ireland was not an inhibitor to a neighbourhood policing model, and neither is having a single force. Both elements can go together hand in hand.

Given the threats that we are facing, I can understand why you are going in the direction in which you are going. I am trying to deliver against 21st century threats with a modern model of policing that was created in 1962, before colour television and the internet.

As Graeme Pearson pointed out, the special relationship—that seems to be quite a current phrase, these days—between ACPOS and ACPO is a good one, and it is important in terms of day-to-day delivery.

The Convener: I think that Graeme Pearson was trying to indicate that he wanted to ask a supplementary question, despite my ruling. He is not getting to ask it, as that would give him a very special relationship with me, which he is not going to have, and the rest of the committee members might also pitch in with questions.

11:32

Meeting suspended.

11:36

On resuming—

The Convener: I welcome our third and final panel of witnesses: John Duffy, Scottish secretary of the Fire Brigades Union, and Sarah Duncan, regional organiser and secretary of the Scottish fire committee within Unison.

The Fire Officers Association was due to give evidence as part of this panel, but regrettably its representative is now unable to attend. That is a pity.

I thank the witnesses for their written submissions. As they were here for the previous session, they know that I go straight to questions. David McLetchie will go first, followed by Humza Yousaf.

David McLetchie: Good morning. I flagged up this issue with the first witness panel. The FBU's submission mentions a range of industrial relations practices that reflect individual circumstances within the current eight fire and rescue services. Can you give me some examples of that variety?

John Duffy (Fire Brigades Union): Without going into specific details, the current arrangements rely heavily on relationships. There are eight different chief officers and eight different deputies and assistants. We have an internal structure that matches that: we have eight brigade branches throughout Scotland, and brigade secretaries and chairs who interact on a daily basis.

With regard to our terms and conditions of service, our pay and holidays and the basic framework of our discipline and grievance procedures are set at a UK level, but there is a range of local variation. How that has developed over the years very much comes down to those individual relationships. There is an industrial relations protocol that represents an attempt by the national joint council for local authority fire and rescue services—the UK-wide body—to improve industrial relations, but even that has been implemented to varying degrees across the country.

Today is unusual for me, because I have not before sat down for such a protracted period and listened to the chief officers agreeing with the Fire Brigades Union.

The Convener: You should try to be happy about it.

John Duffy: Absolutely. I am hopeful that it is an indication of where we are going, rather than where we have been.

We are making the point that the reform process as it stands is quite unusual, because we do not have an employer. We are still employed by the eight fire and rescue services and will continue to be so until 1 April 2013. However, in order to implement something cohesive on that start date, we need to discuss a number of issues in detail with what would be our employer, even though we do not have one. We have put in place four workstreams that cover the development work of the new service. The Fire Brigades Union is heavily involved in that, and we are working closely with our management colleagues.

In the past three or four months, we have made considerable progress on not only the detail of what will be in the service in future, but how we conduct our business. If that developing relationship is an indication of what we might see in the new service, the Fire Brigades Union is quite optimistic. We have developed an encouraging working relationship, and we hope that it will continue and get better. We put that in our submission as we do not particularly want to emphasise the past—we want to look to the future.

David McLetchie: Would Ms Duncan like to comment on that as far as her members are concerned?

Sarah Duncan (Unison): We have the same issues about being employed by eight separate employers. The divergence in local practices and policies will inevitably cause a bit of tension when we become one service. People are fearful that their terms and conditions might be downgraded and that their good local policies might be changed to take them down to the level of slightly less adequate policies elsewhere.

Industrial relations between Unison and the employers have always been good. The situation is a bit more tense right now because of the focus on front-office versus back-office staff, which makes a lot of our members feel marginalised. They are as essential to the smooth running of the fire service as the firefighters are—our colleagues in the FBU recognise that.

The constant attention from yourselves and the media about cutting back-office costs makes back-office staff feel, in some cases, that they are not valued as much. With financial imperatives driving the reform and some doubt over the amount of savings that can be achieved, our members look at some of the predictions for savings and think, "They're not going to cut firefighters' jobs; they're going to cut all our jobs instead." That makes them feel a lot more insecure.

David McLetchie: Among your respective members, will there be pressure for standardisation at national level from groups who are currently employed in one board area and who believe that the locally negotiated terms in another area are superior? Will they expect you to get them up to the same level?

Sarah Duncan: Yes, of course. That is human nature. If people see someone who does the same job as them in a different location being paid more to do it, they will want to be paid at that level. I understand that all the boards have done job evaluation schemes to ensure that jobs are correctly graded internally to minimise problems with equal pay and so on.

Once we have moved to a single employer, if there are widely diverging terms and conditions for finance officers, secretaries or clerks and, for example, somebody who is based in Aberdeen and who is technically doing the same job as somebody who is based in Motherwell gets different rates and different overtime allowances, we will be back in the situation that we found ourselves in in local authorities with big equal pay problems.

David McLetchie: Does the financial model work on the basis of a levelling up, a levelling down, or settling somewhere in the middle?

Sarah Duncan: In terms of staff morale and motivation, which will obviously take a dip with all the uncertainty that is caused by merging services, it would not be sensible for people to talk about levelling down terms and conditions. Staff are already concerned about the future of their jobs. If they think that there is any threat to their earning power when, like everyone else in the public sector, they have suffered pay freezes and are suffering from the increased cost of living, you will find it very difficult to motivate staff to go into the new single service with the right attitude and make it work from day one.

David McLetchie: I am sure that that is the case.

11:45

John Duffy: A factor that must be taken into account for uniformed staff is that a lot of the duplication that is the focus of attention is at the upper end of the organisation. Our membership covers all uniformed staff. Our members work on the whole-time system and the retained-duty system. Some members work in the control rooms and our membership goes through the rank structure from a new firefighter walking through the door on their first day right the way up. A number of our members who are in quite senior posts are concerned that those posts will not exist. We are keen to ensure that, when the music stops

and somebody takes the chair away, the individuals are protected. We raised with the Finance Committee that how the shape of the structure is manoeuvred into the future has perhaps not been factored in.

Chief Officer Sweeney picked up on the point that in some areas of the country we are short of firefighters and short of people on fire engines. We may well end up with a situation in the future in which, although there are currently people in elevated posts, we have too many of those posts. The question is how to reshape the structure over time without disadvantaging those individuals who happened to occupy such posts before they went.

David McLetchie: My understanding of your original description is that it is a two-tier system at present. The UK level sets national pay terms and conditions, and the localised level is represented by the present eight-force structure. I presume that we will move to a three-tier system consisting of a UK level, a Scottish level and certain localised elements that you will seek to preserve.

John Duffy: It would be fair to say that the basic pay and conditions will remain at a UK level, as set by the national joint council. National conditions will be standardised across Scotland, but that may result in anomalies, some of which it may be to the advantage of the organisation to keep. For example, local arrangements are made if someone has to travel from their home station to an away station. One journey in particular—between Aberdeen and Elgin—involves a great deal of travel and there are local payments to cover that. It would make absolute sense to maintain such provisions as a local feature within a Scottish environment.

The Convener: The submissions are rightly detailed—we are talking about people's livelihoods. Have you provided evidence to the Finance Committee?

John Duffy: We have given some evidence to the Finance Committee, but it was not as detailed as this.

The Convener: I do not want to duplicate what other committees are doing.

Humza Yousaf: I was interested in the first panel's discussion of functions and how the bill could provide an opportunity to redefine them. How do you get the balance right between enshrining vital functions and not being too prescriptive?

John Duffy: My colleagues on the first panel made a valid point that the current Fire (Scotland) Act 2005 does not reflect the much wider role that the fire service actually plays. With all due respect to those who drafted the 2005 act, they probably did not foresee that, when they changed the name

from fire brigade to fire and rescue, the public would not read the small print, which was that the rescue was from road traffic accidents. It is now the public's perception that if they get into difficulty and need to be rescued, the fire service will rescue them.

To be clear, our members have shown a great deal of adaptability and commitment over the past few years by taking on the provisions of the additional function order. They have taken on a wide range of skills for urban search and rescue, technical rescue, mass decontamination—they deal with chemical, nuclear and biological incidents—water rescue and line rescue, although rope rescue is probably a more accurate description of what we do.

Our taking on water rescue resulted from the additional function order, which specified that the fire service was to rescue people who were in danger of “serious flooding”. However, it did not specify what it meant by the words “serious” or “flooding”. That issue was raised in a parliamentary debate in which the then Minister for Community Safety, Fergus Ewing, specified that it meant areas of water that would usually be classified as dry land.

That raised an issue in Perth. I do not know whether you know Perth particularly well, but part of its flood defences flood football pitches that are usually classified as dry land, so the responsibility to rescue someone there falls to the fire service. The nearby bank, however, is not an area that is usually classified as dry land, so, in theory, the responsibility of the service ends there. If somebody is trapped in water in what was the river, the additional function provisions do not apply. That is complete and utter madness. We have always advocated that, if people are trained to deal with flooding from moving water, they should be able to use their skills anywhere.

There are two good examples when it comes to water rescue: the Clyde through Glasgow and the Tay through Perth. None of the provisions is statutory, and one of our fears is that, with a shrinking budget, a new board will withdraw into its shell and fulfil only its statutory functions. Water rescue is therefore vulnerable. It is a huge asset to communities, and we should be doing far more of it; we should not withdraw from it. However, it is a fact that a line in the legislation gives difficulty.

In our submission, we advocate that the legislation should not try to gaze into a crystal ball and decide what the service will do in the future; rather, it should include the broad principle that we should “Save Life ... Protect Property” and “Render Humanitarian Services”. The other supporting documents, such as the fire service framework, can go into more detail. To pick up on a point that my colleagues made earlier, that detail

should be encapsulated in the integrated risk management planning that the service must do.

Humza Yousaf: Thank you for that detailed answer.

You have touched on shrinking budgets and functions being under threat if they are not included in statute. I assume that firemen and firewomen do their jobs in such a commendable manner that if somebody was in danger at the banks of a river, they would go in and help them, even if that function was not prescribed. I do not assume that any of your functions have been hindered thus far, although they may not be in statute—or perhaps they have been and the question is open. We have had shrinking budgets over the past few years. Do you have examples of that having happened?

John Duffy: Chief Officer Sweeney touched on an incident that related to Strathclyde. I will not go into its details, but the sheriff was the first person who made the link between a mineshaft and a building. Prior to that, the additional function order mentioned things such as urban search and rescue, which would be considered as a result of a structure that had collapsed. All the training was based on that.

I will put the ultimate question back to the committee: somebody needs to tell the fire service what they want it to do, as we are doing things piecemeal at the moment. With shrinking budgets—again, this has been referred to this morning—firefighters were moved out of Fife's borders in the previous financial year and into other authorities to avoid redundancies. So many people with line rescue capabilities were taken that Fife has effectively lost its line rescue resource.

If we look at things strategically across Scotland, which a single service will be able to do, we can decide how many people need to be trained, so eight services will not all try to be jacks of all trades. A strategic view can be taken across the country, and resources and specialisms that come with training costs can be shared out.

There are examples that you ask about because of the shrinking budget, but ultimately it comes down to having a clear definition of what you want the service to do.

The Convener: We have received that clear message from a previous panel.

Lewis Macdonald: I think that both John Duffy and Sarah Duncan have commented on discussions with those who have been involved in designing the bill and progressing it over the past few months. What indications have you had thus far about the jobs that will be removed with the likely changes? How many firefighters and

members of Unison do you expect to be removed to achieve the savings as part of the amalgamation? What indications about that have you received thus far?

Sarah Duncan: Unison has not been given any numbers for jobs at risk. I understand that we had a meeting with people last week to raise some concerns about the bill, particularly about the position of staff who are currently employed by local authorities to provide services to the fire boards. Their position is pretty unclear. They might well carry out some of their duties for the local authorities and some for the fire and police boards. Are they going to be transferred or not?

The Convener: What people did you meet? Is it a secret?

Sarah Duncan: No; there was a meeting with someone from the project team to talk about workstreams and the implications for human resources departments.

Discussions are at an early stage. Obviously, we are keen to hear what numbers are being kept in mind. At the moment, it is just speculation based on the savings that were detailed in the outline business case, which has been roundly criticised. There is a lot of scepticism about the figures that were used in that outline business case, particularly about the provision of £4 million for redundancy when that is compared with the huge sum that has been put aside for redundancy in the police service. Given the current state of the jobs market, there is great scepticism about whether people would be prepared to put themselves up for voluntary severance and give up their jobs.

Lewis Macdonald: I suppose that, with around 1,000 non-firefighter staff, you will be able to estimate what some of those figures might mean for the number of posts. Could you share the numbers with us?

Sarah Duncan: No; I do not think that we have done a hard calculation or a head count of the number that would be affected, because there has been no apportionment between the non-uniformed staff and the uniformed staff. If a trade union says that it thinks that 500 or 600 jobs are at risk, that will inflame our members' opinions. We do not want to do that because we want to make the integration work. It is not in anyone's interests for us to whip up fears where they should not exist.

John Duffy: Unlike our colleagues in the police service, we do not hear politicians talking about protecting the number of firefighters in every one of their speeches. We would like to hear that even just once; that would be nice.

The Convener: You were looking straight at me when you said that.

John Duffy: We welcome the fact that the Government has put into its proposals a commitment to protecting the front line but—this has already been said—the outline business case has been roundly turned on by everyone. Some of the numbers that are in it simply do not allow for the protection of the front line and financial savings; it will have to be one or the other.

At the moment, we and the service are doing a great deal of work to try to design the new service. It would probably be better if it worked that way around. We need to design the service and see what comes out from it.

One of the areas that is of particular interest is incident command. Our senior officer members, as well as having their day job, which might be in one of the departments that is now seen as replication or duplication, respond to operational incidents. The incident command structure is vital to the outcome of incidents and, particularly from our perspective, to firefighter safety. We need a certain level of incident command to safely conduct operations that are, by their very nature, dangerous.

Another area that we hear about frequently is our control centres. We represent members in the eight control centres, and we keep being told that that is the wrong number. Again, it might be a better idea to figure out the right number before we start to have that conversation.

12:00

The savings to be made through the proposals for control centres are minimal in comparison with the capital outlay that will be needed to make the changes. For example, if the radio system needs to be reprogrammed, that will have a £1 million-plus price tag. Changes to control room staffing have a potential cost implication for the service, and at a time when we are trying to protect money it seems pointless to spend capital money in order to save a considerably smaller amount of revenue money.

All of that fits with the idea that, once we know what the role of the new service will be, it will be easier to determine how many people we need and where we need them.

Lewis Macdonald: That all makes a lot of sense. It makes sense to start with the design of the service and then to work through the consequences for the people who work in it. Is the timetable that has been set adequate to allow that to be done properly and in a way that produces savings without an arbitrary cut in the number of posts that reduces the efficiency of the service?

John Duffy: The response to that question would be, “At what point do you want the savings?” Undoubtedly, there are savings to be made from restructuring. I would argue that the fire service has never stopped changing and modernising. Taking 1 April 2013 as a snapshot, some things will be in place that will make it look and feel like a single service, but a great deal of work will still be going on in the background to move to a single organisation. As I mentioned, we will, no doubt, have people in the wrong place. There is currently no facility within our pension scheme for early retirement, we have an undertaking from the Scottish Government that there will be no compulsory redundancies and there is a very limited pot of money for voluntary redundancies. I am not sure how that can be manoeuvred quickly. If you are looking for a longer-term saving, there are savings to be made from reshaping the service so that there is more capacity at the front end and less capacity at the upper end. The question is when you want the savings to be delivered.

Roderick Campbell: Your written submission makes it clear that you see a scrutiny role for the Scottish Parliament, but you do not say an awful lot about the size of the board, its membership or what input of local experience it should have. Perhaps you can clarify for us your views on the board.

John Duffy: Another of my lines that was stolen by the first panel of witnesses was that the board should be about quality, not quantity. Experience not just of the fire service but of scrutiny is vital, and the board must contain people who know the questions to ask. The board will need some members with fire service experience—they will know where the answers are hidden—but it will also need members with experience of scrutinising accounts and the like. That is the balance to be struck, and we would be resistant to seeing the board as a care home for elderly chief officers, for example. A broad range of experience will be required on the board to ensure proper scrutiny.

One of the difficulties that the service has got itself into currently is that it exists within a closed circle. The current joint boards or unitary authorities appoint a chief officer as their personal adviser and—I mean no disrespect to the officers, the boards or the councillors—once they have received that advice, it is all but impossible for them not to take it because they have employed that person as a professional adviser. They then get the same person to develop a policy, to implement the policy, to run the policy, to measure the policy and to report back on how well the policy has done. Guess what—everything is always rosy in the garden. We have seen that veneer come off in the Highlands and Islands

recently, and that situation is far from unique. The current scrutiny arrangements are far from ideal.

We are looking for a process that means that, as well as getting vital professional advice, the board has an opportunity to get other views. As representatives of the uniformed side of the organisation, we think that we have a role to play in terms of that board.

The relationship with the local authorities has been raised this morning. We think that it is right that scrutiny starts at the basics of the service, which is at the fire-station and ward levels. In the proposals, the fire service has a clear route through its structure up to the board, but there is a less clear route for the ward councillor with regard to where they would take issues. Some of that will come out through the pathfinder work, which will consider whether there should be a local board, a council sub-committee, a joint board for the fire and police services or whatever.

It is vital that the fire and rescue board is able to link up with the chief inspector of the advisory unit, representatives from COSLA, the professionals who deliver the service and so on to ensure that the scrutiny is all encompassing.

Roderick Campbell: What do you envisage being in the local plan?

John Duffy: At the moment, each service has an integrated risk management plan. Some of the services create a local plan that is based on an individual station and sets out what that station will do in order to meet the overall plan. We see that happening on a different scale. Instead of there being service plans, there will be a national Scottish plan, and each station will continue to develop its individual work, because that varies from station to station. The work does not necessarily vary from service to service or from one local authority area to another, but two neighbouring stations could have quite different risks. Planning must be based at station level. As stations are grouped in local authority areas, however, it is right that the planning that is done at station level is pulled together so that the councillors can see what the stations in their area are trying to deliver.

There should be a national vision of where we are all going, combined with practical, station-based plans that set out what the stations will deliver and that are clustered together to form a local plan for the local authority.

Sarah Duncan: As well as all the recommendations from the FBU about the need to obtain the widest possible spectrum of advice and professional input, it is important that the board reflects the geographical diversity of Scotland. Unison has concerns that the board is too small to ensure that there is proper representation from all

parts of the country. We think that 11 is too few, and I think that we are suggesting that there be up to 20 people on the board, which would still be manageable and would ensure that every area is represented. The majority of people on the board should be democratically accountable. We think that the principle of local democratic accountability should not be lost when you move to a national service. Ensuring that ward councillors have a power of scrutiny in relation to their local station meets that principle, but we think that that approach needs to feed upwards and become a fundamental principle of the composition of the board as well.

The Convener: We need to think about whether we are looking at representation or the scrutiny of a national fire and rescue plan. We have raised that issue with the police board as well. Having so many local members on the board creates difficulties because, for a start, they do not all agree with one another. I do not know how you pick a local member who will represent the thoughts of their council.

Lewis Macdonald: When we discussed the matter with some of those interested in policing accountability, they pointed out that policing services might well be delivered on a regional basis and therefore there might be a mechanism for regional representation on a national board. Could that apply to fire services? If half the members of a national board were to be locally accountable, how would that accountability be achieved?

Sarah Duncan: Currently, when local accountability from local authorities is needed on national bodies, it is done through COSLA. The councillors, through COSLA, have their fights, and then represent the body. COSLA representatives are on the ministerial advisory group, so why create a new mechanism when there is already a system in place?

The Convener: Are all councils members of COSLA?

Sarah Duncan: I think that they all are now.

The Convener: There was a while there when they were not. It comes and goes.

Sarah Duncan: Yes.

John Duffy: We are less concerned about geographical representation than about governance. Ultimately, the Parliament has a role to play—that has been referred to. In my time as a senior office bearer in the Fire Brigades Union, I have been involved in preparing documents for a number of parliamentary debates, and there is a clear interest in the Parliament in what the fire and rescue service does. You are democratically accountable to the people of Scotland, and this is

about the ability of the Parliament to scrutinise the legislation, the framework document that will drive the strategic plan, and the strategic plan itself.

It is vital that at some point the board, the chief and others sit here in front of a committee—not necessarily this one, although the Justice Committee would be the best place for it—and tell you directly what they planned to do, what they have done, what they have not achieved, and how they will plug the gap in the next year. That is how we see the democratic basis of the board being considered.

The Convener: Yes, you state that in your written submission.

Graeme Pearson: We have covered many of the items that I wanted to question you on. You have just talked about democratic governance, and on page 5 of your submission you present options for the Parliament's involvement. I do not seek to put words into your mouth, but you mentioned a "veneer" of scrutiny. Are you frightened that the bill replicates such a veneer and hence you want the Parliament involved, or is there another reason for wanting that involvement? I would be grateful to hear from both members of the panel.

12:15

John Duffy: You have hit the nail on the head. We do not want to import our current scrutiny levels and systems. Audit Scotland is clearly in vogue, but in its 2007 report it considered what the previous fire boards had done and came up with two key points: the lack of understanding of the service, and the fact that there was an overreliance on the word of the chief officer. To address the lack of understanding, all the boards were given training, by the chief officer, so dealing with one problem has exacerbated the other.

The Convener: Even we can see that there is something ironic about that.

John Duffy: Absolutely. A councillor's understanding of what they are expected to scrutinise the chief on has been derived from information given to them by that chief. That fails straight away.

I know that the convener did not want us to get into the Highlands and Islands situation but, throughout a five-year period, the Fire Brigades Union told the board there that a problem was going to arise. All the stations had been upgraded, but the training department had not, so there was nobody to train the people who were expected to do the job. That was a disaster waiting to happen. It took a lot of effort, influence and pressure, including from some of our MSPs, to get reports published that had been held in secret. They

should not have been secret, because the board is a public organisation.

We cannot have that in future. We are absolutely clear that we have no fear of a board that is made up of people who spend their time scrutinising the service, not going to other, seemingly more important, committees—the ones that get you re-elected, such as the education, housing and planning ones. We want proper scrutiny. We have no fear of a single board, but it must be looking over its shoulder and coming to the Parliament to answer questions.

Colin Keir: I am interested in Mr Duffy's comments in his written submission about firefighting at sea and the cuts in the coastguard service. Will you expand on the possible resource implications? What resources already exist in the fire service, what might you require and what might happen in the longer term if there are further stresses to the coastguard service budget?

John Duffy: In the fire station in Lerwick, there is a room allocated to firefighting at sea, with all the equipment hanging up. However, after 1 April, it will be quite sad because there will be nobody to use it, as there will be no funding. Funding for that came from the Maritime and Coastguard Agency, which ultimately means the Department for Transport in Westminster. That funding has been cut so, in effect, there is now no budget. The element for the fire service was about £140,000—it was not a huge budget.

Once again, we come back to the question of what we want the service to do. Does the Scottish Parliament want the service to deliver that particular service? That is part of the issue about whether we protect the front line or the structures. The reason why we are here discussing the bill is that the Scottish fire conveners' proposal to have four years of cuts and then to merge the bits that were left was rejected in favour of merging the service to protect the front line. That was the right choice and it was the choice of most of the mainstream parties in the election. We were delighted that the manifestos had an emphasis on protecting the front line.

The service that the member mentions is part of the front line. It is not a bolt-on. The issue is part of the question that was asked earlier about functions. We have the functions of dealing with fires, preventing fires and dealing with road traffic accidents, and then a series of bits that bolt on seemingly at random. We must decide what the role will be and then protect that. A key issue in that is about protecting infrastructure. We already have infrastructure in place. If we let it go, we could end up in a couple of years with something like the Waverley route or tram project, in which we try to put back infrastructure that our forefathers ditched.

The Convener: Sorry, but you mentioned the Waverley route. It is going fine, believe you me.

John Duffy: Yes, but my point is that, if we had not lost the infrastructure in the first place, we would not need to put it back now.

The Convener: I am with you there, absolutely. You are my friend. On you go.

John Duffy: The decisions on the coastguard were made elsewhere, but the Parliament must consider how to replace that service. Can we replace it if we let the infrastructure go? Could the fire and rescue service assist with that and take on the function as part of the wider rescue remit?

Colin Keir: This might sound mildly party political, but if we take forward your recommendations to enhance the sea rescue service, another place may decide that it is a good opportunity to cut completely the coastguard service, as it is known at present. We would end up with a longer-term funding problem, simply because another place deems it to be appropriate to cut the funding completely as we set the service up.

John Duffy: I will try to avoid party politics—

The Convener: Heaven forbid that the Parliament should do that.

John Duffy: We would need to consider the fact that there is a referendum coming up and whether that would change our entire approach to any of those things.

We already have people who are trained and equipped to deliver that service, and they will be hanging up their jackets on 1 April. Does the Parliament want that to happen, or is it prepared to put in some of the funding to maintain that service? That is a straight choice, but it leads us on to a whole other gambit: you must tell us what you want us to do.

The Convener: We will leave it at that.

Jenny Marra: That is perhaps the answer to my question about functionality, but I also want to touch on the command and control elements. Since I joined the Justice Committee, I have learned more about and been very impressed by the gold command structure and how big incidents are dealt with. I also understand that between half and two thirds of non-uniformed staff will go through natural wastage, and about a third of the command and control staff will leave.

Do you both think that there is sufficient provision in the bill to maintain a properly efficient command and control structure at local level? When there is a big incident, the public rightly expect that there will be sufficient expertise in the service. Does the bill provide for that?

You heard me ask about prevention earlier. Does the bill make sufficient provision for the fire prevention elements that your members are so good at?

John Duffy: The short answer is no and no. Some of the figures for command and control are contained in the outline business case; I think that that is where the figure of a third of members in control rooms comes from. However, that does not take account of the fact that, in order to do that, you would need to make substantial capital changes to the disposition of control rooms at present.

There is a perception that, because the firelink radio system allows a control operator in any one of the control rooms to speak to any fire engine anywhere in the country, the operator can mobilise engines across the board. That is not the case, and to make changes to allow that to happen as part of the firelink set-up would come with a significant contractual cost.

That said, if the new service decides to move away from the current eight control rooms in their current locations, there are two things that you need to think about: how many people you would need in order to staff the replacement control room, and what you would do with those who are not going to move. The service would not be located in the same place, so you would need to redeploy those people and give them another job. The savings from control rooms that appear in the outline business case are not going to happen.

With regard to prevention, when we initially approached the functions we were considering that, for every intervention function the fire service has, it should have a corresponding preventative function. We could therefore end up with an act that has a great long list of things that the fire service is supposed to do, and then people such as me—who are trained to pick holes in lists—will tell you all the things that you have not listed that we are not going to do.

The Convener: We could always put in the phrase “inter alia”.

John Duffy: Well, you could.

That is why it has been suggested that we do not go down that route and instead have a broad-based function, part of which, however, would be that every intervention would have a corresponding prevention. Our members are really good at water rescue—you know, the jumping-in-the-rivers bit—but it might be worth while spending some time and effort talking to people about not getting into that difficulty in the first place. That applies to a whole range of operational incidents.

Sarah Duncan: We, too, think that command and control cannot be maintained at the current

level if support staff are cut by a half to two thirds. As I said, they are as essential to the service's smooth running as the uniformed staff. For example, they maintain the stations and the vehicles, procure supplies and equipment for people and ensure that the staff are paid. You can get rid of half the staff, but it will not mean that half their tasks will disappear with them; they will still need to be done, and that will simply increase the workload and pressure on remaining staff. As we have seen in the national health service and local government, if you cut too far, too fast and too deeply during the transition period when back-office functions are being reorganised, efficiency declines all round. We should be learning lessons from other service redesigns and how services have been integrated and shared in other parts of the public sector to ensure that we do not make the same mistakes when we create the single fire service.

John Finnie: I thank the witnesses for their responses, in particular the FBU for its positive suggestions for the future.

I want to ask about employment relations. Mr Duffy mentioned the Highlands and Islands, and I must put on record that the difficulties experienced in that region are not down to the FBU, which has been and continues to be very constructive in that respect both locally and nationally. I found Chief Officer Sweeney's comments on this issue to be very compelling; indeed, he seemed to be outlining some kind of employment relations nirvana. I hope that when he leaves here he will keep that spirit up and encourage his colleagues to do the same, because what he described is certainly not my understanding of how things always work. If that is the new way, that is good.

In its submission, the FBU mentions the “new and active social partnership approach”

that the Scottish Government is encouraging but, in the next paragraph, it says that

“the deletion of Chapter 9”

of the 2005 act will be bad for its members. Mr Duffy, will you tell us what that is and what the implications will be for your support staff colleagues?

John Duffy: Chapter 9 of the 2005 act sets out the Scottish ministers' ability to establish a national negotiating body in Scotland. If you had more than one service and you were to bring your terms and conditions negotiations to Scotland, you would need to have something in place to ensure consistency across the country. We are aware of the argument made by the bill's drafters that if there are no multiple services you do not need a negotiating body; one employer will negotiate with the employees. As we represent the uniformed

employees, we are obviously interested in that relationship.

We are concerned that if the new employers were to create a new body to negotiate local—by which I mean Scottish—terms on a basis other than the current one, in which the FBU negotiates for the uniformed staff, we might end up with no negotiations at all and industrial relations strife. Our suggestion that, in the case of the fire service, the minister should have oversight of any negotiating mechanism that is put in place to determine Scottish conditions, to ensure that it meets the stated aims in the consultation and transitional framework document of basing future industrial relations “on shared recognition” blah blah blah, is trying to avoid such a situation. We want to ensure that whatever is suggested by the new employer reflects the aspirations of the Scottish Government and will meet with the approval of the minister.

12:30

Sarah Duncan: There is a precedent in NHS Scotland whereby the partnership arrangements are in statute. That industrial relations model has been widely praised and has been in very successful operation for 11 years. It seems to Unison that we have an important opportunity, when we are setting up the new organisation, to make absolutely clear the basis on which industrial relations will proceed. Being more prescriptive in the bill would help that. It would build on the partnership working that is already taking place in the service.

John Finnie: Do you both think that the bill should specifically mention agreed facilities for union officials?

Sarah Duncan: Yes.

John Duffy: Yes.

John Finnie: Never ask a question when you do not know the answer.

Let us move on to a couple of other points. Mr Duffy, in relation to the power to enter premises, your written submission talks about how public trust should be reflected in employment rights. Can you explain that further, please?

John Duffy: There is currently a very high level of trust between firefighters and the public. Firefighters carry a warrant card and have a range of powers of entry and, at an operational incident or in support of an operational incident, they can enter a property without a warrant. We do not believe that that level of trust between the public and firefighters is reflected in the current discipline regulations that we go under.

Previously, we had a system that was probably more akin to a court martial but it required a high level of burden of proof. Currently, we have what is basically the Advisory, Conciliation and Arbitration Service minimum code of practice, and we do not think that that is sufficient for employees who are put in a position of trust by members of the public. For example, if a firefighter is at a fire incident in somebody's home and that person says, “I had a Rolex watch sitting there and it has disappeared,” the burden of proof is only the balance of probability. We suggest that that needs to be enhanced. The discipline code that is currently in vogue within the fire service is insufficient and needs to be renegotiated.

John Finnie: My next question is, again, for both of you. There is a suggestion in the FBU submission regarding the final appeal over discipline and grievance. Can you comment on that, please? Is that an issue for Unison as well?

Sarah Duncan: It is less of an issue for us because our members do not find themselves in the kind of situations that John Duffy has described—positions of trust in the homes of members of the public and in businesses. We expect that there would be a final right of appeal for our members to the board, which is their ultimate employer. That is the standard that is applied elsewhere in the public sector.

John Duffy: We currently have a range whereby staff in some services have a right of appeal to their employer and staff in other services do not—in effect, they are dismissed by an officer and their appeal goes to an officer. We think that it is a basic right for someone to have an appeal to their employer, which is why we included that in our submission. We think that the ultimate appeal should go to the board.

John Finnie: My final question is about the on-going discussions with the fire service about the various workstreams to bring about a single service. Do you both believe that you are sufficiently engaged in that process with management—if I can use that term—or is there room for improvement?

Sarah Duncan: I have only recently taken up these responsibilities and my personal experience is that the engagement is good, although it is at an early stage. As we move towards day one, next April, things will get more tense, but I hope that the good working relationships that the unions have had over several years will be maintained.

John Duffy: It is appropriate to congratulate our senior lead officers within reform on the approach that they have taken as they have engaged consistently with us over the past few months.

The FBU is now actively involved not only in the four workstreams, but in all the work that is being

done under those workstreams. That is extremely encouraging and we are very optimistic, which is why we are pushing for that approach to form the basis of industrial relations in the new service.

The Convener: I have a point of clarification. Mr Duffy, you talked about the burden of proof and then you went on to the standard of proof. You gave the example of the theft of a Rolex. You said that the standard of proof was the balance of probability, not beyond reasonable doubt, which is the standard in criminal law. However, the burden of proof is a different issue. Who is the burden of proof on? Is it on the firefighter or the householder? I am not quite sure what point you were making.

John Duffy: It used to be the case that an internal discipline case was, in effect, a court martial. There was a high level of order to the process and it was very clear. For example, someone would be told that they would be charged with a specific breach of conduct—I think that there were 13 breaches that it was possible to be charged with. Now, under the ACAS code of practice, someone can go into the room thinking that they have been accused of one thing, but it changes halfway through. We are not calling for the bill to be prescriptive, but we are looking for protections to be built in.

The Convener: I just wanted to give you the chance to clarify your point.

I have a final question about operational matters. It sounds parochial, given that I have a Borders constituency, but it relates to the whole of the south of Scotland and the border with England. At the moment, what would happen if there was an incident such as a large fire in Berwick? Would Lothian and Borders Fire Brigade get over there from Hawick or wherever? Will what happens now change if there is a single fire and rescue service?

John Duffy: Interestingly, despite all the discussions that we have had about borders and lines on maps, when someone dials 999, those boundaries just disappear. There is no restriction to prevent crews from crossing between fire authority areas or from going to and from England. There are certain fire stations in the Borders where the fire engine will come out of the doors in Scotland and will take a route through England to get to an incident in Scotland.

The Convener: That is right.

John Duffy: Boundaries make no difference at the moment, and we do not see them making a difference in the future.

The Convener: It will be reassuring for people who might think that there could be a big stramash about the issue to hear that, operationally, you do not think that the situation will change.

I thank the witnesses very much for their evidence.

Graeme Pearson has indicated that he would like us to ask the Scottish Parliament information centre for an additional briefing on the bill. Will you elaborate? We will see what the committee has to say.

Graeme Pearson: I hope that committee members agree that, on the basis of the last two evidence sessions—particularly the evidence that we got last week from the Auditor General for Scotland and the worries over accountability and governance that we heard about today—there might be some value in SPICe producing an options paper on how democratic oversight of governance might be delivered in the future.

The Convener: We are all nodding in agreement. That is fine.

Graeme Pearson: Can I supplement the question that I was going to ask Sir Hugh Orde? Would you allow a letter to be sent to Sir Hugh asking him whether he feels that, in the future, there will still be a need for a strategic command course delivered from Bramshill and whether he sees any value in it being part of the selection criteria in a future Scottish police service? I am just suggesting that we ask for his view.

The Convener: I do not need to write to him to ask that because it is on the record. We can simply point out to him that he can respond, if he wants to, in additional evidence, which anyone can provide at any time.

Graeme Pearson: Thank you.

The Convener: Well done, Graeme. I must admit that you find ways of getting things under my radar.

Graeme Pearson: Without a warrant.

The Convener: Yes.

Is this another supplementary, John?

John Finnie: An elephant never forgets; neither does Graeme Pearson.

One of the benefits of evidence sessions is the opportunity that they provide to cross-examine witnesses. It would be valuable to get Sir Hugh Orde's view on the requirement, which has long been seen in some quarters as a thorn in the side of the Scottish police service. I wonder whether there is a need to balance that by asking the staff associations in Scotland about it, too.

The Convener: No, I am not going to enter into a discussion about, "Let's ask this and let's ask that."

John Finnie: It is the same question.

The Convener: The evidence is on the record, so if the staff associations want to comment on it, they can. I will not write to them. I am sure that they will look at the record as they consider their evidence. Anyone who wants to comment on any evidence from any witness to this committee can do so through supplementary evidence.

Meeting closed at 12:42.

Our next meeting will be on Tuesday 20 March. We will continue to gather evidence on the Police and Fire Reform (Scotland) Bill, and will consider the draft Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012, which is an affirmative instrument. We will also consider—I know that members are really looking forward to this, so gird your loins—an issues paper, namely part 2 of the Criminal Cases (Punishment and Review) (Scotland) Bill. The meeting will start at 9.45 am, just to keep members on their toes.

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