



OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 26 April 2023

Session 6



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CRIMINAL JUSTICE COMMITTEE

12th Meeting 2023, 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

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 26 April 2023

[The Convener opened the meeting at 10:00]

Budget Scrutiny 2023-24

The Convener (Audrey Nicoll): Good morning, everyone. Welcome to the 12th meeting of the Criminal Justice Committee in 2023. We have received no apologies.

Our first item of business is to consider the responses that we have received relating to our scrutiny of the Scottish Government's budget for 2023-24. I refer members to paper 1. We have had replies from the Scottish Government, Police Scotland and the Scottish Fire and Rescue Service.

Would members like to raise any issues or points? I am happy for you to come in on any of the pieces of correspondence. I will not take them in any particular order.

Russell Findlay (West Scotland) (Con): First, the response from the Cabinet Secretary for Justice and Home Affairs talks about cuts to the Scottish Government's capital budget, but it is worth putting on record that it is the highest block grant on record, and any cuts relate, I believe, to extraordinary spending due to Covid, so there are no cuts in that meaningful sense.

On the response from Police Scotland, we asked about the potential blue-light collaboration across Scotland, but the answer does not really tell us anything. There are lots of words but no tangible detail about what is actually happening and what that £5 million might be spent on.

Turning to body-worn cameras, which we as a committee have raised on a number of occasions, it remains the case that Police Scotland is the only force in the United Kingdom without body-worn cameras. If I am interpreting the letter correctly, it looks like it will not be until 2027 that all officers here will have them, which is extraordinary. Indeed, I do not think that that is guaranteed.

The letter puts a price tag of £21.5 million on that, which is obviously a lot of money but in the grand scheme of things is not. That requires further explanation from the Scottish Police Authority and Police Scotland as to why body-worn cameras have not been prioritised long before now, given the relatively small sum of money that they would cost, because they would protect police officers and the public.

Pauline McNeill (Glasgow) (Lab): I re-emphasise Russell Findlay's points. It is not clear what the blue-light collaboration means and whether it is practical. My major concern is the roll-out of body-worn cameras. We have talked to the Scottish Police Federation, and there is a need for body-worn cameras in the Scottish police force, but the length of time that it will take to roll them out is concerning. I am also concerned that it will be done division by division. That would indicate that one division will benefit from the roll-out straight away but another division will not benefit until the end of the programme.

That speaks to my concerns about the overall police budget. Police numbers, although not as bad as they could have been, have fallen to the levels that have been announced. I have a deep concern about where we have ended up on the overall police budget.

Jamie Greene (West Scotland) (Con): Good morning, colleagues. First, I read on page 1 of the Police Scotland response, which is page 5 of our papers, that the anticipated implementation of body-worn cameras will be spread across three financial years, taking us up to 2026-27. Realistically, that is four years away from now. In the current age of technology, I struggle to see how body-worn cameras being implemented in three or four years' time is realistic.

I do not know whether Police Scotland is having to spread the costs over three years purely on the basis that it does not have the money to do otherwise or whether it will take that long to find the technical solution. I am pretty sure that there are providers that could implement a solution much more quickly. Perhaps that would be best achieved if Police Scotland collaborated with other forces that are already using second-generation, or even third-generation, technology of this nature. Surely, there must be something out there in the market that would allow body-worn cameras to be rolled out more quickly. I am less focused on the costs and the numbers—we all know the arguments on that, which my colleague presented—and more focused on the timescales.

Body-worn cameras also feed into a system of further information and communications technology transformation. Information from those assets can be quickly fed into a system that can process that data as evidence, which can allow cases to be turned around more quickly. It is not just that cameras are worn, although they act as a visual deterrent; the important part is what is done with the information from them. Only if that happens will improvements be delivered, and it is unclear whether the cameras will be accompanied by significant investment in what happens at the back end in relation to case management and evidence handling. I would therefore like a bit

more information on that from the SPA or Police Scotland at some point.

I will not comment on the blue-light collaboration programme. “Collaboration” is always a positive and welcome word, and we see some very good practice in that regard. For example, on my way into the office this morning, I saw an ambulance driving out of a building that is shared with the Scottish Fire and Rescue Service. That is very welcome but, under our next agenda item, we will talk about police mental health. In relation to collaboration, we are interested in whether work is being done across emergency services and with other public services to reduce the strain on, and the workload of, front-line police officers, because, ultimately, that will help to free up time and speed up processes.

On the budget, which is the important matter, I have tried to raise the issue of the barnahus model in recent parliamentary questions. In a previous committee evidence session, I might have called for a longer-term plan for the roll-out of the model and for some analysis on its success or otherwise. That is all very positive, and I look forward to the new Cabinet Secretary for Justice and Home Affairs furnishing us with that information.

My big issue relates to the budget itself. We would be missing a trick if we did not refer to the responses from Police Scotland and the Scottish Fire and Rescue Service on the budget. It is welcome that, since our initial pre-budget scrutiny, the Government has been forthcoming with more cash. I know that times are tough and that money is tight, but we must acknowledge the response, and that extra cash.

My issue relates to the wording and language being used, particularly in Police Scotland’s response. It estimates that the £53 million of capital funding that it will have for this financial year will not be

“sufficient to meet our basic needs of our asset rolling replacement programme”.

Police Scotland also talks about “slippage management”. It seems that, in the current financial year, it is, in effect, drawing down money from future budgets. The effect of that will be stark. Police Scotland is explicit in saying that it needs £85 million in this financial year to be sustainable. That is somewhere in the middle of the £80 million to £100 million that it needs per year to be sustainable.

To manage the shortfall of £32 million, Police Scotland is playing with the numbers as best it can, but all that does is take money from capital budgets in future years—it just compounds the problem. We can see the problem with that by looking at what happened as a result of the Scottish Fire and Rescue Service’s historical

capital underfunding. Down the line, we end up with hundreds of millions of pounds of capital underfunding, with the problem being compounded year after year, and no Government will ever have the money to backfill. My concern is that the problem starts small but then grows.

I am also concerned that Police Scotland seems to be sending the message that it will do just the bare basics, which would include, for example,

“A reduced workforce with an operating model of”

around 16,500 officers. It seems now simply to be accepted that we will be working with a reduced workforce as a result of the resource and capital budget issues.

I am concerned that there is still a massive shortfall, as the budget is still way below what Police Scotland is asking of Government. It has been explicit about what it needs—not what it wants, but what it needs—to be sustainable and supply the bare minimum, and it has not got that.

The resource budget is another point of concern. Many of us raised this point when we undertook pre-budget scrutiny. An additional £80 million has been announced, which is very welcome but, all the way through the submission, Police Scotland warns that any additional money that is allocated for resource will simply be swallowed up by inflationary pay increases, so it is not actually additional resource budget.

Police Scotland confirms that by saying that £37 million of the £80 million will simply be meeting the 5 per cent pay award. Thankfully, that has been accepted by the Scottish Fire and Rescue Service, but Police Scotland is looking at 7 or 8 per cent or perhaps even more. There is an issue in that the additional cash has simply disappeared into the ether for pay increases. We know the percentage point cost of every pay increase; that in itself raises issues, which we have flagged with Police Scotland.

On capital funding for the Scottish Fire and Rescue Service, I am concerned about that, because the capital funding of £32.5 million that has been announced is, in the words of the SFRS,

“not sufficient to meet all the Service’s needs.”

We know about, and we have rehearsed, some of the issues around access to facilities for firefighters. Basic personal protective equipment, decontamination and proper dignified spaces should be in 100 per cent of fire stations, and far too many are in poor condition. This budget is clearly not going to chip the surface of any of that, which I think will be a source of disappointment to firefighters.

Overall, we asked for more money, and there was a bit more money and that was welcome but,

on the resource side, much of it will be swallowed up by pay increases; on the capital side, much of it will be swallowed up by inflationary pressures; and across the board it is far below what is needed for standing still, let alone for improvements and investment.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I do not disagree with a lot of what has been said by various people on the budget so far, but I am a bit confused, as the budget is now settled for this year. I am not disputing what has been said, but is this a pre-emptive strike for the next round of negotiations? We are where we are with this budget, so I am a wee bit confused by some of the stuff that members are saying.

My big concern is about body-worn cameras. I am not good with graphs and things like that, but I found the response from Police Scotland quite confusing. As Jamie Greene said, it would be good to know exactly whether the situation is due to budget or operational reasons, and why it is presented in the way that it is. We were talking about the introduction of body-worn cameras five or six years ago, and I understood then that it was close to happening, but it still has not happened.

Would it be possible to slot in somewhere a wee evidence session with somebody who knows about the matter, whether it is the SPA, or whoever the person leading on it would be? Rather than letters going back and forth, it would be better if we could just sit and talk to them and ask questions. I would prefer that, anyway.

The Convener: Does anyone else want to come in? Russell Findlay can come back in, and then I will wind things up.

Russell Findlay: I want to pick up on Rona Mackay's comments about body-worn cameras. I happened to be at a retail security industry conference recently; I spoke to an individual who supplies body cameras to police forces elsewhere, and he expressed some surprise and frustration about his dealings with Police Scotland over the years. There were numerous attempts or suggestions that Police Scotland was going to go ahead with the cameras, but that did not come to pass, and he could not figure out why. Something like that might give us a bit of a different perspective.

10:15

The Convener: Okay—thank you.

To pull together members' comments, I probably agree with everything that has been said. There is a very challenging financial climate for Police Scotland and the Scottish Fire and Rescue Service. It has been helpful to hear your comments, in particular on the information that we

have received about body-worn cameras, and I will come back to that.

I have just a couple of points. I noted with interest the discussion that took place at the 23 March meeting of the Scottish Police Authority, where it discussed its budget. I have to say it was a comprehensive discussion, with a lot of probing questions for the chief constable and a helpful overview of the approach that Police Scotland will take in extremely challenging circumstances. It certainly acknowledged the hard choices and the prioritisation of resources that will be required.

Obviously, there is the issue of the pressure of pay awards. Jamie Greene is right to point out the additional funding that was provided by the Scottish Government, around 50 per cent of which has gone to pay awards.

The budget was approved. Police Scotland presented a balanced budget, which was approved by the resources committee at that meeting. I was interested in a comment by the chief constable that, to a certain extent, the difficulties and the challenges that the budget presented this year led to the budget almost never having been so informed. I am not at all saying that it is a bed of roses; nonetheless, it is obvious that a lot of work has been undertaken.

As members have pointed out, the Scottish Fire and Rescue Service is facing very challenging circumstances in relation to property assets, such as vehicles, and pay awards. It is a very difficult environment. I took time to look at the Audit Scotland report that the service referenced in its response and at the challenge that is posed by the legacy of the financial circumstances that the individual fire services faced at the time of their amalgamation. If anything, I would be keen to observe and monitor developments around the Scottish Fire and Rescue Service budget.

As Rona Mackay said, the budget process is now complete, and I am sure that organisations are now thinking about next year's budget. I am pleased that we have had some helpful contributions on the budget issue, and I am happy to keep budgetary issues under review.

Finally, on body-worn cameras, I always try to strike a balance in progressing work and not getting into ping-pong correspondence. Nonetheless, on this issue, maybe we can do some follow-up work to get a bit more clarity around the context of where we are with timescales and funding. I am happy to take that away and correspond with members on how we can take forward that work, given that we have quite a busy work programme coming down the track.

Jamie, do you want to come back in?

Jamie Greene: Not on that issue, but I think that it is a very good suggestion from Rona Mackay to challenge that and keep the pressure on.

I do not know when the committee is next due to have the SPA in front of us, but it is probably not for some time. Obviously, we are already within that financial budget year and will be looking ahead to the next one. I am not a forensic accountant, and I wonder whether someone—either the SPA, the Scottish Parliament information centre or others—can help us to understand the overallocation that it talks about, because it is quite significant. Again, I am not an accountant, but in effect the SPA is saying that this year it will spend more than it has by about £30-odd million, but it is a bit unclear how that all pans out in the books.

Again, we do not want to start pre-budget scrutiny for the next financial year straight off the bat with 30-odd million quid off the bottom line that has to come out to fund this year's investment. Very few public agencies can overspend in this way. The SPA has obviously found a clever way of accounting for it, but I would like to understand it a little bit more.

The Convener: Thank you. Do you want to come back in, Russell?

Russell Findlay: Yes—just quickly in relation to the £5 million allocation for collaboration. The Police Scotland response, which is on page 5, says absolutely nothing. It just does not answer the question. We know that it might not be able to specify exactly what it is going to do, but surely it can give us some idea of what that looks like, what it is hoping to achieve and what engagement it has had with the other services. The answer is just meaningless. It is not being asked to revisit the budget but just to answer the question about what is going on with that money.

The Convener: I agree. The information that we have in relation to the blue-light collaboration is light. That is possibly because it is at an early stage and work is still under way to really focus on which projects and work the collaboration will support. I might come to that under the next agenda item, but your comments are noted.

In relation to your point, Jamie, I agree that SPICe is probably our first port of call in order to get more clarity on the accounting side of the police budget with regard to the slippage that you reference. I am happy to take that away.

Policing and Mental Health

10:21

The Convener: The next agenda item is consideration of correspondence that we have received in relation to policing and mental health. I refer members to paper 2.

Before I open the discussion to members, I thank the Scottish Police Authority and all the attendees at last week's conference on workforce trauma. It was a worthwhile event that included contributions from a range of stakeholders. There were some very powerful lived experience contributions. It was reassuring to hear about the level of commitment to make positive and lasting change for officers and staff. We heard about what is already in place and a bit about the work that is under way to effect the change that is needed. There was quite a lot of honesty in the room, particularly around the role of supervisors and leaders, which led to a constructive session.

We have received correspondence from Police Scotland, the SPA and His Majesty's Inspectorate of Constabulary in Scotland. Members will find a summary of each of the responses at the beginning of paper 2. I will open the discussion to members.

Russell Findlay: In the main, the responses that we have seen today are slightly disappointing and suggest a reluctance to be open and honest about the tragic suicide of police officers. I have raised the issue repeatedly in the chamber, in the committee and in writing. Every time that I do so, more people come forward with shocking and frankly heartbreaking accounts. One of those is a former detective officer of high rank with more than 20 years' service. I will call him P for the purpose of this account, and I thank you, convener, for allowing me a bit of time to explain the case.

The officer was working on a murder investigation in which a colleague was implicated of criminality. P was immediately suspended from duty. He says:

"Two professional standards officers informed me I was suspended without any explanation of the allegations against me. I had my warrant card taken from me and was told, 'You better get yourself a trade. You're going to need it.' This was a threat of sacking before any investigation had been carried out. I was sent home and had barely any contact from the police for nearly a year."

He describes that as

"a bewildering experience as I had NO involvement whatsoever in the crime."

He twice went on to attempt to take his own life. He eventually saw a psychiatric nurse who told him that he needed to see a clinical psychologist.

He asked the police for assistance with that but was told that it could not help—it did not offer that service—and that he should “keep my chin up”.

He became isolated at work and was given menial jobs that he says

“destroyed my self-esteem and resulted in a mental breakdown”

and further suicidal thoughts. He and other officers who were subject to investigation were

“lumped together in one place to undertake”

what he and they saw as “meaningless chores,” such as paperwork.

He became friendly with a young officer in his 20s, who I will refer to as, “L”. L was accused of an assault, despite closed-circuit television footage apparently showing him to be innocent. Two years later, L was still under investigation. P says:

“L confided in me that he could not bear the pressure and felt absolutely hopeless. I knew he had very recently emailed professional standards explaining this to them, demanding answers. L received a bland response, telling him the investigation was ongoing.”

A week after the email, L took his life. The location was significant to policing, but I will not state that publicly. Within hours of L’s death, officer P entered his workplace. He said:

“I was immediately summoned by a senior officer and told without hesitation, mere hours after L’s death, that this was absolutely nothing to do with him being under investigation and Police Scotland were not responsible in any way. I was utterly dumbstruck and disgusted at this utterly ignorant explanation in the immediate aftermath of the death of my friend.”

P spent five years under investigation, until he was dismissed without notice last year. He describes the process as a “kangaroo court” operating on the balance of probability. He said that the investigation was one-sided from the start and that he “never had a hope” of being vindicated. It is worth noting that no criminal proceedings were taken against him. He says:

“I am still dogged by these feelings and suicidal thoughts to this day. It seems that protecting Police Scotland’s reputation is the ONLY thing that matters. There was zero sincerity or compassion for what had happened. Just protect the organisation’s reputation at all costs, and THAT is the root cause of all these issues.”

P knows of other cases that resulted in officers taking, or attempting to take, their own lives. I have heard many other, similar, accounts and I will probably hear more after this meeting. I have repeatedly raised concerns about the damage done by the complaints process. I have four key points.

There is a failure to record the number of officer suicides and whether those officers were subject to internal investigation.

There has been a routine decision by the Crown Office not to hold a fatal accident enquiry in any of the cases that we know about, unlike in England and Wales, where an inquest would be conducted as a matter of routine.

There is a lack of willingness by all parties to explore cases where there is evidence that the complaints process may have been a factor.

It also appears that the SPA is willing to accept Police Scotland’s position, which can best be summarised as “nothing to see here”.

I know from P, and from the many other officers and families I have been speaking to, that there is a fundamental lack of faith in the process and that many of them are willing to speak out. They do not quite know how to do that, but they certainly do not intend to let it rest. Thank you for the time, convener.

The Convener: Thank you for raising that case. I am sorry to hear that account. We cannot, of course, investigate individual cases or issues, but I say on behalf of all members that we take the issue really seriously, hence the work that we have been doing in the past few months. Thank you again for raising the issue.

Pauline McNeill: I thank Russell Findlay for bringing those cases to the attention of the committee.

Would you agree that the accounts that you have given seem to cross over into the area of how police officers are treated in the disciplinary process? You have outlined more than one thing. It is a cause of concern to me if it can be two years into an internal process before any allegation is made. I can understand how that would affect officers’ mental health. Is there another element to what you have outlined, which is that the internal processes of disciplinary action against police officers should not take two years?

10:30

Russell Findlay: For what it is worth, I think that, given what police officers often experience in carrying out their duties on the front line, they are undoubtedly more susceptible and prone to mental health issues. We have been addressing separately what appears to be a lack of support generally, and it appears that Police Scotland, the SPA and the federation are all very much behind efforts to improve that, which is to be welcomed.

However, separately, there is a cohort of officers who have been subject to allegations of wrongdoing—sometimes minor and sometimes more serious—and whose cases can be characterised as basically taking far too long and apparently being unjust, on the basis that a conclusion is reached before the evidence is even

looked at. A sense of abandonment and hopelessness is feeding cases of officers either attempting to take their own lives or successfully completing suicide. I think that there is a reluctance on the part of the authorities to look at that element because, according to survivors and families, there is some culpability on the part of those authorities for what has occurred, as they have not responded to concerns that the officers are in a bad way because of the process.

The Convener: Would anybody else like to come in?

Jamie Greene: I will not take too long. I commend the committee for spending a lot of time on the issue. The story from Russell Findlay was interesting, and it reminded me of the session that the committee held in private and anonymously with people who had similar experiences. All committee members sat in on various groups and listened to some of the stories, so we have already heard such points from others—the similarities are striking. To this day, I still have strong thoughts about the couple of individuals who I met and the sorry state of affairs that they were in. They were grown men who were broken as a result of the system.

There are lots of warm words, as I would expect to read in such a response from Police Scotland, and I do not doubt for a second that there are senior staff in the organisation who want to do something about the issue and who take it seriously—nobody wishes ill on their employees. However, what has come through is that a lot of buzzwords are being used but there is nothing that addresses some of the underlying factors and recurring themes that the committee has heard about and that I would like to be addressed.

There are some specific and clear issues. I said that I was not going to be long, but here I go with lists, convener. The first, which is important, is the churn of higher ranking officers, which seems to lead to huge issues around change management in the organisation. We heard direct experience of the effect on officers when someone new comes in with a new direction of travel and says, “It’s my way or the highway.” That has an effect on junior ranking members of staff, who not only do not have the confidence to challenge it but are in an organisation in which that is actively frowned upon—it is a hierarchical organisation.

The second issue is the poorly organised human resources support and processes. That has emerged in some of the protocol failures that we have heard about around disciplinary matters.

The third issue is the management of long-term sickness. Some officers feel that they are just seen as problematic, especially if they do not have a physical injury. People with physical injuries are

perhaps dealt with more positively by their peers or by management, because the injury can be seen and it is perhaps seen as a sign of bravery and service. However, being off for mental ill-health, which is an injury in its own right as a by-product of the job, is somehow seen as a weakness. That is affecting people and the mental health support is clearly inadequate.

I notice that there is to be a retendering for the employee assistance programme, which will kick in next April, so it is about a year away. However, that is just a phone number, with someone in an outsourced call centre at the end of the line. I think that they need to up their game on that. However, it really comes down to the point that I made in the first part of the meeting: the fact that they are working with reduced officer and resource levels clearly adds pressure.

We know that we are losing people with experience at the top end, so we have a lot of younger officers who feel that they are getting chucked out on the front line to deal with traumatic situations much more quickly, which was confirmed to me when I went to the SPF event across the road recently. Of course, the officers will have to deal with some horrendous things as part of the job, but they are doing that in their first couple of weeks—they have been in training and suddenly they are dealing with suicides and turning up to other horrendous situations.

It is about both the volume and the type of workload, which has massively changed, as we know. I do not think that anything has been done to address that problem, which goes back to the collaboration issue and the need to remove some of those tasks from front-line officers. You will not solve the problem until front-line officers are able to just do what they are supposed to be doing. The problem is that they are spending their whole day, every day, dealing with quite severe mental health situations that they are clearly taking home with them.

Until we have a much more fundamental and honest conversation about the workload, the volume and the type of work that they are asked to do, I do not really think that we will fix the problem—all that we are doing is tinkering around the edges of how we support police officers when they do have a problem. It is always better to prevent than cure, convener.

I feel that there were welcome words in the responses, but not enough detail.

Rona Mackay: I want to put on record that I think that the committee is doing really good work on the whole. On the issue that Russell Findlay mentioned and the cases to which he referred, have we as a committee had an exchange with the

police, not on the wider issue of mental health but specifically on suicide?

The Convener: Russell and others have certainly raised the issue in the past, but more in relation to the follow-up that is in place in the aftermath of an officer or a member of staff taking their own life than to probing the issue.

Rona Mackay: I do not know the answer to some of the questions that Russell has raised—I might have missed the correspondence or whatever. Obviously, the wider mental health issues are incredibly important and we have been doing a lot of work on them, but it would be good for us as a committee to home in on the suicide issue.

The Convener: That is a good suggestion. Our challenge might be around fitting in that discussion but, given that we have taken a lot of time to explore the issue, I am sure that we could fit it into our work programme along the way.

Russell Findlay: The first time that I raised the issue was when we had a police witness in to talk about policing and mental health, and I asked how many officers had died from suicide. He said that he did not know and that he would get back to us with those numbers, but he did not do so—it then transpired that those numbers are not recorded.

The SPA and Police Scotland then wrote to us. The SPA's position was, essentially, that it was aware of a spate of suicides that had been in the public domain and had asked Police Scotland whether work issues had had any bearing on that. The SPA was told by Police Scotland that they had not. I think that that showed a distinct lack of curiosity.

Subsequently, we got a letter from the Crown Office, which set out its reasoning behind not instructing fatal accident inquiries in any of those cases. Judgments are made case by case and there are sensitivities, obviously. However, in the cases in which I know that the officers felt that they were under pressure and had made that clear to Police Scotland, there is surely a public interest in holding fatal accident inquiries.

The Convener: The only other thing that I might add is that HMICS is obviously undertaking a review around policing. The review is more around the response to people in communities who are distressed or unwell, as opposed to police trauma, if you like, but there is an overlap within that work.

Rona Mackay: I know that it is hard to separate them, but suicide should be seen as a stand-alone issue. Wider mental health issues are incredibly important, as I said, but suicide is very specific and should be dealt with that way.

The Convener: Okay, we can look at making that a specific piece of work within the on-going work on mental health and policing.

Jamie Greene: I have a question that someone can come back to me on.

At the moment, the process seems to be that an inquiry into the unfortunate suicide of a serving officer—I am talking about the police in particular, as opposed to the other emergency services—can arise only if the Crown decides to hold an FAI. Is there another, perhaps legislative, top-down solution, that would mandate some other form of automatic inquiry into such a situation? I do not know what the situation is in England and Wales, which is a different legislative landscape. I am not saying for a second that we should mandate the Lord Advocate to do X Y or Z—although that is always a solution; laws can do that. However, there might be some other form of investigation that could take place or that would have to take place that could be followed by a full-on FAI, if that was what the Crown so decided. In the meantime, it seems to be all or nothing and in far too many cases it is nothing.

The Convener: There are a couple of things there. You may recall the correspondence that we received from the Lord Advocate back in January. She said that every death by suicide of a police officer or staff member is fully investigated by the Crown as a matter of course. Obviously, issues around a person's employment or duties may come into that investigation.

It is also worth noting that we expect to be looking at those issues, when we look at the forthcoming police complaints and misconduct bill, probably in the autumn. That might be the opportunity for us to further probe the issue.

Your points are noted, Mr Greene, and I absolutely agree with them.

Fulton MacGregor (Coatbridge and Chryston) (SNP): I do not disagree with a lot of what has been said, but at one of the round-table evidence sessions it came out that these situations are often very complex and pressures at work or work-related issues might be having an impact on the person. I might be wrong on this, but from what is in front of us, I am surprised that Police Scotland is not open to making some sort of analysis of that.

I know that we would need to be careful about how that analysis was carried out, but maybe work pressures are more of a leading factor. Jamie Greene was talking about various situations that police officers can find themselves in—especially in these times, when they have additional pressures. That could be used to try to find out if there is any pattern, perhaps of officers who attended specific types of incidents or have been

involved in specific types of investigations against them. It might not always lead to the tragic situation described today, but might have other impacts on mental and emotional health.

I would like to see that analysis. The committee is taking a lot on and talking about what more the committee can do, but I think that Police Scotland has a bit of work to do here. I know that the committee asked Police Scotland to do that before and the response to that is under paragraph 10 in our papers. I do not think that it said yea or nay to that; it certainly did not say that it was going to do it. There is a bit of work to be done by the police to try to analyse those situations.

Perhaps they are doing that. They might write to the committee to say that they are in the process of doing it or have done it and what they have found.

That is the only way that we can find out what impact the work pressures are having on people's health because such situations, as everybody round the table knows, are very complicated. Numerous factors are likely to be involved in a person's wellbeing. The question is what role the job is having and whether a pattern is emerging over case after case of people who are experiencing poor mental or emotional health.

10:45

The Convener: Thanks for that, Fulton.

Collette Stevenson (East Kilbride) (SNP): I echo what everyone else has said. We have done a brilliant piece of work in opening up the issue and listening to some of the officers who have gone through such a traumatic time in their lives.

Paragraph 9 on page 2 of the paper on policing and mental health relates to how the redesign of the scheduling system in the courts is progressing. It looks to me like Police Scotland is having to wait for some kind of response from the Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunals Service. Work-life balance is a huge issue. We heard in numerous evidence sessions about the impact that time taken has on other officers' ability to get their days off. It is huge. We need to push the Crown Office and Procurator Fiscal Service and the SCTS to see how the redesign is progressing.

When we attended Glasgow Sheriff Court, there was a bit of pushback about remote access for trials. I do not know whether redesign is getting pushback, but I would be keen to find out more about that. We have just been talking about budgets. Notwithstanding police officers' mental health, there is efficiency in a smarter way of working if officers access trials remotely.

The Convener: I agree with all the points that have been made. Work is under way, which is welcome. We should continue this piece of work. It has gained some traction and I am keen that we support it going forward.

On looking more closely at issues around suicide, I am happy to suggest that we insert something further down the line as part of our continuing work on mental health and policing. As I said earlier, I suspect that, under the forthcoming police complaints and misconduct bill, we will consider some of what we have covered.

I had another point in my head, which I have completely forgotten. *[Interruption.]* The clerk has reminded me that we can circulate the correspondence from the Lord Advocate on her position. In it, she helpfully outlines the Crown Office's role and explains fatal accident inquiries regarding police officers and staff.

Are members happy with that proposal?

Members indicated agreement.

The Convener: That concludes our business in public. Next week, I expect the committee to consider several statutory instruments relating to the Fireworks and Pyrotechnic Articles (Scotland) Act 2022. We will also consider a draft report on the Children (Care and Justice) (Scotland) Bill and have an initial discussion about our approach to the Victims, Witnesses, and Justice Reform (Scotland) Bill, which has just been introduced.

10:50

Meeting continued in private until 11:47.

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