

Justice Sub-Committee on Policing

Independent custody visiting, complaints, scheme of arrangements, ICT, contracts

Letter from the Scottish Police Authority to the Convener

Thank you for your letter and follow up questions from the evidence session the Scottish Police Authority (SPA) had with the Sub-Committee on 2 May.

I am happy to provide the following responses to the questions raised in your letter:

Independent Custody Visiting

The report on each custody visit goes to the SPA and the details are logged on the SPA's new custody visiting database.

When volunteers complete their visit they send their report to the custody visiting scheme administrator for that area of Scotland. The scheme administrator reads the report, scans it and then sends it electronically to the SPA. The visitors also leave a copy of their report in the custody unit with the custody unit staff and officers.

The reports are not currently public documents and there are no plans to make them public documents. There are several reasons for this including that the forms identify the custody visitors on that visit and the staff working in the custody unit. Although detainees' names are not recorded, forms include highly sensitive information about detainees which could be linked to individuals known to have been in custody at particular times and places. Instead the findings of visits will be summarised in reports to the full SPA or committees of the Authority published on the SPA website, and in reports on custody visiting prepared and published by the SPA.

The custody visitors currently operating under the scheme have transferred across from the previous voluntary schemes administered by the two unitary police authorities and six joint police boards around Scotland. These visitors were appointed after completing an application form and then undergoing selection interviews and vetting. The SPA is not appointing additional visitors at present but is planning to appoint additional visitors later this year.

Complaints

The SPA's complaints process and flowcharts are already available online on the SPA website. That process includes a commitment to regular updates to complainants on the progress of their complaints. Following the Authority's commitment to continually review and develop the process and procedures, on-going engagement with stakeholders will provide assurance and confidence to all parties that the development and implementation of those processes remain open and transparent. Sharing the learning and outcomes of complaints will be documented through our annual reports, oversight by PIRC, and through the scrutiny role of the SPA Complaints and Conduct Committee, with public meetings and papers published.

For reasons of confidentiality, it would be inappropriate to make individual complaints, investigations or outcomes public. Data pertaining to overall complaints numbers, categories, outcomes and learning will be shared through reports to the committee, Scottish Ministers and other stakeholders. We do not plan to routinely publish the outcome of specific complaints.

Scheme of Arrangements

Section 83 of the Police and Fire Reform (Scotland) Act 2012 references co-operation between SPA and the Police Service of Scotland and of 'making arrangements' between the two parties. The use of the title 'Scheme of Arrangements' is therefore consistent with the terminology in the legislation.

As I confirmed in my earlier letter to the Sub-Committee in April, the Scheme of Arrangements was considered and agreed at the SPA public meeting on 28th March 2012 and can be found at the following link:

<http://www.spa.police.uk/assets/126884/147077/ITEM03-SCHEMEOFARRANGEMENTS>

You asked about exchanges in January 2013 between the SPA and Scottish Government on the Chief Constable being given access to police staff in HR and Finance. In the lead up to the SPA meeting on 18 January, SPA officers had worked for a number of weeks with Police Scotland colleagues on proportionate and efficient proposals that would also have provided access to HR and Finance staff aligned to support the Chief Constable's needs, albeit not formally appointed as police staff. The Scottish Government's proposed change came just 48 hours before the Authority meeting. This then led to the SPA considering and agreeing a codicil to the pre-published paper. The views of our stakeholder in the Scottish Government are clearly of significance. However both the Chief Constable and I are already on the record as saying we would have welcomed that clarification sooner. The term 'reluctance' should be viewed against that perspective.

The subsequent arrangement of business activities that we have developed together over the intervening four months reflect the outcome of the agreements made in the January SPA meeting, and have subsequently underpinned the smooth transition to the new policing environment. Our shared focus now is on ensuring arrangements work effectively and efficiently in the interests of both policing and best value.

ICT

SPA members met on 2 May in a working session to begin to consider a draft blueprint and investment plan for ICT. Police Scotland were also part of those discussions and an agreed programme of further work commissioned which will lead to the presentation of a revised investment plan for further consideration by the SPA in June. This timescale is in line with the evidence given to Sub Committee members when Martin Leven, Andrea Quinn and I met with you.

It is important to me that this includes a clear understanding of the funding available, and a prioritised list of customer requirements from Police Scotland so that the SPA

will be in an informed position to assess specific business cases for ICT proposals which we will be required to consider. I am also anticipating that by then we will have had a chance to consider any learning points and recommendations from the HMIC review of the police performance platform ICT project – an example of a historic police ICT project that did not deliver either benefits for policing or best value.

Once this investment plan document is ready for presentation to the Authority I will ensure that the Sub Committee is provided with a copy. You have subsequently confirmed that you will be continuing to take evidence on ICT from both SPA and Police Scotland on ICT and this will allow us to keep you abreast of emerging thinking in relation to this work.

On your query regarding hand-held notebook devices, we have sought further clarification from your clerks on what this is referring to and Martin Leven will respond separately to you on that.

Contracts

We wrote separately to you on 29 April regarding some general questions on contracts on the provision of goods and services, which you have now pinpointed further.

With regards to contracts and procurement, we are not aware of any contracts being terminated by the legacy Police Forces or Agencies prior to 31 March as part of the reform process. This was to ensure that there was continuity of service provision in the relevant local areas until a full review of service requirement and provision could be undertaken. With regards to the former Northern Constabulary area some 98 contracts were listed for the transfer scheme.

That review of contracts is now underway and will establish the most appropriate model to be employed for the purchase of the specific goods or service required for the needs of Police Scotland and the SPA, thus ensuring that value for money and correct service provision is maintained.

Several thousands of contracts have been inherited across the nine legacy operations and so the review will take some time to complete. This process entails the capture of relevant contract data which will be recorded within a strategy document which is being created for each procurement/commodity exercise and will articulate why a specific route to market has been undertaken. I can reassure you that this will incorporate Equality Impact Assessments and consideration of the contribution small and medium enterprises (SME) make to our national economy.

As you will also be aware, the Scottish Government has made clear that reform must be enacted without the need for compulsory redundancies. The more efficiencies we can therefore drive out of policing by areas like more effective procurement, the fewer members of staff we might require to accept for voluntary redundancy.

So while I am in principle sympathetic that community business interests and impacts are considered in the mix of contractors and suppliers with which policing

should engage, it will be the need to achieve best value for our policing pounds that must ultimately underpin our future decisions.

I hope these responses provide members with the information they require at this time.

Vic Emery OBE
Chair, Scottish Police Authority
23 May 2013