



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE SUB-COMMITTEE ON POLICING

Thursday 4 June 2015

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JUSTICE SUB-COMMITTEE ON POLICING

7th Meeting 2015, Session 4

CONVENER

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

COMMITTEE MEMBERS

*John Finnie (Highlands and Islands) (Ind)

*Alison McInnes (North East Scotland) (LD)

*Margaret Mitchell (Central Scotland) (Con)

*Elaine Murray (Dumfriesshire) (Lab)

*Kevin Stewart (Aberdeen Central) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Roderick Campbell (North East Fife) (SNP)

Michael Matheson (Cabinet Secretary for Justice)

Graeme Pearson (South Scotland) (Lab)

Gillian Russell (Scottish Government)

CLERK TO THE COMMITTEE

Joanne Clinton

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Justice Sub-Committee on Policing

Thursday 4 June 2015

[Margaret Mitchell opened the meeting at 13:15]

Temporary Convener

Margaret Mitchell (Central Scotland) (Con):

Good afternoon and welcome to the seventh meeting in 2015 of the Justice Sub-Committee on Policing. I ask everyone to switch off mobile phones and other electronic devices completely.

Apologies have been received from the convener, Christine Grahame. I welcome Roderick Campbell and Graeme Pearson to the meeting.

Under standing orders, the oldest member present must chair the meeting for the purpose of choosing a temporary convener. As I have that dubious honour, I have taken the chair. I seek nominations for a temporary convener.

Members: You.

Margaret Mitchell: Are there any other nominations?

Kevin Stewart (Aberdeen Central) (SNP): I just want to put on record that this is a very young committee.

Margaret Mitchell: Thank you. I welcome that comment.

Only one nomination has been received. I therefore ask the sub-committee to agree that I remain in the chair as temporary convener. Is that agreed?

Members *indicated agreement.*

Police Reform

13:16

The Temporary Convener (Margaret Mitchell): Today the committee will take evidence on realising the benefits of police reform, as part of our remit to review the operation of the Police and Fire Reform (Scotland) Act 2012. It is appropriate, two years on from the inception of Police Scotland, to hear from the Scottish Government about progress in delivering the original aims and benefits of police reform. It is therefore my pleasure to welcome to the meeting the Cabinet Secretary for Justice, Michael Matheson, and Scottish Government officials Gillian Russell, deputy director of the police division, and Hilary Pearce, head of the police finance team. I invite questions from members.

Alison McInnes (North East Scotland) (LD):

In the first couple of years, the role of the Scottish Police Authority in governance and oversight has been surprisingly weak. The authority has repeatedly been playing catch-up; it has been this committee and MSPs who have provided appropriate oversight on governance issues, on stop and search, on armed police and on other matters. What actions have you taken since you took over your post to address the concerns about the SPA? I see, for example, that you recently appointed three additional members to the Scottish Police Authority. Can you explain why that was and what other actions you have taken?

The Cabinet Secretary for Justice (Michael Matheson): I will deal first with the issues around the performance of the SPA and scrutiny of Police Scotland. As I said in the chamber yesterday, I am very much of the view that policing is under greater scrutiny now than it has ever been, for a variety of reasons and through the variety of structures that we have in place, from the SPA through to Her Majesty's inspectorate of constabulary in Scotland, Audit Scotland, the sub-committee and Parliament in general. There is a level of scrutiny that was not there before.

Two of the examples that you gave were the deployment of firearms officers and stop and search. Before Police Scotland adopted its policy on the deployment of firearms officers, three of the legacy forces were already operating on that basis, one of them being Strathclyde, which was the largest police force in Scotland. That raises the question of what scrutiny was being done at that point, given the concerns that were voiced when the policy was rolled out nationally.

Stop and search was not a new activity to Police Scotland. A lot of stop and search was already taking place in a number of the legacy forces,

which raises the question of where the scrutiny was of that activity.

Some of the issues have crystallised as a result of the approach taken by Police Scotland and the level of scrutiny to which the police are now subject. Both the chair of the SPA and the chief constable are already on record as saying that they acknowledge that they could have acted more quickly to address the concerns that were raised about those matters.

The decision to deploy firearms officers across the whole of the Police Scotland area has now been subject to review and assurance by HMICS, which has published its report. Work has also been undertaken by the SPA. A number of checks and balances are now in place around any policy change in that area. The chief constable must go to the SPA with any planned changes on the deployment of firearms officers, and ministers must also be advised of any planned changes before they are introduced.

I would question the scrutiny that was going on before, but the matter has been considered and we now have checks and balances in place in relation to firearms officers. Police Scotland is also doing further work on the carriage mechanisms for firearms.

On what the Scottish Government has done around stop and search, when concerns were raised, I responded by establishing the independent review group, which involves a range of stakeholders and is chaired by John Scott QC. The group will advise us on how to deal most appropriately with the various issues around stop and search, given the concerns that have been raised.

Stop and search was in my inbox when I became the Cabinet Secretary for Justice, and we have acted fairly decisively. Could the issues have been anticipated? I suppose that, with hindsight, the SPA could perhaps have responded more quickly to concerns, and it recognises that.

I have asked the SPA to ensure that it horizon scans and, in dialogue with Police Scotland, looks at issues on which it should be sighted at an earlier stage, so that it has the opportunity to consider whether it needs to look into them in greater detail. I accept that the SPA could have improved on how it dealt with certain matters. However, I think that we now have a greater level of scrutiny than ever before.

You mentioned the appointment of three additional SPA members. The board can have up to 15 members, and I considered its membership when I came into post. I came to the view that I wanted to add further individuals to the SPA whose skills could complement those of existing board members and could be used to the board's

further advantage, particularly in relation to policing knowledge. The recruitment process drew a lot of interest, and there were a lot of very good candidates. The three candidates whom we appointed to the board, who took up their role last month, add significant experience and will contribute significantly to the SPA. Their skills will complement those of existing SPA members in areas where there was, potentially, a deficiency.

Alison McInnes: Does the board have the capacity and the will to do what you have asked it to do in terms of horizon scanning and policy engagement with Police Scotland?

Michael Matheson: I have asked the SPA to ensure that it forward plans with Police Scotland. I have also asked Police Scotland to ensure that it engages with the SPA and shares information with it at an early stage. There is a tripartite relationship involving the SPA, Police Scotland and the Scottish Government, and I have no reason to believe that the SPA will not take that work forward. However, it is important that it plans ahead rather than simply reacting to issues, as it appeared to do previously. That is not to say that it should not be reactive when that is appropriate, but it should also look to forward plan and it should work with Police Scotland to identify issues at an earlier stage in order to consider them proactively.

Alison McInnes: Did you put in place a formal improvement plan for the SPA?

Michael Matheson: The inspector of constabulary looked at the operation of the SPA and made a number of recommendations in his report. The SPA has accepted all the recommendations, and the improvement work and the plan that it is taking forward are based on them. The SPA is evaluating that work as it moves forward, and HMICS is monitoring its progress in taking forward the recommendations, which are now part of an on-going improvement plan.

Kevin Stewart: We are considering the benefits of police reform, and we are well aware of the cuts that came from Westminster. What would have happened to front-line policing if we had not had the reform and had left things as they were? Would that have been sustainable?

Michael Matheson: I think that if we had not reformed policing in Scotland we would have suffered significant cuts to operational policing—we have only to look at what is happening in England and Wales, where almost 15,000 police officers have been lost, with a range of services being outsourced as a result. A growing number of chief constables are saying that the existing arrangement, with 43 forces in England, is not sustainable, and they are looking at what has happened in Scotland and at the transformation and change that have been taken forward in a way

that has allowed services to be sustained and largely protected. Had we not transformed policing in Scotland, we would be in a similar position to many police forces in England—particularly the smaller forces—which are now finding that they are just not sustainable.

The Temporary Convener: There is perhaps an element of crystal ball gazing there. I appreciate that that might be what you think, given the situation in England and Wales, but we cannot say that that would definitely have been the case.

Michael Matheson: I am referring to comments that have been made by senior police officers in England and Wales. They are saying that they do not believe that their existing arrangements are sustainable.

The Temporary Convener: But that is not directly comparable to the position in Scotland. It is important that we include that little proviso while hearing your views.

Michael Matheson: Well, I would disagree. We had a number of small forces in Scotland. For example, the force in my area—Central Scotland Police—was broadly the same size as a command area in Strathclyde, given the numbers and the population that it dealt with.

The Temporary Convener: We will agree to differ on that.

Michael Matheson: We will probably agree to differ. However, I see that, just today, the National Audit Office has published a report into policing in England and Wales that refers to the transformation that is taking place in Scotland. It does not believe that the existing arrangements and structure in England are sustainable given the budget cuts that are being faced. The sub-committee might want to consider that point. It is interesting that the NAO referred to the way that policing has been transformed in Scotland as an example of change that can protect the delivery of policing services.

Kevin Stewart: Obviously, folks out there are most concerned about the number of bobbies on the beat and how they are served by the police service. We have the national policing plan and local policing plans, and I, for one, am quite happy with the Aberdeen local plan, which was published last week. Are we sure that, when the local policing plans are formulated, the views of the general public are taken into account?

Michael Matheson: There is now, I believe, much more local planning for the delivery of policing than was the case in the past. There are 353 ward plans for the delivery of local policing and local plans for the command area, and everything sits under the national plan for policing. More elected members are engaged in scrutinising

that process than ever before. HMICS is undertaking specific inspections on local policing—local policing plus is, I believe, the term that the inspector, Derek Penman, used when he specifically considered the level of local engagement.

In his recent inspection in Ayrshire, the inspector highlighted that when we still had Strathclyde Police, the three Ayrshire councils each had two councillors on the Strathclyde police authority board, which I think had 34 or 36 members. He has identified that, as a result of the way in which the local scrutiny committees are working, around 26 councillors across those three councils are involved in the scrutiny of local policing and its delivery.

13:30

There is absolutely no doubt that more elected members are involved in that process than was the case with the legacy forces. However, I think that it can be improved further. In some areas, the local scrutiny committees are operating and engaging well with local commanders. The committees raise and discuss issues with the local commanders and get good responses from them. However, in other areas, the process is not working so well.

I want to look at how we can bring that all together and ensure that the experience in Ayrshire that the inspector highlighted happens in other parts of the country. During the summer, we will organise a summit for all the scrutiny committee conveners and other councillors, along with the SPA, the Convention of Scottish Local Authorities, Police Scotland and us—and I extend an invitation to the members of the sub-committee, too. The summit will look at how we can improve yet further that local accountability and local engagement and how we can share good practice across the country so that we build on the progress that has been made and ensure a more consistent approach.

Kevin Stewart: On good practice, some areas had local policing plans long before the formation of Police Scotland. Mr Finnie and I heard from the community in Elgin, where people felt very involved in the formulation of the local plan. That is what we would like to see across the country, so I wish you well with the summit.

Michael Matheson: There is also flexibility so that local commanders can take an approach that reflects local circumstances. In Aberdeenshire, the council has decided that, rather than have ward plans, it wants area plans, as that approach better reflects how it plans the delivery of local services, whereas in Moray, the councillors want to stick with local ward plans. There is flexibility for local

commanders to take the approach that is most appropriate for their circumstances. That is the right thing to do. I just want to make sure that more of that good practice happens across the country.

Kevin Stewart: The committee has taken a particular interest in i6, which is still in development. How is i6 progressing, and when is it likely to come on line?

Michael Matheson: i6 is a major piece of information technology investment for Police Scotland. The initial thinking and development around it were initiated pre-reform but the system has been accelerated since Police Scotland was created. It is on time and on budget. At present, it is going through an eight-month assessment period, during which it is being tested out by officers. Deputy Chief Constable Neil Richardson is responsible for taking IT policy forward. When I met him last week, he said that the feedback from officers who have been testing out the system is very positive and extremely encouraging, and it has been progressing well.

Once the testing period has been completed, i6 will start to be rolled out in September this year. It will be done on a phased geographical basis, with full implementation by the end of September 2016.

I have never been a police officer but the feedback that I received from the deputy chief constable is that there is the potential for the transformation and change that the functionality of i6 will deliver to be very significant. Trying to achieve such change was extremely challenging for the legacy forces. They attempted it with the platform project, which did not succeed. Police Scotland will have a national resource—a single, unified system—operating right across the service, which it believes will result in real transformational change in how officers capture information and data.

The Temporary Convener: Is i6 a joint responsibility for Police Scotland and the SPA, as opposed to being an end benefit for which you and the Scottish Government are directly responsible?

Michael Matheson: Yes, from an operational point of view. However, it will help to deliver the end benefits. It is one of the operational targets.

The Temporary Convener: No doubt we will return to it.

Kevin Stewart: I think that i6 working well is vital to the future of policing. You mentioned the platform project, minister. In different guises in the past, many of us came across that. On the testing of i6, are you sure—

The Temporary Convener: Can I stop you there? We will have a detailed discussion on i6. Today, we are considering the Government's

broad responsibilities. I take your point, but we are in danger of going into a level of detail that can be more productively pursued with Police Scotland and the people who are running the project.

Kevin Stewart: In that case, I will change tack. Will the delivery of i6 ensure savings for the force? Savings are necessary and part of the reason for reform.

Michael Matheson: That is part of the programme's purpose. The timeframe for the capital and revenue savings that will come from it is four to eight years. Investing in a system that offers much greater functionality will help the police to capture data more effectively, allow them to plan services more effectively and enable them to give more assurance about the data that they capture. The project will have a range of benefits for how the police plan and develop services, because they will have a single platform that will gather all the information.

Kevin Stewart: The project will produce not only a saving but better service for folks.

Michael Matheson: Yes—it will do both.

John Finnie (Highlands and Islands) (Ind): Good afternoon, cabinet secretary. A range of positives and benefits have come from the single service. Many people, including me, would not have supported it had it not been for the financial imperative of the cuts from Westminster. I was not quite sure whether you were describing greater scrutiny as one of the benefits.

Michael Matheson: The greater level of scrutiny at a local and national level is welcome. The national scrutiny was not considered as much as it should have been pre reform. I had seven years on a justice committee and, during that time, policing matters were not considered in the Parliament in as much detail as they are now. The level of scrutiny is much greater, which is positive. Some of the issues that that has flushed out are welcome and will get us into a better place. Other issues might emerge as we go forward. The reform did not just happen on 1 April 2013; it is a continuing process. The additional scrutiny is a strength.

John Finnie: I do not know whether you are commending the sub-committee for flushing out issues, but we have found it challenging to get information on occasion. Indeed, we have had an assistant chief constable sit where you are and talk arrant nonsense. He was not under oath—I do not know whether it would make any difference nowadays if he was under oath—but it is important that we have meaningful engagement with such people. I say that because, to scrutinise something, we have to know about it.

You were wrong to question the previous, pre-single service scrutiny arrangements. I am keen that we move on from armed policing but, if one of the three forces that you said were operating a similar system prior to 1 April 2013 was Northern Constabulary, and as you are questioning scrutiny, can you point to a paper to the joint police board or a consultation document that put the approach in the public domain? Perhaps you can come back to the sub-committee on that.

Michael Matheson: Do you mean a Police Scotland document on taking that forward?

John Finnie: I am talking about Northern Constabulary.

Michael Matheson: To be fair to it, Northern Constabulary introduced the policy only for a short period prior to reform. Tayside Police and Strathclyde Police were the two other forces.

John Finnie: Did the policy go to the Northern joint police board?

Michael Matheson: I would have to check that for you.

John Finnie: I think that you will find that the answer is no. It is inappropriate to criticise a previous regime's scrutiny of something that it was unaware of.

Michael Matheson: I accept that. That goes back to addressing issues that might be coming up. We need to recognise that, when significant change is being taken forward, the people to whom a body is accountable must be informed of any changes. There is work to be done to ensure that Police Scotland informs the SPA prior to taking forward any significant changes in how it operates in relation to such issues. The arrangement that is now in place for firearms matters allows that to happen and ensures that there is a check and balance process before anything can change.

John Finnie: I am reassured by that but, since we are reflecting backwards, it is only right to be fair. When we hear a former convener of a police joint board—a principled individual—saying that he had no knowledge of the matter, I have to say that it was opportunism, perhaps on the part of one person, to move Northern Constabulary to the position that it took, albeit for only a short period.

I commend the role of Her Majesty's inspectorate of constabulary for Scotland. In relation to a number of issues, including armed police and stop and search, Mr Penman's comments have been helpful. The review that was published in March said:

"The evidence that exists does not suggest any clear causal connection between the use of stop and search and reductions in crime. The research evidence indicates that policing is most effective when officers engage in problem

solving or problem-oriented policing, typically in partnership with other agencies."

Would you commend that approach?

Michael Matheson: Yes.

John Finnie: I mention that because the people whom we met on our visit to Moray, which Mr Stewart mentioned, were extremely supportive of the police. They were clearly engaged with the police.

Police Scotland has since engaged with those people in Moray and my constituents in Argyll. Despite what Police Scotland is saying—that the move has been put on hold—there is a hope to move to having super-divisions, with people in Port Appin in the north of Argyll being policed by the same commander as people in Port Glasgow. What is your view of super-divisions?

Michael Matheson: There is a consultation on the proposal to go from 14 divisions to 12 and I understand that Police Scotland is still considering the responses. It is fair to say that the responses that have been received from the north-east have been more supportive than the ones from the Argyll area. I would expect Police Scotland to respond to that.

Before the change can take place, it will have to go to the SPA, which has made it clear to those who have raised concerns that it will look at the process of engagement with communities and at the consultation responses to see whether concerns have been adequately addressed and taken into account prior to Police Scotland making any recommendation to the SPA. After that, the SPA will decide on the matter.

John Finnie: There is a lot to commend the present structure. That structure can have a top level, with all the support services, and also have in effect a series of local police services, with the local scrutiny that exists. Crucial to that is the role of the superintendent ranks. We know that a survey has been published about the number of hours that they work—I argue that those hours break the law—and the stress that they are under. If we moved to the proposed structure, not only would we impose a greater workload on the reduced number of people who would be of that rank—a rank that we all understood in advance of amalgamation would be pivotal to the new structure—but we would lose the local connection. Will you lend your support to retaining the present structure as a way of having more devolution to local areas?

Michael Matheson: I think that we are getting into dangerous territory—

John Finnie: We are talking about benefits. If that is the direction that we are going in, we need

to know whether it will be a benefit or whether there will be a downside.

Michael Matheson: We will get into dangerous territory if I start telling the chief constable how he has to structure his local divisions. There is an operational element.

The oversight is provided by the SPA, which will consider all the evidence and any issues that were raised and then decide whether the proposal will go ahead. The final say will rest with the SPA, which will consider the issue alongside the work that it is doing to ensure that there is good and effective local engagement in decision making on policing. The SPA has that oversight role, and it is only right that it be allowed to consider the matter. However, I fully expect the process to consider the evidence and the views that have been submitted as part of the consultation exercise.

I do not want to get into a situation of ministers telling chief constables how many divisions they must have. There is an operational independence element, and there is an appropriate oversight mechanism, in the form of the SPA, for any final decision that is made.

13:45

John Finnie: Indeed. I was joining up the issues, and it was probably inappropriate to ask you to respond in that way.

I will ask about the consultation processes that Police Scotland uses. For example, when it consulted on stop and search, I provided a detailed individual response, to which I got two or three pro forma replies, because I—like a number of members—represent an area that straddles different divisions. I received a central response, as well as responses from two divisions. They all said exactly the same thing, which was the same response as everyone else in this building got.

I do not necessarily expect a personal reply every time, but how do we know that a consultation is meaningful? I and other citizens raised concerns about the consultation on the proposed amalgamation for Argyll. It was commendable that Police Scotland took to Twitter and social media on the issue, but it then declined to answer any questions, including those from elected representatives.

Michael Matheson: The answer depends on what a consultation is about and what mechanism Police Scotland is using for that purpose. For example, on the proposal to go down from 14 to 12 local commands, I understand that one of the first actions that Police Scotland took was to engage with local elected members—particularly those in the scrutiny committees in local authorities that were looking at the proposal.

I do not know what other mechanisms Police Scotland put in place to gather views from members of the public or whether those processes proved to be effective. However, as I mentioned, I would expect the SPA to scrutinise and consider not only the results but the process that was used, to see whether the consultation was effective and appropriate for the proposed plans.

It is important that we allow the SPA to undertake that role. I expect consultations to be robust and reasonable, to allow the public, elected members and any other interested parties to express their views. Following that, I expect the information to be distilled into findings. Police Scotland then puts its proposal to the SPA, after which the SPA scrutinises and considers the findings in detail before making any final decision.

John Finnie: May I ask one final, small question?

The Temporary Convener: You are pushing your luck now, Mr Finnie.

John Finnie: Cabinet secretary, I have read that your colleagues in Westminster are pursuing the VAT issue. The sub-committee is grateful to anyone who would do that. Are you in a position to give us an update on that? Clearly, it would be of great benefit if the two services in Scotland did not pay VAT.

Michael Matheson: We are in the same position: Police Scotland and the Scottish Fire and Rescue Service are required to pay VAT. The Treasury's principal argument is that, because we have moved to national services, VAT must be paid. However, the Police Service of Northern Ireland and the Northern Ireland Fire and Rescue Service are national services and they do not pay VAT.

The most interesting thing is that, since Police Scotland came into being on 1 April 2013, several national agencies that operate in England have been given VAT exemption. If that is the line of argument for not allowing VAT exemption for Police Scotland and the Scottish Fire and Rescue Service, why has the Westminster Government given VAT exemption to several United Kingdom agencies in the past two years? For example, the Highways Agency—it is now known as Highways England—which was created only in 2014, a year after Police Scotland, has been given VAT exemption.

The Scottish Government's view is that this is a straight policy matter. If the Westminster Government has the will to exempt the services here from VAT, there is a way to do that, as it has demonstrated in the past two years. There has been a lack of will so far, but we will certainly push the Westminster Government, because it is discriminating against the police and the Fire and

Rescue Service in Scotland. That is not acceptable, and the UK Government should act on the matter sooner rather than later.

Elaine Murray (Dumfriesshire) (Lab): Cabinet secretary, have you had any explanation from the Scottish Police Authority of why its last quarterly report on benefit realisation was published in October last year and there has been no update since then?

Michael Matheson: My understanding is that there was a six-monthly report on benefit realisation and the SPA has decided to go to a quarterly report on that, which will coincide with its quarterly reform report. I believe that it will consider the next benefit realisation report at its meeting this month. It is changing from a six-month reporting system to a quarterly reporting system, so there will be alignment with its reform reporting.

Elaine Murray: That is a little strange, because the title of the paper is “Quarterly Report on Benefit Realisation: (Quarter 2—July–September 2014)”. The SPA does not seem to have been particularly well organised about that. It sounds rather as though it has gone the opposite way.

Michael Matheson: It is trying to align the two. The reason for holding the report back is to align the two.

Elaine Murray: It would have been helpful if it had made that a little clearer, perhaps.

I want to return to the local benefits from policing. On Monday, the convener and I were at the Dumfries divisional command in Dumfries and Galloway. I am afraid that the experience there has not really been reflected in what you have said. It is not the feeling there that policing is under greater scrutiny than previously; rather, there is a feeling that there was greater scrutiny in the past because the force was coterminous with the local authority. Obviously, the police control room in Dumfries has been closed, armed police have been deployed, and there was no consultation with local people.

We have many galas, for example, at this time of year. Previously, the police were very flexible in looking at road closures, but they say that they cannot do that any more. There is a centrally imposed diktat around road closures. Is public or local authority engagement working sufficiently now? What can the local authorities do if they are dissatisfied with the local policing plans or the resources that are coming in? What steps can a local authority take if it is dissatisfied?

Michael Matheson: I go back to my earlier answer to Kevin Stewart. In some areas, the approach is working well, but in other areas it could improve. For example, some members have

heard from representatives in Moray that they feel it is working effectively for them. HMICS has reported that the approach is working well in Ayrshire and that the feedback from the councils that are engaged in the process is that it is working well. However, it is clear that there are other parts of the country in which elected members feel that it is not working as well as it could and that improvements could be made.

That is exactly why I have decided to organise a summit for this summer to bring together those stakeholders. The aim is to look at how we can get what is working well in one part of the country working well in another part of the country. If something is not working well in Dumfries and Galloway, can something be learned from what is in place in Morayshire, Ayrshire or other parts of the country to improve things?

We need to consider how we can take forward that work more effectively. If, as you mentioned, a local scrutiny board is not happy with a local plan, or is happy with the plan but is not happy with its implementation, and has raised that matter with the local area commander but does not think that it has received the response that is necessary, how does that link into the SPA's consideration of those matters? How can we ensure that that happens more effectively? That is one of the issues that I want to explore with stakeholders. Is there a way in which we can help to strengthen the approach? If a local scrutiny board feels that the approach is not working as effectively as it should, or does not feel that it can feed in effectively to give an overall national picture to the SPA, what can we put in place to help to strengthen that?

Elaine Murray: To be fair, I think that there is somebody from the SPA board who is now dedicated to the area.

Michael Matheson: There is.

Elaine Murray: They attend the local scrutiny board meetings.

Michael Matheson: Yes. That has happened across the country.

Elaine Murray: That is probably assisting to some extent.

I think that the problem in respect of the benefits for local policing is that it has been very difficult for areas in which there was a lot of local involvement and a feeling that the police force was theirs to feel that they have not been lost. I do not know what the experience has been in Fife, where there was coterminosity.

Michael Matheson: I understand and recognise some of the anxieties and concerns that people have about those matters. That is not to say that I think that the issues are insurmountable. They can be addressed, and there is a bit of work to be

done on that. The SPA board members now liaise and link with a number of individual scrutiny committees, and I want to consider whether there is a way in which we could formalise that. I am keen for the SPA to ensure that it has proper oversight of what is happening out there on local accountability and how well it is working. The work that Police Scotland is doing through DCC Fitzpatrick, who leads on the local engagement work, is about strengthening the way in which Police Scotland goes about communicating, engaging and linking in at local level. Police Scotland has a strategy in place on strengthening that and developing it further.

I acknowledge that there is more work to be done in the area. We can look at a range of things that will help to support that. The local engagement strategy that Police Scotland has put in place, the work that the SPA is doing, the stuff that we will support and the stuff that HMICS is highlighting are all areas in which we need to ensure that we make the right progress to address the concerns that members' constituents might have and their feeling that the engagement and accountability are not as strong as they could be. Let us try to identify what we could do to make that better.

Elaine Murray: You mentioned the summit in the summer. Who is invited to that?

Michael Matheson: The intention is that, as well as members of the sub-committee, who are very welcome to attend, the summit will be attended by conveners and members of the scrutiny boards, COSLA, the SPA, HMICS and Police Scotland. Is there anyone else?

Gillian Russell (Scottish Government): The Improvement Service.

Michael Matheson: The Improvement Service, will help to support us in looking at areas of improvement. They will all participate in the process. The purpose is to identify areas in which there could be improvement. For example, if the convener of the scrutiny committee in Dumfries and Galloway feels that something could be improved, there will be consideration of what that would look like. Police Scotland's local area commanders, who have a direct link to the scrutiny committees, will also participate, to try to strengthen the links and make them more effective.

The Temporary Convener: I want to follow up on the comments that we got from the scrutiny board when we were in Dumfries and Galloway. One of the problems that a number of people alluded to was the changing personnel. With commanders changing frequently, it is difficult to establish a working relationship and sometimes to

know how to contact the police, or even who to contact. That could be looked at.

Also, people felt that, although there are meetings, there is not really an opportunity to question and raise issues. I hope that the summit will take on board that point. People feel that it is more a celebration of Police Scotland than an opportunity for them to make their views known. I am sure that you will take on board those points.

More generally, on local policing, there was a definite feeling in Dumfries and Galloway that preventative policing has suffered as a result of national targets being imposed. On any given day, officers could say that they need stats and they must be delivered in three days. In that situation, the local priorities have to be dropped to do that. Perhaps you will look at that, cabinet secretary.

Another issue is that the 101 telephone number is, we were told, a PR disaster. That might not be the view across the board, although it certainly is not working too well in my area. Will you look at those issues? Previously in Dumfries and Galloway, when something that was not a crime was reported, that would have been recorded. That was important intelligence for preventative work. Will you follow up on those concerns to ensure that the communication is there and that the right service is being delivered through 101?

14:00

Michael Matheson: I certainly do not accept that 101 is a PR disaster, although I know that with the change in the call centres, for example, there have been some issues and challenges. The system is coping with something like 3.4 million calls a year, so it is fairly robust. As we know, there have been challenges in some areas around Bilston Glen, and the police have a process in place to address that through the Scottish Police Authority.

On the changing of officers or commanders on a regular basis, from a constituency point of view I am sure that we all feel that having a local community officer who knows the area and its hot spots inside out can be a real strength and invaluable to getting issues dealt with effectively. From my experience, when there is a rotation and officers are moved, someone new comes in who has to get up to speed before they have the same skills and knowledge. I accept that there is a benefit to having continuity of staff in certain positions, but it is not for the Government to direct the police on such matters; it is very much an operational matter. However, the convener's point about consistency of staff is very valid.

The points about local accountability and engagement are exactly the type of issues that could be considered at the summit—actually,

convener, I thought that your contribution about some of the issues that need to be addressed would be good to make at the summit, to ensure that those issues are taken forward and that we try to identify ways in which to improve the system.

The Temporary Convener: May I just touch on one issue that has not been mentioned by any other member of the committee? It is about having a little more equal access to specialist support. We have a fantastic facility in Gartcosh, but we must flag up the issue of mobile phones and having them looked at by an expert. Road traffic police do that on a regular basis, and in Dumfries and Galloway they told us that results could be delivered practically by the next day. Now they do not know who to contact in Gartcosh to get that information, and it can take literally not weeks but months.

Michael Matheson: I am sorry—I do not know what information you are referring to.

The Temporary Convener: Well, mobile phones—the police might want to look at whether a phone call was made when someone was driving, or whether there is information in relation to some kind of crime. Mobile phones are looked at on a regular basis during police inquiries. In Gartcosh all the expertise is there, but—understandably perhaps—counterterrorism work will take priority, or there may be another priority. The police were telling us that they do not know who to contact, and it can take months before they receive that information.

Michael Matheson: I do not know about it taking months to receive that information, but Gartcosh has been recognised, not only within the UK but internationally, as a model example of how a range of specialist services can be delivered for a specific function, and the style in which it operates has been looked at by a number of forces, including the Federal Bureau of Investigation. There are now, I think, 17 or 18 different agencies operating in partnership there, so Gartcosh is a real strength. You are right to say that one benefit of police reform is the range of specialist services that we are now able to deploy at national level to help to support local policing, and that issue has been identified by HMICS in some of its reports, including the way in which local areas have been able to call on that expertise. Whether it is a national rape investigations team or a specialist team that deals with child sexual exploitation—all those groups have been able to offer that additional capacity to local policing. I think that that is invaluable and a real strength of moving to a national force.

The Temporary Convener: I do not think that there is any question about that, but I was flagging up what might be a communications issue

regarding something that the police might want access to at local level on a quick turnaround.

Michael Matheson: Sure, but if there is an issue about them not getting a response within a reasonable timeframe, that is the sort of thing that I would expect the local commander to pursue through the appropriate channels within Police Scotland.

Roderick Campbell (North East Fife) (SNP): Convener, you touched on something that I was going to raise, but I will move on to something else. When Theresa May addressed the Police Federation of England and Wales on 20 May she accused it of scaremongering and crying wolf about the impact of the cuts. Could you tell us, cabinet secretary, about your relationship with the Police Federation and staff associations, and contrast it with that which prevails in England?

Michael Matheson: It is a wee bit different from Theresa May's relationship, but a big part of moving towards a single police force has been the need to ensure that we have good engagement with the whole range of stakeholders, including representative bodies and trade unions.

I meet the Scottish Police Federation, the Association of Scottish Police Superintendents and the trade unions regularly to discuss any concerns or issues that they have and, if necessary, I raise those concerns directly with the SPA and the chief constable. In my view, having a strong relationship with the range of stakeholders that represent the staff side is an important part of the move to a national service. We have a very good relationship with those stakeholders; we might not always agree, but the relationship is constructive and positive.

Roderick Campbell: Can you identify any ways in which it can be improved?

Michael Matheson: If there are ways in which it can be improved, I am open to that. From the feedback that I have had so far, the various stakeholders appear to be broadly quite content with the level of engagement and the way in which we engage with them. There is no doubt that the fact that they pick up on different issues in different parts of the country gives me an insight that might not otherwise be presented to me, and I find that very useful. The discussions that we have are very much about what is happening at the coalface. I find it extremely valuable to get a clear understanding from the representative bodies' members of what they think that the issues and challenges are.

Graeme Pearson (South Scotland) (Lab): It is right for me to acknowledge your approach and your openness thus far in recognising the need for change. In my view, it is a far more productive way forward than your predecessor's approach.

Can you give us some more information about the meetings that you have had with the chief constable and the SPA and what relationship you expect to have with them with regard to governance in the future?

Michael Matheson: I meet the chief constable every four weeks and the SPA every couple of months—my meetings with the SPA take place on a cycle of around eight weeks.

Going back to the issue that Roddy Campbell raised with me, the sorts of matters that I raise with the SPA and the chief constable would include any concerns that the trade unions might raise, and it would be for them to take those matters away and discuss them. In addition, they can bring issues to my attention. It is a very open process of engagement, which I think is a strength of Scottish policing.

Graeme Pearson: Is the rigorous nature of the scrutiny that you expect them to carry out now clear to the SPA chair and board? You have commented on the enhanced scrutiny that the committee and the Parliament as a whole provide. Do you accept that there has been a need for that enhanced scrutiny partly because of a perceived lack of scrutiny by the SPA in the first few years of the single force?

Michael Matheson: I met the SPA board about a month ago, and one of the issues that I raised was the need to make sure that it looks forward and that it scrutinises issues in a way that allows it to identify matters of concern earlier, instead of waiting to respond to events. I made it clear that I expect the board to operate on that basis, and the background of the additional members whom I have appointed to it is such that they will support that work in the future.

In addition, some of the work that has been identified on the back of the recommendations in the HMICS report on the SPA is about improving the SPA's performance in some of those areas. I want the improvements that have been recommended to be made, and I will see for myself how that is done. I have made it clear to the SPA that those improvements need to be made.

I have also made it clear to the police that I expect them to share the right information with the SPA so that it can make informed decisions on issues. It is a two-way process; there has to be early sharing of accurate, detailed information with the SPA to ensure that it can make the necessary decisions. I am clear about the need for good scrutiny and for both parties to play their part in ensuring that the process works effectively.

Graeme Pearson: Have you told them what you will do if they fail in that responsibility? How will we know if that happens?

Michael Matheson: I have not told them what I will do if they fail. I have asked to be kept up to date on progress of the improvement plan that has been put in place on the back of the HMICS report, but I have not declared what I will do if I believe that they are not making sufficient progress.

Graeme Pearson: So we might hear more about that later.

Michael Matheson: To be fair, I should say that I have not come to a decision on the matter yet.

Graeme Pearson: The temporary convener and others have talked about taking local views into consideration. Would you consider, in the summer, granting a right of audience to conveners of local committees to allow them to appear at the national board if they have issues of substance that they believe cannot be resolved locally?

Michael Matheson: Maybe we should explore that suggestion. It could be a useful way of feeding into the SPA to ensure that it has a very clear oversight of what is happening at a local level and that things are operating effectively. There would have to be some sort of gatekeeping process.

Graeme Pearson: Of course.

Michael Matheson: However, there might be merit in exploring and seeing whether there would be any value in such an approach.

Graeme Pearson: It seems to me that if the local and national people involved in these issues are aware that such avenues are open, it can concentrate minds and sometimes create solutions where impasses exist.

Michael Matheson: I agree. As I have mentioned, I want to look at how, if a local scrutiny board is concerned about a local plan—or is perhaps not concerned about a local plan but has issues about its implementation—it can feed those concerns in at a national level so that they can be taken account of. There is an issue about helping to close off that circle more effectively.

Graeme Pearson: When the sub-committee asked the same question of your predecessor, he was less able to see a route through the matter. It would be good if the suggestion could be examined in detail, because I think that there is some merit in it.

I would also like some clarity on the VAT issue that has been mentioned. It is fair to acknowledge that in 2007 the Government was aware of the rules of engagement when it came to VAT costs. Quite properly, you would want to pursue any changes that can be made in the light of experience, but hitherto there has been something of a public debate in which it has been suggested

that there was something unfair in the approach and how it was delivered.

Kevin Stewart: It is unfair.

Graeme Pearson: The Government approach was always that VAT would be an issue for the national force, as indeed it was for the Scottish Police Services Authority in 2007. I am asking about fairness so that we can get something on the record.

Michael Matheson: I think that it is unfair, and that unfairness has been demonstrated by the UK Government's willingness to give VAT exemption to a couple of national agencies that have been created since the creation of Police Scotland and the Scottish Fire and Rescue Service. If there is a consistent approach, I do not understand why those bodies have been granted the right to reclaim their VAT. It is unfair and unjustified.

Graeme Pearson: I accept that the issue is worth examination.

The Temporary Convener: We have exhausted that issue. Mr Pearson, you have got it on record that the Government was aware of the VAT issue in advance—

Graeme Pearson: I am grateful.

The Temporary Convener: Equally, cabinet secretary, you have made very strong points about why the issue should be looked at again.

Alison McInnes: Last month, the chief constable spoke out publicly with quite a stark warning that he expects that very difficult decisions will need to be taken in advance of the next Scottish Parliament election. What discussions has he had with you about those difficult decisions and will you share with us what he was talking about?

Michael Matheson: From the very beginning, difficult decisions have had to be made to take police reform forward, and some of those decisions have not been universally popular either in this Parliament or in local communities, because of the financial challenges that they face.

The SPA is doing a refresh of what the future might look like, and part of that involves looking at financial aspects. Once it has carried out that initial work, we will have a better idea of what the challenges and options might be. I have not been presented with a list, but there are challenges to be faced and difficult decisions to be made across the public sector, and the police will not be immune from them. We will have to consider the options in due course, once Police Scotland and the SPA have developed their thinking in detail.

14:15

Alison McInnes: Has the chief constable spoken to you about the ring fencing of police officers?

Michael Matheson: As in?

Alison McInnes: As in the difficulties that that presents for managing the workforce.

Michael Matheson: He has made it clear to me that he supports the approach that we are taking just now with regard to the 1,000 additional police officers. I have no doubts about some of the challenges that we face in managing the police budget, and he has raised his concerns about that overall.

So far, Police Scotland has delivered very effectively on the savings target that was set out as part of the reform, making approximately £880 million of recurring savings from the £1.1 billion that it had to deliver over a 10-year period. However, although Police Scotland has a very good record in achieving the targets that have been set for it, I do not underestimate some of the challenges that it will face in meeting some of the on-going financial challenges.

Alison McInnes: The chief constable told this committee that, if he is told to ensure that he has 1,000 extra police officers, that is what he will do. I am not sure that he has said, exactly, that he supports ring fencing in that respect—

Michael Matheson: I did not say that he said that he supported it. I said that he supports our approach to police numbers.

Alison McInnes: Okay.

One of the purposes of the reform was to protect and improve local services, but it is clear to committee members from recent visits that there is a sense that local policing is being stretched to the limit. With 25 per cent of officers now deployed in national or regional units, there are very few officers to go round on the ground. We have heard stories of people having to wait up to four days for a matter to be followed up, and deployment from centralised hubs means that response times are poorer. At what point would you, as cabinet secretary, want to review that particular response?

Michael Matheson: Do you mean review the way in which they are—

Alison McInnes: The way in which officers are being deployed, and the share of resources between national and regional units and local policing, given that one of the aims of police reform was to protect local services.

Michael Matheson: There is an issue with regard to protecting local services, but I think that we are getting into dangerous territory if ministers

start to determine the deployment of operational staff in policing; that is not an area that we should go into in any shape or fashion. However, it is, as I have mentioned, important that any concerns that are raised by local elected members about local engagement and the way in which policing is being delivered locally through the local policing plan are taken into account and acted on. That seems to me to be the most appropriate way of dealing with that issue, and the most effective way in which to respond to local concerns. For example, if someone comes to my constituency surgery to raise concerns about the way in which police are delivering X, Y or Z service in the Falkirk area, I will take that matter up with the local commander and ask them to respond to those concerns and consider how they might be addressed.

What is important is local flexibility and how local commanders are able to respond to local circumstances and local needs. The way in which policing is effectively held to account at a local level is through the local scrutiny committees, which look at how the overall national picture is being taken forward locally. Local commanders have the flexibility to respond to those local concerns.

Alison McInnes: But local commanders cannot draw on all the resources that are available nationally. They can request support, but they cannot necessarily always draw on it. That is where the tension between national and local policing lies, and it has not been resolved.

Michael Matheson: There will be challenges in that regard, but there are clear benefits from having national resources, some of which, such as the creation of specialisms, we have touched on this afternoon. One example that I can think of is a particular command area that had had 11 homicides over a year. It benefited from the major incident investigation unit coming in to provide support, and the local police flagged up the fact that the presence of that additional national resource allowed their local criminal investigation department to be largely unaffected by the investigation.

Such national resources can help to support local policing and allow local police to continue to provide local services when they would otherwise be drawn into dealing with a particular incident at a given time. There might be some challenges, but there are also benefits in having national resources that can offer oversight of and additional capacity for local policing.

The Temporary Convener: I am conscious of time, but Kevin Stewart has a final brief question.

Kevin Stewart: Thank you, convener. Returning to the subject of VAT, how much money has Police Scotland paid in VAT since its inception?

Michael Matheson: Annually, Police Scotland pays between £23 million and £25 million in VAT.

Kevin Stewart: And that money could go into front-line policing.

Michael Matheson: Yes. I also note that the figure for the Scottish Fire and Rescue Service is approximately £10 million, so collectively the two services pay around £33 million to £35 million per year in VAT.

Kevin Stewart: Thank you, cabinet secretary. It is important to get that on the record.

The Temporary Convener: And you have done so, Mr Stewart.

Thank you very much for your evidence, cabinet secretary. The next meeting of the Justice Subcommittee on Policing will be on 10 September, when we will take evidence from Police Scotland on the i6 programme.

Meeting closed at 14:21.

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