

# Public Document Pack



## GRAMPIAN JOINT POLICE BOARD

To: Councillor Greig, Convener; and Councillors Al-Kowarri, Bell, Collie, Cox, Dunbar, Farquharson, Hendry, McGillivray, McKail, Mair, Penny, Shepherd, K Stewart and Webster.

Town House, ABERDEEN  
2<sup>ND</sup> November 2011

## GRAMPIAN JOINT POLICE BOARD

Members of the **GRAMPIAN JOINT POLICE BOARD** are requested to meet on **FRIDAY, 4 NOVEMBER 2011 at 10.00 am** in **COMMITTEE ROOM 2, TOWN HOUSE, ABERDEEN.**

JANE G. MACEACHRAN  
CLERK TO THE BOARD

### LATE CIRCULATION

- 13 Reforming Police Services in Scotland - Board Consultation Response - Report from the Depute Clerk (Pages 1 - 10)

Website Address: [www.aberdeencity.gov.uk/gjpb](http://www.aberdeencity.gov.uk/gjpb)

Should you require any further information about this agenda, please contact Karen Riddoch 01224 522723 or e-mail [kariddoch@aberdeencity.gov.uk](mailto:kariddoch@aberdeencity.gov.uk)

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**COMMITTEE:** GRAMPIAN JOINT POLICE BOARD

**DATE:** 4<sup>TH</sup> NOVEMBER 2011

**TITLE OF REPORT:** KEEPING SCOTLAND SAFE AND STRONG:A  
CONSULTATION ON REFORMING POLICE AND FIRE  
SERVICES IN SCOTLAND

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## **1. PURPOSE OF REPORT**

The purpose of this report is to update Members of the content of the Boards response to the Scottish Government consultation 'Keeping Scotland Safe & Strong: A consultation on reforming Police and Fire services in Scotland'.

## **2. RECOMMENDATION(S)**

It is recommended that the Board note the consultation response.

## **3. FINANCIAL IMPLICATIONS**

None at present. There may be future financial implications for the Board dependent upon the outcome of the Scottish Government Consultation process and these will be reported to the Board in due course.

## **4. SERVICE & COMMUNITY IMPACT**

The outcome of the Scottish Government Consultation is likely to have a significant service and community impact in the Grampian area and beyond.

## **5. OTHER IMPLICATIONS**

Depending on the outcome of the Scottish Government consultation there may be a range of other implications which will be reported to the Board in due course.

## **6. REPORT**

6.1 On 8<sup>th</sup> September 2011, the Cabinet Secretary for Justice, Kenny MacAskill MSP announced that there would be a Single Scottish Police Force. On 15<sup>th</sup> September 2011 the Scottish Government published a consultation document entitled 'Keeping Scotland Safe & Strong: A consultation on reforming Police and Fire services in Scotland' with a

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closing date of responses of 2<sup>nd</sup> November 2011. The consultation covered a wide range of areas including the purpose of policing, structure, accountability and governance audit & inspection and workforce arrangements.

- 6.2 Following e-mail consultation with all Board Members it was agreed that the Board would submit a response to this consultation. It was further agreed that this response would be prepared in the Clerks office following invitation to all Members to input into this. Following receipt of comments from a number of Members the draft response was forwarded to all Members for further comment on 31<sup>st</sup> October 2011.
- 6.3 By 2<sup>nd</sup> November 2011, no further comments from Board Members were received and, following consultation with the Convener, the submission attached in appendix one was forwarded to the Scottish Government from the Grampian Joint Police Board.
- 6.4 The restructuring of the Police Service in Scotland is likely to be a significant issue for the remaining period of the current Board and for the new Grampian Joint Police Board following Local Government Elections in May 2012. Regular updates will be provided to the Board as this matter develops.

## **7. REPORT AUTHOR DETAILS**

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## **8. BACKGROUND PAPERS**

None.

**Karen M Donnelly**  
**Depute Clerk**  
**2<sup>nd</sup> November 2011**

# Keeping Scotland Safe and Strong: A Consultation on Reforming Police and Fire and Rescue Services in Scotland

## RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

### 1. Name/Organisation

Organisation Name

Grampian Joint Police Board

Title Mr  Ms  Mrs  Miss  Dr  *Please tick as appropriate*

Surname

Donnelly

Forename

Karen M

### 2. Postal Address

Grampian Joint Police Board

Business Hub 6, Level 1 South

Marischal College, Broad Street

Aberdeen

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Phone 01224 522516

Email gjpb@aberdeencity.gov.uk

### 3. Permissions - I am responding as...

Individual

Group/Organisation

*Please tick as appropriate*

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

*Please tick as appropriate*  Yes  No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

*Please tick ONE of the following boxes*

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

*Please tick as appropriate*  Yes  No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

*Please tick as appropriate*  Yes  No

## ANNEX B: CONSULTATION QUESTIONS AND RESPONDENT INFORMATION

## **FORM**

### **PART A – POLICE**

**Question 1: What are your views on how we might strengthen the proposed purpose? Should the purpose be set out in national guidance, or in some other way?**

Whilst the introduction of a modern, 21st century 'purpose for policing' would be broadly welcome, the wording proposed within the consultation document appears to state a broad and unspecific set of aspirations which are wide open to misinterpretation and therefore run the real risk of undermining the role of police professionals as equal citizens before law whose task is to ensure crime is minimised and therefore harm the existing model of policing by consent.

Any such stated purpose of policing should incorporate the dual roles of prevention of crime and investigation of crime and should be based on local priorities and accountability.

It is sufficient for the purpose of policing to be set out in guidance form rather than legislative form as this will enable the purpose to be developed and refined in future years.

**Question 2: What are your views on our plans to retain existing functions in a modern form or on our proposals to modernise the oath?**

In respect of the functions of a constable, it is difficult to provide a response as part of this consultation process as there is no information provided regarding how these will be modernised.

In broad terms, any revision to the functions of constables must retain the ability to execute their powers, free from political interference as this is, as stated in the consultation document, a cornerstone of the criminal justice system in Scotland.

With respect of the constables' oath, there would appear to be little difference between the existing and newly proposed wording. Given the immense change facing policing in Scotland, it would appear that amending the oath would have little to add to the effectiveness of the policing process and would therefore appear to be somewhat unnecessary.

**Question 3: What are your views on our proposals for integrating existing bodies into a single service or on how and when partnership arrangements should adapt to align with this new structure?**

Given that the decision to proceed with the setting up of a single Scottish Police Force has been taken it is sensible for the future of all policing bodies to be considered in detail in terms of how each will 'fit' into the new structure.

However, at this time, there would appear to be insufficient detail regarding the process of integration of existing bodies into a single service to respond effectively to this question. Much of the detail, including transfer costs, interim or 'shadow' arrangements and administrative and support requirements of the integration process or the longer term effective operation of these parts of the service is currently lacking. Previous experience of such fundamental structural change (Local Government reorganisation) evidences the importance of such detailed planning and preparation and the lack of such information moving forward is deeply concerning particularly in light of the very challenging timescales for the restructure.

In addition, there appears to have been little consideration thus far of the way in which the many effective local arrangements for partnership working can be continued, or even enhanced, in the new structure. Both the Christie Commission and the Government's strategy of Community Planning would seem to support enhanced local partnership working in the public sector and, as such, this should form a core part of planning for the new Scottish Police Service.

**Question 4: What are your views on the composition of the Scottish Police Authority and the specific skills, experience and expertise required for it to perform its roles effectively?**

It is impossible to comment in detail on the composition of a Scottish Police Authority as there is no adequate explanation provided of the proposed new system of governance for policing in Scotland. In particular, given the breadth of scope proposed for the new authority, it is doubtful whether an Authority of 11 Members will ensure sufficient depth and range of skills, knowledge and experience can be achieved.

Much more detail of the way in which the entire governance arrangements for a Single Scottish Police Force are required before meaningful and full consultation can be commenced.

Notwithstanding these comments, it is important that, whatever final arrangements are put in place, the new governance arrangements are truly independent of Scottish Ministers and that it is a legally independent body. This includes the need for the appointment of all Members to be free from political influence, and it may be that direct election of Authority Members is appropriate. In addition Members must be supported by trained and experienced advisers who are independent of the Scottish Government and are knowledgeable in the issues which apply to the governance and oversight of a police force.

**Question 5: Do you think a number of appointments to the Authority should be reserved for serving councillors nominated by COSLA? Or that Ministers should simply ensure that the individuals appointed to the Authority include those with experience and knowledge of local government?**

Notwithstanding the previously mentioned comments regarding the lack of detail of proposed governance arrangements making meaningful and proper engagement with this consultation impossible, the GJPB believes that the choices detailed in the above question are inadequate.

Much as the document states that the new proposals will involve many more Councillors in police governance than currently, the role of Councillors in representing their local communities in policing is planned to be severely curtailed.

None of the suggested methods detailed in this section of the document provide assurance that the Scottish Police Authority will have adequate representatives who can articulate the views of the communities served by the police. The importance of policing as part of the local government range of services, responsive and receptive to local need, would appear to be being ignored in favour of an enhanced central government role in policing which is deeply concerning.

**Question 6: What are your views on the roles and responsibilities for governance and accountability set out above?**

Again, it is difficult to respond fully to this question given the lack of detailed information on the proposed governance structure provided to date.

From the little detail which is provided, the proposed roles and responsibilities for governance and accountability are incomplete as the balances of rights and duties in the current tripartite system are removed without any provision for a better structure for protecting victims, fighting crime and defending civil liberties being made. Policing is a key area of society which must remain subject to democratic accountability. The proposals move democratic accountability further away from the citizen and concentrate it in an unspecified centralised body which will be democratically disconnected from the electorate. The enhanced role for Scottish Ministers, without corresponding local balance, risk compromising, or giving the appearance of compromising, the operational independence and political impartiality of the police, thus ultimately destroying the concept of policing by consent.

With respect to local governance arrangements, there must be opportunity for Local Councils to shape and develop the local policing plan, it is not sufficient for only the opportunity to formally comment on it to be given. This risks disconnecting policing from the overall local community planning process and harming, rather than enhancing, local communities.

At present, it is unclear how the local policing committees will interface with the Scottish Police Authority and the current proposals would seem to reduce, rather than enhance, the role of local Councillors in the governance arrangements of policing.



**Question 7: What are your views on the proposed new funding and financial accountability arrangements set out above?**

There is nothing contained within the proposed new funding and financial accountability arrangements section of the consultation document which provides assurance to the Grampian Joint Police Board that our current experience, of unfair allocation of funds to this area, will not be continued.

On issues where control already lies centrally, for example Forensic Services through the SPSA, consideration of finance allocation have been to the detriment of the needs and views of the local community in Grampian and have resulted in a reduction in service, despite the provision of guarantees to the contrary at the time the SPSA was created.

Given the perceived weak role currently being proposed for Local Authorities in the governance arrangements for a Single Police Service, there can be no assurance taken that resource arrangements will not be to the detriment of areas out with the major populations of the central belt.

Again, an interface between the Scottish Police Authority and Local Authorities Police Committees is essential in order to ensure accountability and effective governance in key areas such as number of Police Officers, number of Police Staff and maintenance of local assets, amongst others.

**Question 8: What are your views on our proposals for inspection and audit?**

The maintenance of the independence of audit and inspection arrangements is necessary and welcomed.

Missing from current proposals is the relationship of audit and inspection arrangements to the Local Authority governance arrangements. Once again, it is not possible for the local governance arrangements to exist in isolation of national governance arrangements and an appropriate interface between the two is required to maximise the effectiveness of and learning from audit and inspection arrangements.

**Question 9: What are your views on our proposals and options for handling complaints, criminal allegations, serious incidents and reviews of investigations?**

Within the consultation document there would appear to be insufficient detail on the breadth of complaints handling issues to provide a meaningful response to this question. In particular, the role of Boards in overseeing complaints handling thereby providing assurance to local communities is lacking in any of the new proposals and the current role of Boards in respect of complaints about Senior Officers is also overlooked.

The Board is aware that a short life working group on Police Complaints and Scrutiny has been established and it may be that meaningful consultation in this area can commence after this group has completed its work.

**Question 10: What are your views on our proposals for Independent Custody Visiting?**

Whilst the intention to place Independent Custody Visiting on a statutory footing is welcomed, the current proposals do not adequately describe how the on-going development and operation of Custody Visiting will be managed. Grampian is well placed to detail the barriers to having an operational custody visiting scheme in place having experienced significant delays in implementing such a scheme.

Required resources to recruit, train, organise and support volunteer participation in a Custody Visiting Scheme are significant and on-going. Such a scheme cannot be operated nationally, as volunteers are placed locally and assurance to local communities is at the heart of the ICVS model. Consideration must be given as to how these needs will be resourced under the Scottish Police Authority and how a national scheme can be effectively implemented and resourced at local level.

**Question 11: What are your views regarding our proposals for officers and staff transferring to the new Scottish police service? Are there any other workforce issues we should be considering?**

Local levels of police officers and police staff numbers must be maintained in order that service levels are not damaged and to ensure that all parts of Scotland continue to benefit from the economic benefit of local jobs.

Monitoring of numbers of Police Officers and Police Staff deployed locally is necessary and should be on-going in order that a clear and accurate record of local changes is available for scrutiny.

Consideration must also be given to the impact of the restructure on those local authority staff currently providing governance support. Their knowledge and expertise should be harnessed during the planning phase and regard must be had to any TUPE rights which may exist.

**Question 12: Are there any other issues we should consider in creating the Scottish police service?**

The Grampian Joint Police Board is increasingly concerned that the reason and rationale for changing the structure of policing in Scotland has not been fully and properly considered or articulated and that plans for change are being made without due consideration of the complexity of the service and the competing needs and demands of different parts of the county. The GJPB are concerned that the excellent level of service currently provided by the Police Service in Scotland will be damaged by this uncertainty and that current proposals have not been adequately justified to the communities in the North East.

The GJPB would urge the Scottish Government to ensure that any planning for the future of policing is conducted based on the highest quality of planning and based on sound financial and service level justifications in order to deliver the best quality service to local communities.

## **PART B – FIRE AND RESCUE**

**Question 13 - 26: Not applicable**

**Question 27: The partial EQIA can be found at**

<http://www.scotland.gov.uk/policereform> or <http://www.scotland.gov.uk/firereform>.

**Do you have any comments on the partial EQIA? Are there any other potential impacts to consider?**

A full and detailed EQIA must be conducted as it is not sufficient to consult on the basis of a partial EQIA having been conducted. Therefore it is impossible to meaningfully engage with this issue at this time given the lack of full information being available.

**Question 28: The partial BRIA can be found at**

<http://www.scotland.gov.uk/policereform> or <http://www.scotland.gov.uk/firereform>.

**Do you have any comments on the partial BRIA? Are there any other potential impacts to consider**

As above.

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