



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

### JUSTICE COMMITTEE

Tuesday 18 June 2013

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**JUSTICE COMMITTEE**  
**20<sup>th</sup> Meeting 2013, 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) (Ind)

\*Colin Keir (Edinburgh Western) (SNP)

Alison McInnes (North East Scotland) (LD)

David McLetchie (Lothian) (Con)

\*Graeme Pearson (South Scotland) (Lab)

\*Sandra White (Glasgow Kelvin) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Dave Boyle (Scottish Fire and Rescue Service)

Nick Croft (City of Edinburgh Council)

John Duffy (Fire Brigades Union)

Sarah Duncan (Unison)

Alasdair Hay (Scottish Fire and Rescue Service)

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con) (Committee Substitute)

Pat Watters (Scottish Fire and Rescue Service Board)

**CLERK TO THE COMMITTEE**

Irene Fleming

**LOCATION**

Committee Room 6



## Scottish Parliament

### Justice Committee

*Tuesday 18 June 2013*

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

### Decisions on Taking Business in Private

**The Convener (Christine Grahame):** Good morning and welcome to the 20th meeting of the Justice Committee in 2013. It seems like a lifetime what with all the work that we have had but, committee, we have only one more week to go. I ask everyone to switch off their mobile phones and other electronic devices completely as they interfere with the broadcasting system even when switched to silent.

Apologies have been received from David McLetchie and Alison McInnes; John Lamont is attending as a substitute for Mr McLetchie. I believe that we must congratulate Mr McLetchie and Ms McInnes on the honours that they have received. That is what happens when you become a member of this committee—you end up with honours. Well, some of us do.

**Jenny Marra (North East Scotland) (Lab):** One of our panellists has been honoured as well.

**The Convener:** Who else got one? Was it Ms Duncan?

**Jenny Marra:** John Duffy. He got an OBE.

**The Convener:** An OBE? So that is three people with an honour. Obviously the committee has a golden touch.

The first item on the agenda is to agree to take in private agenda items 6 and 7. Item 6 is consideration of our approach to the scrutiny of a legislative consent memorandum for the Antisocial Behaviour, Crime and Policing Bill. It is proposed that we take the item in private as we will be discussing individuals and organisations that we might ask to inform our consideration of the LCM. Are we agreed?

**Members indicated agreement.**

**The Convener:** Agenda item 7 is on our work programme. As usual, it would be helpful if we could take that item in private as it will allow the clerks to input to the discussion. Are we agreed?

**Members indicated agreement.**

## Police and Fire Reform (Scotland) Act 2012 (Implementation of Fire Provisions)

10:01

**The Convener:** Agenda item 2 is an evidence session on the implementation of the fire provisions in the Police and Fire Reform (Scotland) Act 2012. I welcome to the meeting our first panel of witnesses: John Duffy, Scottish secretary of the Fire Brigades Union; Sarah Duncan, regional organiser, Unison; and Nick Croft, corporate policy and strategy manager, City of Edinburgh Council.

I seek questions from members.

**Roderick Campbell (North East Fife) (SNP):** Good morning. Does the panel think that the number of control rooms can be reduced?

**The Convener:** If anyone wishes to answer that, they should indicate as much. I will call them and their microphone will come on automatically.

**John Duffy (Fire Brigades Union):** Good morning. The technical answer to that question is that there can be any number of control rooms. With current technology, a control room could be located anywhere in the world and could still function. However, the actual question is: how best can we get control to function?

At the moment, we are looking at workload and the imbalance in the number of calls going to various control rooms, and the FBU is contributing to the considerable amount of work that is being carried out on various technical aspects and the location of controls. For example, we might want to consider resilience and security issues and think about not locating them in residential areas, not attaching them to fire stations or locating them away from headquarters. There is huge scope in deciding how best to facilitate the service's operations. It is also important to note that our control rooms are not call centres; they have a command and control function and form an integral part of the fire and rescue service and our capabilities.

The key issue for the FBU is to find a technical answer that balances our members' needs and allows them to continue to deliver the current quality of service. I am encouraged by how the work is developing. For example, we are looking at our technical resources, our people, where they are located and where they live, our scope for moving things around the country and the location of the facilities.

That is probably a long-winded way of saying that you can have any number of control rooms you want, but the key thing for us is to have the right number and I am content that the work that is being done at the moment will produce such a result.

**Sarah Duncan (Unison):** Any decision about how many control rooms are needed must be evidence based, and the skills and experience of the staff who already staff the control rooms are a key part of that evidence. It is easy to say that there is duplication, but it is difficult to duplicate experience, which is what there currently is in the staff group. Any decision to reduce the number of control rooms might adversely impact more than 100 people, and that must be taken into account because we cannot have the disruption to the service that there would be if we upset that many people, made them lose their jobs or demanded that many of them move.

I agree with John Duffy. Unison, too, is involved in the process of looking at the control rooms, and we are satisfied that the right elements are being looked at and that the right weight will be given to decisions about where the control rooms should be located in the future.

**John Finnie (Highlands and Islands) (Ind):** Good morning, panel. Have there been any issues connected with the move to a single police service for the Fire and Rescue Service? Have there been any issues to do with your collaborative work with the police service?

**Nick Croft (City of Edinburgh Council):** My function in the City of Edinburgh Council is to manage community planning arrangements. We have a lot of dealings with the police and the fire service locally. An unprecedented amount of change has been going on in the police and fire services, but I think that that has strengthened the community planning arrangements in the city, because it has given a very specific focus to Edinburgh. The police and fire plans were developed very much in partnership with the local authority and using our local community planning arrangements, and there was a lot of citizen involvement in that. More than 3,000 people were consulted on the police plan and hundreds were consulted on the fire plan.

There has been no discernible negative impact on the connectivity with the Edinburgh community plan. There are good references to accidental fire deaths and police priorities, national and local priorities are described in the plan, and the read-across to the local community plan is strong.

We are seriously looking at the co-location of command teams in the city and the local authority liaison functions. The fire commander, John Dickie, is particularly keen to look at that. We have

regular consultation and engagement with our chief executive; Mark Williams, the divisional commander for Edinburgh police; and John Dickie. Therefore, we see no discernible negative impact on partnership relations as a result of police and fire reform.

**John Finnie:** Are you in consultation with the trade unions, the Fire Brigades Union and other staff associations on the proposed developments?

**Nick Croft:** That is something that police and fire colleagues bring to the table; the council would not instigate that. Our modus operandi would certainly be to check that.

**The Convener:** Colin Keir has a supplementary.

**Colin Keir (Edinburgh Western) (SNP):** Good morning. Mr Croft said that the engagement was similar, I assume to what it was prior to the single service coming in. Has the same engagement as before been taken right the way down to local communities, through neighbourhood partnerships and community councils, for example? Has there been any discernible change in your contact with people at the local level?

**Nick Croft:** I would say no; indeed, I think that it has been strengthened. The new one-year fire plan and the one-year police plan were certainly developed through neighbourhood partnerships. There were six events in the city, which the police, the fire service and the council ran jointly, and there was a lot of citizen engagement in them.

Our local community planning arrangements in Edinburgh are quite unique. We have local tactical and co-ordinating meetings in which we look at evidence to do with fire risks and crime and community safety risks. Pre-reform, the analytical information that we received was a bit of a hiccup in the process, but it has continued to progress in quite a strong way, and citizen and community involvement in shaping local service priorities has remained the key feature of the reform agenda. I think that there is still a very strong link with local communities and there is local engagement with local services.

**The Convener:** Are there any particular demands on the Fire and Rescue Service in a capital city or in a major city such as Glasgow or Aberdeen, where major events take place?

**Nick Croft:** Other colleagues might want to answer that. Our events planning officer group is a mechanism to organise demonstrations, events, royal events and Army events in the capital, and we have something going on in the city pretty much every day. The fire service is an integral part of the planning framework in respect of public safety and support, and there are close working relationships between the fire service and the police when joint agency command systems are

set up for very big events and more contentious demonstrations. There is certainly an extra demand on services in Edinburgh.

**The Convener:** Do you want to add anything to that, Mr Duffy?

**John Duffy:** No.

**The Convener:** I just thought that the requirements for major events in other cities might be different and that the Fire and Rescue Service might not be necessary.

**Sandra White (Glasgow Kelvin) (SNP):** Good morning, panel. I was interested to hear about the work that is going on with community councils, the police and trade unions. The figures that we have received show that the number of fires is in deep decline. The SFRS is not just about putting out fires, but how should the Fire and Rescue Service be changing in response to the declining trend in fires, which affects everyone involved?

**John Duffy:** One of the key factors in the decline in the number of fires is the work that has been done by the Fire and Rescue Service on prevention. There has been almost a sea change in the past 10 or 15 years. The emphasis has moved very much to the prevention agenda and we are starting to see the results of a lot of the work that has been done. It should be borne in mind that most of that work is done by people who are in the front line—the people who sit on the operational fire engines. When they are not reacting to emergency situations, their primary role is prevention. Therefore, retaining those crews maintains the service's ability not only to react to emergency incidents, but to promote the prevention agenda.

When we were faced with significant reductions in the budgets across the public sector, the fire service's reaction was to move towards a single service in order to protect our ability to deliver at the front line. With the creation of the single service, the emphasis has moved very much towards protecting the fire engines and the crews and maintaining their ability to carry out prevention work. Over and above that, we are now looking at the rescue capability of the service. We moved from being a fire brigade to being a fire and rescue service after the introduction of the Fire (Scotland) Act 2005, but the act did not really specify what "rescue" meant. An opportunity was missed in the restructuring and reform process to go deeper into tidying up the Fire (Scotland) Act 2005 and the Fire (Additional Function) (Scotland) Order 2005. We made that point during the consultation.

We now need to consider what we want the Fire and Rescue Service to deliver. The rescue capability has been enhanced dramatically over the past few years, and one of the objectives of reform is more equitable access to that. One of the

key elements that we are working on is giving access to the service across the whole of Scotland. That is easy to say, but it is a difficult prospect because there are areas of high-density population and areas of extremely low-density population. How do we distribute our resources across the country? The next phase of reform will involve looking at how we can widen the service's rescue capabilities to provide Scotland with a comprehensive fire and rescue service.

10:15

**Sarah Duncan:** As part of the prevention initiative, a lot of work has been done to tackle antisocial behaviour and fire setting. Non-uniformed staff are involved in diversionary programmes throughout Scotland, and we would like that work to be expanded.

In working out what the fire service should do more of in future, we need investment in training for staff. We need to look carefully at how that training is provided and to ensure that it is not just for firefighters but for support staff too. In order to provide efficient front-line services, we need well-trained and skilled support staff.

**Nick Croft:** Sandra White has hit on a vital point about fire service reform that we in Edinburgh are keen to look at. There are 15 dedicated staff across the hubs in Edinburgh who are working on prevention through initiatives such as the cooldown crew, which is a youth diversionary activity, and a lot of work in schools.

Discussion has taken place during the reforms and a new stage of preventative activity offers a far more targeted approach in which a chief social worker shares very sensitive information about vulnerable clients who may be susceptible to accidental fire deaths. Where those vulnerable clients live in houses that we own, we consider whether we could put in sprinklers, fire-retardant mattresses or other such measures. The new and more targeted discourse on prevention is very helpful and has been welcomed by the community planning partnerships.

**Sandra White:** That is a vital point. I know that everyone here goes out to the fire stations, and brings in people—including staff—as part of the training.

You obviously work closely together—that certainly comes across in your answers—and Ms Duncan talked about staff on the ground. Is there a lot of communication around outreach work and training? Obviously the firefighters—such as Mr Duffy—are the ones on the front line and they will go out and speak to schools and pensioners' groups. Are other members of staff involved in that work too, along with the community planning partnerships?

**Sarah Duncan:** Yes, they are. One intent of reform is for non-uniformed staff to be more involved in that work. The move to a single service means that people can spread their expertise throughout Scotland, and we would encourage our members to do that.

However, to be honest, at present our members are more concerned about whether or not they have a job. The impact of the £19 million budget cut that the fire service must absorb is being felt mostly by support staff. They are being matched into jobs at present, and some are having to go through a competitive matching process, which makes things very uncertain for them.

They are unsure of what their future pay grade will be, because that will have to be reviewed, and the properties out of which the SFRS operates will be rationalised. We are involved in that process, but it is very difficult. People are not sure at present what their job will be, how much they will be paid or where they will be working.

Although our members are doing an admirable job of ensuring that the service continues—no one will really have noticed the creation of a single service on 1 April, which is to every employee's credit—we must recognise that the reform has taken place in a period of great uncertainty for support staff.

**Sandra White:** Thank you. I am sure that we will raise that point with the witnesses on the next panel.

**Jenny Marra:** I have two supplementaries to Sandra White's questions. Ms Duncan, you have mentioned your members' terms and conditions and contractual issues. Are there any further issues that the trade union representatives want to raise with the committee in relation to such matters?

**Sarah Duncan:** My main concern is that the fire service just does not have the budget to deal with those issues properly. It is clear that there are potential equal pay issues in the Scottish Fire and Rescue Service, and we know from the experience of other parts of the Scottish public sector that those issues are an awful lot more expensive to sort out than anybody ever thought they would be at the beginning.

It is regrettable that the fire service is trying to carry on providing a service when everybody is in flux. There was no shadow year, in which people could work out exactly what resources they would need and where they would need them, so the fire service is now having to redirect resources, to fill in gaps that it has realised are apparent, while it continues to provide the service.

As I said, the fire service is doing an excellent job and there are good partnership working

arrangements between the strategic leadership team, the SFRS and the trade unions. We are able to air the issues that our members have. However, it is difficult for the fire service to tackle all the issues fast, because it has so much on its plate.

The reform did not finish on 1 April; everyone says that it will carry on for several more years. Our members are potentially looking at uncertainty and disruption until 2016 or 2017, while everything is worked out. I do not think that MSPs would like to be in such a position. Many of our members are finding that tough.

**The Convener:** We have security of tenure for only about four years usually, although we start worrying well before that.

**Sarah Duncan:** I am well aware of that.

**Jenny Marra:** Ms Duncan, you mentioned equal pay issues. Do you think that some of your members in the fire service have equal pay claims?

**Sarah Duncan:** At the moment, we do not know that for sure. We would like to resolve the issue properly, by which I mean not through the courts but by doing a pay and grading exercise, choosing a job evaluation system and ensuring that everyone gets on to a single pay system. Plans are in train in that regard.

In any organisation, people must be mindful of the potential for equal pay claims. We have all, I think, learned the lessons from how the issue was handled in local government, for example. We would not want to go down such a route—provided that we have commitments to resolve the problem through negotiation and consultation in a reasonable timescale. Currently, we have those commitments.

I accept that the SFRS might be constrained by budgets, and I regret that. An unrealistic budget has been applied to the organisation if we are expecting a single organisation to be created so fast.

**Jenny Marra:** May I put the same question about terms and conditions and contractual issues to the FBU?

**John Duffy:** The biggest threat for our members and possibly for the Scottish Fire and Rescue Service will come from the implementation in 2015 of the Public Service Pensions Act 2013. That is the one issue that we cannot deal with here, and it causes the greatest concern to our members.

On the standardisation of local terms and conditions, there was quite a bit of variation across the eight former services, but I am convinced that the work will be completed relatively quickly and I am encouraged by the collaborative approach that



has been taken to addressing the issues. We are optimistic about the standardisation of local terms and conditions, but we are deeply concerned about the pensions aspect.

**Jenny Marra:** Thank you.

Sandra White asked about fire prevention. I have been lucky enough to accompany a fire team in Dundee on a fire prevention home visit, which I was very impressed by. I am slightly concerned about issues that were raised with me about the strategic planning of home fire safety visits, which are important in the context of preventing fire. Is there work to be done in that regard, for example in relation to logging visits and the local plans that the police are putting together, so that vulnerable families and areas of high deprivation are targeted? Mr Croft mentioned such work. Is the single service already taking a more strategic approach to visits, or are the current arrangements working okay?

**John Duffy:** I am convinced that you will get a different answer if you put that question to the next panel, because the chief officer and I have had many discussions about whether it is better to target or to have blanket coverage. We have not been able to assess which system works better—partly because of budgets, which have been mentioned—and given the constraints under which we are working, we will probably do a bit of both. The experience in Edinburgh shows that linking with other agencies must be a key element as the service moves forward.

We deal with a lot of the same people as health boards, housing associations, councils, social work and the police, so it is about sharing information. Previously, people kept their cards close to their chest and the attitude was, “That’s our information. We’re not going to share it,” but it is vital that such barriers are broken down. Community planning partnerships help in that regard, and they are working. We have to look across Scotland at where it works best and tease that out. One of the big benefits of having a single service is that there is now no barrier to moving things across the country, so we have the ability to take good practice from one part of the country and deploy it elsewhere. However, interagency working is absolutely vital.

**The Convener:** I was grubbing around looking for a definition of “rescue”. I will just read this out:

“The SFRS has a statutory duty under Part 2 of the 2005 Act (as amended) to respond to fires and road traffic accidents, and a power to respond to other events and situations. Similarly the Fire (Additional Function) (Scotland) Order 2005 sets out other situations or events that the SFRS has a statutory duty to respond to, including: chemical, biological, radiological and nuclear ... incidents; serious transport incidents; serious flooding; and search and rescue.”

I just wanted to clarify that, although there is not a definition in the primary legislation, secondary legislation has other statutory definitions of fire and rescue. I do not know whether that is helpful, but it broadens it out.

**John Duffy:** The point that I was trying to make earlier was that the Fire (Additional Function) (Scotland) Order 2005 defines a statutory obligation to rescue people from flooding. We know from parliamentary debate that flooding is defined as water on what would normally be dry land, but the order does not give us a statutory function to rescue people from water that is not flood water. We need clarification on that, because we do not want to get into a situation in which a sheriff, as part of a fatal accident inquiry, defines what he determines to be rescue. We have lived through such an experience, and it was not helpful.

**The Convener:** I know. What I quoted refers to “serious flooding”, but it does not say where. The matter will need to be tested at some point. I take your point. I was not challenging you; it was just that I was unaware that there was another location for definitions and I do not know whether the committee was aware of that. I pointed it out just to add to the information. You are mostly about rescue nowadays, as you have indicated, because of the change in culture and the fact that, for example, we do not have coal fires in our houses and so on, although I believe that they are making a comeback.

**John Duffy:** What has been helpful is the fire and rescue service framework.

**The Convener:** Yes, that is what I quoted from.

**John Duffy:** The framework has helped to clarify matters. The point that I was making is that we were going through a revision of the 2005 act but we left some of the anomalies in. We think that it would have been useful to address the anomalies at the same time. An opportunity was missed in that regard.

**The Convener:** What I quoted is on the record as a point of clarification, but I accept your points.

**Jenny Marra:** Convener, can I just check whether the other panellists have an answer to my question about prevention and targeting?

**The Convener:** They did not indicate that they wished to come in, although Mr Croft is indicating now that he wants to come in.

**Nick Croft:** I do.

**The Convener:** You must let me know.

**Nick Croft:** Sorry. Ms Marra has hit on a really central tension in public service delivery at the moment: whether to have universality or more targeted stuff. The approach in Edinburgh is to try

to do both, but perhaps in a different way. Colleagues in the Fire and Rescue Service are looking to train social workers, teachers and early years providers on general fire prevention safety advice, but they also provide more specialist targeted stuff to vulnerable families or individuals, or families with more chaotic lifestyles who may be assessed to be a fire risk. So, the drift is that we continue to see a role for both universality and targeting, but who undertakes roles in that is slightly changing.

**Jenny Marra:** Is there more need for that under the single service?

**Nick Croft:** Yes. As I said before, as a community planning manager in Edinburgh I do not see any discernable negative impacts as a result of reform. If anything, Edinburgh is more of a locus for activity and partnership relations in Edinburgh have been strengthened, because we do not have that sort of force dynamic. It is fair to say that there is a tension between national priorities and local priorities, but fire and police have managed that well.

10:30

**John Lamont (Ettrick, Roxburgh and Berwickshire) (Con):** My question is probably more relevant to the next panel, but I will put it first to the three of you. Have you given any consideration to the possibility that a local fire and rescue plan might not be approved by the local authority? That issue was raised during consideration of the bill, and I know from discussions with fire chiefs in my area that lots of consultation of local authorities is going on, so it is hard to imagine a scenario in which the local fire and rescue plan would not be approved. However, there could be a scenario in which fire stations are being closed and the council decides to take a political stand and refuses approval on the basis that it does not like the closure of those fire stations.

**John Duffy:** During the whole scrutiny and engagement process, the Fire Brigades Union was keen to encourage as many councillors as possible to engage in that process and—as a bit of a sales pitch—to use ourselves almost as a traditional counter to the management line. You mentioned station closures; one of the goals of the reform process is to protect front-line capability, so I like to think that closures will not be on the agenda.

In closure scenarios, however, what has happened traditionally is that the fire service has put forward its facts and figures and we have countered them. Two or three fairly high profile cases went through that process. Rather than let things get to the point of confrontation, we want to

be involved throughout the process, so that a councillor can come to the FBU and ask for our professional view, as well as getting the service's view, and can see whether those views are aligned.

What is proposed may not be as dramatic as a closure, but might involve movement of equipment or resources from one station to another. A good example of that took place in the former Grampian Fire and Rescue Service area, where appliances were moved from Dyce fire station to Altens fire station. The fact that the Fire Brigades Union and management both took the same line—that that was the best thing to do for the whole city—reinforces the fact that people had got it right.

We and the other representative bodies are involved in the process, which involves setting out what the service is trying to achieve and stating what we think, collectively, is the best way of achieving it. We wish to engage with local authorities to see that what we want to achieve fits in with what they are trying to achieve through their community planning partnerships. If all of that is working right—I know that it sounds great in theory—there should be none of the conflict that was built into the old system. The way in which we now work tries to take conflict out of the system.

**Sarah Duncan:** Unison has a key role to play in collaboration and partnership working among the representative bodies, the Scottish Fire and Rescue Service and the local authorities, because we have lots of members in local authorities who advise elected members. If facilities are closing—not necessarily fire stations, but perhaps workshops, control rooms or headquarters functions for some of the old eight services—it is much less likely that there will be opposition to closures if the decisions are evidence based and the whole process is explained thoroughly to the staff and to other stakeholders right from the beginning. That is what we expect to see and we will encourage the fire service to continue that approach as it goes through the really difficult process of rationalisation.

**The Convener:** That is, if politicians do not get naughty and decide to make it do that despite everyone's good will. That is another little aspect to consider.

**Sarah Duncan:** As representative bodies, we have to be mindful that we have to be responsible in such situations. It would be very easy for a small group of our members who were adversely affected to participate in politically motivated campaigns to protect facilities. We are certainly mindful that we have an obligation to the whole service and to the best interests of the majority of our members.

**Graeme Pearson (South Scotland) (Lab):** My question is largely about staff—support staff or firefighters. Many of the aspects of my original questions were covered in earlier responses.

**The Convener:** My goodness! That makes a change. You usually cover everyone else's questions.

**Graeme Pearson:** That is so unkind of you, convener. I have a supplementary, nevertheless.

Firefighters and staff have expressed concerns about the reform process. We have now gone through the initial stage and we have a single fire service. Other than the ones that the witnesses have already mentioned, have you identified any remaining specific current or potential future issues that will impact on staff and relationships?

**Sarah Duncan:** In addition to the specific areas that I mentioned earlier, there is going to be a refocusing of some work and of specific corporate functions. The service has 19 payrolls at the moment and it wants to move to one payroll system and to remove it from local authorities. That could be a huge disruption and could affect a lot of staff.

The fire service needs better information and communications technology, to be frank, and more resources for it. It wants to put more emphasis on learning and development and training. I think that it is fair to say that training for support staff was largely ignored by the previous eight services, and the fire service appreciates that in order to create the culture of one service for the future, it needs to train and develop its support staff.

The fire service has a lot on its plate, and a lot of the issues need to be tackled right now, although we are mindful of the fact that not everything can be tackled at once. We have to keep pushing the Scottish Fire and Rescue Service to deal with everything as quickly as it can, but to do it properly.

**Nick Croft:** The main issue that is facing us is the new three-year plan. We have an interim plan for a year, so we are trying to capture all the issues that are being discussed today at committee in a coherent plan that has that element of universality but is also targeted at the most vulnerable citizens in Edinburgh. That is certainly the big task.

Discussions have already started about that and, helpfully, they were aligned to a similar discourse in the Police Service of Scotland about its three-year plan. Councils, the Police Service and—increasingly—the third sector are saying what they have to offer. The many charity organisations in Edinburgh employ approximately 11,000 staff, so that is a useful network in which fire and police services can engage in partnership

activity. It is a stated intention to involve the sector more in development of the fire plan.

**John Duffy:** From our perspective, there are two or three points to make in response to the question. They are not about the details but about the broader aspects. If we are moving to a more rescue-oriented service, where do we locate it and how do we move to that from current structures?

There are difficult discussions to be had, but we are encouraged by how they are being undertaken. One of the key things for us is about protecting that. At the moment, the approach that is being taken is radically different to the previous approach. It is much more collaborative and collegiate and that needs to be protected. At this point, it is very much reliant on personalities and individuals. We need to embed that approach further and, rather than discuss the details of what is missing, to protect the overall approach.

At the previous SFRS board meeting, board members were talking about how they can influence the agenda and the direction of travel. The senior management team are clearly able to do that, but the single biggest key group were sitting in the public gallery; the biggest missed opportunity was in excluding the voice of the representative bodies and the trade unions from either the board or the board process. We need to look at that.

The various groups want, with the best of intentions, to drive the service forward in a positive direction, but at that meeting the representative bodies were sitting in the public gallery hearing the board say, "We'll do this," and "We'll do that," and feeling that they were being left behind. If we are taking the collegiate approach for the technical bit, we need also to take it for the overall strategy and the vision.

**Sarah Duncan:** When last I gave evidence to the committee, I said that Unison's preference on composition of the board was to follow the national health service model of including an employee director on the board. I agree absolutely with John Duffy: there was a missed opportunity in the bill to follow the good precedent in the Scottish public sector that was set by having employee representatives on NHS boards. That should be considered for the Scottish Fire and Rescue Service.

**The Convener:** I cannot remember why we did not do that. Can anybody remember?

**Jenny Marra:** I think that an amendment on that was lodged, but rejected.

**The Convener:** I cannot remember. It seems like a sound proposal. We will see how things go. Graeme, do you have anything else to ask?

**Graeme Pearson:** Yes, please. First, I thank you very much for those comments. The evidence thus far must have been a good consultancy opportunity for the next panel, who are sitting in the gallery. They were glowing for the first part, but that diminished slightly towards the end.

I turn to ICT. My question is probably mainly for Sarah Duncan, but perhaps Mr Duffy will want to contribute. We talked earlier about the joining up of a national system in the police context. You referred to the need to join up your 19 payroll systems, for instance, and I am sure that other systems need to be joined up, too. Is there an opportunity to join the police and fire systems together to gain even more savings through the efficiencies that can be delivered, or is the challenge of doing that just too much to bear?

**Sarah Duncan:** We should learn the lessons from other big public sector ICT projects, where there have been great plans on paper that have been almost impossible to make work in practice. The NHS is a very good example of that.

I am always very grateful that I was given the SFRS to deal with, and not the Police Service. I am not sure that it would be very sensible for the Scottish Fire and Rescue Service to try to run too many joint projects with the police function, because the fire service is operating much more smoothly than the Police Service at the moment.

For the past 10 to 12 years, we have tried to run big cross-public sector ICT projects, but none of them has come off. There are good reasons for that but, to be honest, I do not think that we should waste any more money on them.

**John Duffy:** I sat through the presentation on the police ICT project, the name of which escapes me.

**The Convener:** It is called i6. We know that, because we sat through that presentation, too.

**John Duffy:** The one question mark is over deliverability. The Police Service has designed a solution for the police, but I do not think that it is transferable to the fire service, although clearly the technology would be transferable. You would need to design a solution that suited the Scottish Fire and Rescue Service. It comes down quite simply to cost. I would prefer that we did not spend the money on a project that might not see the light of day; we should spend it more practically.

10:45

**Graeme Pearson:** I am grateful for that.

**The Convener:** That is useful; we raised that subject at the Justice Sub-Committee on Policing.

**Colin Keir:** I have again scored off half a dozen questions that Mr Pearson has brought up. I am on my last one, so I hope that he understands.

**The Convener:** Perhaps we have not heard it yet.

**Colin Keir:** I have taken on board what you said, Mr Duffy. We heard from Mr Croft that things are generally doing okay here in the capital. Are there challenges in other areas? Edinburgh is very different from Grampian or the islands, for example. Have you found any particular operational challenges more difficult to overcome since the changeover to the single service?

**John Duffy:** Generally, the answer is no; things are progressing as we anticipated. Before the decision was made to go to the single service, we heard that people who were predominantly from the central belt had anticipated that the money would be drawn out of the central belt and put out to the Highlands and Islands, the Borders and other outlying areas.

**The Convener:** We are ahead of you. It is quite the opposite in the Borders; they thought that everything would go to the central belt. That's folk for you.

**John Duffy:** When we speak to the outlying areas, folk think that everything will be drawn to the middle. However, we are aware that operationally neither of those options could happen. The service is not built around the geography of an area, but around the need to follow risk. It happens that most of the risk consists of people, so most of the resources are where most of the people are. That was never going to change.

One of the challenges that we need to look at is how we distribute, in particular, our specialist skills and the more technical rescue capabilities. In general terms we are content that the local fire station will still provide a service across the country, but we need to look at how that is delivered. In large parts of Scotland we are experiencing difficulties, especially difficulties that are caused by commuting. If you go back 20 years, many of the towns and villages that surround the cities were self-sustaining. We are seeing those places increasingly becoming part of the commuter belt as people are drawn to the cities for work. That reduces the number of people whom we have available during the day.

If we look at Dundee, for instance, people are being drawn in from Kirriemuir, Forfar and Brechin. The same thing is happening in Edinburgh and Glasgow. It causes difficulties in getting crew for appliances in outlying areas. We need to address that; it will be a big challenge for the service in the coming years.

The problem is nothing to do with the single service; that was happening anyway. Although our budget is now lower, we have more focus and more ability, because of the single service, to come up with a solution that can work across the whole of Scotland. Previously we might have reached a solution in one part of the country and still have had the problem somewhere else because we could not afford to deliver that solution. Now we have the potential to create a solution across Scotland, although it will take a lot of time, effort and hard work. It is a difficult challenge.

**Sarah Duncan:** For support staff, the principle is decentralisation, so we are, in partnership, exploring flexible working options. For example, people who work in the finance department do not all necessarily need to be based in Hamilton; a person could work for the department and stay in their home in Inverness. The service is being good in encouraging that.

It is fair to say that my members throughout Scotland all feel equally uncertain about the future. They are not more uncertain in Glasgow, in Inverness or in Dundee. However, I believe that the management team intends to ensure that fire and rescue support staff have opportunities to be based throughout Scotland. We will hold management to that.

**John Finnie:** I have a supplementary question specifically for Mr Duffy, because he mentioned geography. There were particular deficiencies with training in the Highlands and Islands. Can you provide reassurances on that? The people there are your members.

**John Duffy:** The single best example of why the Scottish Fire and Rescue Service should have been created was the Highlands and Islands Fire and Rescue Service. Its ability to train its staff was in dire straits. A lot of effort was put into giving that service access to resources from the rest of Scotland. Previously, there were borders involved and there were difficulties in crossing them, but those are gone and the Highlands and Islands now have access to all the resources from the whole of Scotland. If one thing highlights the advantage of having a single service, it is the training facilities and capabilities of former services in areas such as the Highlands and Islands.

**The Convener:** On that happy note for the Highlands and Islands and what appears to be a relatively optimistic vision for the single Scottish Fire and Rescue Service, I thank the witnesses very much for their evidence.

I suspend the meeting for five minutes.

10:52

*Meeting suspended.*

10:59

*On resuming—*

**The Convener:** I welcome our second panel of witnesses. I note that they sat through our previous evidence session. I think that they were glowing at one point, but then the glow dimmed. However, we will soon find out. That was Graeme Pearson's comment.

With us from the Scottish Fire and Rescue Service are Pat Watters, chair of the board; Alasdair Hay, chief officer; and Dave Boyle, assistant chief officer and director of service delivery west. Welcome, gentlemen. John Lamont will begin our questions.

**John Lamont:** Good morning, panel. You have heard my question already. It is about the need for local authorities to approve local fire and rescue plans. We were concerned about that during the passage of the bill through the Parliament, particularly given the possible eventuality that councils will refuse to give their approval. I fully appreciate that lots of work is going on to ensure that that does not happen, but there is at least a possibility that, in politically charged circumstances such as the recent circumstances surrounding court closures, a local authority will decide not to approve a plan. What will happen in that case?

**Pat Watters (Scottish Fire and Rescue Service Board):** I will start and I will then hand over to my professional colleagues. The legislation is clear that we have to get agreement to the local plan. There is no option but to get agreement. There is no appeal mechanism and no fallback position. The legislation therefore encourages us to sit down and discuss the matter to get to a resolution so that we can move forward.

I am probably one of the fortunate people in that my glass is always half full. I always believe that, if we discuss something, we can get to a resolution and move forward. The legislation does not tie the hands of either the service or the local authority, but it makes us sit down and work until we get to a conclusion—until we get agreement and we can move forward.

**John Lamont:** With the greatest respect, the legislation is not clear. It does not deal with the eventuality of agreement not being reached. It is important to put that on the record. I accept that the legislation encourages the parties to reach agreement, but it does not specify what happens if the local authority does not approve the plan.

**Pat Watters:** That is absolutely right, and that is the point that I am making. It encourages both parties to ensure that we reach agreement.

**Alasdair Hay (Scottish Fire and Rescue Service):** This area has exercised everybody's thinking since the concept was first floated while the legislation was being drafted. I was involved in some of those early discussions. People are always keen to jump straight to the endgame and ask what will happen if we do not agree. As the legislation was being drafted and the practicalities that would support the delivery of its intent were being discussed, what came out was a desire for a cultural shift within the service.

Rather than enabling people to jump straight to saying, "Well, you've failed," without our having the discussion and working seriously in partnership to deliver the intention to improve outcomes for citizens wherever they are in Scotland, the legislation was designed to encourage us to work with an open partnership approach. That was the intent, that is the way in which we have set up the service, and that is what we have been trying to do. We all know that, wherever there are partnerships, there are difficult times. Things do not always go smoothly, and ultimately people can fall out over things, but we want them to return to having a normal relationship as quickly as possible.

That is the thrust of the way in which we have set up the planning to deliver appropriate local plans in individual local authority areas across the country. It is to avoid getting to a point at which we fall out. That said, if we ever got to that point, it would have to be resolved, because we cannot allow the vital public services that we deliver—emergency response, prevention and protection—not to be available because we have not agreed on something. We would need to continue to deliver those services while the discussion continued in whatever forum.

We have set up the service in such a way that we have local senior officers. They are statutory appointments, and it is their responsibility to work with the local authority to get agreement. The board has allocated four board members to each of the three service delivery areas across Scotland, and part of their role is to work with the local authorities and other local partners to ensure that the LSOs are effective and that partnership working develops as intended to improve outcomes for local communities.

We have deliberately not set up a formal dispute resolution process for the reasons that I articulated earlier, but I can imagine the service's professional management and the board sitting down with the local authorities and really driving through the reasons why we failed to reach agreement. Nevertheless, because board members have

already begun to develop relationships in local authority areas, the possibility of successfully resolving such matters and improving outcomes has been greatly enhanced.

**Dave Boyle (Scottish Fire and Rescue Service):** I am responsible for 13 councils in the west and, although I have met every council leader and chief executive, not one has ever asked about the failure to agree a local plan. Everyone is sighted of the fact that the issues involved are local issues for their local communities and that we are working in partnership to deliver them.

In response to an earlier question that John Duffy and Sarah Duncan were asked about the closure of a fire station, I thought that Mr Duffy made an excellent point about partnership working. If the trade unions and representative bodies are involved at the start of the discussions, we will be able to take a collective view of the matter across the whole service.

This journey has been assisted by Pat Watters's decision to divide the 12-member board into three groups of four members to cover each of the service delivery areas and, in the west, four board members are now assisting me in my work. One of the benefits of reform is the ability to have a greater connection with local authorities, and we are actively going in and meeting community planning partners, chief executives and officials and the staff in the area to hear their concerns and local thinking in an attempt to link those local issues to our national thinking. I think that we have covered every eventuality to ensure that that approach works.

**Alasdair Hay:** I note that the framework also sets out ministerial priorities. We will use those priorities to draw down the strategic plan, from which we will then develop local plans and because local authorities will have a very clear line of sight to what the fire and rescue service is trying to achieve, nothing should come as a surprise. The culture that we are trying to create, the surrounding mechanisms and structures and the clear line of sight that I have just mentioned are all intended to prevent any possible conflict. I believe that if any such conflict emerges it can be resolved, but everyone must be focused on avoiding that and working together to improve outcomes. After all, that is our common aim.

**John Lamont:** I, too, have a glass-half-full perspective on life—

**The Convener:** Breaking news for the committee!

**John Lamont:** However, I think that legislation should cover worst-case scenarios and set out what should happen in the event of disagreement. Mr Watters has already acknowledged that there

is a gap in the legislation in that respect. I fully accept the intention that has been expressed and the direction of travel that has been set out, but my local fire chiefs have made it very clear to me that there is a gap and that they are not sure what would happen if the local authority disagreed or refused to approve the fire plan. Would they have to revert to the previously agreed fire plan or would they have discretion to put together their own short-term provisions pending agreement? The 2012 act does not make it clear what should happen.

I fully accept your comments and think that you are to be commended on your direction of travel, but the fact is that there is a gap. I hope that it will never have to be addressed, but it has been acknowledged that it might lead to issues in future.

**The Convener:** I see that you are all nodding, so I take it that you agree that there is a gap with regard to last resort.

Colin Keir wishes to ask a supplementary.

**Colin Keir:** I wonder whether Mr Watters, with his vast experience of Convention of Scottish Local Authorities matters, can tell us whether these issues have been discussed by that forum and whether it has any views on Mr Lamont's question.

**Pat Watters:** I would never be so presumptuous as to answer that question. There is nothing more ex than an ex, and I am the ex-president of COSLA. David O'Neil is the present president.

**Colin Keir:** But you have vast experience of such matters.

**Pat Watters:** The matter was not discussed during my term as president of COSLA, but we dealt with many tricky issues—on which not everyone agreed—when I was its president. At the end of the day, we always found a formula to take things forward that benefited local government. I am certain that there would be no less intent during this process to take forward something that benefits the communities that we all serve.

**Graeme Pearson:** Good morning, panel. I seek your advice on the experience of the past six months with a view to considering how we take things forward for the future. The 2012 act created two separate services—the Police Service of Scotland and the Scottish Fire and Rescue Service—and an authority on one side and a board on the other. I do not think that it is any secret that there have been governance and oversight difficulties on the police side. Many of those have been to do with information technology, finance and corporate services, which are the same issues that you have dealt with over the past six months and which you will deal with in the future. Will you offer any advice on how you

have delivered things with apparently little upset and—from listening to the earlier panel—with a great deal of commitment and universal support? What is the secret of your having delivered thus far and delivering in the future? What advice can you give us?

**Pat Watters:** I would love to take the credit for all that, but the foundations were set long before either the chief officer or I was appointed. A partnership was developed that involved people who looked at how to take forward the services into a single service. The foundations were set for us in that partnership working and in the respect for each other that existed. Things were taken on board, there were regular meetings and discussions, and what our staff and staff representatives said was listened to. The partnership between the services at the time, the Government and the staff formed the foundation for how we would take things forward, and we have carried on that work. I think that it was said earlier in evidence that that is probably a rare example of how people can work together successfully to deliver something that they jointly agree is necessary and ensure that the service is one of which we can all be proud into the future.

It is about protecting the service that we deliver. Currently, we are focused on changing how we manage the service, but we still provide a local service at the local level from local stations, and that will not change. That is what we intend to do, but the foundations were there right from the start. We picked up that work and continued, and that is an example of how to take things forward.

If we ever reach a stage at which the service feels that the board is doing something to it and not in conjunction with it, we will hit the problems that other areas have hit. I fully intend that we will not get to that position, but that we will work in partnership to deliver.

**Graeme Pearson:** I would like to finish that point. The act enabled everything that you required of the service and fulfilled your needs as an authority or board. The essence of what you have told us is that it is about culture, relationships and communication.

**Pat Watters:** They dinnae provide us with enough money, of course, but that is another thing.

**Graeme Pearson:** That is your swansong, Pat.

**Pat Watters:** The foundations were set, the legislation was there, and we have picked up on the work and continued it. I heard what was said in evidence, but we have the trade unions fully integrated as part of the board. They are full members of two of my sub-committees for delivering, including the service transformation

committee, which deals with how we move the service forward.

**Dave Boyle:** Pat Watters referred to the foundation that the board came to. Back in 2010, when we first started to look at an element of reform across the wider public service, particularly the police and fire services, Alasdair Hay and I got involved in the first meeting with the Scottish Government to look at options. There was an early difference of opinion, I suppose, about governance. We thought about a local authority-controlled fire service, and we looked at a national service and options in between. A couple of public consultations later, everyone was signed up to a national service. The one thing that was clear and which united everyone was that we were all trying to deliver the same thing for our communities, regardless of the governance model that sat above it. I was embedded in the service team within Government to take that work forward.

11:15

As Pat Watters said, the gateway review back in May 2012 picked up the fact that partnership work between Government, service management and the trade unions was truly groundbreaking. The foundation that enabled us to put together the service was people sharing a common direction of travel, although there have been differences of opinion along the way. We looked at various models of governance and so on from around the world and we took advice. However, ultimately it was people and relationships that made the difference.

We worked endlessly with COSLA, to seek its views, and with local authorities. We had a heap of hugely successful network events—members have probably been to some of the events that were hosted down at Verity house. We are still doing learning network events and we are still trying to unpick what we did to ensure that we and others who may follow learn for the future.

Eyes are being cast across us from all parts of the world as a result of our success story. Relationships paved the way for that success, which was built on a sense of common purpose and direction and a sense that we were sharing the journey. If, when we walk down a path, we are going to have 95 per cent of the journey in common, let us have the fallout over the 5 per cent at the end; if it happens at the start, we do not get into the starting blocks. That approach built the foundations to which Pat Watters referred.

**The Convener:** I hope that your words are echoing in some other places.

**Alasdair Hay:** I add my voice in support of the view that has been expressed by my two colleagues: partnership working has been key

from the outset. If it had not been for partnership working, the challenge would have been much more difficult.

Part of the question was about the separation between the support functions and the service delivery area. I cannot comment specifically on the police because I do not know the detail, but I can say from my experience—Sarah Duncan alluded to this in a number of her answers—that we have been a very successful organisation. We have reduced the number of primary fires in Scotland by about 40 per cent over the past decade.

The staff who work at the front line rightly get much of the credit for that achievement, but I am clear that support staff are enabling staff. The fact that they service the vehicles, do the strategic planning and pay people enables front-line service delivery to happen. We are trying to create an organisation in which everyone understands that they are enabling front-line service delivery, they are ensuring that improvements in the service happen and they can clearly see that they are contributing to the provision of the service. It is a strength of the Scottish Fire and Rescue Service that we are all part of one organisation and are not separated.

**Graeme Pearson:** Can you remind us who the accountable officer is for the business of fire and rescue?

**Pat Watters:** He is sitting between me and Mr Boyle.

**Graeme Pearson:** It is the chief officer.

**Pat Watters:** Yes.

**The Convener:** I have a feeling that that was an Exocet question, if anybody remembers Exocet missiles.

**Sandra White:** A point that has emerged from our discussion with both panels is that there is good partnership working, but a union representative on the previous panel said that real difficulties had been caused by reorganisation, that there was uncertainty among staff and that the training of support staff was an issue. Can you pick up on those issues?

Another issue is that the Scottish Fire and Rescue Service now has a three-year plan. I would think that that is much better than having just a one-year plan. How does the three-year plan fit in with the issues that Ms Duncan raised?

**Alasdair Hay:** People make an organisation such as ours work, so we are very focused on people issues. We have looked at best practice and Audit Scotland very helpfully produced a best practice guide for public service mergers, indicating where mergers have gone well in the past and where issues have arisen. We have used



that to guide the whole process. Staff feel uncertain, although the firefighters feel less uncertain because the number 1 aim of the reform is to protect the front line and improve front-line outcomes. They still feel uncertain, but not quite as uncertain as those who work in our enabling services.

We are looking to give staff as much certainty as we can in a time of uncertainty, so we are producing our working structures very early, in consultation with all the trade unions and the other representative bodies, and we are sharing them with the staff. By looking at them, they can see where they have a future in the new Scottish Fire and Rescue Service. They can also see where there is a job that they might be able to do. They might have lived their whole life in Aberdeen and may not be keen on their job being transferred to Dundee or anywhere else in the country. We will, therefore, try to build in an element of flexible working. In addition, we are working on what we are terming our strategic intent document for our main buildings, such as headquarters. We will share that with staff as early as we can, although it will take us a number of years to achieve that.

In those ways, staff will know where we are going and will quickly be able to establish a timeline that we intend to follow to get where we need to be as an organisation. Some will be quite happy because it suits them as individuals and some will feel unhappy because it does not suit them as individuals. However, the fact that they know what is going to happen will help them to come to terms with that. We will then need to give them genuine options and treat them as individuals. We are recruiting firefighters this year because we want to protect the front line, and to show that we are genuine about offering options we initially offered 40 firefighter posts, through a competitive process, to support staff who wanted to transfer over. That is a tangible example of the retraining and redeployment opportunities that we are offering within that flexible package.

I was encouraged by the fact that 72 members of support staff were interested in those 40 jobs, and we have now almost recruited those 40 staff members. That is creating gaps around the organisation, which will enable us to start to move people about and give them other opportunities. A key factor in all this is the genuineness of our approach, which is exemplified by our offering those firefighter posts. That has helped to calm staff down at a time when, understandably, they are feeling slightly concerned about what the future might hold for them as individuals.

**The Convener:** Does anyone else want to comment? You do not have to. Sandra, is there anything else that you wish to ask?

**Sandra White:** No, thank you. That was an excellent answer to my questions.

**The Convener:** Okay. Roderick Campbell will be next. Colin Keir has slipped down the list because he has asked a supplementary question.

**Roderick Campbell:** Good morning, gentlemen. I would like to probe you on your view on the budgetary challenges—*[Interruption.]*

**The Convener:** Please settle down now, Colin. Do not look so upset.

**Roderick Campbell:** Right. I will start again. I would like to probe you on your view on the future budgetary challenges, particularly the change from resource to capital next year. How do you see the budgetary pressures panning out over the next period?

**Pat Watters:** I will speak for the board and will then hand over to Alasdair Hay or Dave Boyle, who will be able to give you more detail.

This year, we are confident that we will keep in line with our budget. Next year will be more difficult but, given how we are trying to move the organisation forward, we are confident that we will still stay within our budget. There will be opportunities for us to rationalise our buildings, but that will not happen immediately.

For every decision that we make there will be consequences for other parts of the organisation, and we need to be aware of all of those consequences before we make the decisions. As was said earlier, 1 April was only the start of the process, not the end, and it will take us some time to get to where we want to be with the single service.

In speaking to senior management, the board is confident that we can meet the budgetary pressures that are coming up. Will it be easy? No, it will not. There will be difficult decisions to be made, but we are confident that we can do what we have to.

I will hand over to Alasdair Hay, who can fill in more of the detail.

**Alasdair Hay:** The budgetary challenges for us are significant. I would not seek in any way to underplay the challenges that we face in meeting our budget constraints. However, as Pat Watters has just said, we are planning to meet those challenges.

There are probably four areas that we are focusing on. One is a reduction in staff numbers and the associated costs. That is a key element because 80 per cent of our budget goes on paying staff. The second thing is to look at rationalising not just our property assets but our contracts. It was mentioned earlier that we are running 19 different payroll systems. I find that quite difficult to

understand: we were eight services so how did we have 19 payroll systems?

**The Convener:** Were people being paid who did not exist?

**Alasdair Hay:** As the accountable officer, I sincerely hope not. [*Laughter.*]

We therefore need to rationalise assets and contracts. You can imagine the myriad ICT, payroll and legal services contracts that we have.

Shared services have already been mentioned. We might share services with our blue-light colleagues in police and ambulance, but there are many other opportunities as well.

Finally, another key thing is to streamline process. We will look at all the processes that are happening, recognise that each stage of every process may involve a cost and ask ourselves whether that cost is necessary. We are very focused on those four key areas to drive cost out of the organisation.

In the first year, we have reduced our budget by £19.5 million in real terms. Although the cashable saving was considerably less than that, one thing that we have had to do as a national organisation, in moving outwith the local government finance settlement regime, is to pay VAT on goods and services. That has been a significant challenge for us, which we have had to pick up in year 1. Despite that, we have taken out £19.5 million in real terms.

We have to make cashable savings of £12 million next year and £7.5 million the year after. Those are significant sums, especially when we add on the inflationary pressures. Something that slightly concerns me is the phasing of that—the fact that the sum is £12 million next year and a smaller amount the year after. We cannot deal quickly with the issues that I have just mentioned, such as asset rationalisation and disposing of properties; a whole process has to be gone through.

We therefore have financial challenges, but we are focusing on certain areas and planning to meet the challenges as we go forward.

**Roderick Campbell:** Do you have a schedule of potential disposable properties?

**Alasdair Hay:** We have already started work on that, using the professional staff within the Scottish Fire and Rescue Service to bring it together. We have also been working on it with the Scottish Futures Trust and hubco. We want to look at pan-public sector property and not just what we have. Police and other public agencies are going through similar processes. We have been working with the private sector, too, initially with a company called Ryden.

At the end of this month, at the June board meeting, we intend to bring forward a paper in which, in conjunction with the board, we would agree the criteria and appraisal process for the disposal of any property assets. In August and September, we would look at the individual business cases for specific types of properties—workshops, for example. In September, we would look at overlaying the business cases for the needs of specific types of properties against the criteria and the appraisal process.

We always have to reference what we do back to the “Scottish Public Finance Manual”, which is the governance regime under which we operate. The manual contains clear guidance on how to appraise properties in terms of acquisition and disposal.

That is a brief outline of the process and where we are now.

**The Convener:** We have questions from Jenny Marra, to be followed by Colin Keir—if no one else wants to intervene and depose Colin yet again.

11:30

**Jenny Marra:** Mr Watters, would an employee representative on the board be useful?

**Pat Watters:** There is an opportunity for me and the minister to discuss any addition to the board. It is too early for me to say what gaps in expertise and experience we have on our board, but I have agreed with the minister that, after a period of operation, we will sit down and consider where the gaps are. The minister has a clear intention to ensure that, if there are gaps, we can fill them.

To bring a member of staff on to the board would require a change in legislation.

**Jenny Marra:** You said, “after a period”. What period is that?

**Pat Watters:** I think that, after about nine months in operation, we will sit down and consider whether there are any gaps in the board.

**Jenny Marra:** Nine months from now?

**Pat Watters:** No, nine months from the start. We are only 11 weeks into operation.

As I said earlier, we have trade union representatives as full members of our sub-committees. In particular, we have two trade union representatives as full members of our transformation committee, which considers how we take transformation forward. They are also on the liaison committee that we have with all the trade unions.

There is active employee participation in board work, but we need to sit down and consider what the impact would be of making the board bigger

than it is at present. I am happy to do that and the minister is confident that we will do it after nine months of operation.

**Jenny Marra:** It will be interesting to see the progress on that because an amendment to the bill on employee representation received a lot of support but not Government support.

I return to the question on fire prevention that I put to the first panel of witnesses. It is particularly directed at Mr Hay. I was on a home fire safety visit in Dundee, which was useful, but perhaps a more comprehensive system should be put in place to enable support staff to use their abilities to interrogate data and their skills for strategic planning and targeting, certainly when it comes to logging and follow-up actions on such visits.

I ask the chief officer to update the committee on that issue and explain a bit more about his ambition on it.

**Alasdair Hay:** I talked earlier about streamlining processes. We need to ensure that staff focus on doing home fire safety visit work and do not get caught up in the bureaucracy of recording it. It needs to be recorded so that we know that we have done it and so that we can evidence whether it is having an impact on improving outcomes.

It is not only firefighters who do home fire safety visits. We also have members of what could loosely be termed support staff who have expertise in accessing, engaging and working with hard-to-reach communities. They do that type of activity as well.

We need to have a strong focus on that activity early because there are different approaches throughout Scotland. We need to have a clear line of sight between the money that we have in the organisation, the activities in which we engage and the outcomes that we achieve so that we can see whether that public money is being spent to best effect in the activities in which we engage.

There has been much debate about whether to have a targeted approach or a universal approach to home fire safety visits. The answer is that we need a mix of both.

I was a senior officer in Tayside for many years. We went for a universal approach. Audit Scotland figures show that the number of home fire safety visits that the old Tayside service did was, in some cases, 10 or 20 times greater than the number that other services did. I was a big advocate of that. My rationale for it was based on two pieces of evidence.

At the turn of the century, a home fire safety grant was given to fire authorities throughout England and Wales. They had a clear target for the reduction in the number of fire deaths that they had to achieve. They were given £10 million,

which sounds a lot of money but you can understand that it is not a huge amount when it is spread across England and Wales.

The fire authorities engaged a company to evaluate whether the money had delivered value and helped them to meet the fire deaths reduction target. The evaluation found that, by simply fitting smoke detectors in every home in England, the fire authorities would meet the target easily and that, in fact, they could probably double it. That was very strong evidence.

The authorities then asked, "What about the economic cost of fire? How much does fire actually cost society when everything is considered?" The evidence that came back showed that the return was between 14 and 30 times what was invested. In terms of value for money, that meant £140 million to £300 million for the £10 million investment. That was not a targeted approach but a universal one.

Cheshire Fire and Rescue Service commissioned the University of Liverpool to do a piece of work. The Cheshire service embarked on home fire safety visits for every house in Cheshire, and then asked the University of Liverpool to compare that work with family group work for fire and rescue services with similar demographics and profiles. The question was whether it could be proved statistically—that is a hard word for me to say—that the universal approach is better than the targeted approach. The research indicated that the universal approach is better.

We must ask why that is the case because, on the face of it, targeting the most vulnerable would seem the right thing to do. We must understand that, although we all know vulnerable people, nobody thinks that they themselves are vulnerable. My father is 86 now and he thinks that he is as robust as he was when he was 25, but he is not—that is just the reality of things. I can give fire safety advice to my parents, but kids who leave home and move into flats or other rented accommodation perhaps need it, too.

The universal approach uses not just the 9,000 staff who work for the fire and rescue service but informed advocates for community safety. We engage with such people, and they can start delivering fire safety messages and changing people's approach to their own safety across Scotland. That is why the universal approach works.

There is no doubt that targeting the most vulnerable people also works. We heard earlier of examples of such work in Edinburgh, in which senior social workers share confidential information with us so that we can target the most vulnerable. For some people, education programmes alone are not enough, so there are

engineered mechanical solutions that can be put in place to help—for example, simple things like fire retardant blankets. Partnership work, in targeting the most vulnerable, complements the universal approach.

I know that this is a long answer, but—

**Jenny Marra:** No, I was just saying to the convener that it is very interesting.

**Alasdair Hay:** Someone could be the best-trained and best-equipped firefighter in the world, but they still need to know where they are going. They must get out and about on their streets and know their communities.

An issue in Scotland that distresses me considerably is the number of attacks on firefighters. It is difficult to attack people who you know and who know you. Firefighters being out and about in their communities and being visible is a side benefit of taking the universal approach. They get to know their station area, their communities and the people in them. While two firefighters are in a property doing a home fire safety visit, the other firefighters check out access at the back of the property and look at where hydrants and other water supplies are. They are therefore out there, learning about and getting to know their station area extremely well.

For any property that a firefighter visits, there might be 200 or 300 in their area with exactly the same layout. There might not be a fire in the property that was visited but, if there is a fire in another property with the same layout, knowing that layout is helpful for firefighters' safety—which is another big issue for me. There are therefore lots of unseen benefits that people perhaps do not focus on.

On wider partnerships, perhaps 800 to 1,000 people will be killed or seriously injured in slips, trips and falls in homes across Scotland this year and next year. Those people perhaps will come into contact with the health service or other social care providers. We can do work to support them, such as shared assessments.

That is another example of where we add value, alongside our other types of activity, such as the partners doing home fire safety visits. I believe that that is a big part of the future of the Scottish Fire and Rescue Service. It is a great opportunity to improve outcomes, not just for us but for other partners.

**The Convener:** You have mentioned partnerships, but what about the voluntary sector? How much engagement is there with that sector?

**Alasdair Hay:** I suggest that that engagement is growing. As I said earlier, we have challenges in accessing some of the people who are perhaps less visible in society or who disappear. There are

excellent connections with the voluntary sector: we have a partnership with the Angus voluntary sector in the area within Tayside where I used to work, and the Salvation Army is another organisation that we have partnerships with. There are examples of good local partnerships across Scotland.

Our ambition needs to be that the service is a national one and supports partnership working with the voluntary sector. In my experience, most voluntary work succeeds particularly well at a very local level; I envisage that being captured nationally but particularly through the local plans that we have to develop through community planning.

**Pat Watters:** The local fire stations do a tremendous amount of local charity work. As well as doing that, the board's intention is to meet in other places and not at our headquarters in Perth. We will have a meeting in the northern hub area in September and will then meet in the west and east areas. When we are having those meetings, some of the board will probably have to stay the night in the area. The board intends to invite the local council to attend our meetings, as well as the community councils and other voluntary organisations and businesses, not so much for them to listen to what we have to say but, after a short introduction, for us to listen to what they have to say and to provide them with a cup of tea and a biscuit.

**The Convener:** What happened to that half-full glass?

**Pat Watters:** We want to have a regular discussion with those people. Budgets are very tight, so it will be a cup of tea and a biscuit. We will have a discussion about what type of biscuit.

**The Convener:** Thank you—that is helpful. The voluntary sector is very useful, as you say, in attending to those who are less visible.

Now we turn to Colin Keir, at last.

**Colin Keir:** No, it is all right. [*Laughter.*]

**The Convener:** Now I feel that I have wounded you. You must have a question.

**Colin Keir:** Okay.

If there was one particular issue that has concerned you since the very quick turnover from the previous regime to the new one, what would that be and how do you see the challenge for the next year?

**The Convener:** Perhaps we can make that the final question and ask the whole panel.

**Pat Watters:** After Alasdair Hay and I were appointed in September, there was a period when the Scottish Fire and Rescue Service Board

consisted only of us. That was before the senior manager and the rest of the board were appointed. We took the opportunity to look at the rest of Scotland; we introduced ourselves to people so that they knew who we were and what we were trying to achieve.

One thing that we need to continue to look at is how we tackle things in our rural communities—although it is not just about rural communities. I was in Orkney recently to look at a brand new fire station that the Highlands and Islands Fire and Rescue Service had developed and was about to open, right opposite the old hut from which the service used to operate. I looked at the huts next to our old hut; I could see the coastguard's old hut and round the corner the ambulance service's old hut, from which they still operate. I thought to myself, "Why are we not taking the opportunity to do this better?" For very little—and probably for less than the Highlands and Islands Fire and Rescue Service had spent—we could have got something that accommodated all of those public sector organisations in that area and given something to the community of which it could be proud.

11:45

I want to look at how we provide services in rural areas because, whatever issues we have, our colleagues have the exact same difficulties, and we must do better.

**Alasdair Hay:** This issue is not something that came as a surprise to me, but I believe that the biggest challenge that we face is the people issue.

I am immensely proud to be a member of the Fire and Rescue Service, and I am delighted to have the privilege of being the first chief officer for Scotland. When I speak to people, irrespective of what role they play in the fire service, I find that they are very proud to be part of it and of what it represents and achieves. However, as was mentioned earlier, they are feeling uncertain.

The biggest challenge is to keep people on the journey of reform and to ensure that we give as many of them as we possibly can a strong future while meeting the considerable financial challenges. Partnership working is key to that, but people are where everything begins and ends.

**Dave Boyle:** Being the last to speak has allowed me to jot down two or three points. There is a thread running through them.

The first point concerns communications and the importance of keeping the message going out to people. That relates to Alasdair Hay's point about the reassurance that people need about the journey that they are on and how we will take them forward.

The second point concerns visibility as a part of communication. How can we show our leadership and be visible when we are covering a large area? I am being very selfish here, as the west of Scotland, which is the area that I cover, has 13 councils and roughly 4,000 staff. There are 129 fire stations with various duty systems and a huge number of inhabited islands. It is a big area, and there is just me.

There used to be 10 principal officers, so we need to consider how I empower my teams to take on the mantle and do some of the work that used to be done by people who were far more senior. There is a cultural change, and people will take on roles that they did not necessarily have before.

People need to understand that there is a new entity and a new dynamic. We will move forward, and we are all learning as we go, but one element at the heart of the reform—as Alasdair Hay said—is the people issue. We need to keep the people on side. Ideas and policies are easy, but the people make a difference, and we need to keep those issues in our sights.

**The Convener:** I suspect—without naming any group in particular—that keeping the people on side would be a useful mantra elsewhere. I thank you for your evidence, which is useful and, for a change, very cheering to hear.

## Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

11:47

**The Convener:** Item 3 is consideration of correspondence that the committee has received regarding the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 and the policing of protests. Members will recall that, at the committee's meeting on 23 April, we agreed that we would write to a number of organisations about the function of the act and the policing of protests.

I refer members to paper 2, and seek comments on the correspondence and on whether we want to take any further steps at this stage.

**Graeme Pearson:** I note the content of paper 2. From my assessment of the committee's experience of the matter, it appears that the contents are myopic in the extreme. There is none of the evidence in there that we have heard in the past six months—for example, from solicitors who are concerned about people being routinely stopped at airports when they are going on family holidays because they have been identified as supporters.

Another group of solicitors has indicated that there is no doubt supporters are routinely subject to surveillance, and there are issues with the application of the Regulation of Investigatory Powers (Scotland) Act 2000 in that regard. We are all aware of the shrieval comments, which even included a summary assessment of the legislation as “mince”.

When we took evidence before the bill was enacted, we received a promise from the police that the new legislation would put an end to legal challenges arising from the common-law approach in relation to breach of the peace, but there are still challenges every month.

The Lord Advocate quite properly assesses the legislation as working very well, and I have no doubt that, administratively, with regard to managing cases and reporting prosecutions and convictions, it all adds up. However, there is no indication of the social consequences or implications arising from the enforcement processes that have been applied.

Finally, on the success rate in relation to the application of the legislation, analysis elsewhere indicates that nearly three-quarters of the complainers under the legislation are police

officers; one would therefore expect a higher level of successful prosecution.

I think that, taken together with the issues that have been raised by various supporters groups, there is still real cause for concern, and we would do well to review the enforcement and other processes connected with the 2012 act sooner rather than later, in the interests of our communities and of involving those who feel the rough edge of the legislation.

**John Finnie:** I agree with much of what Graeme Pearson said, but not all of it. We do not need to be fazed by legal challenges—the minute you have legislation there will be challenges to it; that is just part of the process.

I found the correspondence illuminating in many respects. The Lord Advocate's correspondence was factual—statistical information with some anecdotal evidence beside it, which I found interesting—and I suggest that the group of supporters who have approached me and other members do not seem to predominate among those affected by the legislation. That said, I continue to hear the same concerns that Graeme Pearson hears, about people being stopped at airports and fairly low-level issues that do not on the surface appear to merit that level of intervention.

**The Convener:** What is the source of the information about people being stopped at airports? I am for facts and evidence, and I would like to know where we can get them.

**Graeme Pearson:** Paul Kavanagh from Gildeas is the person who sourced the information about people being routinely stopped at airports, and Bill McCluskey was the solicitor who raised the point that there is no doubt solicitors are routinely subject to surveillance.

**The Convener:** Which firm is that?

**Graeme Pearson:** Bill McCluskey's? I have no idea.

**The Convener:** I want us to be able to follow it up.

**Graeme Pearson:** We can find out.

**John Finnie:** I found the response from Chief Constable House compelling. It laid out the assertions and the sources for them, showing that, by and large, they were not backed up. However, although I found it interesting, I understood our committee's interest to be broader than the incident at the Gallowgate, and Mr House's response simply focuses on that.

The concern that has been raised with me is that there is vigorous enforcement, with challenges, particularly to young men both around and within Celtic park, regarding items of clothing

and badges that they may be wearing. That is what I was concerned about when I spoke about the matter previously. Legislation that seems to impact disproportionately on one group, and is viewed as such, is the issue that needs to be addressed. Would the committee agree to write to Mr House, thanking him for the specific response about the Gallowgate, but asking him about the general issue of the legislation's application, particularly at Glasgow Celtic's football ground?

**The Convener:** We took the view that the Gallowgate incident was an operational matter for the police; we are looking at the legislation rather than focusing particularly on that incident.

**John Lamont:** I agree with Graeme Pearson, and I will add some figures to back up what he said. The annual conviction rate for the new offences under the 2012 act is 68 per cent, compared with the overall conviction rate for all crimes of 85 per cent. The key point is that the conviction rate for breaches of the peace is 86 per cent, so the act has brought in an offence with a much lower conviction rate in comparison with what would have happened under the old offence.

It is also important to record the fact that the statistics show that 259 people have been charged under section 1 of the act, and only 20 have been charged under section 6. I just wanted to reinforce Graeme Pearson's point with those figures.

**Sandra White:** The only letters that I have received are similar to those received by other MSPs, and they are to do with Green Brigade complaints. Graeme Pearson has told us about issues that have been raised by two gentlemen who have never written to me—I do not know whether they have written to committee members or any other MSPs. John Finnie has raised certain issues about the wearing of garments outside a certain football ground.

I am not going to read out the letter that Steve House has sent in answer to the questions that we asked. He has headed the letter "Green Brigade complaints" so he has assumed that that is the one issue that kick-started—if you will pardon the pun—requests for us to look at the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. I note the replies from Frank Mulholland, Steve House and the minister. We all know that the legislation is due to be reviewed, so I suggest that we just stick with it as passed. I do not think we should be considering holding an investigation into it so soon.

I want to stress some of the figures that John Lamont quoted, which came from "Charges reported under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act (2012) in 2012-13". There were 268 charges of

offensive behaviour. Of those who were charged, 99 per cent were male, 73.5 per cent were under the age of 30, and 27.6 per cent were under the influence of alcohol. There are other issues to consider, such as the link between alcohol and offensive behaviour or violence at football. This is a sad issue for me because I come from Glasgow and represent a Glasgow constituency, and 42.2 per cent of the offences took place in Glasgow around certain football matches—I am not going to say exactly which fixtures.

The legislation was introduced for a purpose and I think that it is working. We should look at it but not this soon. We should note that the minister has said that we will consider the legislation in two years, once it has bedded in, and I would stick with that. I do not want an investigation so soon after the act was passed.

**The Convener:** It is a pity that members do not have in front of them a copy of my letter on the committee's behalf to the chief constable. If members look at page 8 of paper 2, they will see that the chief constable refers to our correspondence

"outlining"

our

"concerns about the policing of the Green Brigade".

In fairness, we asked for that. It might be useful if members had a copy of such letters.

Issues have been raised that I am not aware of. I am not disputing them but we should find out about them. Graeme Pearson has raised allegations about police stopping people at airports and solicitors being targeted. If members give us the appropriate contact details, we can follow those issues up so that we are all informed about them. That would be appropriate; otherwise, we just have what members are telling us—although I am not, by any means, disputing that.

**John Finnie:** First, I apologise to Mr House if that is what his letter said. However, I understood that we had asked the Lord Advocate a broader question. His reply was certainly comprehensive and very informative but, nonetheless, I seek to hear more about the issues.

Anyone who knows me knows that my allegiance is not with this club, but people have talked to me about the legislation. I do not know whether there is any basis to the comment that people have been stopped at airports. If someone has broken the law—if he has committed an arrestable offence—and he is known to be at an airport, whether coming or going, I will be delighted if the police stop him. However, this is more about the perception that there is targeting. I certainly know nothing about the surveillance of solicitors—[*Interruption.*]

**The Convener:** I will let Graeme Pearson in in a minute.

**John Finnie:** Last Thursday night I spoke to a young man—I do not know his name—at a meeting in Edinburgh. I have no cause to believe that what he said was said in anything other than good faith. The fact that there are examples shows that we have something to address.

12:00

**The Convener:** The problem is not who the people are; the problem is that we must have the information before us. The discussion that we are having is on the record, so anyone who thinks that the legislation is being misapplied or disapplied can say so. If anyone has any details of or contacts for the people who are making such allegations they should pass those on, as it is appropriate that we ask those people to advise the committee so that we can put their allegations to the appropriate sources. I cannot do that on the basis of hearsay.

**John Finnie:** For the avoidance of doubt, I am not asking for anything other than clarification from the chief constable as to whether the format that is applied to the policing of the Celtic ground is different from that which is applied elsewhere in Scotland. That is important. Perhaps there is an historical dimension to Strathclyde Police's actions.

I accept that there is an undertaking to review the legislation. My comments are not about conviction rates or anything like that; my comments are about a public perception in some quarters of the legislation's disproportionate impact on a group of individuals.

**The Convener:** We can ask the chief constable to comment on that. However, what I am saying is that it is useful for the committee to have information that has been given to any member, including contact details. We need that so that the committee can put first-hand information—not hearsay—to the appropriate source.

**Graeme Pearson:** I wish to clarify the statement made by Bill McCluskey. He did not state that solicitors were subject to surveillance; he stated:

"There is no doubt supporters are routinely subject to surveillance."

I mentioned the usefulness of the legislation with regard to legal challenges. I raised that issue only because a strong part of the evidence in support of the introduction of the legislation from the police service was that breach of the peace had lost its efficacy and therefore new legislation was needed to put the matter beyond challenge. Members might recall that I offered wide-eyed optimism in response to that view. I am not

suggesting for one moment that I thought that the legislation would be beyond challenge, but that was the specific evidence from British Transport Police at the time.

Members might also remember that on a Tuesday some weeks ago, some supporters came through to the Parliament to put their case in relation to the legislation. Part of the evidence they gave was that, when they arrived at the Parliament, they were subject to surveillance. Indeed, they were interviewed by the police at 10 o'clock in the morning in George Square before they even set off for the Parliament. They found that somewhat challenging and sinister.

**John Finnie:** There is legislation in place. You referred to RIPSA, and if people have not applied that correctly, that should be acted on—I absolutely support that.

**Graeme Pearson:** I very much agree. That is the point that I am making.

**Roderick Campbell:** I do not have much to add to what has already been said. I agree with the convener that there is a lot of anecdotal evidence and that, if we want to take the matter seriously, we must have something on the record to consider.

In his response to the committee, the Lord Advocate refers to the fact that, although he has not received any representations on his guidelines, he

"would be happy to consider any suggested revisions".

If we are to look at any written submissions, we might want to look at those guidelines, too.

**Sandra White:** I did not know anything about what happened in George Square before the supporters came to the Parliament. They obviously met there before they went on to Queen Street station. I want to speak to those supporters and hear about what happened. Normally, anyone who is travelling through to Edinburgh just arrives at the train station and off they go.

It is important to quote some of the figures in Steve House's reply to the committee, because the policing of the Green Brigade was specifically asked about. He said:

"72 members of the public ... have made complaints ... Of these, 34 have refused to engage with the police beyond their initial e-mail, despite a number of attempts"—

**The Convener:** That is about the incident in Gallowgate. I want to park that issue.

**Sandra White:** No, convener. This is an important matter. Your letter was sent to Steve House under those auspices.

We have information from MSPs that has been given by people who have contacted them; other



MSPs have not seen that information. I am making the point that 34 of the 72 complainants refused to give further evidence. In addition, the people who were supposedly to give evidence about the incident came from all over Scotland; some even came from Cyprus. I am trying to put the matter into context.

**The Convener:** That is fine. You have put it into context. The response is also on our website and therefore in the public domain.

I want to focus on the legislation itself. The suggestion is that we write to the chief constable, pointing him to our discussion and the issues where we might think that the legislation is being misapplied. What I seek from members are contact details for anyone who feels that they have direct evidence that they can give the committee. As members will see from our work programme, we will not really be able to pick this issue up until the new year, but that does not mean that it has been parked. The last thing we want is legislation that is wonky in places; I am not saying that this particular piece of legislation is, but we need to check the position. In any case, we cannot proceed simply on the basis of comments, however worthy they might be, from Graeme Pearson and John Finnie. The committee needs something in front of it that it can challenge; indeed, we might well get people in to advise us and test their evidence.

**John Finnie:** I want the committee to make it very clear that someone with a complaint about the constabulary's impropriety should not come to the Scottish Parliament with it. Instead, they should present themselves at a desk to make that complaint. That is why I think that Sandra White's comments are very valid. I thought it a very compelling point that although people made complaints to the police and wanted to make assertions, they did not follow that up.

**The Convener:** We have never been and never will be the last court of appeal and are not some kind of complaints procedure, but we are entitled to look at the operation of legislation. I agree with you in that respect. You have all made your points—

**Colin Keir:** I want to say something—if I am allowed to—about your suggestion that we write to the chief constable, pointing out certain areas where we think the legislation has been misapplied. The point is that we do not know.

**The Convener:** I never said that.

**Colin Keir:** But you used the word “think”.

**The Convener:** I talked about areas where the legislation might have been misapplied. I am not claiming for one minute that it has been misapplied; it is just that there has been an

allegation to that effect. We have no evidence that it has been misapplied. None of us would want anything to be misapplied, but I have not claimed that it has been. That is the whole point about seeking independent evidence from people outwith the Parliament, not as some kind of appeal to us but to allow us to consider the validity of what has been said and to put that to the chief constable, if we must.

**Sandra White:** Following on from John Finnie's comments, I think that people with a legitimate complaint should go to the first port of call, which is the police, not the Scottish Parliament.

**The Convener:** I have already made that point.

**Sandra White:** I know, but the suggestion is that we write to the chief constable Steve House about allegations made by those who have written to MSPs, so therefore we think that something is wrong. Surely if those individuals think that something is wrong they should write to the police. If that then comes through, we could consider the matter.

**The Convener:** Oh, dear. I feel that I am going round in a wild circle here. All I will be doing on your behalf is writing to the chief constable, saying that some allegations have been made. We will simply be passing on the information; we are not doing anything about it just now because we do not have any independent evidence in front of us. The record will be there and I have no doubt that the chief constable pays attention to what happens in this committee, particularly when such issues arise—notwithstanding, of course, what happened in the previous evidence session. That is all that we are going to do. It is up to people to write to the committee not as some court of appeal or complaints process but to point out, “This is what happened with the legislation,” and then we have to find out whether that, indeed, is the case. All these things can be passed to the police for comment in the first place.

Can I move on now?

**Jenny Marra:** Yes.

**The Convener:** Rod, I want to move on. Is your point crucial?

**Roderick Campbell:** I feel that we need to put something on record in relation to the incident in the Gallowgate, even if we just say that we have read and noted the correspondence.

**The Convener:** We have read and noted the correspondence. The response—and indeed this discussion—can be found on the website for anyone to read and challenge.

## Purposeful Activity in Prisons Inquiry

12:09

**The Convener:** Agenda item 4 is consideration of the Scottish Government's response to the committee's report "Inquiry into purposeful activity in prisons". Paper 3 recommends that we agree to await the publication of the Scottish Prison Service's organisational review and an update on the SPS's strategic review of purposeful activity.

I suggest that we keep a watching brief on the issue. I think that our investigation has had an impact and I am cheered by the view that the SPS chief has taken. We also have the option of making a bid for a committee debate in the chamber, but we might want to wait for the outcome of those reviews before doing so. Are members content to keep a watching brief on the issue for now?

**Graeme Pearson:** On page 11 of the Government's response, item 10 deals with the point that we made that the movement of prisoners between prisons and courts diverts staff resources. The response states:

"Escort services are currently delivered by G4S so there is no impact on prison resources".

However, our point was that staff need to be allocated to the prison reception area to ensure that prisoners are prepared and therefore can be taken to the appropriate court and undergo all the security searches on their return from court. To say that there is no impact on prison resources is either a shorthand misrepresentation of what we said or a misunderstanding of our recommendation. Our point was not that staff are used to escort prisoners out on the street but that staff, who might otherwise be engaged in providing purposeful support in prison, need to be allocated to the prison reception area for long periods of time, which disrupts the prison. That is just a point of information.

**The Convener:** Perhaps you can ask a parliamentary question about that. We know that the SPS is looking at using videoconferencing so that there will be less need for prisoners to be moved backwards and forwards.

**Graeme Pearson:** That was our point about videoconferencing.

**The Convener:** You have put the point on the record, but you can ask a parliamentary question about the issue as well.

**Graeme Pearson:** I look forward to doing so.

**The Convener:** I look forward to seeing your question.

## Fatal Road Collisions

12:11

**The Convener:** Agenda item 5 is on fatal road collisions. Do we want to continue to work on the issue, or do we think that we have taken the matter as far as we can?

I am mindful of the comments that the Cabinet Secretary for Justice made in his response to our report on the Victims and Witnesses (Scotland) Bill. The stage 1 debate on the bill, which takes place tomorrow, may be an opportunity to make any points that we want to make. What are members' views?

**Jenny Marra:** As we have taken evidence on the issue, I think that we should keep the matter open until after work on the bill has concluded. We can make a quick decision after that.

**The Convener:** In the Scottish Government's response to our stage 1 report on the bill—which is one of the many supporting papers for today's meeting—the cabinet secretary states:

"I am not persuaded that it is necessary to give bereaved families a statutory right to obtain copies of the investigation papers relating to fatal road deaths but, given the concerns raised by the Committee, I have asked my officials to discuss this matter further with COPFS to ensure that appropriate information is passed to families where possible."

The cabinet secretary has not agreed to a statutory right, but it might be interesting to raise the point in tomorrow's debate.

**Jenny Marra:** One point that we put to the cabinet secretary is that families should have not so much a right to be given the information as a right to ask for it. We can probably take a decision on whether to close off our consideration of the issue only after we have debated the bill.

**The Convener:** Perhaps you can highlight that distinction tomorrow to see whether something might be done during the amendment stages.

We will now move into private session for agenda items 6 and 7.

12:13

*Meeting continued in private until 12:47.*

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