



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Criminal Justice Committee

**Wednesday 22 June 2022**

**Session 6**



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**CONTENTS**

	<b>Col.</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE .....</b>	<b>1</b>
<b>POLICE NUMBERS AND NEW PENSION ARRANGEMENTS .....</b>	<b>2</b>

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**CRIMINAL JUSTICE COMMITTEE**

**21<sup>st</sup> Meeting 2022, Session 6**

**CONVENER**

\*Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)

**DEPUTY CONVENER**

\*Russell Findlay (West Scotland) (Con)

**COMMITTEE MEMBERS**

\*Katy Clark (West Scotland) (Lab)

\*Jamie Greene (West Scotland) (Con)

\*Fulton MacGregor (Coatbridge and Chryston) (SNP)

\*Rona Mackay (Strathkelvin and Bearsden) (SNP)

\*Pauline McNeill (Glasgow) (Lab)

Collette Stevenson (East Kilbride) (SNP)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Jackie Dunbar (Aberdeen Donside) (SNP) (Committee Substitute)

**CLERK TO THE COMMITTEE**

Stephen Imrie

**LOCATION**

The David Livingstone Room (CR6)



## Scottish Parliament

### Criminal Justice Committee

*Wednesday 22 June 2022*

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

### Decision on Taking Business in Private

**The Convener (Audrey Nicoll):** Good morning, and welcome to the 21st meeting in 2022 of the Criminal Justice Committee. We have received apologies from Collette Stevenson. I welcome Jackie Dunbar to the meeting as a committee substitute.

I invite members to decide whether to take in private item 3 and any future consideration of progress made on implementing the committee's recommendations in its report on the priorities for the criminal justice sector in Scotland. Are we agreed to take those items in private?

**Members indicated agreement.**

## Police Numbers and New Pension Arrangements

10:01

**The Convener:** Our next item of business is consideration of correspondence from Police Scotland and the Scottish Police Federation on the potential impact of new pension arrangements on police numbers. The correspondence was received following a request from the committee to the chief constable for an update on the matter after consideration of a Scottish statutory instrument.

I refer members to paper 1 and invite them to make any comments that they have.

**Jamie Greene (West Scotland) (Con):** What is the format of this item?

**The Convener:** I am keen for us to have a discussion about members' views on the content of the two letters that we have received.

**Jamie Greene:** Members will naturally be concerned by the contents of the correspondence. I point out for the benefit of people who are interested in our proceedings that it was confirmed to us that, on average, 812 officers leave Police Scotland annually. It was also identified to us that, in quarter 1 of this year, 321 officers have already left. That is a 69 per cent increase on the normal retirement rate, which is a five-year average and, therefore, quite consistent. That is directly related to retirements. There is a proposition that, if the trend carries on, the numbers will only increase and be much higher than the normal retirement rate.

I am happy to hear what other members say and perhaps come back in later. There is a range of views on the likely cause of the increase. There are two angles to the matter that the committee should explore: first, what the causes are and, secondly, what the effect is. We are perhaps most worried about the effect of the loss of officer numbers and what will be done about it.

Unfortunately, we do not have a lot of time left before recess, but it would be prudent to take further evidence on the matter as soon as we can. Who knows what will have happened by September? It seems a long way away.

I note the Scottish Police Federation's response to the statistics. It seems to me that the view of Police Scotland or, perhaps, the Scottish Police Authority is that they are to do with changes to pension commutation calculations and eligibility to retire. Although that is accepted as perhaps one reason, it is also refuted by the SPF, which admits that there is an "advantageous financial option" in

relation to considering early retirement but says that that is not the only reason.

Calum Steele of the SPF states on the record—the letter is available for the benefit of the public—that officers are “overworked and undervalued”. He specifically raises the issue of their rest being disrupted, and that is one issue that comes through when you speak to front-line officers. He also raises the physical and mental toll that the job is taking on them and states that

“they feel they are failing ... the wider public”

in relation to their ability to carry out their role.

Clearly, it is a much more complicated issue than simply that of financial pension commutations. I guess that that will lead to discussions around workforce planning, whether any of this was foreseen and whether we believe that Police Scotland or ministers are heeding warnings about retirements as a result of health issues, exhaustion and just sheer exasperation in the force. Perhaps there is an element of denial of that.

I guess that what we are worried about is how that will impact future numbers. Layered on top of that is the potential action that the SPF is recommending, which was announced yesterday, and what effect that might have on a more limited number of officers who are having to do the work of people who are not there or who are working to rule.

There is a lot going on there, but I hope that that opens up the conversation, at the very least.

**Russell Findlay (West Scotland) (Con):** When I read the Police Scotland letter from David Page, a paragraph jumped out at me and I underlined it. In relation to what it is fair to describe as an exodus of police officers, some of them with a great number of years of experience, he says that “there is no impact to service delivery”.

When I turned to the letter from Calum Steele of the Scottish Police Federation, I found that, like me, he had quite strongly questioned that statement. His take on the claim by Mr Page that there is “no impact”, which is there for everyone to see, is that

“This is demonstrably untrue and verging on the deliberately disingenuous.”

Calum Steele goes on to point out that Police Scotland

“has the lowest number of police officers since 2008”

and concludes by saying of the challenges that Police Scotland faces that it cannot properly respond to them

“if it is not honest about them to itself, whilst simultaneously seeking to present a highly partial narrative about them to our parliamentarians.”

It is quite extraordinary that the general secretary of the SPF is saying, in effect, that Police Scotland is misleading us as MSPs and as a committee. It is vital that we get to the bottom of this and work out exactly what the pension issue and its effect on officer numbers is going to mean for policing in communities.

**Pauline McNeill (Glasgow) (Lab):** I agree with the points that have been made so far. As Russell Findlay has said, there is a slightly different perspective from Police Scotland than there is from the Scottish Police Federation. It is important that we establish why. One thing is clear: higher numbers of officers than usual are leaving the police service. Why is that the case?

From what I have read before, the statement in the federation letter that police officers feel “undervalued” came as no great surprise to me. For the life of me, I cannot understand why police officers were not given priority for vaccination during the pandemic, for example. Obviously, that was a matter for the Joint Committee on Vaccination and Immunisation but, in reality, I felt that no one was really standing up for police officers.

As we in this committee have been examining, police officers are members of the one profession that cannot walk away from problems, whether they are dealing with 101 calls, mental health issues or crime, and we know that a lot of the calls that police officers deal with are not directly related to crime. That has to be recognised in some way, but it is the loss of experience that concerns me most.

I have looked at the breakdown over the ranks and it is pretty spread across them. There is a sense of urgency about the matter because, if the numbers that we have been given are correct and we lose that level of experience at all those grades, no level of recruitment will compensate for it. The service is already under pressure, so there are service implications that we need to discuss with the Government. The situation must be related to pay and conditions.

As politicians, we have to try to do the right thing. We need to try to retain some of those officers. The federation says that the change to pensions is minor and that police officers could always leave after 30 or 25 years’ service so the change is not the reason why they are leaving. If that is correct, there is a duty on the Government to make some inroads into pay and conditions that would persuade some of those officers to stay, because, if they do not stay, we will have real service issues in the police.

**Katy Clark (West Scotland) (Lab):** A lot of what I was going to say has been covered, particularly the pension points that we want to understand.

It is important that we get on top of exactly where we are on the police, given the spending review and what I understand to be real-terms cuts of in the region of 20 per cent that are coming between now and 2026. Not everything is to do with money; a lot of it is to do with morale, and the two can be intertwined. It is a useful opportunity for the committee to leap ahead of where it would have been in considering budgets and consider how much money the police service will have, because pay must be one of the major ways in which that money is spent.

I am sure that the situation is not all about pay. It will be far more complicated than that, but pay will be one of the factors and it is intertwined with morale. Therefore, it would be useful for the committee to gather as much information as is available on that and make more inquiries so that we can take an early view on it rather than waiting until the end of this year or until next year, when we examine the budgets in more detail.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** We know that this is not the first time that Police Scotland and the federation have had differing opinions. That is a regular occurrence.

The reality is that 440 of the 735 officers who have retired or are about to retire have 25 to 29 years' service. They are perfectly entitled to retire. That is the situation; it is just the demographic. There is nothing that we can do to stop that because it is their right. Police Scotland says that it will try to recruit more than 300 probationers a quarter—I am sure that it will make every attempt to do that—and consider opportunities for transfer from across police forces so that people who do different functions could come into Police Scotland.

That is happening not only in Police Scotland but in many public services, such as the health service. We are at the point at which a lot of people with a lot of service are retiring. That is just the reality of the situation. I appreciate the concerns that members have expressed, but we should not hit the panic button, because Police Scotland will sort the matter out. People are perfectly entitled to take their pensions when they have done that length of service, and I do not think that anybody would deny them that.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I agree with all the points that have been made. I agree with the first few members who spoke about the difficulties that Police Scotland clearly faces, and with Katy Clark when she outlined what the committee's role could

be in the matter. There are processes such as pay negotiations to go through, which I know are happening.

Pauline McNeill touched on this, but I found one of the things that Calum Steele said in his letter quite strong. We need to get to the bottom of it and understand what it is. I will read it out. He says:

"It is also noteworthy that palpable anger remains across the PSoS as to how police officers were treated by Government, the Service, and the SPA during the height of the Coronavirus pandemic."

We need to try to understand what that refers to. Pauline McNeill raised the issue of vaccinations. Is the anger that Calum Steele mentioned just about that or were other things going on? We need to tease out what that means. The committee could have a role in trying to understand that and give advice about how the situation could be improved. I found that to be quite a strong statement.

10:15

**The Convener:** Thank you. Jamie Greene wants to come back in.

**Jamie Greene:** Thank you for letting me back in. Obviously, when you are the first to speak, it opens up the can of worms.

My question is about the issue of backfilling positions. Rona Mackay is right to point out that the aim—and Police Scotland's wording is very specific—is that

"Police Scotland will endeavour to recruit 300+ probationers per quarter."

That would work out at 1,200 per year, which is still less than the number who are retiring. However, there is obviously a time lag between recruitment and going live on the job, and it is fair to assume that the majority of those who will graduate and go into service will not be going into the higher-end roles. It is quite notable that, of the 1,377 who could leave in the next 12 months, approximately half are at police constable level, and that is a substantial number, but of course it is unlikely that many of the people of the cohort of 300 per quarter will be going into roles as chief inspectors, superintendents, or chief superintendents. It is therefore inevitable that those higher-ranking roles will not be filled quickly, and that is where that loss of experience is important. Rona Mackay is right to say that people with 30 years' service will be thinking about retirement; I know that if it was me, I would be thinking about my retirement. It is the rate at which that might happen which could cause worries.

There may not be a panic button now, but I do not think that we are far around the corner from pressing the panic button on this, because we do

not really know how many people Police Scotland will recruit and how long it will take them to get into active service. These are questions that we must ask Police Scotland.

Notwithstanding the pay dispute, which has its own process, if there is the real-terms budget cut that is forecast and widely acknowledged, what effect will that have? Is that a capital resource or a resource budget cut or both? What effect will it have on increasing that churn? We do not want to get to a point, in a year, 18 months, or two years, where they say, "We told you so—the numbers are far lower than what is needed."

The police are already talking about moving into front-line services people who currently work in the force but are not in local policing, for example. I am not quite sure what corporate service roles are and why those people are doing those roles and not local policing or front-line policing, but if Police Scotland is already having to take people out of those roles to fill in gaps, who will fill those back-office roles that obviously need to be done? If they did not need to be done, no one would be doing them.

The correspondence that the committee has had raises a whole bunch of questions and we should either try to take evidence or write to ask for more detail on that. I would quite like to see a forecast plan of numbers and the ranks that people will be at. The police will surely be doing long-term resource planning for the next couple of years. That might give us a better idea of when we could see a crossover between everything being just about manageable to there being a major issue for us, and the sooner we get sight of that, the better. If that major issue does not exist, that is great, but those projections should be quite easy to forecast, given the numbers.

**Pauline McNeill:** Do you mean the ranks of those who are planning to retire?

**Jamie Greene:** Well, that as well, but also—

**Pauline McNeill:** Because we do have that.

**Jamie Greene:** I presume that Police Scotland is doing modelling on the level that they expect people to come in at when they are new, and then as they rise up through the ranks into new positions. There must be an average rate of promotion, for example. Looking at that in the round, we should be able to take snapshots of future years, given projections on retirement rates, recruitment rates and promotional time lags.

Given the scale of the organisation, I presume that that all happens as a matter of course. There will be people who are far better at that than us, but let us see what it looks like; I want to know what those graphs look like for the next 12, 24 and 36 months. If at any point they demonstrate that

there is a dip and that there is a problem, I do not know how on earth we will fill those gaps, because they are not the sort of jobs that we can quickly and easily draft people in to do. Perhaps I am a bit more concerned than other members are.

**The Convener:** I will bring in Russell Findlay, then I will pull everything together.

**Russell Findlay:** Turning back to the letter from the Scottish Police Federation, I know that the general secretary is perhaps not slow in coming forward, but many elements of what he says are really strong and quite concerning. To go back to two of the points that Rona Mackay raised about the intent to recruit new officers, the general secretary describes an apparent annual

"accounting chicanery of mass recruitment before each quarterly publication".

In relation to bringing in officers from elsewhere in the United Kingdom, the language that Police Scotland used was "maximising transferee opportunities", which the general secretary describes as "meaningless corporate language". Such is the strength of difference between the two submissions. What underpins all this is the financial situation. The budget for the next few years is not just stagnant but, with inflation, it represents serious cuts, so that will be a huge issue for us.

**The Convener:** That was a helpful discussion and a lot of legitimate points were raised. Without diminishing what is happening, because this is an exceptional departure of police officers in terms of the numbers that are involved, Police Scotland ordinarily has an exodus of officers year on year, as members know. The numbers of officers leaving is to a certain extent dictated by 30 years ago. In the 1970s, a high number of officers were recruited, courtesy of pay and conditions improving. To a certain extent, divisional forces before Police Scotland and now Police Scotland have experience of managing that changing staff profile, but I agree that this is an unusual set of circumstances, which arises out of the change in pension provisions and arrangements.

It is important that we have been able to put our views on the record. We have published the letters that we received from Police Scotland and the Scottish Police Federation, which were helpful. It is also important to note that the Scottish Police Authority has an important role in managing and responding to the issue.

Given that we are a couple of weeks away from recess, if members agree, I propose to follow up by asking Police Scotland for its initial response to the correspondence from Scottish Police Federation and to comment on the concerns that it raises. We can consider the potential underpinning budget issues in our forthcoming budget scrutiny



process. At this point in the year, if members agree, as a starting point, we should ask Police Scotland for its response to the SPF's comments, keep the situation under review and revisit it when we feel that that is required. Do members agree with that?

**Jamie Greene:** May I request that we write back to the federation to ask for clarification or expansion of the language that it has used to describe its plans for the next few months? Obviously, the Parliament will be in recess, so we will not be able to react to things urgently. With regard to its potential industrial action, it has used language such as "sustained" and "impactful" and other words that sound some warning bells. It would therefore be helpful to know exactly what it means by that: what sort of action it is considering and what impact that might have on policing and front-line services. Words are just words.

If we wait until the middle of September, that action might already have started. Our constituents would be more than concerned about any impact on front-line policing that might commence sooner than in three months' time. It is up to the federation to clarify what it means by that language—the committee should not conjecture in that regard. I do not see any harm in asking the federation for that clarification.

**Pauline McNeill:** I have no objection to that, but it has spoken publicly about not answering phone calls on rest days, for example. As with most jobs, there is a lot of stuff that you are not required to do but you do it—it is that goodwill side of things. I do not mind if what you are asking for is written clarification of the new range of actions that it might take.

**Jamie Greene:** It is all very well speaking to newspapers, but it would be nice for the federation to speak to the committee about it.

**The Convener:** Does anyone else want to come in on Jamie's suggestion? I have mixed feelings about it. On one hand, I understand where you are coming from. On the other hand, I am quite keen that we do not conflate matters. The federation has written to us in very clear terms. I do not think that members have any doubt as to what its concerns are. If members are happy to write to the federation for some clarity, I am agreeable to that, but I am keen that we keep our consideration quite focused in the meantime. The other relevant option would be to write to the Scottish Police Authority to ask what it is doing about monitoring what is happening in the immediate term.

**Fulton MacGregor:** I agree with you, convener. I hear where Jamie is coming from, and, in principle, I do not object to that, but it might muddy the waters a bit, especially as we go into recess, if

we were to write to both of them and we ask Police Scotland to respond to that letter. I would prefer to compromise by writing to Police Scotland just now—we will be in recess when it responds—and leave it to your discretion whether we then write to the SPA. You can bear in mind that members have requested that. If we write to both just now, we might find that Police Scotland then wants to respond to other things in the second letter from the SPA.

**The Convener:** Thanks. My proposal is that, in the first instance, we write back to Police Scotland and to the Scottish Police Authority. I will park the idea of writing back to the federation for the moment, because we have a clear idea of its position on the matter. We can review that in due course. Are members agreed?

**Members indicated agreement.**

**The Convener:** That concludes the public part of our meeting, and we will now move into private session.

10:28

*Meeting continued in private until 12:24.*



This is the final edition of the *Official Report* of this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

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