



OFFICIAL REPORT
AITHISG OIFIGEIL

Criminal Justice Committee

Wednesday 18 May 2022

Session 6



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CONTENTS

	Col.
POLICING AND MENTAL HEALTH	1
ONLINE CHILD ABUSE, GROOMING AND EXPLOITATION	28
SUBORDINATE LEGISLATION	55
Scottish Fire and Rescue Service (Framework) Order 2022 (SSI 2022/119)	55
PROPOSED BAIL AND RELEASE FROM CUSTODY BILL	57

CRIMINAL JUSTICE COMMITTEE

16th 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:

Stuart Allardyce (Stop it Now! Scotland, Lucy Faithfull Foundation)
Miles Bonfield (National Crime Agency)
Martyn Evans (Scottish Police Authority)
David Hamilton (Scottish Police Federation)
Assistant Chief Constable John Hawkins (Police Scotland)
Dr Inga Heyman (Edinburgh Napier University)
Superintendent Mairi MacInnes (Police Scotland)
Alison Penman (Social Work Scotland)
Assistant Chief Constable Bex Smith (Police Scotland)
Joanne Smith (NSPCC Scotland)
Alan Staff (Apex Scotland)
Gina Wilson (Office of the Children and Young People's Commissioner Scotland)

CLERK TO THE COMMITTEE

Stephen Imrie

LOCATION

The David Livingstone Room (CR6)

Scottish Parliament

Criminal Justice Committee

Wednesday 18 May 2022

[The Deputy Convener opened the meeting at 09:30]

Policing and Mental Health

The Deputy Convener (Russell Findlay): Hello. Welcome to the 16th meeting in 2022 of the Criminal Justice Committee. Audrey Nicoll, our convener, joins us remotely. Jamie Greene is running slightly late and will be with us soon.

Our first item of business is a round-table evidence session on policing and mental health. I refer members to papers 1 and 2. It is my pleasure to welcome: Dr Inga Heyman of Edinburgh Napier University; Alan Staff of Apex Scotland; Martyn Evans of the Scottish Police Authority; David Hamilton of the Scottish Police Federation; and Assistant Chief Constable John Hawkins and Superintendent Mairi MacInnes of Police Scotland.

Thank you all for providing the committee with written evidence, which we have had a chance to look at. If you would like to answer a question, try to catch my eye or that of the clerk, Stephen Imrie, and we will do our best to bring you into the discussion. We have about 80 minutes in total for this session.

I will kick off—that is one of the benefits of convening, I suppose—with a question for ACC Hawkins. How many Police Scotland officers have lost their lives to suicide in recent years?

Assistant Chief Constable John Hawkins (Police Scotland): I do not have that information with me, but I would be happy to provide that to the committee.

The Deputy Convener: Okay—thank you. I am asking about that because, a couple of years ago, I made inquiries to that effect. At that point, it did not appear to be something that anyone was keeping record of. Furthermore, none of those who had died by suicide was subject to a fatal accident inquiry. Are you aware of that issue?

Assistant Chief Constable Hawkins: No, but we would be able to provide information on that to you.

The Deputy Convener: Okay. Might the Scottish Police Federation know something about that?

David Hamilton (Scottish Police Federation): I can tell you that there have been two suicides

and two attempted suicides recently. We have evidence, but we did not include that in our written submission due to sensitivities around that. However, suicide is a problem. It seems to come in clusters. In recent years, I am aware that there has been a cluster of between two and four suicides, and that that happens almost yearly. That is perhaps indicative of the problem that we have.

The Deputy Convener: I was aware of a cluster not so long ago. I was speaking to a former police officer who is a friend of two officers who took their own lives in quick succession. One did so in a police station. The former police officer believes that the protracted nature of the complaints process to which the officers might have been subject could have been a contributory factor in their deaths. However, without a fatal accident inquiry, we have no way of knowing whether that is the case. Is that something that you are aware of?

Assistant Chief Constable Hawkins: I refer you to my previous answer. I am more than happy to get information about suicide and FAI rates for the committee.

The Deputy Convener: The Crown Office and Procurator Fiscal Service is not here to explain why it is choosing not to do FAIs. Would you support FAIs?

David Hamilton: It would perhaps depend on the circumstances. Sometimes, suicides are entirely to do with personal reasons and an FAI would not necessarily be appropriate. Where a work element is involved, we would, of course, welcome an FAI. However, I do not know the full details of all the cases. We are aware of them, and we are always alert to the possibility that a work element is a factor. We tend to have discussions with different commanders regarding that, if we have concerns about anything.

In fairness, Police Scotland is good on the engagement side of things. Such suicides are a loss to the whole police family. We try to work things through. I do not think that there is any suggestion that anything is being hidden under the carpet. However, as with all such incidents, we are perhaps talking about layers of stress that are building up in people and, sometimes, it is the straw that breaks the camel's back. As such, there might be elements that are not immediately obvious.

The Deputy Convener: Before we move on, I ask Mr Evans whether the SPA has any data on, or has conducted any form of investigation into, suicide among police officers.

Martyn Evans (Scottish Police Authority): We have conducted no investigation—it has been looked at very much at the board level. Mary

Pitcaithly, who chairs the SPA's people committee, has expressed concern when it has happened and has looked for more information. If we hold such data, I will send it to you, convener, along with a note about what the board's inquiries were and the suicides of which it was made aware.

The Deputy Convener: Thank you very much. The next question comes from Fulton MacGregor.

Fulton MacGregor (Coatbridge and Chryston) (SNP): It is just a wee supplementary to your line of questioning, convener—it is probably for David Hamilton. He said that there might be personal or work-related reasons for suicide. How do we make a judgment on that? Everybody's life is complicated, and various elements might be intertwined. For example, a person's work might lead them into substance abuse at home, which might then become the precipitating factor for a crisis. How would the police—or anybody, in fact—identify which factor was more prevalent? Does that make sense?

David Hamilton: Yes, it entirely makes sense. The honest answer is that I do not know. Unless someone left a note that specifically referenced something, we would not know. Other than that, all that we can do is speak to friends and colleagues afterwards and give them support, and we might sense something there.

Again, the nature of that type of incident is that it often comes as a huge surprise to everybody. On one of the recent occasions, one of my colleagues had been speaking to the officer just hours before that officer took his own life, and was absolutely stunned by what had happened. The officer had made arrangements for the following week, so it was unexpected. I do not know how you would know—I would have to refer to the medical professionals as to how best to untangle that.

Fulton MacGregor: I apologise—I know that it is a difficult question in a very sensitive area. With regard to the instances that have been described, I take the opportunity to pass on my condolences to all the witnesses, who have obviously experienced the loss of friends and colleagues in the service.

The Deputy Convener: I think that Audrey Nicoll may have a question for us online.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Good morning to the panel. I hope that you can see me—I have a wee bit of a problem with the light in my room. I would like to pick up on the current legislative provision in Scotland. I will come to Inga Heyman first on that.

Dr Heyman, I very much welcomed your comprehensive submission. You picked up on the challenges with the current legislative provision in Scotland, and the legislative barriers that exist. At

present, one of the barriers appears to be the Mental Health (Care and Treatment) (Scotland) Act 2003. When officers come to assess an individual to decide whether they might wish to take them to a place of safety, the 2003 act allows them to take someone only from a "public place", whereas we know that a lot of people are in their homes at the time.

Secondly, the wording of the 2003 act refers to a situation where a police officer

"suspects that a person ... has a mental disorder".

We know that police officers are not trained to make such an assessment, and it would be inappropriate for us to expect them to be able to do so.

The main issue that officers currently face concerns situations in which individuals are in some distress. I am interested in what you feel that we, as a committee, should be thinking about with regard to making the legislative provision more appropriate, and more of a fit for the growing number of scenarios in which officers encounter someone who is in poor mental health. I will come to Inga Heyman first, and then bring in ACC John Hawkins.

Dr Inga Heyman (Edinburgh Napier University): I welcome the opportunity to participate in this round-table session.

A number of elements of your question point to the medicalisation of the legislation in making it dependent on disorder. If we look at not just the 2003 act but the Adult Support and Protection (Scotland) Act 2007, we will see that they depend on people being assessed as having a disorder. A huge number of people in mental health distress do not have a mental disorder and should not be diagnosed as such, and we should not be putting on individuals a label saying that they are disordered. There is therefore a gap in the legislation with regard to the medicalisation of the terms that are used.

At this point, it is important to acknowledge that the reform of the Mental Health Act 1983 is being looked at very seriously at the moment, and it would really be worth flagging this area up to our colleagues John Scott QC, Jill Stavert and Colin McKay, who are working on that reform. This is all about specific terms in the legislation really restricting how we support people; after all, if the distress results from social issues, the support that they will get through that legislation will not be sufficient.

As for the issues for police officers, I understand that there is a gap in section 297 of the 2003 act with regard to private dwellings. That is a significant issue, because it puts quite a restriction on individuals when the aim of the mental health

legislation is to take the least restrictive approach. When someone is held in their own house, because there is no option, things become incredibly difficult for that individual, and their voice is missing in the legislation in that respect. It is also a huge challenge for police officers, who are left between a rock and a hard place, because they cannot remove someone forcibly from their home. That raises a question whether we should be changing the legislation to be more restrictive to allow police officers to remove somebody, but where does it leave police officers with regard to breaking the law?

There are many complexities to this matter that need to be pulled apart. It is not just a matter of giving more powers through the legislation; we need to think about what is the least restrictive approach for an individual, and that should come back to the reform of the mental health legislation and ensuring that the individual's voice forms part of that work. The police voice needs to be part of that, too, but I am not sure that the consultation has been extended on the forensic side to allow that discussion to happen.

I am sorry—that was a very long-winded response.

Audrey Nicoll: No, I appreciate it. It really set the landscape out very well. ACC Hawkins, do you have anything to add?

Assistant Chief Constable Hawkins: No. I think that Inga Heyman has covered the issues really well, specifically the point about powers that cover public spaces becoming problematic when an event takes place in a private space. It is pretty clear that that is a problem, and it would benefit from further consideration.

It also speaks to the broader point that, very often, it becomes inevitable that such cases end up in a criminal justice rather than a health outcome. These are individual cases involving individual difficulties but, far too often, they end up with an individual being arrested because the situation has deteriorated instead of their having access to health provision. I just would not want that broader point to be lost when we look at what is a very obvious but specific challenge with regard to section 297 of the 2003 act.

09:45

Audrey Nicoll: I want to ask a quick follow-up question. I am happy to go back to Inga Heyman and ACC Hawkins. We know that, if officers use the provisions in section 297, they can take someone to a place of safety, and they are often turned away for lots of different reasons that we know about. That can be for very legitimate reasons. Essentially, they are left holding the baby. I know that you are working on that and that

there is progress across Scotland on pathways. Bearing in mind the challenges of remote and rural areas, what should we be thinking about as the optimum pathway in local areas?

Dr Heyman: One of the challenges is that we try to fit people into a binary system—into either the criminal justice system or the mental health system. As I said earlier, there are people who do not fit in either system—and neither should they. We criminalise people because we cannot fit them into the health system. There are people whom we should not force into the mental health system. There is the idea that people simply need a mental health response, but that is not necessarily right. We know about the harm that is done by putting people into hospital. We can do more harm by putting people into psychiatric care.

Part of the response that we need to think about is broadening that. Maybe we need to think about a third response that is focused on social care for individuals, rather than trying to fit people into two systems. There is another area that we could think about. People could get a much less restrictive response. An example is that police officers might be able to take somebody not to a place of safety from a legislative perspective but to a safe place in which a person can be supported to manage their distress and would not necessarily go into either system. It is about being quite bold and thinking about another option rather than trying to fix the mental health and criminal justice legislation.

On the appetite in Scotland at the moment, as was said earlier, there have been many changes in the past little while. Amazing work is happening in Police Scotland around the mental health pathways, and there is the unscheduled care pathway work. A lot of work is going on, and the appetite to think out of the box and think beyond policing or criminal justice is really good.

David Hamilton: I will supplement the discussion. I agree with everything that has been said, particularly about private space.

From a police officer's perspective, the frustration is that police officers do not have the powers to deal with that, and they are dependent on, for example, a general practitioner coming along and doing so. The issue is what is done in the gap between. There will be a delay in waiting for the GP to get there and make an assessment. If they make that assessment and the person needs to be taken somewhere, there will be another journey of delay and frustration.

On section 297 of the 2003 act and the public sphere, our difficulty is that, when we take people to a place of safety, we end up queuing, because we have a responsibility to the patient right up until a disposal or determination has been made by the practitioner at the place of safety. That might take

hours—it often does—and sometimes those patients are in a distressed state that requires them to be handcuffed and restrained. Again, that falls on the police officers, who take a personal risk and try to work out how best to look after a person who has not been assessed. Police officers have to look after them, and we are very limited in our capabilities with regard to what we can do.

In the evidence that we submitted in the annex to our paper—incidentally, there was an unprecedented response to this from our membership, who are concerned about the issue—we included the example of an occasion where it was felt that it was necessary to take a woman out of handcuffs because she had had them on for too long. She then began to attack the officers, and the situation escalated into a further problem.

Therefore, in many ways, waiting for assessment is the other part of the problem with section 297. Of course, police officers accept that they have a role in that, but what is critical is to bring safety and order to the situation before handing on to another agency that is better equipped and more qualified to deal with it. However, at the moment, it is basically a case of stacking up teams of police officers with patients waiting to be assessed by an underresourced function in the health service. Therefore, all that risk then comes back on police officers. Further, when they are doing that, they are not doing other parts of the job, which creates further pressures and so on.

The Deputy Convener: That picture comes through loud and clear in those 20 submissions. Mr Staff, I wonder whether you might have a different perspective on that issue.

Alan Staff (Apex Scotland): Yes. My perspective goes back about 30 years when we were tackling exactly the same issues and problems. It appears to me that, if progress is to be made, it must be made through a multiagency, multisectoral approach. The stresses that the police are under are as much about public expectation of them and the expectations of their superiors and other agencies as they are about anything else. Our experience is that there are huge gulfs between the different agencies involved and that there is a great deal of blaming going on: “It’s your job”, “You didn’t do it—why didn’t you do it?”, “It’s your job—no, we don’t have the resources, so it has to be you” and that sort of thing. That is not new, it is not unusual, and there are no easy answers. However, the solution that we would look to is greater collaboration at the local level between agencies and the formation of some sort of crisis response team, if you like—if you want to take a team approach. However, the

solution must certainly be one that involves all the agencies concerned reaching a joint agreement and taking joint ownership, rather than sitting back and saying, “No, it is your job.”

Martyn Evans: The convener asked a question about additional powers, which is important. That is addressed in Dr Heyman’s paper. However, I want to add to what has been implied and said by others, which is that it should be a service that is available to officers. Occasionally, an officer does not have the coercive powers to undertake their responsibilities, and that is called out in that paper. The evidence from the Scottish Police Federation is very good. I point you to the evidence from officer 20 in that submission. The officer says that their frustration is not that they do not have the powers but that that service is not there to go to. However, they also recognise the improvements in services. They call out the mental health hubs and give a very good analysis about their weaknesses as well as their strengths.

Therefore, I would add two things. With regard to public policy, there is a very high assessment bar to get into a mental health service. What happens when someone does not get into that service? These people remain vulnerable and they remain in high distress, but they cannot get into a formal service. That is consistently the case across the United Kingdom in reporting in that area.

The second thing that I would add is the need for an intoxication strategy. You will not be assessed if you are intoxicated by drugs or alcohol. As the police evidence shows, those are often some of the most difficult cases with regard to dealing with, restraining, supporting and safeguarding people who are vulnerable and distressed.

Therefore, as Inga Heyman’s paper demonstrates, there is a legislative gap, which is important, but the massive issue is about the services available to the officer as they attend a distressed and vulnerable person. Quite often, it is not the case that they need more powers to make that person do something. What they need is to be able to use their authority as an officer—that is why we have police officers—to direct a service to take the person on. That does not happen as much as it should. The evidence from more than 20 officers that David Hamilton submitted reinforces that sense of frustration on the part of officers about being caring and human in their endeavour and yet not being able to help. That comes back to your question right at the beginning, Deputy Convener. That situation creates additional significant stress for officers and for contact command and control division staff—the non-officers—because they feel helpless to do anything. It is a vicious cycle.

The Deputy Convener: Superintendent MacInnes, you deal with custody cases and manage officers every day. What impact does dealing with patients have on officers losing hours?

Superintendent Mairi MacInnes (Police Scotland): We have more than 100,000 custody cases coming through our doors each year, and a high proportion of those people have complex needs, by which I mean problems with, for example, mental health, substance addiction, alcohol or isolation. Generally, it is a combination of all those factors. We have healthcare provision in place with our partners, but when the issue relates to mental health, that will often require a further assessment off site. That is an abstraction of our time. The important point is that people who are in our care get the help that they need, but it is not helpful that it takes so long for them to get a referral. Sitting in a custody suite is not the right place for someone experiencing a mental health crisis.

The Deputy Convener: We move on to a question from Jamie Greene.

Jamie Greene (West Scotland) (Con): I apologise, convener, for my tardy arrival. The traffic has been unkind to me this morning.

I read the officers' submissions last night. I was quite struck—in fact, I was very much saddened and quite distressed—by some of the anecdotes that they shared about the abuse that they have had to put up with and the effect on their own mental health, which I know we will come on to discuss.

For me, the theme that came out—and which I am keen to explore—is that, although we might have a conversation about whether more legislative powers are needed, it is abundantly clear that, more and more often, the police are being used as the first point of contact in the absence of other services being available, whether they be health or social care partners or the local authority. That might involve the police simply driving someone to hospital, spending hours on site trying to restrain or look after someone or dealing with a health emergency in a private environment where they have limited powers to intervene from a medical point of view.

I want to explore that further. Putting the legislative issue aside, can you say what further short to medium-term interventions the Government can make to alleviate the immediate burden that is resulting in so many police officers effectively having to become mental health workers instead of tackling crime? That question is for anyone who wishes to answer.

Assistant Chief Constable Hawkins: I will kick off. It is worth just stressing the prevalence of

mental health problems and distress in society—that is an important starting point.

Every year, 3.2 million calls come in to the police, or one call every nine seconds, but fewer than 20 per cent of those result in a crime being recorded. Overwhelmingly, calls on the policing service are now in the vulnerability space, including mental health. That is a situation that has changed hugely over my time in the service. Policing was not like that once upon a time—it was much more clearly about crime and criminality—but I do not think that policing is alone in experiencing that societal change. It is affecting all parts of public service, all of which are wrestling with the same prevailing problem. The same people are popping up as victims, as service users and as accused.

I genuinely think that the first step is to have a joined-up discussion about the system instead of dealing with it in silos. We need to think about that not just in terms of the demand made on policing. The average time taken to deal with a mental health call is seven hours and 20 minutes. That has a huge impact on policing and our ability to do other things, but what about the citizen who is at the centre of that moment and has found themselves edging towards and ending up in crisis?

We must have a multi-agency and joined-up conversation that has to be more about prevention and early intervention. It is great to come and have this discussion in a criminal justice setting, but my sense is that it needs to be much broader. It is important to make that point at the outset.

10:00

Jamie Greene: In your written evidence, you say that you struggle to quantify the demand on police to deliver services that you probably should not be delivering but which you are happy to deliver as a first port of call, and that that comes down to issues with recording systems, information technology systems and how an incident is interpreted. What is being done to improve that?

Assistant Chief Constable Hawkins: An awful lot of work is being done in policing through our demand analysis unit, but it is also important to ask what is being done at a systemic level to understand an individual citizen's journey through services. One might argue that continuing to build more sophisticated single-agency data sources or analysis techniques is missing the point.

David Hamilton: Thank you for the question, Mr Greene. As you would imagine, we have given a lot of thought to what the short to medium-term solutions might be.

There are, from a police officer's perspective, two stops or problems in the current system, the first of which relates to what we talked about in relation to section 297 of the 2003 act with regard to the inability to deal with somebody in a private dwelling. If somebody is out in the street, we can deal with that but, if they go into their house, we cannot. There is something illogical about that. The principle of somebody's home being their castle might well be understood, but given the nature of the calls, we might wish to review that again.

The second problem is what happens when people are handed over and received at a mental health hub. If there were some kind of facility to enable mental health professionals, whether they be nursing staff or others, to look after people at the hub on receipt, it would free up officers to go and do policing tasks and then, if necessary, come back and support those staff. That would make a huge difference to demand and take a call lasting seven hours and 20 minutes right down to a couple of hours at the most, which would change the system. Of course, somebody else will have to pick up what happens in that space, but the patient would also get better-quality, professional nursing and medical care as opposed to police officers sitting with them in handcuffs.

Jamie Greene: I have read some of the testimonies. Given that mental health hubs are pretty few and far between across the land, most people will be taken to accident and emergency or hospital in the first instance if harm is involved. There are stories of nurses having to ask the police to restrain people so that they can medically intervene.

What is your view on the role of the police in that environment versus that of the medical professional, whose job is to administer medication by whatever means possible? At what point are you asked to act as security guards and physically restrain someone who has become a danger to themselves? Indeed, there are examples in the evidence that I have read of officers and others being assaulted. When does the line get crossed?

David Hamilton: The difficulty is that we are talking about a spectrum, so the situation presents itself in different ways. With high-end violence, we can look at criminal justice outcomes; in our heart of hearts, that is not where we want to be, but it is the only tool that we have, and the police officers who use that tool set are having to ask themselves what the best outcome is that they can get for the individual and the other individuals affected by the situation. We hit the same blockers time and again.

I describe policing as being in many ways like brokering. You have to try to deal with a chaotic

problem, bring some order to it and move it on, because we do not have the capability or capacity to put longer-term investment into many of these issues and people. Therefore, what would help with the police side of things in the medium to short term would be to get rid of those two pinch points of having to wait for medical intervention in a private space and not being able to release officers at a suitable assessment centre because the medical profession cannot take the individual on at that point.

The Deputy Convener: Thank you. I think that Mr Evans is keen to come in on this.

Martyn Evans: The points that I will make relate to things that I have been learning about in my time on the Scottish Police Authority, especially through my closer involvement with the contact assessment model and the contact, command and control—or C3—division.

Often, we talk about the demand that comes in through calls for service, which, as ACC Hawkins said, are received every nine seconds. The ability for vulnerable people—indeed, for all of us—to call on the police is a hard-won achievement that is not available in every society but which is available across the United Kingdom. Being able to call a warranted police officer in distress is a precious right.

The point is not to stop those calls from coming in. Instead, the point is that when a warranted officer with powers is present—and the evidence shows that this does happen—they are expected to be able to direct things in order to help the individual in question, perhaps by using their authority to place them somewhere. That is where things can be lacking, but it is important to say that it is not a universal lack. As can be seen from the meeting papers, the response is outstanding in some areas of Scotland and very poor in others. It is frustrating that we cannot replicate the excellent practice.

Secondly—and this surprised me—the 101 number started off as a joint endeavour with local government, but it has now been taken over entirely by the police service. We need to look at a person-centred approach. The Christie Commission often talked about prevention, but I would just note that the first bullet point of its report was about the need for person-centred public services. A person-centred public service will not separate out the services required by someone who calls in distress according to whoever is on the other end of the telephone, how they can apply and so on. After all, the best responses are those that are multi-agency, as I think Alan Staff has said, and interdisciplinary. We have to look at 101's engine room so that we can direct people.

The last point is on cost. We already have very good cost information, but we are also going to get new information through the board on the cost in police officer time, which is important, and the actual financial cost. However, the real issue is the opportunity cost. The lack of handover, which David Hamilton talked about, and the need for two officers to spend up to eight hours responding to each mental health case represent an enormous opportunity cost. The harms in our society that we need warranted officers to deal with are getting pushed down the agenda chain as officers have to step into situations where they have to do very little other than hold the hand, in the best possible way, of someone in distress—to their immense frustration, as comes through in the evidence, and to the detriment of their own mental health. The feeling is one of helplessness and irritation with the service. To be frank, they feel that what they are being called on to do is not what they were trained for and not what we pay them to do. Indeed, it is an expensive way of doing that sort of thing.

When it comes to the handover that David Hamilton talked about, we should be talking far more about the need for civil society to step into that space. That does happen around Scotland—there are, as the written evidence shows, some fantastic local community schemes—but that is not universal.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Following ACC Hawkins's comments about the changing nature of policing over the years, I have a question for David Hamilton. Has the training for police officers kept up with the massive changes that have happened over the years? Do they get adequate training on what they should expect, how to recognise people who have mental health difficulties and—the other side of the coin—how those situations might affect them and their own mental health?

David Hamilton: It is not adequate. There has been some training, but it tends to happen remotely, which, as we know from all our survey work, is loathed by officers. With something so important, we need more interactive training. According to feedback from officers, some of the training has been quite useful, but the cap is on how far we want to train them and what we want them to do. We have distress brief interventions and so on. Although they are probably used to deal with more lower-level situations, they have been a good addition.

However, what causes our big problems are the more severe and acute issues for which we do not have training. Sometimes, those are about returning calls from or about people whom we deal with regularly; sometimes, they are about children. Indeed, our submission mentions an officer who

talked about a child who tried to stab her mother. This is heartbreaking stuff. How do we train an officer to deal with that?

Rona Mackay: Exactly. As far as police officers' mental health is concerned, do you feel that there is enough support in the police service for officers who find it hard to deal with such really difficult situations?

David Hamilton: The problem is that the service's response to wellbeing has been very reactive when what we need to do is to stop problems happening in the first place. We are constantly putting plasters on to stop bleeding when we need to prevent the bleeding from starting in the first place.

The challenge highlighted in our evidence and in the surveys that we and Police Scotland have carried out is that people are burning out because they are so busy with work—not least dealing with mental health calls—that they are not getting a chance to get away from it. It is constant, and they are getting to the critical stress level at which people burn out. That is what all the data tells us: police officers are burning hot just now and are beginning to fail. Whatever we do in response, we need to stop that sort of thing happening in the first place and before it needs to be fixed.

Rona Mackay: Thank you very much.

The Deputy Convener: I failed to say at the outset of the meeting that witnesses and members should try to keep questions and answers as brief as possible. We have a lot to get through.

I call Pauline McNeill.

Pauline McNeill (Glasgow) (Lab): I have two questions. I want to explore what I have just heard about police officers being the first responders and, in effect, the last resort. What is the answer to that? I also want to ask about the resource impact.

The testimony that the federation has submitted to the committee is very useful but very difficult to read. It amplifies what we have perhaps always known, which is that the police service is the only service that cannot walk away. As a politician, I do not think that that is recognised enough and, however we have arrived at holding this round-table session, it is a crucial issue.

On the part of Professor Heyman's submission about section 297 of the 2003 act, I do not understand why the police would even be involved when there has been no self-harm and no offence has been committed. Of course, I understand that police officers need to step in if there is harm involved. We have heard from David Hamilton about the long wait times for people to be seen by healthcare staff. It seems as though every other service can say, "We can't take you," but the

police cannot. It is fundamental that we resolve that.

ACC Hawkins has suggested that multi-agency discussion seems likely, but we have heard that 101 services are now almost exclusively operated by the police. Is such discussion going to lead anywhere? From what I have heard, we need to make specific provision for the police not to always be the service of last resort. I do not know enough about mental health services to know what duties need to be imposed on them. Why should mental health services be able to walk away from a person who is at risk, yet the police cannot?

My question is for ACC Hawkins in the first instance. Do you not feel that, even if there is multi-agency discussion, the police will still be left as the last resort and we will get no further forward?

Assistant Chief Constable Hawkins: I certainly hope not. There is a role for parliamentarians such as you to help us with regard to that scenario.

10:15

The truth is that there are a number of examples of good, collaborative working. The mental health pathway, which we worked hard on with the Scottish Ambulance Service and NHS 24, is a sign of what is possible. Training is being provided in that area. We now have mental health nurses in our control centres who are able to help us to refer calls to a health-staffed hub, and fewer than 10 per cent of the calls that go there end up requiring a subsequent emergency response. Many of the provisions in custody are also very helpful.

However, I genuinely believe that that happens only when there is a meeting of minds and the stars align in such a way that such collaboration is supported, funded and prioritised and it takes place. Single-agency discussions miss the point. There are enough examples out there of the type of initiative and response that works, and they need to be prioritised.

Pauline McNeill: I do not know whether this is for you to answer, Professor Heyman, but you say in your submission:

“If no offence has been committed and there is not an immediate risk of life, police may not legally remove them from their home for assessment or safeguarding—from a Place of Safety”.

Can you tell me why the police are involved in cases like that?

Dr Heyman: People will call on the police if they are in distress because they want that distress and pain to stop. The agility of health services—GPs have been mentioned—is constrained by time constraints. Some might say that it should not be a

police officer who attends in such circumstances but, for a lot of people, police officers have the authority to contain situations and to help them to manage their distress in a way that others cannot, so there is a reason why they are involved. As well as bringing authority, the police will come quickly, so there is almost a revolving-door effect—because they arrive quickly, people use the service. Their agility allows them to be there. The police are not necessarily a last resort.

I keep harking back to this, but the issue that a person has might not be mental health related. People keep saying, “Let’s take them to emergency health services,” but it is rightly pointed out that it might not be a mental health problem. The person’s distress might be because of unemployment, because they are intoxicated or for a lot of other reasons, but not because of mental health.

Pauline McNeill: Would it not make sense for another service to pick that up?

Dr Heyman: Yes, but we do not really have a system for that at the moment.

Pauline McNeill: That is the obvious thing to have, is it not?

Dr Heyman: It is worth considering that there are opportunities to do more remote assessment using technology. We do not need to take somebody to A and E, which is incredibly undignified. I would be distressed in that situation—if I were sitting between two police officers in an emergency department, my distress would escalate.

We should consider whether there are smarter ways of doing things. For example, technology could be used to do a remote assessment, if that is what is needed. Loads of work is being done by Police Scotland on the development of technology, but the voices of individuals are not really being heard. We speak about people as patients, but they are human beings. We have lost sight of their humanness and of what they need as individuals.

We have discussed the need for personalised responses. Could we use information sharing between services to help with that? We are very poor at sharing information. We should involve people’s voices in that process. That way, services could talk to one another and some of the conversations could be untied. A person could have an advance statement prepared about what they need in circumstances in which their distress is unmanageable and they have called the police.

I think that the way in which the system works—it is a push-and-pull system—just retraumatizes people, so we should not be surprised that they keep phoning the police.

Pauline McNeill: I want to ask about resource implications, and I will put the question to David Hamilton. Rona Mackay asked about the distress to officers, and I will quote one of the statements that is made in the SPF's submission:

"I have seen my hands shaking on my way into some nightshifts knowing I may only have 1 or 2 cars available, just that added stress of increased call volume and low staffing levels is shocking."

Further on, there are comments from other officers about not being able to get leave, which impacts on the service. As we know, if we lose a lot of police officers under the McCloud judgment, we will be left with a lot of less experienced officers. That would have a huge impact on the mental health of officers, who are having to deal with other individuals who are experiencing mental health issues. Is resourcing for mental health a big issue in the police service?

David Hamilton: It is critical. We have been saying that for a long time, and people have looked at the issue. We are beginning to lose faith in the concept of partnership working, because when times get tough, people retreat to their base. We have run pilots with different agencies, but they quietly dissipate into nothing, and there is no sustainability or long-term aspect to them because everyone retreats back to their base.

The Parliament had a joint health and criminal justice forum on which different committees came together, but I have no idea what it achieved, if anything. The problem is that we go around talking about the issue and saying that we need to do more partnership working, but it never actually changes anything. We have exactly the same issues today that I used to deal with 20 years ago as a constable working in Tayside. Nothing has changed. We have slightly different legislation, but the issues are the same. The problem is that demand has skyrocketed, and that is where we are feeling the pinch. We need to get on top of the demand, because it is getting ever greater.

We have heat maps that show when mental health incidents are happening. Funnily enough, when we look at those, we see that it is at 4 o'clock on a Friday, when everybody else finishes for the week, that issues are handed over to the police. We suddenly get hit with a whole lot of incidents and a whole lot of cases of mental health-related missing persons. Those often come from social work agencies and homes and so on, but because those services are not 24/7 and staff will not be back at work until the Monday, they phone the police and hand the incident over.

As long as such behaviour persists, we will get hammered as a result, because part of our statutory responsibility is wellbeing in society. I have issues with that, because that could include telling people not to smoke because it is bad for

them. Where does the limit lie in that respect? Sir Michael Barber addressed that in his recent review of policing in England and Wales, when he said that police officers should have a locus to act where they have powers to do so, but that policing should not go beyond that. There is a lot of sense in that approach, because it constrains an otherwise insatiable demand.

Your question about why we are getting involved in such cases is a good one. The answer is that it comes down to policing principles and what the act legislates for, but there is no control over that, so people know that we have to step in. In truth, with policing as it is, we want to help, and we will not walk away and see people left, because we also know that we are the service of last resort. The problem is that that is being taken advantage of. What we need in order to function in that way is a supportive mechanism that prevents everything from being dumped on us. We need a filter that stops all that coming down to the officers you have read about in our submission. They are having to pick up the pieces and deal with those issues.

The knock-on consequence for resourcing is that there are fewer and fewer officers on the street, because we are dealing with those issues. Frankly, it is about demand. We need to get on top of the situation, because we have taken on so many new functions without new resources and, on top of that, we are losing resources. Even if we had more resources, we could not recruit officers quickly enough at the moment.

Assistant Chief Constable Hawkins: I agree with an awful lot of what has been said. On the particular instance that Pauline McNeill talked about, we would refer to that as a concern-for call—a non-criminal call in which concern has been raised about a member of the public. Over the past five years, there has been a 60 per cent increase in adult concern calls and a 36 per cent increase in child concern calls. There is a growing non-criminal demand on the service.

I associate myself with Inga Heyman's point. We are talking about human beings—fellow citizens—getting the wrong response in their moment of need. Although it is entirely right to discuss demand and displacement, how we can collectively provide a more appropriate level of service to individuals in their moment of need is the central issue that we need to challenge ourselves on.

The Deputy Convener: I know that we need to move on, but what you have said really chimes. We have talked about the issue for 20 years, and we know that there is a solution. If the pilot schemes lead to nothing, I do not know whether it will be for the police to be a bit more forthright in respect of their responsibilities or whether the

issue is for the Government. Will you touch on that quickly?

Assistant Chief Constable Hawkins: I am not sure that I fully agree with David Hamilton on that point. Pilots have certainly come and gone, but I think that the mental health pathway, which I have referred to already, has real potential for the future. The collaboration between us, the Scottish Ambulance Service and NHS 24 has received Government funding, which has allowed us to accelerate that through Covid. However, I would like to see more of the same. In a sense, that has given us a signpost for the kind of initiative that is needed.

Fulton MacGregor: My question follows on from the discussion that we have had. I want to reflect on what David Hamilton said.

For the record, I should declare an interest; this is in my entry in the register of members' interests. Before I became an MSP, I was a social worker in criminal justice and child protection.

What David Hamilton said has always been the case, and I am now thinking about that in a new light, as I am seeing the issue from a different perspective. We were always told that the police were the last resort, and the police were used quite frequently. People would be told, "This is a police matter." I go back to points that Mr Evans made. Should other agencies have more power and more confidence to take things? It is not necessarily the fault of social workers or health workers if they think that something is a police matter.

Another thing that Mr Evans said chimed with me. He said that we are a society that can call on the police. We definitely do not want to lose that. It is quite a difficult balance to find.

We have heard the term "burn-out" and about the pressures that police officers are clearly under. We all know police officers in our own lives. I have friends as well as constituents who are police officers, and I have heard from the ones whom I have spoken to that they still love their jobs, but they are feeling more pressure than they ever have. I hear that across a range of services.

Maybe ACC Hawkins could answer this question. Has any analysis been done of what the main contributing pressures are that lead to the feeling of burn-out that has been described? We have heard a lot about dealing with mental health and more complex issues. Where does Covid come into it? Where do resources come into it? Has any overall analysis been done?

Assistant Chief Constable Hawkins: Yes, there has been analysis. There has been analysis of particular conditions or challenges when people are absent. The medical condition, such as

anxiety, depression or alcohol abuse, tends to be described rather than what is behind that and has caused it. That goes back to an earlier point. Is that a financial issue? Is it a family issue or a work-related issue? We do not have that level of analysis, but we can break down, and we do look at, the medical descriptors, such as depression, insomnia, debility and bipolar. We have analysis at that level, but not at the wider level.

That is similar to the question about the cause of suicide. What was the driver? We do not have that.

Fulton MacGregor: What does the analysis point to or indicate? Even though, as you said, it is not very detailed, has the force come to any conclusions on that analysis?

10:30

Assistant Chief Constable Hawkins: We know that anxiety through a psychological disorder is the number 1 cause of absence, followed by depression and a range of other psychological disorders, including postnatal depression, post-traumatic stress disorder and schizophrenia.

Fulton MacGregor: Over time, have you noticed a marked increase in those absences?

Assistant Chief Constable Hawkins: Yes, there has been an increase in the amount of working time that is lost as a result of psychological disorder. In 2021-22, just over 50,000 working days were lost, which is about 1.6 per cent of the total amount of working time lost. We analyse the data. It is a big figure, and we seek to address that through the range of support measures that we have in place, which include financial support and support and advice around any number of contributory background conditions that might be behind those disorders.

Fulton MacGregor: I am sorry to keep pressing you on this, because I know that it is a very difficult and sensitive area, and I appreciate the responses that you are giving. We are getting a clear indication from you that anxiety and depression have increased. We would not expect you to do so when they are suffering but, when the time is right, are you going back and asking those officers who are off with anxiety and depression to indicate any work-related pressures that they felt led to that? Do you try to pull that information together?

Assistant Chief Constable Hawkins: That kind of thing does happen. Obviously, patient confidentiality needs to be respected and medical support needs to be provided to people in their moment of need, but we also seek to understand any work-related matters.

We have another process called trauma risk management—TRiM—which is the response that

is provided to officers who have dealt with a particularly traumatic incident. An intervention takes place to help individuals to process the trauma and, if possible, to minimise its impact. That is subject to on-going review and refinements. There are a number of mechanisms, and we certainly seek to learn and improve as we go.

Fulton MacGregor: Convener, I was nearly finished, but that last answer leads me to another question, because that is a really good point. I imagine that you and your officers regularly deal with what the rest of us would consider really traumatic experiences. Has there been an increase in those really traumatic experiences? We have heard about the increase in contact from members of the public in relation to mental health issues, and I think that we are going to hear later about some quite disturbing increases in issues that affect children. Is that also on the increase?

Assistant Chief Constable Hawkins: In 2021-22, there was a 32 per cent increase in the use of the trauma risk management intervention, compared with the previous year. I hope that that is partly due to growing awareness of the intervention and growing willingness to refer people to use it, but that undoubtedly also speaks to an actual increase. We are seeing an increase in the provision of such high-end trauma support.

Fulton MacGregor: Thank you for that. There are plenty of issues there for the committee and the Government to consider.

The Deputy Convener: I think that Martyn Evans would like to come in on that. We do not have a lot of time, so please keep your answer brief.

Martyn Evans: I will keep it very brief. That is like the evidence question. The evidence comes from Durham University, which interviewed 7,000 police officers in Scotland about how they felt they were. The asset base and the positive view that I take from that is that police officers were clearly resilient and committed, and they had pride in their job. We should celebrate that, because it is great.

Two strands of issues came out of the research. The first issue was about how wearing the futility of some of their job was, which is what we are discussing now. Officers respond to vulnerability, but their hands are tied, because they cannot direct anything to happen for those people. That is frustrating.

The second issue was trauma. That affects a smaller number of people, but traumatising in policing is quite different. It is quite similar in forensic services. People are traumatised by an incident, and they are re-traumatised by having to relive it, investigate it and repeat that in court. It is very unusual to have that kind of re-traumatisation.

To simplify, the issues are the futility of officers being left with the vulnerable person with the services not being available, and the traumatisation.

On taking forward evidence-based solutions, the organisational implementation plan is coming before the SPA's people committee on 1 June. The plan has 20 ambitions, champions have been identified, and it includes milestones for improvement.

We will always be interested in improvement. There will be a process of continual improvement in how we support staff—who are, as I have said, an asset to us, are resilient, have pride in the job, and are committed—through the stresses, futility and trauma that they experience in their very unusual jobs, in which they must engage with hugely unpleasant scenes and difficulties.

We will wait to see what happens, but I am very pleased with the measures and milestones that are in the plan. The SPF and other staff associations will be at the June meeting. I ensured that they were invited, and I am very pleased that they will be able to attend that meeting.

The Deputy Convener: Speaking of the SPF, I see that David Hamilton wants to come in on that issue.

David Hamilton: One of the challenges of the your voice matters survey was that it did not go into the granularity of the causes and so on. I think that Mr MacGregor was looking for information on that. However, the SPF did a survey just before that one. Unfortunately, I would not exactly say that Police Scotland has fully taken on board its outcomes. Our survey shows that 45 per cent of officers experience high or moderate levels of burn-out, and one third say that they go to work mentally unwell. Those are pretty devastating figures for the organisation.

We did further analysis of that, and one point that became clear was that, although we expected the pressures to be on our female officers—particularly those who were trying to juggle their family and work lives during the pandemic—it was single male officers who were in the worst condition. The researchers, who were from Carleton University in Canada, undertook clinical measurements and came up with conclusions. Based on that, we think that the big difference is to do with post and role. The difference is that young men are more likely to be on the front line for a longer period, and a higher proportion of women tend to go into back-office roles and support functions, which seems to be skewing things. Therefore, mental health issues are a problem for front-line workers.

When we look further into the qualitative data, we see that the key messages to come out about

the causes of burn-out are: insufficient staff; staff being unable to say no, either by choice or by requirement; public expectations; and the volume of work. Burn-out is a result of the type of work that staff are doing and their not getting a chance to get away for a breather. Everybody mentions their leave and rest days being interrupted, as well as issues to do with the court system. Matters compound until we get to a difficult position in terms of the wellbeing of our workforce.

We have the data, and we would be happy to facilitate input from Professor Duxbury from Carleton University, if the committee wants us to do that.

The Deputy Convener: Thank you very much. Collette Stevenson would like to ask some questions.

Collette Stevenson (East Kilbride) (SNP): Offending and mental ill health go hand in hand. I think that it is fair to say that many people suffer from mental health issues to varying degrees at the point when they offend. What approach are the police and partner agencies taking, as it is obvious that mental ill health is a huge contributory factor to offending behaviour?

I have another issue that I would like to explore further. At the point at which someone is charged and the police are writing up their report, are the police able to refer to mental health issues so that that is noted on the file for when the matter gets to court?

Assistant Chief Constable Hawkins: I do not mind starting off; perhaps Mairi MacInnes could come in with a bit more detail.

You are quite right. Some 40 per cent of people who come into custody self-declare as having had mental health issues at some point. When additional complex needs are taken into account, the figure goes up to around 60 per cent. Therefore, a very high proportion of those who come into police custody have mental health issues. That is a fact. Typically, they will have been arrested, because broader public safety concerns have had to be addressed and the officers involved have deemed arrest to be the most appropriate way of dealing with and defusing the situation. A number of approaches are then taken. There is training support for officers, and assessments are done in custody. With your forbearance, deputy convener, Mairi MacInnes can give you some more information on that.

Superintendent MacInnes: When an offender comes in with symptoms—or a recognition—of a mental health issue, the issue, first and foremost, is to get them care. The healthcare practitioners will carry out an initial on-site assessment, and potentially, as I mentioned earlier, there will be a secondary offsite assessment at a hospital. From

that, we will get an assessment of whether the person is fit to be detained or needs to be taken elsewhere. That does not necessarily mean that they are fit to be interviewed, but it is a consideration with regard to the care that they will get while in custody.

As for what happens when the individual goes to court, whether the mental health issue is referenced in the police report will depend on its scale. However, we do not know what follow-up takes place or what happens then to their mental health—the mental health assessment that we carry out is very purposeful and is purely for when they are in our care.

Collette Stevenson: You have touched on distress brief interventions. Are they awarded to people in custody? Do third sector organisations come in during their period of custody? Can you talk about the level 2 aspect, too?

Superintendent MacInnes: It depends on where you are. Third sector provision varies across Scotland, and it all depends on the referral options and whether those organisations can come on site. That sort of thing does not always happen on site; quite often, it happens after the individual has been to court or is out of custody. However, we can put that referral in.

Collette Stevenson: I also want to ask about the pilot schemes that you have already touched on—the DBI scheme and the mental health pathway pilot. How effective have they been? What lessons have been learned about what can be done better? For instance, notwithstanding the involvement of the national health service, the police and the Scottish Ambulance Service, should a dedicated emergency service line be put in place? Would that be effective as far as mental health responders are concerned? Can John Hawkins respond to that?

Assistant Chief Constable Hawkins: I am happy to do so.

I can talk about the mental health pathway pilot, which at present is for non-emergency calls. We should remember that the public can dial NHS 24 directly on 111 and seek resolution in that respect; indeed, that is a really impressive, clinically designed model that is provided by our health colleagues and which navigates the caller towards a lot of self-help preventative intervention. My sense is that the emergency stuff is dealt with pretty well through 999 and the blue lights, whether they be police or ambulance. If we could collectively focus on and push that non-emergency lower-level provision, it would have a huge impact, given that it covers by far the biggest volume of mental health-related matters.

In the past two or three months, we have gone into the second phase of the pilot by bringing

community psychiatric nurses into our control centre, and it is encouraging the transferring of calls. Our organisational culture is such that many police officers would rather go and check things out themselves—it is in our DNA—but we are trying to encourage the transferring of lower-level matters to the health service, because that is where we think that we will get the best resolution. That approach will be subject to detailed evaluation when the pilot finishes, and that might give you more insight into how things have worked and what we need to do next. That evaluation is planned and in place.

Collette Stevenson: When is the pilot finishing?

10:45

Assistant Chief Constable Hawkins: It is running now; the second phase will finish in about four months. Just this week, we have had to reassess our plans because we are struggling to recruit mental health nurses. Recruiting is easier said than done, partly because of Covid and partly because of demand for that particular skill set. Nonetheless, my sense is that the pilot will continue for about four months, and then there will be an evaluation process.

The Deputy Convener: We have four and a half minutes left. I will bring in Jamie Greene. Over to you, Jamie.

Jamie Greene: I have a basic question. Is it time for fundamental reform of how people access emergency services? That picks up on the point about 101 versus 999. I have gone through the experience of calling both numbers in the past month, and those experiences were vastly different from each other. The 999 call involved a medical emergency to which the police turned up because there was no ambulance, and the 101 call involved a police situation in which an ambulance that was not needed turned up—that was utterly bonkers.

Is it time for fundamental reform? Could we have a proper triage system that deals with non-urgent access to all emergency services and public services? Things could be properly triaged and filtered out to the appropriate public service, and that would be a 24/7 service, so there would be no need to fall back on the police. If so, who would need to lead the charge for that? Which minister in Government should we lobby for it, and—this is the most important question—which fund should resources for it come from?

I see that ACC Hawkins is smiling at me, so I will go to him first.

Assistant Chief Constable Hawkins: I now have three minutes in which to answer that.

In short, the answer is yes. We have an opportunity in Scotland to do that, with the creation of national services that are increasingly mature and increasingly willing and keen to work together. The elements that need to be deconstructed are some of the organisational and departmental boundaries—some of our own self-imposed restrictions on how we describe and view those issues.

In a country the size of Scotland, we should be having a conversation about 999 and 101 and the 111 service that puts the citizen at the heart of the process and works out how best to provide support in the moment of need.

Jamie Greene: Does anyone else want to answer? We are running out of time.

The Deputy Convener: The other witnesses can respond very briefly.

Martyn Evans: I will be very brief.

On the question about vulnerability, I want to mention the collaboration framework that Police Scotland forged last year—very impressively—with Public Health Scotland. That is a major change—it will create a public health approach to offending and to criminality and non-criminality. It is early days yet, but that is an indicator, despite what David Hamilton said, of the step changes that are happening in relationships, often because there is a single police service.

My second point, which is a point that has been well made by the Association of Scottish Police Superintendents, is about pilots. Pilots require human and financial resources, and they are not often able to be continued. They involve learning, refinement and replication, but we often fail on the refinement and replication side. I am very worried that some of the great work—there is a stack full of pilots—is not being replicated.

My third point is about the 101 service. I would look at the other end, which is the hyperlocal part. We have some very good examples of local police plans and community planning partnerships in which collaboration actually happens in real time. There are real cross-sectoral responses to distress and vulnerability, often with the third sector and the community sector engaged as well. We need both parts. What we lack, in some ways, is the social capital and the organisational structure to enable that hyperlocal delivery. However, where that works well, it works incredibly well.

My Convention of Scottish Local Authorities colleagues tell me that, as they are under funding constraints, they take out their voluntary resource because they have to concentrate on statutory responses.

The Deputy Convener: Thank you. We will finish with David Hamilton and then Inga Heyman.

David Hamilton: It is an interesting question. I am instinctively drawn to the concept that Jamie Greene outlined, but the difficulty that I see is that it would need to involve not just the emergency services but local authorities and the primary care aspect. The question is how, in reality, all that could be brought together into something that could work. That is a challenge, but it might be worth exploring further.

Dr Heyman: There is an opportunity for collaboration at a strategic level. We could have a multi-agency hub that comes together to have those conversations, instead of having them all happen separately; it would sit very much at the strategic level. There are already good examples of collaborations—for example, Public Health Scotland's work with Police Scotland, which is a really good start.

Great initiatives are happening—for example, the work that John Hawkins is doing is really important. It is important that we continue and extend such work, but we also have to think about which other partners, such as COSLA, need to be part of that work at a strategic level. We need to be working together instead of doing things separately, as we currently are.

From a strategic perspective, there are huge opportunities to collaborate. Maybe we could go back to the original position in which Government was taking a working together approach. It has been said that that did not work very well, but there is evidence that huge bits of work came out of that collaboration, in particular around mental health pathways.

The Deputy Convener: As ever, we have barely touched the sides, and there is much more that we could have gone into, but I appreciate everyone's time today. If there are any issues that you need to follow up, I ask you to do so in writing, please. I thank you all for your time.

10:51

Meeting suspended.

11:00

On resuming—

Online Child Abuse, Grooming and Exploitation

The Deputy Convener: Our next item of business is a round-table evidence session on online child abuse, grooming and exploitation. I refer members to papers 3 and 4.

It is my pleasure to welcome Stuart Allardyce, the director of Stop It Now! Scotland; Alison Penman of Social Work Scotland; Gina Wilson from the office of the Children and Young People's Commissioner Scotland; Assistant Chief Constable Bex Smith of Police Scotland; and Miles Bonfield from the National Crime Agency. We are also due to be joined by Joanne Smith of the NSPCC in Scotland, who will be with us soon.

I thank the witnesses for providing the committee with written evidence. If they would like to answer a question, they should catch my eye or that of Stephen Imrie, the clerk, and we will do our best to bring them into the discussion.

We have only about 80 minutes for this evidence session and, as the previous evidence session showed members, we often do not have time to cover everything that we would like to cover, so I ask that we keep the questions short and focused and the answers as brief as possible.

I will kick off with a question for Mr Allardyce. Page 4 of the Stop It Now! submission states that the issue of people having a sexual interest in children should be

"beyond one of law enforcement".

Is the general public with you on that? What work needs to be done to persuade people of that position?

Stuart Allardyce (Stop it Now! Scotland, Lucy Faithfull Foundation): There is good evidence for that approach. Police colleagues will present information about the number of individuals who are arrested for crimes in relation to online sexual exploitation of children and viewing indecent images of children, but those figures are just the tip of the iceberg.

We did not mention this in our written submission but, three or four years ago, there was a fairly big study from Germany about the online behaviour of around 8,000 individuals, all of whom were men. Around 2 per cent said that they had viewed child sexual exploitation material. Indeed, about 4 per cent of the overall sample, which was a normative sample, said that they had sexual fantasies or thoughts in relation to children in some capacity. Therefore, we know that there is a massive issue and that we will address only the tip

of the iceberg through law enforcement—it clearly needs to be an aspect of solutions, but we need to pivot towards prevention as well.

On whether the public is with us on that, there is sometimes an assumption that organisations such as ours that work directly with people who perpetrate such offences are vilified. We have not seen as much evidence of that as you would customarily expect, so I think that there is a lot of support for prevention and the contribution that it makes to protecting children from harm.

The Deputy Convener: Your organisation supports people who come to you but also people who are referred to you by the police, or the criminal justice system. Is your service ever provided as part of sentencing?

Stuart Allardyce: Very rarely. In fact, most of the individuals who contact the Scotland team have just been arrested and are given information about our services by Police Scotland colleagues at the time, partly because there is a significantly high risk of suicide among individuals who have been arrested for such offences. Most of the people who contact us have been signposted to us by police but not referred directly by them.

We do not work further downstream, because the criminal justice social work system usually picks up those individuals further to conviction. However, there is a discussion to be had about whether approaches such as diversion from prosecution could have more of a role.

The Deputy Convener: Thank you. We have a lot to get through, but I draw your attention to evidence that was sent to the committee by the Internet Watch Foundation. Page 16 of its submission says:

“In 2021, we investigated more reports of suspected child sexual abuse imagery than the entire first 15 years we were in existence.”

That goes some way towards illustrating how widespread the problem is.

My next question is open to anyone, but perhaps Mr Bonfield can start. Are the resources and the investigations matching the level of criminality that we are seeing?

Miles Bonfield (National Crime Agency): First, thank you for the opportunity to give evidence today. Part of my work is to command the National Crime Agency’s units that are involved in investigating child sexual exploitation and abuse online.

The NCA agrees with the estimation of threat that you outline. We are seeing a steady increase in the scale, complexity and severity of the offending online, which goes along with the growth of social media and applications for collaboration

over the internet. However, that also provides us with opportunities to do more. As Stuart Allardyce said, we have greater opportunities to collaborate with industry to change the circumstances and prevent the offending in the first instance. It provides us with more opportunities to protect parents and carers and their children, and it gives us more opportunities to investigate online activity and disrupt and deter offenders. Although I see that there is an increase in the threat, there is also an increase in opportunities to do more about it.

On the resources that are applied, I refer you to an earlier answer. A choice must be made by those who are democratically elected by the public about the level of investment that is made in the response. Although any police officer will say that, if we have more resources we can do more, there is a point of limitation, when there is a decrease in the efficiency and effectiveness of the law enforcement response in relation to the scale of the issue. There is a choice to be made by democratic representatives about whether that is the right level of investment. That is as far as I would comment on that.

Assistant Chief Constable Bex Smith (Police Scotland): Good morning. From my perspective, I want to reassure the committee that online child sexual abuse is a massive priority for Police Scotland, as I think that you will see in my written submission. It features highly in our strategic assessment and it is front and centre in our strategic workforce plan and how we allocate resources. That goes to the heart of your question about whether we have the appropriate resources to meet the demand. We know that demand is increasing—you will have seen the statistics in my report. We are not there yet, but we are prioritising the issue as a real threat—it is high up in our cyberstrategy. ACC Andy Freeburn and I work closely together to ensure that we allocate adequate resources to this growing threat.

I am happy to talk a little more about demand and resource. We are starting a piece of work in public protection to look at our resource across that area, so that we can ensure that we have the right resource for the demand that we face, and that that is future proofed. As we know, online crime and cybercrime will only increase as we move further into the digital space.

We are not quite there in terms of resource, but we are definitely moving in the right direction.

The Deputy Convener: Alison Penman, from the perspective of child protection, do you think that enough resource is going into investigating this kind of stuff?

Alison Penman (Social Work Scotland): The fundamental challenges around resourcing activity in this area relate to the type of approach that is

needed to the work with families, which involves relationship-based practice. It takes time to build up relationships of trust with families, including the perpetrators, the victims and the family members, and that requires a significant resource that social work departments are probably not resourced for at this point.

On your original question, I would highlight the prevalence of this type of dangerous behaviour by children against other children. Obviously, that is a significant area of our work but, again, it requires time to build relationships of trust, which we need to do so that we can intervene effectively rather than tokenistically or superficially.

Rona Mackay: I have a question for Stuart Allardyce. I am interested to know how you can prevent someone from being an online child abuser. When someone is referred to you, or when you hear from someone—however it is that contact is established—what form does your intervention take? Do you give them counselling? I am interested to know what your organisation does. You mentioned that some people had been arrested. At what point does that kick in?

Stuart Allardyce: There are a few different strands. We have a UK helpline that is based in Epsom and is funded by the Home Office and the Ministry of Justice, and it makes referrals to the Scotland services that I manage. Last year, the helpline got 14,000 calls and contacts—including emails, live chats and so on—from about 7,000 individuals.

Rona Mackay: Were those calls and emails from people referring themselves?

Stuart Allardyce: The contacts were made by a wide variety of individuals with concerns around child sexual abuse. Around half of the calls were from individuals who were worried about their own sexual thoughts and feelings towards children. The majority of them were involved in online activity in some way. Many of them had been arrested already, but a significant proportion had not been arrested.

People who call us are given an anonymous and confidential space, because they are reaching out for help. They are told clearly at the start of the call that, if they identify themselves and give us any information about a crime, we will have to pass on that information, but that they do not need to identify themselves in the call. That is how we provide that anonymous advice.

It is important to make the point that we normally think about people who are committing these types of crime as being similar to contact sex offenders, but the evidence is stacking up that they are quite a different population. Often, they are quite worried about their online behaviour and are looking for help and support to stop. We

provide advice that starts with what support the person is looking for to stop the behaviour at that stage.

The majority of the people with whom we work in Scotland have already been arrested. We work in that space between arrest and conviction, getting people the right kind of help at the stage that they need it. At the moment, it takes around two years for the individuals who are arrested for these crimes to end up in court.

Rona Mackay: Are you talking about a one-off phone call, or is there on-going dialogue with people who call up?

Stuart Allardyce: It can be a one-off call. We signpost all those individuals to online resources. We have a resource called “Get Help”, which is, in effect, a manualised treatment programme that people can do anonymously. Many individuals keep calling back. We have a call-back service that means that, although we never find out the identity of the individual, we can do telephone support with them over an extended period of time.

Rona Mackay: If your counsellors hear something alarming—I am sure that they will; it would all be alarming, in my estimation—and believe that someone is having dangerous thoughts, what do you do then, given that you allow them to remain anonymous?

Stuart Allardyce: At the end of every call to the helpline, we get the individual to sign off some actions in relation to safety. Clearly, we need to preserve people’s anonymity because, if we were not on the front foot in that regard, people would not call in the first place.

Fortunately, the sort of situations that you describe are few and far between. A lot of concerning information comes in to our professional team of helpline staff but, although situations arise in which somebody presents a significant risk to a child and we do not know who they are or who the child is, they are relatively rare.

11:15

Jamie Greene: I have a supplementary question to that opening line of questioning. It is clear that you work in a very difficult area involving health, justice and prevention. To be frank, I dare say that some people would find the approach to be controversial. There is clearly a wider societal, moral and philosophical discussion about how to deal with people who have these kinds of thoughts or engage in such actions.

My understanding is that the National Crime Agency has given evidence in public that there are around 500,000 to 800,000, or possibly even

900,000, individuals who pose various degrees of risk to children. What sort of numbers do you deal with? I ask that because those numbers seem disproportionate to the number of people out there who could be helped. When I say that they could be helped, I am talking about those who have not committed a crime.

Stuart Allardyce: I think that you are right about that. When we talk about child sexual abuse in society, there is almost a weary inevitability about the conversation—an assumption that that sort of issue will always be with us. However, in Scotland, we have really shifted the discourse around violence, for instance. I think that there is recognition in professional populations, and among the public more generally, that we can treat violence as a public health problem—as a treatable issue. We need to think about child sexual abuse in that way as well. That would be the way to increase the number of people who contact our service.

As I said, around 7,000 people call our UK helpline every year, and much larger numbers of people use our online resources. We would push for those figures to be much higher because of the scale of the problem, as you have described it.

Jamie Greene: What is lacking, then? In your paper, you say that

“The key challenge ... is the lack of an overarching strategy to tackle online child sexual abuse”,

and that

“there is no government leadership with the issue straddling multiple government departments and Ministerial portfolios.”

In effect, what are you asking the Government to do? Would you say that the lack of take-up of your service is due to a lack of awareness among the community of those who might benefit from it or simply a fear of contacting you, because of what might happen thereafter if they pick up the phone or access a website?

Stuart Allardyce: I did not want to come here to have conversations about the resourcing of that. It is not just about organisations such as ours; it is about how we work in partnership with other organisations. I am sure that police colleagues can speak to that, but the deterrence campaign that we ran with Police Scotland, #GetHelpOrGetCaught, was remarkably successful. I looked at the figure just last week: in Scotland, just under 9,000 people accessed our online resources to seek help in relation to their online behaviour.

That has been driven by a Police Scotland-led campaign—let us be absolutely frank about that; it has not been driven by us—so it absolutely must be about partnerships. However, there is

something about the way in which the issue sits in different silos across the Scottish Government. Indeed, so does violence, given the involvement of health, education, law enforcement and justice. All those are important in the violence debate, and the same is true with respect to the prevention of online harm.

We had the “National Action Plan on Internet Safety for Children and Young People”, which I think ended a year or two ago—people might correct me on that—as well as “Scotland’s National Action Plan to tackle Child Sexual Exploitation”. Once again, they sat in silos—they overlapped in places, but they were separate. We think about these things in different ways and in different contexts in Government.

Both action plans no longer exist. The danger with such plans is that they sometimes become a list of things to tick off instead of a means of evidencing impact and change. I therefore say with caution that it is important to have a national action plan, but it has to sit next to a strong research and evaluation strand. Personally, I do not think that we know enough about what is effective with regard to preventative work with families and children themselves or, as Alison Penman has said, with young people who might present a risk of harm to others in online spaces. There is lots of stuff that we still need to find out about, so we should not simply get on with doing lots of activity. An action plan would be a good start, nevertheless.

Jamie Greene: I might come back with some questions later, convener.

The Deputy Convener: Sure. I think that ACC Smith would like to comment.

Assistant Chief Constable Smith: I agree with Stuart Allardyce. It is important to understand that policing is just one aspect of the issue and that we cannot just arrest our way out of the problem. It is a much wider societal problem to which the partnership approach is key. In fact, we have already seen that to be really successful. Stuart mentioned the campaign that we have run, and we are running another one in 2022-23 that will focus on perpetrators. We rely heavily on our partners in this space, and working together is genuinely important. We have seen success in the use of joint interview models and joint training, and I am keen to push that forward in a policing sense. I just wanted to add that I am very supportive of the point that Stuart made.

Rona Mackay: Stuart Allardyce, how do you measure your service’s success rate?

Stuart Allardyce: We use pre and post measures both in our work with individuals in Scotland who have been arrested for online offences and in our group work, looking at mental

health issues, the risks that are presented by those individuals and reducing those factors over time.

As I am sure you will appreciate, there are significant issues with how we evidence our impact with regard to reducing reoffending in this area, which I know will be a key question for the committee, but the evidence that we have so far suggests that only a minority of individuals who are arrested for online offences seem to go on and commit further offences. Indeed, in most of the international studies that have been carried out, the figure is usually below 10 per cent. Interestingly, the majority of those individuals commit the same kind of offence again. The assumption is that there will be an escalation and that they will go on to commit contact abuse; although that happens—and we need to get very good at assessing such situations to identify the minority who present really significant risks with regard to contact abuse—that is not the case for the majority. The baseline for reoffending is therefore really low.

Pauline McNeill: Good morning. I want to explore any gaps that there might be in the law and what lies at the root of all this. I have to say that I found your submission quite shocking; the issue is shocking anyway, although it is perhaps not surprising or shocking to see the extent to which girls and females are the victims and men tend to be the perpetrators. That said, I was surprised to learn in your submission that the amount of

“self-generated Child Sexual Abuse Material”

has gone

“up 374% in the last two years, ... disproportionately affecting ... girls.”

We are talking about imagery that is produced on webcams by children themselves, but adults are taking advantage of it, and the child is still the victim. Can you attempt to give us any insight into why such a rise has happened over the past two years? What do you think is driving children to do this?

Stuart Allardyce: I will say something about that, but Miles Bonfield might be in a better position to respond.

The Internet Watch Foundation data suggests significant increases in crimes involving self-generated images by children—and, most shocking of all, by younger and younger children who are being pulled into this space.

There are two different components to that, one of which is relatively recent, which is the impact of Covid and lockdown, when more children have been at home spending more and more time online, often in unsupervised ways. We did a bit of

research that looked at callers to our helpline during the first six months of the Covid lockdown. Individuals who were worried about their online behaviour talked about furlough, isolation and anxiety, and they talked about sexualising some of those stressors, spending more and more time online looking at pornography and drifting into more and more extreme material. There are a number of factors around Covid that we need to accept.

The reality is that smartphone accessibility for children and young people has increased over the past 10 years. As young people go through adolescence, they are, increasingly, expressing themselves in online spaces in terms of intimacy and relationships, and there are adults who take advantage of that, which leads to some of the exploitation. Some of it is about technology, and some is about how technology begins to impact on children’s sexual development.

Miles Bonfield: I agree with Stuart Allardyce. There is a point here about the wider availability of technology for and use of technology by young people. That links to the wider societal issue of the normalisation of this behaviour, which we just talked about. It is a very concerning issue for us all.

Part of the issue is that we are getting better at identifying material. The National Crime Agency has put an awful lot of effort into working with industry to enable it to identify material for us and refer it to us in an efficient and effective way, so that we can do something about it. That has led to an increase in reports of aspects of the material.

Pauline McNeill: Are there any gaps that need to be plugged that will not be addressed by the Online Safety Bill? Some social media companies such as TikTok, which is a big one for younger kids, are meant to have age restrictions, but I am fully aware that it is much harder to catch that when there is live streaming and ways that people can be ingenious around that. As a layperson, it strikes me that those companies are not doing enough, so do we need more laws? I appreciate that TikTok is not a UK-based company, so there would need to be international collaboration.

Stuart Allardyce: I can speak to the Online Safety Bill, but perhaps other witnesses want to come in.

Miles Bonfield: From a National Crime Agency perspective, we do not see any legislative gaps or any issues that are not being addressed. We have put an awful lot of effort into working with Government on the Online Safety Bill, which will make some important changes in legislation that will have an impact.

We are not relying on legislation alone to change the circumstances. One of our priorities is

to have industry engagement with social media companies and make it very clear to them what the threat looks like, so that we have shared awareness. We direct them on the work that they can do, so that we have a common purpose and have an effect on the offending space, to prevent opportunities for offenders and enable people to protect themselves.

We are very clear that industry can do more, and we work with industry every day to keep on with that and ensure that it does more. On the aspect of working in partnership with Police Scotland, working with the industry is a job for the National Crime Agency to do on national and international levels, with law enforcement also involved.

11:30

Assistant Chief Constable Smith: Miles Bonfield has highlighted that the NCA engages with the industry. That is right and proper to ensure consistency and that we go into the big tech companies in one way only.

However, there are gaps in the legislation in Scotland specifically. Page 5 of my written submission highlights some of those. For example, section 52 of the Civic Government (Scotland) Act 1982 came in before the internet. We now understand that there are definite workarounds in the legal system. We know that the abhorrent acts are prosecuted as far as they can be with the current legislation, but there are gaps. We are working with the Scottish Government on understanding what those gaps are and pushing those forward, but there are a couple of things that would be quite straightforward. For example, there is no Scottish legislation that is specific to prohibited images. That is a gap. The current criteria for an application for a risk of sexual harm order does not cover online offences. I think that it would be quite straightforward to close that gap, and we would be interested in seeing that.

I reassure the committee that a lot of work and communication on that is going on. We have a multi-agency group in which the legislation and the gaps are discussed. We are looking at how we can deal with those gaps. Ultimately, there are some quite straightforward gaps that need to be closed. The risk is that, if we do not do that, legal challenges might prevent our using the legislation that we currently use. We have not seen that, but I suspect that we might see that after a period of time. We are keen to understand what the gaps look like and how we can help to close those gaps.

The Deputy Convener: I want to go back to Pauline McNeill's original question about the significant rise in the number of young girls in particular falling victim to stuff online. I will turn first

to Joanne Smith from NSPCC Scotland. From memory, your organisation has a very useful website for parents of young people who might have concerns. Will you expand a bit on the scale of the threat and what can be done to help to protect children?

Joanne Smith (NSPCC Scotland): Yes. I absolutely concur with everything that has already been said. Our organisation has been aware of a growing trend towards tech-enabled forms of child sexual abuse for many years. However, we saw a significant spike in referral rates when lockdown measures to prevent the spread of Covid were introduced. As Stuart Allardyce mentioned, there was a perfect storm, with children and abusers spending more time at home and online, the exponential growth in the use of smartphones and the new, more sophisticated types of technology, such as live streaming. That means that rates and forms of abuse can escalate with virility because of the ways in which groomers are able to move people from one rather open platform on to much more private and encrypted forms of communication. That is a really worrying trend.

All of that can feel overwhelming, because it feels entrenched, but it is important to say that online sexual abuse is entirely preventable in many ways. A lot of the rapid rise in online offending that we are seeing is the result of corporations having sidestepped their responsibilities. It is really important that they step up to the plate.

As has been said, we hear from professionals and parents who are desperate for information and tools to help them to better protect children. We are overwhelmed by the demand for that type of material. Realistically, however, the scale and pace of the development of online sexual abuse is such that that is insufficient. We need platforms to take responsibility. Just as we would expect safety measures to be implemented in children's spaces offline, we must expect the same level of rigour online.

On gaps, we have an issue in Scotland in that, despite our having high-quality practice, pockets of expertise and brilliant work that is done by Stop It Now! Scotland and others, we do not have a co-ordinated, overarching strategy. We need that to bring together disparate strands of work so that we have a cohesive and co-ordinated programme of national activity and strategic leadership that brings together the responsibilities of all agencies that work with children, families, communities and, critically, industry to ensure that we seek to prevent harm before it arises.

The scale of the problem is such that we will not be able to arrest our way out of it. We must look at preventative measures that better protect victims and we must provide support and referral tools for

prospective offenders. We must be honest about what is required of us—if we are to try to keep children safe, we must have a much more cohesive and collaborative national strategy.

The Deputy Convener: Would Gina Wilson like to say anything about the rise in the number of children becoming victims and what can be done about that? You might also like to comment on Joanne Smith's point about taking a co-ordinated approach and what that would look like.

Gina Wilson (Office of the Children and Young People's Commissioner Scotland): I wholly support the comments from NSPCC Scotland. The issue speaks to the fact that law enforcement alone will not solve the huge increase in the number of self-generated children's images. That is of huge concern for a number of reasons. We have concerns about the approach that is being taken—the ways in which such situations are dealt with are inconsistent and non-child centred. We would always welcome sensitive and inclusive approaches to awareness raising among children and young people, with a focus on healthy and safe relationships, rather than punitive and criminal justice approaches. Law enforcement alone will not resolve the issues in this area.

I absolutely concur with NSPCC Scotland about the need to shift expectations to digital service providers, and to shift resource towards education and technical solutions. Digital service providers must be held accountable and liable for the welfare of children and young people who use their services. The digital world was not designed for children and they are at significant risk of harm in accessing it.

It is important to consider all children's rights in the round. Although they have the right to be protected from harm, they also have the right to act autonomously and access and make use of the online world. Therefore, it is absolutely incumbent on service providers to ensure that they provide safe environments.

In terms of gaps, we have spoken a little bit about the Online Safety Bill. Ofcom, as the regulator, will be tasked with producing codes of practice for TikTok and other services to follow. We would want to see children and young people, and the organisations that represent them, involved in producing those codes of practice. The online world is a hugely fast-paced and changing environment. We need to understand directly from children and young people themselves about how we can help to protect them in the online world. We really want them to be part of that process.

Alison Penman: I return to Stuart Allardyce's original point. In relation to children who display harmful sexual behaviour online, any strategy must take cognisance of the different pathways by

which children come to do that. That must take into account the context of online relationships with peers, children's normative expectations and their becoming desensitised to what is and what is not harmful behaviour. When considering interventions, we must take account of a child's development, because children's brains are still developing, as well as take account of trauma. Therefore, we would need to approach the matter from a trauma-aware and trauma-informed perspective. At the same time, we must remember that a number of those children will also be experiencing undiagnosed speech, language and communication difficulties, which will significantly impact on how they view peer relationships and their understanding of what is and what is not harmful behaviour.

We have a significant number of children and young people who become involved in harmful behaviour online but do not realise that it is harmful. Therefore, the issue is how we respond by taking a preventative approach.

The Deputy Convener: Thank you very much. I call Katy Clark, who will be followed by Fulton MacGregor.

Katy Clark (West Scotland) (Lab): I was going to ask about organised crime—perhaps we will come on to that later. First, though, I would be interested to hear from those involved in this area how they think perpetrators are created. We have heard that there are a lot of parallels between perpetrators and those who have experienced violence, and there has been a lot of work on violence. We know that experiencing poverty, trauma and violence leads people to be more violent when they grow older. Are there any themes in relation to why people become perpetrators? Is it because they have been victims themselves? That might be one factor, but there might be others. We need to be able to understand those in order to frame a co-ordinated strategy.

Do any of the witnesses who have direct experience have any evidence that might be of use to the committee on that? Perhaps it would be best to start with Stuart Allardyce.

Stuart Allardyce: I am happy to start the ball rolling on that. The research into why people commit online harms is contested and there are lots of different arguments. Some academics take the position that it is always about people having a significant paedophilic profile, which might start in adolescence and continue across their life course. We push back against that because of what we see in our work. We certainly work with individuals who would describe themselves in that way, but we need better and more nuanced descriptions that are congruent with what we see in practice.

You mentioned people having experienced trauma. That factor is significantly overrepresented in adults who commit contact sexual offences and particularly adolescents who display contact harmful sexual behaviour. It is perhaps not as overrepresented in the population of online offenders, but it is there. We recently did a study of 800 people with whom we had worked at Stop It Now! Scotland over the past 10 years. Of those, 12 per cent identified themselves as having been sexually abused in childhood, which is roughly around three times what we would expect in the Scottish population.

Adverse childhood experiences are certainly a factor for some individuals, but the key factors are to do with the way that the internet provides opportunities for people to do things anonymously online—sometimes things of a sexual nature. The story that we hear day in, day out at Stop It Now! Scotland is of adults who describe consuming huge amounts of legal online pornography, becoming desensitised to it over time and looking for more extreme and transgressive material. That is not to say that those people do not have a capacity to be sexually interested in children, because they do. However, they did not set out on a pathway looking for that material but drifted towards it over time. That is why there are many opportunities for deterrence and disruption.

I also point out that, in at least half of the 800 men—they are almost all men—with whom we worked, we saw significant low-level mental health issues, such as depression and anxiety, that predated their offending behaviour. The collision of online behaviour and low-level mental health issues is an explanation that is often more congruent with what we see than arguments about paedophilia.

Katy Clark: That is interesting. It is a massive topic that we do not have the opportunity to explore properly now.

We have been discussing organised crime. Obviously, there are links between organised crime and some of the other issues that we are discussing. Perhaps Bex Smith would be a good person to talk a little bit about that.

Assistant Chief Constable Smith: I think that you have heard evidence recently about the way that we tackle organised crime in Police Scotland—we have a separate command that deals with it. There are certain ways that we would tackle these cases—we would do it both covertly and overtly. We would consider the risk posed to individuals and, ultimately, if there was a safeguarding risk to children and there was an organised element to it, we would absolutely deal with that. We would look for that and prioritise it over other areas of organised criminality.

There has been a real cultural shift in policing over the past 10 years, as we would previously have focused much of our work on more traditional organised criminals such as those involved in drugs or firearms.

However, I can say absolutely hand on heart that, if we were to face organised criminality in an online child sexual abuse case, we would deal with the safeguarding issues as a priority.

11:45

It is important to bring Miles Bonfield in here. Police Scotland would utilise some of the NCA's unique capabilities. We are well linked in to the national and international aspects of this because, as you will know, a great deal of offending occurs overseas—I think that there is information on that in the briefing. We would look to work in partnership on that, and we would definitely tackle organised criminality in an online child sexual abuse context.

Katy Clark: Miles, are you able to talk about how big a factor organised crime is?

Miles Bonfield: Organised crime in relation to child sexual abuse is in the more loose and disorganised range of offending rather than the hierarchical and highly structured offending you might find in a drugs trafficking network or firearms supply network. At the higher end of offending, we see loose social networks of offenders working together in their offending behaviour, sharing things such as tradecraft and how to protect themselves from law enforcement interest, how to distance themselves and how to show out law enforcement activity. We are seeing more and more of that more highly sophisticated, higher-end offending and use of that tradecraft. However, there is an opportunity for us to use some of the high-end national capabilities and our national security capabilities in order to disrupt that offending and pursue those offenders.

Over recent years, we have formed really strong relationships with Government Communications Headquarters and our intelligence community partners to disrupt that activity. We are now using techniques that we would use to tackle serious organised crime offences, such as firearms and drugs trafficking, in child sexual abuse cases. That goes back to Bex Smith's point about Police Scotland, which also goes for the National Crime Agency and law enforcement generally—UK plc. Child sexual abuse is one of the highest priorities. Therefore, if there is any opportunity to use any capability to disrupt that offending, it is applied.

Katy Clark: Gina Wilson, do you want to come in on that? From your perspective, is that a major issue on your radar?

Gina Wilson: The only thing that I will add on that point is that we have been aware and are concerned that some asylum-seeking children have been prosecuted when involved in criminal behaviour. In some instances, they have been detained in adult prisons, pending trial. Therefore, there is a connection to victims of trafficking and online grooming in the way that we are responding.

Fulton MacGregor: I thank the witnesses for coming to speak to us about this very difficult subject. It is important that the committee hears about it. I should have said at the outset that I chair the adult survivors of childhood sexual abuse cross-party group in this Parliament, and Collette Stevenson is also a member of that group. The group has real concerns about some of the stuff that we have been hearing about today. I want to ask about the increase in abuse, particularly during the Covid pandemic, because almost every witness has talked about it. I think that I know the answer to this, but it would be good to get it on the record. Are we talking about a real increase overall—I think that we are—or are we talking about better detection methods, particularly on the part of the police? The police have attended several times to talk to the group about how, over the past few years, they have been able to deploy technology that they would not previously have thought it possible to deploy. Does anyone want to comment on the increase and the scale of such abuse? Are we uncovering it more or has there been an actual increase because of Covid and other factors?

The Deputy Convener: Bex Smith is keen to answer that.

Assistant Chief Constable Smith: To be honest, from a Police Scotland perspective, it is a combination of those things. We are absolutely seeing an increase. I think that the issue was highlighted to parents during Covid. With children at home and under their eyes a lot more, doing home schooling and so on, parents became a lot more aware of what they were looking at on the internet, and there was an escalation in the number of referrals to Police Scotland from parents and individuals who were concerned about what their children were seeing or who had found certain images. That has been a factor.

Our detection methods are also better. I mentioned the culture in policing a little earlier, and we are more alive to the fact that we can use traditional techniques of law enforcement more successfully in the safeguarding arena. That is what we are doing, and we are really pushing the boundaries to try to understand and detect that kind of offending in relation to organised criminal activity. I genuinely think that, when we look across the piece, from my perspective there is a

real increase in demand but also an increase in reporting and in understanding this horrendous sort of offending. People are a lot more aware and able to come forward and report incidents.

We have also opened up our reporting channels, and people are able to report in different ways and are a lot happier to come forward and discuss these things in a way that they previously were not. Society is a lot more able to talk about these issues. I would suggest that it is absolutely a combination of all those factors, but I am sure that other colleagues will have a view on the matter.

Fulton MacGregor: It is helpful to get that on the record, because it allows us to clearly say that we have evidence of an overall increase. Katy Clark and Collette Stevenson will agree that that is what the agencies that are represented on the cross-party group that I chair are reporting. They feel that we are on the precipice of another pandemic in the coming period.

My substantive question is about young people's use of the internet and what we can do to increase safety in educational terms. I know that we have talked a wee bit about that already, but I would like to bring in some of the witnesses at the top half of the table, because the discussion has probably been more focused on those sitting at the bottom half. My question, which is for Alison Penman, is: what more can we do to make young people safe? I have three young children, but it is my 8-year-old who probably falls into the category that we are discussing. She has asked me several times for a TikTok account. There is absolutely no chance that she is getting it—I do not have an account myself; in fact, I do not understand it—but, to be realistic, I will not be able to say no for ever, whether it be for TikTok or whatever replaces it. What can we do to educate our children about this? To be frank—and I am probably not the only parent who will say this—I think that my 8-year-old is more tech savvy than I am. That worries and concerns me as a parent; it worries and concerns my peers and friends whom I speak to; and it is a concern for my constituents. Do you have any advice in that respect?

Alison Penman: It comes back to having an educative programme and recognising the role of schools in delivering this. I do not want to sound patronising—I am quite sure that everyone is well aware of this—but we need to address the culture of internet use. We also need to support our education staff and think about how we build up their resilience to deliver some of this work. I come from rural Dumfries and Galloway, where we do not have as much access to certain third sector providers as some of our other colleagues. As a result, a lot of this work will come directly from schools and what they can provide through the curriculum.

We also need to think about how the issue of vicarious trauma might affect the workforce. Several people have already said that this subject is horrible and not easy to talk about, but we should put ourselves in the position of a class teacher who has to have these conversations and might have to recognise what they might be seeing, even though they do not want to believe it. The child in question might come from a nice family, say, so how do you have those conversations with the parents? That is very difficult, and we need to find ways of not just supporting the education workforce in having an open mind to recognise what is going on and to respond appropriately but supporting them thereafter.

My other point is that we need to think about how we take a strategic approach to support and recovery. What can we put in place for families and for individual children who are victims, including those who are behaving harmfully? How can we ensure that those children have access to support and recovery at the time when they need it in order to prevent their own behaviour from escalating?

Stuart Allardyce spoke in his paper about the devastation that such behaviour can have across families, and for family members. His organisation provides support to family members as well. We need to think about how we continue that work, and how we support schools and youth workers in a way that not only opens up the conversation but opens people's minds and allows them to think the unthinkable. We need to ensure that there is an infrastructure in place to support them to do that, because education will be the front-line response in many of those situations.

Fulton MacGregor: Thank you for that. The whole subject of children who display harmful behaviours is such an interesting one. It is an area in which society as a whole recognises that there is a victim and a perpetrator wrapped up in a serious situation. This comment would usually be for the committee's discussion in private, but I want to put out there to the other committee members that I think that we would find that area of great interest if we were to take evidence on it.

My substantive question is about helping families to cope with the new age that we are living in. We are in it, and the internet is going to be here forever. Gina, are you able to talk about what you are doing on that?

Gina Wilson: Yes. Peer education is going to be hugely important to us in that area. One of our young advisers put it brilliantly—she told us:

“Adults have a lot of opinions about how the online world affects young people's lives. But so do young people themselves, and it's vital that they get their say.”

Part of the issue that Fulton MacGregor has addressed, which many of us will recognise, is that young people—children—are, in some cases, far more advanced than their parents in their knowledge, understanding and use of the internet, and they are able to do things that their family around them does not understand. Parents are not seeing everything that is happening or that young people are involved in.

It is therefore important that children and young people are involved in developing peer education programmes, and in helping adults to understand how they are using the internet and what needs to happen to keep them safe. At present, they are largely absent from those decision-making processes at a domestic level in the UK.

Interestingly, last year, the United Nations, in producing its new general comment on children's rights in the digital environment, worked with hundreds of young people around the world to create international standards on what those rights should look like. Children of all ages were involved in that process, and they came up with fantastic ideas and suggestions about what they need Governments to do to keep them safe. We need the same kind of involvement in peer education programmes at a local level. I absolutely agree that education is going to be the front-line response to help children, parents and families—everybody—to understand how the internet is being used and how to keep children safe within it.

Fulton MacGregor: I know that we are short of time, but I think that Joanne Smith wants to come in.

The Deputy Convener: Yes.

Joanne Smith: I completely agree with what has been said. The NSPCC has worked in collaboration with a range of tech companies to provide population-level parenting programmes in order to raise awareness and provide tools to help people navigate the online world. However, we know that that is helpful only where children have a responsible adult who is proactively seeking that information, so the importance of peer support cannot be underestimated.

The NSPCC built an innovative partnership with Dundee City Council called “Oor Fierce Girls”. It involved a group of self-identifying young women who had experienced peer-on-peer sexual abuse. They came together and created a movement for change that was really about recognising the discomfort that some professionals feel about having conversations in schools around harmful sexual behaviour and peer-on-peer sexual abuse. The group tried to facilitate some of those conversations, led by the young people themselves. That approach has been hugely successful in Dundee, and we are seeking to roll it

out further; the Scottish Government is supporting that work.

More tools and grass-roots forums of that type locally could make a massive difference in helping children to feel able and supported to be better protected online.

Fulton MacGregor: Thank you for that. With regard to the work that you have described, I think that I speak for all members in saying that I would be interested to hear more about that as it comes in to other local areas.

The Deputy Convener: We have about 20 minutes left. I will bring in Collette Stevenson, followed by Audrey Nicoll, who is online.

12:00

Collette Stevenson: Do we have a consistent and easily understood definition of what constitutes online sexual abuse and exploitation? Stuart Allardyce, I watched the video on your website. Is that used by multiple agencies? Is there a consistent approach or are we muddying the waters with what we are doing?

Stuart Allardyce: The question of definitions is interesting, and I would be particularly interested in Alison Penman's view on it. We have a very broad definition of online abuse in the national child protection guidance, and that then needs to be linked to the definition of child sexual abuse in the guidance. The definition of child sexual abuse is very much about contact behaviour, which raises the question of whether the viewing and production of child sexual exploitation material—indecent images of children—is encompassed by the definition in the national child protection guidance.

Having said that, I am not aware of any operational issues that come up in relation to that. Speaking as a social worker, I think that practitioners in the field have a pretty good rule of thumb about what is abuse in the area, so there does not need to be much tightening of definitions.

Collette Stevenson: Are we sending the right message here? It is a bit like buying nappies—I buy the nappies, but it is my child who uses them. Is the message that is being sent from parents to children consistent? Should it be different? Are we hitting the right spot?

Stuart Allardyce: I am sorry; could you clarify that?

Collette Stevenson: For instance, the video on your website—the one in which the door is lying open and the girl is upstairs in her bedroom on her iPad—

Stuart Allardyce: That is an Internet Watch Foundation video.

Collette Stevenson: Yes.

Stuart Allardyce: It is not a Lucy Faithfull Foundation video.

That is a good point. There is a risk in trying to motivate parents on safety by ramping up a discourse around fear. It is clear that that can be effective, and the Internet Watch Foundation video that we are talking about is a good example of that, but I wonder whether we need to be a bit more savvy than that.

That connects back to Fulton MacGregor's question. In the conversations that we, as parents, need to have with our children about online safety, we need to, as a starting point, show an interest in children's online lives. I ask my kids how their day was at school every day when they come home, although I have to say that they do not tell me very much when I ask them that. We know that our kids spend an incredible amount of time online. Do we know who they are spending time with? Do we sit down and play games with them? Are we curious about their online lives?

Unfortunately, the discourse around online safety has sometimes been defined by people with tech backgrounds. There is a discourse around how we make sure that we have the right restrictions on devices, which is important, but, picking up on Alison Penman's point from the start of the evidence session, I think that the answers are, in part, relational. They are about how we make sure that parents actively think about gatekeeping, supervising and monitoring young people's online worlds, as they do with their offline worlds.

Alison Penman: I absolutely agree with Stuart Allardyce. Further to that, as Joanne Smith pointed out earlier, not all of our children have a reliable or trusted adult caring for them who will take that approach. In those circumstances, we look for help from youth workers and educational staff, who also need to apply that relationship-based approach.

On the issue of definitions, there are nuances, but I agree with Stuart Allardyce that they are broadly the same. Perhaps we are missing a trick by concentrating on the legislative definition of what would constitute a crime, rather than on the impact on children. We might need to come back to that when we think about definitions. Perhaps Gina Wilson would agree that children, rather than adults, might be the best people to tell us what a working definition of that would be.

As adults, we probably understand what we mean by online exploitation and abuse. Stuart Allardyce highlighted earlier that there are many different strands to the issue: child sexual exploitation, child sexual abuse, child criminal exploitation and online exploitation. How do we

bring that all together in a way that makes sense? If we are going to start this discourse with children in relation to peer support and peer education, we need to know what that means to them and how they can help us to make sense of it in a way that allows us to have meaningful conversations.

Collette Stevenson: Bex Smith, could you respond to the question, too?

Assistant Chief Constable Smith: I was listening intently to the discussion, because I am quite interested in the area.

With regard to my officers and staff dealing with children, looking at offences and working out which parts of the law fit with what is before us, I think that I can say, hand on heart, that that bit comes later.

I agree with Stuart Allardyce that, sometimes, the definition does not matter. If you have a young person or child in front of you and there has been a report of some sort of abuse and you know that something is not right, talking to that child and listening to their experience and their journey will enable you to understand what has happened, and you can use the legislation further down the line to understand what that looks like in a criminal context. However, the most important thing is listening to the child and making sure that they are safe. In the past few years, policing has changed quite a lot in that regard. Previously, our focus would have been much more on a criminal justice outcome, but I can absolutely say that, now, the voice of the child, the experience of the child and the safety of the child are key. If the process does not result in a criminal justice outcome, because it does not quite fit with the legislative definition, we would still view it as a success as long as the child is protected. That is a real culture change in law enforcement.

In a long-winded way, I am saying that I do not think that the definition is important. There are gaps and loopholes in the current definition, and they could be closed in order to make things easier, but most professionals take an approach that involves listening to and understanding the child, and the legislative side comes later on.

Audrey Nicoll: I would like to go back to the discussion at the start, when the convener picked up on the issue of resources. The committee considered that issue previously during a session with Police Scotland and the NCA—Miles Bonfield, you were involved in that—and we also considered it in our pre-budget scrutiny.

I recognise that part of the overall response to child sexual exploitation online involves enforcement, and that we need to have a skilled body that can undertake that investigative role, given the international and underground dimensions of the issue, but I am still not clear

what the committee and the Scottish Government need to be thinking about in terms of resources. On recruitment, what skills do we need to bring in so that we can fill the skills gap and ensure that we have an adequate investigative capability? How do we make Police Scotland an employer of choice—rather than, say, Google—for the people with the skills that we need in the workplace?

Miles Bonfield, could you respond to that first?

Miles Bonfield: We should be clear that our assessment is that the threat, complexity and severity of offending continue to grow. The challenge is really out there for us.

I am sure that Bex Smith will agree that it is really important for the National Crime Agency and Police Scotland to have good lines of demarcation around what the NCA can and should do, and what Police Scotland can and should do, so that we work efficiently and effectively as a law enforcement system to protect the people of Scotland.

Our agreement with Police Scotland is very clear that, in relation to what Police Scotland wants us to do and what we will do, we want to do those things only once. We want to have only one international liaison network and one set of strategic relationships with international partners in law enforcement. We want to have only one set of national security capabilities—technical things for doing stuff on the internet—and only one strategic assessment on which we work together. We are therefore very clear that we have a delineation of capabilities and capacity to do that, and Police Scotland has a direct call into that capability.

On the skills and capabilities that are required to do that, as a public service, we rely on the mission and the vocational pull of protecting the public in this space. That works very well for us. I will be absolutely transparent and frank about the difficulty of retaining colleagues, particularly colleagues who have social work experience, because of their retention allowances and the comparative pay.

However, we are keen to attract and retain colleagues with the right skills by giving them the opportunity to do things within the NCA and law enforcement that they cannot do elsewhere and by reinforcing the importance of the mission and how important it is to protect the public, so that it is clear that our investigative doctrine, particularly in this area, starts with protecting the child. The first thing that we want to do is to get to a position in which we have actionable intelligence in order to protect the child; we want to have that child-focused element to our work. It is really important to us that we focus on the mission, that we make that clear to our people and that we treat our people well by looking after their wellbeing. Bex

Smith will reflect that in the work of Police Scotland.

Assistant Chief Constable Smith: It is a really interesting question from Police Scotland's perspective. As the committee will understand, law enforcement has always struggled with recruiting experts in the digital space because of the pay structures within which we operate. Under the cyber strategy, Police Scotland has looked at whether we can bring people in who have the skillsets that we need and have them for a period of time while we train and invest in them, with the knowledge that they might leave the organisation to work in different places. We have to be realistic. We will not be able to retain talent in the digital space for more than a couple of years. People will go off to earn more money in different jobs. They will move around; we know that from the patterns of young people and the way in which they work these days. Policing is no longer a 30-year career, and that absolutely fits with cyber.

We are looking at utilising young people. We are looking at going to universities and using academia to bring people in on short-term contracts so that they can focus on specific pieces of work and we can use their talent and skills in cyber, although we understand that they will walk out the door and that we will have to bring in new people. It is a different way of recruiting and retaining staff in that area for us, but we are alive to that and we understand it.

We are also looking at using ethical hackers—people who have a strong moral sense of purpose about the issue. Miles Bonfield hit the nail on the head when he said that a lot of people work with us for a period of time because they want to make a difference. They want to feel that they are getting out of bed to do something that really means something to society. Ultimately, we capitalise on that. We bring people in and offer them different types of training. We can show them different skills that they will not get in the private sector, especially in working with the NCA. That is really important for us.

12:15

That is the path that we are going down. It is a long road, and it will take a while before we are able to say that we are really happy with the number of people we have working in the area, but we are definitely on the right track, and I think that that will only improve as we move forward.

That is a really good question, and we are definitely considering it.

Audrey Nicoll: That is really helpful.

I want to ask Bex Smith a quick follow-up question on the welfare of not just officers but staff

who are involved in investigations in often complex and quite harrowing inquiries. Just before this round-table discussion, we discussed policing and mental health in our first round-table discussion of the day. What provision are you able to make, or what provision do you have in place, to ensure that the welfare of officers and staff who are involved in investigating cases of child sexual exploitation is monitored and supported?

Assistant Chief Constable Smith: The wellbeing of staff generally is a massive issue for me and for Police Scotland. I have worked in the child protection arena for a number of years, and I know how difficult it sometimes is for people to switch off when they get home and the impact that that can have on friends and family. It can be really tough, especially when the person is trying to make a difference but, when they look at the volume of work that we deal with, is not sure that they are doing so.

Police Scotland and I have made a real commitment on that. For example, with the public protection review, we are coming up with a completely different way of looking at wellbeing across the department through a new strategic plan. Underneath that, we are looking at how we can support officers and staff in each area. We have psychological assessments and the TRiM process, which members are probably aware of—I think that ACC Hawkins gave evidence on that earlier.

It is also about looking at officers' demand and their workload in relation to what we are currently asking them to do. The public protection review has a big strand on that. I want to be in a position in which I can say, hand on heart, that I have the right officers with the right skills and the right workload demand on them so that they are not under such significant pressure that they feel that working in the area could have consequences for their mental health and how they feel at home.

All that work is linked together under me by a strategic board so that I can understand the workloads, the pressure and the psychological support that we are putting in place. We are not there yet, but we are getting there. It is work in progress, and I am keen to push it forward.

I can reassure members that that is a real priority for me and that I am definitely looking at it. That is why it is a really important strand in our public protection review.

The Deputy Convener: We have time for a brief question from Jamie Greene.

Jamie Greene: Okay. I had lots of questions, but everyone has used up my time.

I will ask a slightly left-field question. Has there been a rise in vigilante behaviour from members of

the public to try to—through online or physical approaches—capture, tackle or deal with predators, for want of a better word? Has there been a rise in people self-policing, in effect? If so, what has been done to tackle or prevent such activity?

Assistant Chief Constable Smith: I do not have the statistics for that specific crime type to be able to sit here and tell members whether there has been an increase in that behaviour. My sense is that there probably has been. However, I can get that information to the committee, if it is interested in that.

We are absolutely alive to the fact that vigilante groups are operating, and I know that there is some on-going covert work in that space to understand what that looks like. It is important that we understand that, so that we can protect people.

Mistaken identity can sometimes be a real problem in that area, and we do not want to end up in a situation in which a member of the public gets harmed because they have been mistaken for someone who has a sexual interest in children. A few weeks ago, we faced a situation like that, and we reacted quickly by protecting the person concerned and putting out strong messaging to say, “This is not right—this person’s not done what you think they’ve done.” In order to provide reassurance to the public, we will absolutely do that.

Work is being done in the cyber area to look at the nature and scale of that problem in Scotland. I do not have information on that to hand, but I can definitely get that for you. We are aware of the issue and will continue to look at it.

Jamie Greene: Thank you. I realise that that is a slightly different area of questioning, but I wanted to raise the issue.

I have a final question for the NCA, which is about the complexity of the enforcement landscape. If an image is discovered on a site or through an app, whether we are talking about mobile or fixed-base internet service provider access, it is often not clear where responsibility lies with regard to escalation. Does it lie with the website operator or with the internet service provider? Is the process governed by Ofcom, the Internet Watch Foundation, ministers, the police or the NCA? That lack of clarity can be such that no action is taken. It is not always clear to the consumer how to escalate such a matter, other than by immediately reporting it in the first instance. If no action is taken thereafter, the path to escalation, whereby the ISP or the website can be held to account, is not obvious.

I appreciate that the issue crosses a range of policing and devolved and reserved matters, but could the pathway be tidied up a little more so that

people know exactly who does what, who regulates what and what can and will be done if no one else takes action?

Miles Bonfield: With an eye on the clock, I will keep my response, on what is a very complex cross-jurisdictional issue, very simple by just agreeing that we could do more in that space. I said earlier that we are clear in our belief that industry can do more.

We have an opportunity to see things very simply through the culture change across policing that Bex Smith referred to, which has been brought about by working together across the entire system. We are very clear that the key issue is protecting the child and putting their interests first. That makes things very simple for us. It does not really matter where an image is, where it has been reported or how it has been reported. What we look at is the severity, complexity and scale of the offending, and who, therefore, is best placed to protect the child and take action. From that point of view, the issue is quite clear for us.

The increase in the number of reports is partly a result of industry and law enforcement—the NCA and Police Scotland—working together more efficiently.

The Deputy Convener: Thank you. Joanne Smith would like to come in.

Joanne Smith: Jamie Greene is absolutely right to say that there is a huge grey area here, and we need things to be tightened up. In our asks of the UK Government in relation to the Online Safety Bill, we are calling for amendments to be made to the bill to ensure that senior managers in the in-scope services hold liability for failures on the part of the companies concerned. Too often, there is sidestepping of responsibility. There needs to be a clear line of responsibility, and the Online Safety Bill might provide the vehicle for that.

Alongside that, there needs to be much more emphasis on the prevention of harm. There needs to be a concerted and coherent bringing together of all the agencies in Scotland to make sure that we identify risk early and prevent unnecessary harm.

The Deputy Convener: Thank you very much. Unfortunately, we are out of time, but it is worth putting on the record that we expect to look at legislative consent issues in relation to the Online Safety Bill in the middle of next month. I thank everyone for their evidence. If there is anything that you feel that you did not touch on or that you would like to expand on in any way, please do so in writing to the committee.

12:24

Meeting suspended.

12:33

On resuming—

The Deputy Convener: Okay. We can follow up on that. That completes our consideration of the SSI.

Subordinate Legislation

Scottish Fire and Rescue Service (Framework) Order 2022 (SSI 2022/119)

The Deputy Convener: The next item is consideration of a Scottish statutory instrument: the Scottish Fire and Rescue Service (Framework) Order 2022. I refer members to paper 5. Do members have any comments that they wish to make? If they do not, we will consider the SSI as coming into force.

Jamie Greene: My understanding is that the instrument allows the Government to introduce its framework document, setting out the Scottish Fire and Rescue Service's priorities and objectives, as it is required to do under the Fire (Scotland) Act 2005, following centralisation. The framework document was published and then subject to consultation, and a number of responses were received. It is unclear from our documents whether the priorities and objectives on which the Scottish Fire and Rescue Service will be mandated to deliver are the same as those that were published prior to the consultation, or whether the framework document that sets out the objectives has been altered in any way as a result of responses to the consultation.

I am interested in that because some of the measures that had been suggested in relation to exploring new ways of working for the fire service were not entirely positively received by those who responded to the consultation. Has the Government reacted or responded to those responses by producing a document that is in line with the consultation feedback that it received? If it has not, the consultation was pointless. There is no Government minister here, given the nature of the instrument, but I would have asked that question of the Government had I been able to do so.

The Deputy Convener: I am advised by the clerks that we do not know the specific answer to that question, but we can seek to get an answer from the Government and, perhaps, input from the Scottish Fire and Rescue Service.

Jamie Greene: Given that we are being asked to agree to the instrument, we should ask the main protagonists who responded to the consultation whether they are happy with the framework, or whether they have any observations or reservations that they want us to consider before we agree to the instrument.

Proposed Bail and Release from Custody Bill

12:36

The Deputy Convener: The next item relates to our visit to the Wise Group last week. I refer members to paper 6. I put on record our sincere thanks to the Wise Group for hosting us and telling us about the important work that it does. I found the visit incredibly interesting. I invite members to say what they took from the visit or to give any observations.

Pauline McNeill: I endorse what you have said. The visit was fascinating, and I learned a great deal from it. I wrote to the convener, Audrey Nicoll, with three points that came out of the group discussion, which I think the committee should consider further. I can remember two of them. One was about prescriptions not being available on a prisoner's release. For people who need drugs immediately, that almost puts them back in jail, because they cannot get the drugs on time.

The second point related to Friday release, which has always been an issue. Why can we not do something to ensure that people have the services that they need? We could explore whether there is another way round that issue.

I might need someone to remind me what the third issue was. Oh, I remember what it was. It related to eligibility for work.

It seems that there are commonsense things that we could do to address those issues. We should write to the minister about them to see whether there is a way forward.

The Deputy Convener: Indeed. With respect to the first point, a letter to the Scottish Prison Service about prescriptions is in hand. Stephen Imrie can address the second point.

Stephen Imrie (Clerk): On Ms McNeill's second point, the issue of Friday and bank holiday liberations is covered in paper 6. I believe that such provision might be in the forthcoming bail and release bill, which the committee expects to see shortly. There is a suggestion at paragraph 17 of paper 6 about how the committee might follow up on that issue with the SPS and the Scottish Government.

In relation to access to work and the employability programme, following Pauline McNeill's suggestion, that issue is referred to at paragraphs 18 and 19 of paper 6. There is a suggestion for the committee's approval that it might want to follow up on that issue with the Scottish Government.

If the committee agrees to all those recommendations, we will follow up on all those points.

Rona Mackay: I agree with everything that the deputy convener and Pauline McNeill have said. Could we also raise the issue of interaction between the Scottish Prison Service and the Wise Group and other throughcare services? When we asked whether there is much co-operation, there was quite a negative answer. Sometimes, offenders had to search for information from the Prison Service. It might be good to highlight that issue to try to get more co-ordination, because such groups provide a fantastic service.

The Deputy Convener: That could perhaps be included in the letter to the SPS about the prescription issue that Pauline McNeill identified.

Fulton MacGregor: I agree with you and others that the visit was very useful. I put on record my thanks to the people who gave us evidence, sometimes sharing their personal stories, which was very helpful.

We heard that a national throughcare service is in place—Wise Group is already providing it—and we were asked to take that into account as we proceed with the bill. That was an interesting point that I wanted to highlight.

Collette Stevenson: I totally concur with everything that everyone has said: it was an excellent visit. It was amazing to hear about the recidivism rates that the Wise Group has, which are fantastic and a measure of how good the organisation is. I was blown away by the amazing plethora of talent and experience that the mentors have. Some of the services that the Wise Group provides through the Prison Service, such as the email a prisoner scheme, are fantastic.

I was totally taken by the Wise Group, and I have emailed Charlie Martin and Sean Duffy to see whether, during recess, I can visit for a full day to see the work that they do. I will keep in touch with them.

The Deputy Convener: I think that there was an open invitation to members to shadow and see some of the work that the group does, which I will certainly take up, too. I did not appreciate that the email a prisoner scheme is a Wise Group initiative.

On reoffending rates, one question that I did not ask when we were there was about how the percentage figure is measured and exactly what it relates to—whether it is reoffending full stop, or reoffending within a certain period. That is just another consideration.

Jamie Greene: I apologise to committee colleagues and the Wise Group for being unable to make the visit. I make an open offer that I would be very willing to go with other members or to visit

on my own at a suitable time. I am happy to arrange that through the committee clerks or directly with the Wise Group.

Audrey Nicoll: I endorse colleagues' points about the value of the visit. I have to be honest and say that I did not know much about the Wise Group's work before the visit, and I learned an awful lot, particularly about its throughcare provision.

I am interested in learning a little more about the wider reach of the Wise Group across Scotland. For instance, I am interested in what work it is doing or planning up here in the north-east. Obviously, we have HMP Grampian near my constituency. I would find it helpful to have a bit of background on that wider work.

The Deputy Convener: We can certainly ask Wise Group for more information on that.

Do members agree with the recommendation in paragraph 22 in paper 6, which is on page 4?

Members indicated agreement.

The Deputy Convener: That concludes the public part of the meeting and we now move into private session.

12:44

Meeting continued in private until 13:07.

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