

Ms Jackie Baillie
Acting Convener
Public Audit and Post Legislative Scrutiny Committee
Scottish Parliament
Holyrood
Edinburgh

4 January 2018

Dear Convener

Public Audit and Post-legislative Scrutiny Committee

I refer to the Committee Hearing held on 21 December 2017 and consider that to ensure that there is no ambiguity about the circumstances surrounding my engagement (or rather the lack of it) in the process surrounding the Chief Constable's absence from duty, I would be obliged if the following facts are presented to the Committee.

- There was no consultation by the SPA with me in advance of the Chief Constable announcing that he had agreed with the SPA that he would take a period of special leave.
- There was no consultation by the SPA with me between the date of the Chief Constable going on special leave and the departure of the former SPA Chair, Mr Flanagan.
- I was not consulted in advance of Mr Flanagan approaching the Cabinet Secretary with the proposal for the Chief Constable to return to his duties.
- The first time that my input was sought was on 4 December 2017, when the new Chief Officer of the SPA sought my views on the potential impact on my investigations of the Chief Constable returning to work before the investigations were concluded.
- Had my views been sought at the outset of these investigations, I confirm that I had real and significant concerns that the PIRC investigations may have been prejudiced, if the Chief Constable had not been suspended. My concerns mainly arose from the fact that a large number of the witnesses were police staff from the federated ranks and civilian staff who worked within the Executive

offices at Police Scotland's Headquarters, Tulliallan and therefore in the immediate vicinity of the Chief Constable's office. Due to the position of power and influence attaching to the Chief Constable's post, there was a significant concern that those witnesses would not feel free to speak up if the Chief Constable remained in post.

The Chief Constable's period of leave in England has enabled my investigation to complete interviews of the more junior members of staff, who perhaps had the greatest fear or repercussions and provided them with a safe space to be interviewed without any immediate fears.

- I was not advised of the SPA's meeting on 7 November nor the outcome of that meeting. Had I been consulted in advance of the meeting, I could have confirmed that the investigations had progressed to a stage where most, if not all junior staff had been interviewed. The interviews which remained outstanding at that time and currently, are those with a number of senior staff, where the threat of repercussions and damage to career and future promotion prospects is much less than those staff in more junior positions.
- I advised the new Chief Officer of the SPA on 11 December 2017, that as things currently stand, there would be no prejudice to the PIRC investigations if the Chief Constable was not suspended. I further advised the Chief Officer that I would let him know if that situation changed.

I trust the above information clarifies my position in this matter.

Yours sincerely

Kate Frame
Commissioner