



The Scottish Parliament
Pàrlamaid na h-Alba

JUSTICE SUB-COMMITTEE ON POLICING

AGENDA

3rd Meeting, 2016 (Session 4)

Thursday 10 March 2016

The Sub-Committee will meet at 1.00 pm in the David Livingstone Room (CR6).

1. **Police and Fire Reform (Scotland) Act 2012:** The Sub-Committee will take evidence on the issues it has considered during the parliamentary session from—

Chief Constable Philip Gormley, and Deputy Chief Constable Rose Fitzpatrick, Police Scotland;

Andrew Flanagan, Chair, and John Foley, Chief Executive, Scottish Police Authority.

2. **Legacy paper (in private):** The Sub-Committee will consider a draft legacy paper.

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The papers for this meeting are as follows—

Agenda item 1

Paper by the clerk

JSP/S4/16/3/1

Private paper

JSP/S4/16/3/2 (P)

Agenda item 2

Private paper

JSP/S4/16/3/3 (P)

Justice Sub-Committee on Policing

3rd Meeting, 2016 (Session 4), Thursday 10 March 2016

Final round-up session on the Sub-Committee's areas of interest during Session 4

Note by the Clerk

Purpose

1. This paper provides some background information in advance of the Sub-Committee's final evidence session with Police Scotland and the Scottish Police Authority (SPA) on 10 March in relation to its various areas of interest during Session 4.

Areas of interest

2. The Sub-Committee was established in March 2013 to review and report on the operation of the Police and Fire Reform (Scotland) Act 2012 as it affects policing and has since taken evidence on a range of issues relating to the new policing arrangements. A short summary of its consideration of each of these issues is set out below.

Responsibilities and governance arrangements

3. Early in the process of reform, tensions emerged between the then Chief Constable and the SPA regarding the interpretation of their respective responsibilities under the 2012 Act. The Scottish Government intervened in the dispute in January 2013 asking that a number of responsibilities be transferred from the SPA to Police Scotland.¹ The Scottish Government announced further changes to their working arrangements in June 2013.² Concerned that the two organisations were still in a state of flux some months into police reform, the Sub-Committee called the Chief Constable (Sir Stephen House) and SPA Chair (Vic Emery) to give evidence on the issue on 27 June 2013.³ At that meeting, Mr Emery stated that the SPA had made a conscious decision, in consultation with others, "to concentrate on governance, policy and scrutiny instead of providing some of the services that we provided from the beginning"; while Sir Stephen said that he viewed this as "a wholly positive development".

4. As recently as 10 February 2016, the Public Audit Committee sought assurances from the new Chief Constable (Philip Gormley) and the new SPA Chair (Andrew Flanagan) that there would be no repeat of the earlier disputes over responsibilities.⁴ In response, Mr Flanagan said that he was confident there would be "good relations" while the Chief Constable told the Committee that "my approach going forward will be to work in an entirely collaborative manner with the Authority recognising that we have different responsibilities".

Local policing

5. Two of the three main policy objectives of the 2012 Act relate to local policing. The impact of police reform was therefore identified by the Sub-Committee as one of its early areas of interest and indeed was the focus of its first evidence session on 18 April 2013.⁵ It has taken evidence on local policing on three more occasions over the last three years.⁶

¹ Both organisations agreed to the Scottish Government's request that some staff within the human resource and finance functions should be appointed as police staff under the direction and control of the Chief Constable, while others should be SPA staff.

² In June 2013 the Chief Constable was given responsibility for ICT, procurement, estates and fleet, allowing the SPA to take on more of an 'organisational role'.

³ [Justice Sub-Committee on Policing, Official Report, 27 June 2013](#)

⁴ [Public Audit Committee, Official Report, 10 February 2016](#)

⁵ [Justice Sub-Committee on Policing, Official Report, 18 April 2013](#)

⁶ Official reports of meetings on [31 October 2013](#), [20 March 2014](#), and [5 November 2015](#)

6. Keen to gather views from local communities on how the new policing arrangements were working in practice in local areas, the Sub-Committee issued a call for views⁷ in November 2013 and visited Dumfries, Elgin and Glenrothes in January 2014⁸. Follow-up visits took place in June and September 2015⁹ to enable members to see how matters had progressed since their first visits and whether the same issues of concern remained. Key concerns across the three years have included: standardisation of policing practices, lack of local discretion, targets, lack of local scrutiny, loss of police staff, and police officer visibility.

Stop and search

7. Following concerns raised in evidence on local policing, the Sub-Committee was keen to examine more closely Police Scotland's policy and practice of stop and search. It therefore invited Police Scotland and the SPA to give evidence on the issue on 19 June 2014.¹⁰ In response to concerns raised, Police Scotland announced at that session that children under the age of 12 would no longer be searched. The Sub-Committee agreed to return to the issue after reports of ongoing reviews of the practice by HM Inspector of Constabulary in Scotland and the Scottish Institute of Policing Research were available. However the Chief Constable and the SPA Chair were called to return to give evidence on 19 February 2015¹¹ after it was reported that the practice of searching children under 12 was continuing.

8. In response to ongoing concerns regarding the practice of consensual stop and search in particular, the Scottish Government created an independent advisory group on stop and search policy on 31 March 2015, chaired by John Scott QC.¹² Its recommendations¹³ that the practice of consensual or non-statutory stop and search should end when a statutory code of practice comes into effect were accepted by the Government and effected by amendments to the Criminal Justice (Scotland) Bill. The Sub-Committee explored in more depth the group's recommendations at an evidence session with Mr Scott on 8 October 2015.¹⁴

Armed police officers on routine patrols

9. At the inception of Police Scotland on 1 April 2013, the then Chief Constable took the decision to give a small number of authorised firearms officers standing authority¹⁵ to carry a sidearm on patrol. However, this decision did not come to public attention until May 2014 when concerns emerged about the practice in the Highlands and Islands area. Responding to these concerns, the Sub-Committee wrote to Police Scotland and the SPA seeking clarification on a number of issues surrounding the decision.¹⁶ It considered the responses received on 16 June 2014 and agreed to seek an update on the SPA's position following the Chief Constable's briefing to the SPA Board later that month. It subsequently held a formal evidence session on the issue on 21 August 2015.¹⁷

10. Immediately before that session, the SPA and HMICS each wrote to the Sub-Committee with details of two parallel pieces of work¹⁸ being undertaken on this issue. Around that time,

⁷ [Written submissions received](#)

⁸ The Sub-Committee selected these areas as they cover a mix of geographical areas and models of local scrutiny. [Note of local policing visits in January 2014](#)

⁹ [Note of local policing visits in June and September 2015](#)

¹⁰ [Justice Sub-Committee on Policing, Official Report, 19 June 2014](#)

¹¹ [Justice Sub-Committee on Policing, Official Report, 19 February 2015](#)

¹² [Scottish Government News Release](#) (31 March 2015)

¹³ [Report of the advisory group on stop and search](#) (August 2015)

¹⁴ [Justice Sub-Committee on Policing, Official Report, 8 October 2015](#)

¹⁵ A 'standing authority' allows trained firearms officers to carry a side arm on patrol, and is typically given for armed officers working on prolonged operations where the issue and carriage of firearms is a key part of those duties.

¹⁶ [Correspondence between Sub-Committee and Police Scotland and the SPA on armed policing.](#)

¹⁷ [Justice Sub-Committee on Policing, Official Report, 21 August 2015.](#)

¹⁸ The SPA published the report of its scrutiny inquiry into the public impact of Police Scotland's firearms standing authority in January 2015. HMICS published a report on his review of the standing firearms authority for ARV crews in October 2014.

the Cabinet Secretary for Justice announced¹⁹ to Parliament that the Chief Constable would take on board views and representations as part of his next standing firearms authority review. After that review, the Chief Constable announced, in October 2014, that firearms officers attached to armed response vehicles (ARVs) would from then on only be deployed to firearms incidents or where there is a threat to life.²⁰ He also announced a review of the types of carriage for both side arms and Tasers and the deployment of ARV officers when not deployed to firearm incidents.

i6 programme

11. The i6 programme²¹ is Police Scotland's main ICT project, bringing together more than 100 legacy force systems to deliver efficiencies and free up time for front-line policing. The Sub-Committee has taken a particular interest in monitoring developments with the i6 programme, recognising it to be a key enabler of police reform and crucial to achieving efficiencies, while also being aware of the failure of a number of public sector ICT projects in recent years at significant cost.²²

12. In July 2013, differences emerged between Police Scotland and the supplier, Accenture, on exactly what the i6 contract required the supplier to deliver and, after lengthy negotiations, a contract variation agreement was signed in April 2014 protecting the delivery of the original requirements at no additional cost to Police Scotland. The national rollout of i6 was however delayed by nine months to September 2016.²³ Police Scotland reported further difficulties with the programme to the SPA Board in December 2015:²⁴ a higher than expected number of defects was identified during testing, leading to the delivery date becoming untenable. Police Scotland last gave evidence to the Sub-Committee on this issue on 25 February 2016²⁵ when it advised that commercial negotiations on re-planning the project were underway. It also reported that contingency plans were also being developed in the event that the negotiations are unsuccessful.

Call handling

13. Rationalisation of police control rooms announced by Police Scotland in January 2014 is underway.²⁶ HMICS was directed to undertake an assurance review of the operation, systems and processes in place within police contact, command and control centres across Scotland following the deaths of two people in a car accident on the M9 in July 2015, which Police Scotland did not appear to investigate until three days after it was reported.²⁷

14. An interim report of HMICS review²⁸ published on 3 September recommended that the control room reform programme is completed as planned, but that centres in Dundee, Aberdeen and Inverness should remain open until a detailed transition plan is developed, the necessary staff, systems and processes are in place, and the new Dundee control room is fully operational. On 3 December 2015, the Sub-Committee took evidence from HMICS on

¹⁹ [The Scottish Parliament. Official Report, 5 August 2014](#)

²⁰ [Chief Constable's announcement on armed police \(1 October 2014\)](#)

²¹ The i6 programme is Police Scotland's main ICT project, bringing together more than 100 legacy force systems to deliver efficiencies and free up time for front-line policing. The programme was originally intended to support six business areas: crime, vulnerable persons, criminal justice, custody, missing persons, and productions and property.

²² The Sub-Committee has to date held seven evidence sessions on ICT, with a number focusing on i6.

²³ Police Scotland advised the Sub-Committee of this position at its [meeting on 24 April 2014](#).

²⁴ [Stream of SPA Board meeting 16 December 2015](#) (at 2hrs 52 min)

²⁵ [Justice Sub-Committee on Policing, Official Report, 25 February 2016](#)

²⁶ Sites at Dumfries, Stirling, Glenrothes and Glasgow Pitt Street closed.

²⁷ At the same time, the PIRC launched an independent investigation into the circumstances around their deaths. The PIRC will report its findings to the COPFS; a timescale has not been announced for the investigation.

²⁸ [Independent Assurance Review Police Scotland – Call Handling Interim Report](#).

his final report²⁹ published in November, which found weaknesses in the change approach and highlighted wider concerns around governance of Police Scotland's large-scale projects.

Complaints and investigations

15. Under the 2012 Act, Police Scotland, the SPA and the Police Investigations and Review Commissioner each have a role in investigating complaints against and relating to the police. The Sub-Committee, keen to ensure that the public and individual officers have confidence in the complaints handling arrangements, has held regular evidence sessions on the topic.³⁰ It last took evidence on the issue on 14 January 2016³¹ and invited Police Scotland, the SPA and the PIRC to attend the session and to provide written views in advance, along with the Association of Scottish Police Superintendents, the Scottish Police Federation and HMICS.

16. At that session, Police Scotland said that it had provided force-wide training on compliance with the Data Protection Act 1998 in response to issues raised at previous Sub-Committee sessions; however, the SPF had suggested in its written submission that little had changed in the approach taken by Police Scotland to the 1998 Act. Police Scotland and the PIRC told the Sub-Committee that they would investigate concerns raised by the SPF that officers were being interviewed for "hours on end".

Independent custody visiting

17. The 2012 Act placed independent custody visiting on a statutory footing³² and gives responsibility to the SPA for making arrangements so that independent custody visitors can visit detainees, access information related to their treatment and conditions in which they are detained, and monitor this treatment and conditions. The SPA formally approved its custody visiting scheme on 8 March 2013. In August 2014, HMICS published a report³³ of its thematic inspection of police custody arrangements in Scotland which found that custody conditions across Scotland vary widely, with many custody centres requiring significant investment.

18. The Sub-Committee took evidence from HMICS, the SPA, Unison, and an independent custody visitor on 9 October 2014.³⁴ At that session, concerns were expressed by Unison that custody was "severely understaffed" and was being backfilled by police officers, and by the independent custody visitor that there were often delays in accessing the custody area.

Realising the benefits of police reform

19. The Sub-Committee took evidence from the Cabinet Secretary for Justice on 4 June 2015³⁵ to establish progress with realising the benefits of police reform, focusing on the original objectives for police reform of: protecting and improving financial services despite financial cuts, creating more equal access to specialist support and national capacity, and strengthening the connection between services and communities. A number of issues were raised including: weaknesses in the SPA's governance and oversight role, national resources, the workforce balance, i6 programme, 101 service, and local policing.

Next steps

20. The Committee will take evidence on Thursday 10 March, on its various areas of interest in session 4, from Philip Gormley, Police Scotland's Chief Constable, Andrew Flanagan, Chair of the SPA, and John Foley, the SPA's Chief Executive.

²⁹ [HMICS Final Report: Independent Assurance Review – Police Scotland Call Handling](#) (10 November 2015)

³⁰ The Sub-Committee held three evidence sessions on complaints handling in September and October 2013, one in April 2014, one in February 2015, and its latest session in January 2016.

³¹ [Justice Sub-Committee on Policing. Official Report, 14 January 2016](#)

³² Prior to 1 April 2013, visits were undertaken by volunteers through eight separate independent custody visiting schemes co-ordinated by local police boards.

³³ [HMICS report of its thematic inspection of police custody arrangements in Scotland](#) (August 2014)

³⁴ [Justice Sub-Committee on Policing. Official Report, 9 October 2014](#)

³⁵ [Justice Sub-Committee on Policing. Official Report, 4 June 2015](#)