

# Public Document Pack



## GRAMPIAN JOINT POLICE BOARD

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

Town House, ABERDEEN  
11<sup>th</sup> March 2011

## GRAMPIAN JOINT POLICE BOARD

Members of the **GRAMPIAN JOINT POLICE BOARD** are requested to meet on **FRIDAY, 18 MARCH 2011 at 1.00pm** in **COMMITTEE ROOM 2, TOWN HOUSE, ABERDEEN**

JANE G. MACEACHRAN  
CLERK TO THE BOARD

### **B U S I N E S S**

- 1 Apologies for Absence
- 2 Scottish Government Consultation on the Future of Policing in Scotland - Presentation from Officials from the Scottish Government Policing Reform Team
- 3 Future of Policing in Scotland - Consideration of Board Response to Consultation (Pages 1 - 56)

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

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**COMMITTEE:** GRAMPIAN JOINT POLICE BOARD

**DATE:** 18<sup>TH</sup> MARCH 2011

**TITLE OF REPORT:** A CONSULTATION ON THE FUTURE OF POLICING IN SCOTLAND

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## **1. PURPOSE OF REPORT**

The purpose of this report is to advise Members of the publication of the Scottish Government's Consultation on the Future of Policing in Scotland, to highlight the consultation timetable and to propose a method for preparing and submitting a response to this consultation on behalf of the Grampian Joint Police Board.

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

It is recommended that the Board:

- 2.1 Approve the method set out within the report for the preparation and submission of a response to the Scottish Government on behalf of the Grampian Joint Police Board
- 2.2 To consider the content of the Scottish Government consultation document, in particular the 12 stated consultation questions.
- 2.3 To instruct the Depute Clerk to undertake the preparation of the Board response in draft format for circulation to all Board Members for approval.
- 2.4 To otherwise note the report.

## **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.

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## 5. OTHER IMPLICATIONS

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

## 6. REPORT

### Background

6.1 In January 2011 the Cabinet Secretary for Justice, Kenny MacAskill MSP, announced his intention to consult on the future structure of Policing in Scotland. A consultation document entitled 'A Consultation on the Future of Policing in Scotland' was published on 10<sup>th</sup> February 2011.

6.2 The Cabinet Secretary for Justice indicated that there are three options to be considered. These are:

Retention of the current 8 force structure, with greater collaboration  
The introduction of Regional Forces  
The introduction of a single Scottish Police Service

6.3 The Scottish Policing Board, comprising of representatives of the Scottish Government, Police Conveners Forum, Police Forces and COSLA have been tasked by the Cabinet Secretary for Justice, through a Sustainable Policing Sub Group, to 'rigorously appraise' the three proposed options to enable an informed decision to be made by the Cabinet Secretary at the conclusion of the consultation process. The Scottish Policing Board is to receive a report of this appraisal, covering both the financial and quality of service of each option, at its meeting on 21<sup>st</sup> March 2011.

6.4 A wide range of organisations have been invited to respond to the consultation, a list of which is detailed in Annex e in Appendix One to this report.

6.5 The date by which responses to the consultation have to be submitted is Thursday 5<sup>th</sup> May 2011.

### Context

6.6 Within Scotland the Christie Commission on the future delivery of public services is due to report in June 2011. The purpose of this Commission, which was established by the Scottish Government, is to develop recommendations on the future delivery of public services through the production of a 'road-map' for the future reform of public service delivery in Scotland.

6.7 The remit given to the Christie Commission covers a wide ranging vision for Scotland's public services and instructs the Commission to take a long term view and not be constrained by the current pattern of

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public service delivery, but recognise the importance of local communities and the geography and ethos of Scotland and well as the significant direct and indirect contribution the delivery of public services make to Scotland's economy.

6.8 Although the date by which submissions to this Commission were invited (January 2011) has passed, the Commission has indicated that it is still willing to receive submissions up to 31<sup>st</sup> March 2011. The Board may wish to instruct the Depute Clerk to prepare a response to the Christie Commission also.

6.9 The Christie Commission is to be informed by the Independent Budget Review process which reported in July 2010. Within the IBR Report, 'The Report of Scotland's Independent Budget Review Panel', is one chapter, Chapter 7, which focus on 'Shaping the Future'. In a section headed 'Structures and Boundaries' are the following remarks:

"Scotland is a small nation, which has, arguably at present a public service infrastructure which is over-complicated, unduly fragmented and in need of fundamental redesign to address the future needs of a rapidly changing society." (paragraph 7.5)

"This is not to argue for an immediate, sudden, wholesale restructuring of public services. Such a path at this time could be counter-productive and, possibly, unachievable in practice. However, that should not inhibit change that we are aware have already begun both between and among public bodies." (paragraph 7.6)

### Consultation

6.10 Within the Scottish Government Consultation document, the Cabinet Secretary states that the consultation is "about improving local services for local communities". The Cabinet Secretary provides commentary on each of the three options as follows:

Single Police Force – the Cabinet Secretary suggests this could provide the greatest flexibility to deploy resources and to provide better response to national threats. However, he notes that questions remain around accountability and on the centralisation of services.

Regional Model – The Cabinet Secretary notes the uncertainty around perceived benefits and suggests "it is for those in favour .... to demonstrate that a Regional Model would provide these"

Retention of 8 Force Model – the Cabinet Secretary states that "it is clear to us that the model would not provide the savings necessary of the enhanced services required".

6.11 With respect to the three options, the document suggests that the merits of each option should be measured against the following criteria:

Improving services and the delivery of better outcomes at local and national level

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Accountability to, and close engagement with, local communities  
Efficiencies must be delivered whilst protecting frontline services as far as possible.

6.12 The Consultation document poses 12 direct questions for consideration in any response submitted:

- 1) How could police reform improve services and the delivery of outcomes?
- 2) What do you think are the greatest opportunities and challenges facing policing in Scotland today and how do you think they should be addressed?
- 3) How can partnership working between the police and other organisations be improved?
- 4) How can the police better engage with communities to help them be more resilient and self-reliant?
- 5) What arrangements and relationships do you think would lead to the greatest improvements in national and local accountability?
- 6) Do you agree that change is necessary to protect frontline services? (Yes / No / Don't Know)
- 7) Which option do you think should be pursued and why? (Single Scottish Force / Regional Model / Retain 8 Forces with increased collaboration / Other / Don't Know)
- 8) How could we best improve accountability, deliver efficiencies and deliver service improvements at local and national level?
- 9) Do you have any views on how the process of change should be approached, including the extent and pace of change within a given option?
- 10) To assist with our Equality Impact Assessment on the reform, please describe any equality issues (in relation to race, gender, disability, age, sexual orientation, transgender people and religion) relevant to each of the options.
- 11) To assist with our Regulatory Impact Assessment, please describe any financial or other impacts for business, charities and the voluntary sector relevant to each of the options.
- 12) Do you think there needs to be any change to the existing roles and responsibilities of the key bodies responsible for policing?

#### Board Response Timetable

6.13 Following consideration by the Board of the response it wishes to make to these consultation questions the following timetable is proposed:

Week commencing 4<sup>th</sup> April 2011 – Depute Clerk will circulate a draft Board response via e-mail to all Board Members. Feedback will be invited – to be received by Depute Clerk by Friday 15<sup>th</sup> April 2011.

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Week commencing 25<sup>th</sup> April 2011 – Final draft response to be circulated to Board Members for information. Any final comments to be submitted by Tuesday 3<sup>rd</sup> May 2011.  
Wednesday 4<sup>th</sup> May 2011 – Board response to be submitted.

**7. REPORT AUTHOR DETAILS**

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**8. BACKGROUND PAPERS**

Scottish Government Consultation Paper – The Future of Policing in Scotland (Attached at Appendix One)  
Independent Budget Review – The Report of Scotland’s Independent Budget Review Panel, July 2010.

**Karen M Donnelly**  
**Depute Clerk**  
**11<sup>th</sup> March 2011**

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# A Consultation on the Future of Policing in Scotland



**The Scottish Government**

**February 2011**



# **A Consultation on the Future of Policing in Scotland**

**The Scottish Government**

**February 2011**

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## Foreword from the Cabinet Secretary for Justice



We are fortunate in Scotland to have an excellent police service that has served us with distinction for many decades. This success has been enhanced by the recruitment of 1,000 additional officers since we came to office in 2007, and we all owe a huge debt of gratitude to the police officers in our communities who work tirelessly to keep us safe, 24 hours a day, 365 days a year.

In 2009/10, crime in Scotland fell to a 32 year low, with violent crime in particular dropping by 11 per cent to reach its lowest level since 1984. Alongside that, homicides recorded by police forces in Scotland fell by a fifth in 2009/10, leaving the murder rate at its lowest in 31 years. I am immensely proud of, and want to build on, these achievements.

This consultation is first and foremost about improving services for local communities. It is about ensuring that communities can continue to rely on visible, local policing; that all communities have access to the highest quality police services and the specialist policing they need; and that, at a national level, Scotland has the capacity and capability to respond to new threats and a changed world. It is also about strengthening the links between the police and the communities they serve, and between the police, local government and other public services, so that they can work together even more effectively to make communities safer and improve their quality of life.

The spending cuts, imposed by Westminster, mean that public sector budgets in Scotland are under sustained pressure. There is a growing consensus that the current eight force structure – which dates back to local government restructuring in 1975 – is unsustainable given the financial outlook we face. Our priority is the safety of communities across Scotland. We therefore must act now to ensure that resources are focused where they matter – on frontline policing and the needs of communities. This is an opportunity to improve services and accountability at a local level, to ensure the police service is even more responsive to local communities' needs and, where possible, to create opportunities for decentralisation.

Significant arguments have been made in favour of a single police force. A single service could provide the greatest flexibility to deploy resources, to provide all our communities with equal access to specialist policing, and to ensure better responses to national threats such as terrorism or serious organised crime. But questions remain about accountability as well as centralisation of services.

We recognise that there are arguments for a regional model with fewer police forces, though there is uncertainty whether this would result in significant savings, service improvement and improved accountability. It is for those who are in favour of this option to demonstrate that a regional model would provide these.

We acknowledge that some advocate retaining eight forces with greater collaboration between them to save money, but it is clear to us that this would not provide the savings necessary, or the enhanced services required to meet the challenges of the 21<sup>st</sup> century.

Policing in Scotland has, historically and correctly, happened by consent and this should remain – that is why we are consulting. There are a variety of views about the future of policing, and it is important that they are heard. This is a change we must get right and we will take the time to do that, working in partnership and building consensus. We want the people of Scotland and those who work in the police service, and partner agencies to contribute to this discussion. I am therefore delighted to launch this consultation.

A handwritten signature in black ink that reads "Kenny MacAskill". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

**Kenny MacAskill MSP**  
**Cabinet Secretary for Justice**  
**February 2011**



# INTRODUCTION

1. This consultation paper invites contributions to the debate about the future of policing in Scotland.

2. The following provides some contextual information about policing in Scotland today, identifying the opportunities and challenges, before going on to assess the strengths and weaknesses of our current model of policing under three headings:

- local engagement and partnership;
- accountability; and
- efficiency.

3. The paper then goes on to consider three options for reform of police structures which are:

- significantly enhanced collaboration between the existing eight forces;
- a rationalised regional model; and
- a single service.

4. We suggest that the merits of each option should be considered in relation to:

- improving services and the delivery of better outcomes at local and national levels;
- accountability to, and close engagement with, local communities in every part of Scotland; and
- delivering efficiencies while protecting frontline services as far as possible.

Our ultimate aim is to make our communities safer and stronger and so to help Scotland flourish.

5. The consultation questions are summarised on page 27, alongside details of how you can respond to this consultation. Responses are invited by **5 May 2011**.

6. Considerable preparatory work has already been done by the Association of Chief Police Officers in Scotland (ACPOS) and by partners, including Police Convenors and the Convention of Scottish Local Authorities (CoSLA) under the auspices of the Scottish Policing Board. The Scottish Policing Board has considered ACPOS's plans for efficiencies to meet the challenge of spending reductions in the years ahead, and to improve information about policing costs<sup>1</sup>. It has agreed that options for structural reform should be considered.

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<sup>1</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard/MeetingPapers>

7. The Board commissioned a review and an interim report to the Board<sup>2</sup> concluded that:

- planned efficiencies (under the current structure) will not be sufficient to maintain frontline services;
- there are significant variations in the costs of providing services between forces;
- significant annual savings could be achieved by re-designing policing structures;
- fewer structural boundaries make it easier to remove duplication and realise efficiencies; and
- some policing functions are intrinsically local, while others could be more effectively provided at a regional or national level.

8. A further report will be presented to the Board on 21 March and will be available on the Scottish Government website after the meeting.

9. The Scottish Government considers that the status quo is untenable and that reform is necessary. We are clear that any decision about the future of policing must be made with the full engagement of the public and those who work in the police service and councils and other agencies who work closely with them. Reform provides the opportunity to both improve accountability at a national level, as well as devolve greater responsibility to the local level with improvements in local engagement and accountability. We are also aiming to create opportunities for decentralisation so that support provision could be devolved outwith the current eight force areas if desired.

10. Policing in Scotland has been historically carried out by consent and so the Scottish Government wants to consult on the options for the future and build consensus about the way ahead. The arguments are considered in the pages which follow and views are invited.

11. This consultation paper is being issued alongside a consultation on the future of the Scottish Fire and Rescue Service (SFRS). The work on police and fire reform will help inform the Commission on the Future Delivery of Public Services announced by the First Minister in October, and due to report in June 2011<sup>3</sup>.

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<sup>2</sup> <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard/InterimReport>

<sup>3</sup> <http://www.scotland.gov.uk/About/publicservicescommission/>

## **DELIVERING BETTER OUTCOMES**

12. The Scottish Government is committed to delivering the best possible outcomes for our communities. The police in Scotland have been very successful in making our communities safer.

13. Crime is at a 32 year low, and detection rates are improving. The statistics are encouraging:

- 338,028 crimes were recorded in 2009/10 the lowest number since 1978.
- In 2009/10 violent crime was down 11% - the lowest level since 1984.
- Serious assaults (including murder, attempted murder, culpable homicide and serious assault) were down 14%; robbery down 16%.
- Homicide statistics published in December 2010 showed homicides recorded by police forces were down 20% in 2009/10 and were at the lowest level in 31 years.
- The national crime clear up rate of 49% remains the highest in over 30 years.

### **Priority Outcomes**

14. The Scottish Government's Purpose puts sustainable economic growth at the heart of all we do in the public sector. By protecting people and businesses from threats to their economic wellbeing and supporting a stable society, the police service has a key role to play in helping to achieve that Purpose.

15. Our Purpose is underpinned by five strategic objectives – to make Scotland **wealthier and fairer, smarter, healthier, safer and stronger, and greener**. The police service makes a contribution to all of these objectives.

16. The strategic objectives are supported by 15 National Outcomes<sup>4</sup> and the work of the police service contributes to many of these, most centrally to National Outcome 9:

- **We live our lives safe from crime, disorder and danger**

17. However, the police play a much broader role beyond the prevention and detection of crime. On their own, and in partnership with local authorities and other bodies, the police contribute to the delivery of a number of other National Outcomes including:

- **We have improved the life chances for children, young people and families at risk;**

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<sup>4</sup> Scotland Performs: National Outcomes, Scottish Government:  
<http://www.scotland.gov.uk/About/scotPerforms/outcomes>

- **We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others;**
- **We live in a Scotland that is the most attractive place for doing business in Europe; and**
- **We want to see public services which are high quality, continually improving, efficient and responsive to local people's needs.**

18. We want to ensure that reform of the police service in Scotland helps the police deliver even more towards these outcomes in the future. The case studies below illustrate some of the diverse ways in which the police currently work with local government, other partners and communities to deliver some of these National Outcomes.

### **EMPOWERING YOUNG PEOPLE**

The Choices for Life programme is an interactive programme designed to prepare pupils for the choices and opportunities they may face in secondary school and beyond. It is delivered by police officers working in the Scottish Crime and Drug Enforcement Agency (SCDEA), and funded by the Scottish Government. Over 300,000 Primary 7 pupils have participated so far. Events are held across Scotland using a variety of media providing information and guidance to help young people resist negative peer pressure, illustrating the benefits of choosing a healthy lifestyle free from harmful substances, including tobacco, alcohol and illegal drugs, and complementing wider curriculum activity. Supporting materials are also provided for pre and post event activities.

### **REDUCING VIOLENCE**

An increasingly sophisticated understanding of the factors resulting in crime and offending have led the police service to explore innovative approaches to delivering outcomes. One example is the approach to violence reduction coordinated by the national Violence Reduction Unit (VRU). The Unit, staffed by police officers and police support staff, works to evidence-led principles established by the World Health Organisation, seeking to develop, promote and encourage innovative practice and partnership across a wide range of partners in health, education and other spheres. There is a strong focus on prevention and tackling the root causes of violence, which includes work in the early years.

### **HELPING BUSINESS**

The Scottish Business Crime Centre works in partnership with the Scottish Government, police and other partners to improve communication, reduce business crime and create a safe and secure trading environment in which businesses and communities flourish, employment opportunities are developed and prosperity is encouraged throughout Scotland. The Centre is a focal point for business crime prevention information, it raises awareness of the level, impact and cost of business crime while encouraging a higher level of reporting of business crime so that information and good practice can be shared throughout the business sector.

19. Focussing on outcomes is now very much embedded in the way that public services in Scotland deliver both locally and nationally. This approach depends on agencies working together to deliver for communities. The examples above give some flavour of the diverse ways in which the police, working with others, contribute to outcomes for communities. We want to ensure that the police are best placed to contribute to a wide range of outcomes.

**Question 1: How could police reform improve services and the delivery of outcomes?**

## **CURRENT CONTEXT – FUTURE CHALLENGES**

### **The current structure**

20. The current structure of eight police forces in Scotland dates from 1975 when local government was regionalised. The forces vary substantially in terms of population served, area covered and resources available. Strathclyde Police serves a mixed urban and rural population of over 2.2 million people; the population served by Dumfries and Galloway Police is less than 150,000 people. The size of the geographical area covered by a force varies between 531 and 12,000 square miles, and the number of police officers in a force ranges from 507 to 8,382.

21. The eight forces are broken down into 27 police divisions across Scotland. The size of these divisions varies greatly from around 120 police officers in the smallest division to 1,380 officers in the largest. They are commanded by a chief superintendent, a superintendent or in some cases a chief inspector. Some local divisions are more than twice the size of our smallest police forces; and some chief superintendents lead a police officer workforce equivalent in size to that led by chief constables in other parts of Scotland.

<b>Force</b>	<b>Number of police officers<sup>5</sup></b>	<b>Number of police support staff</b>	<b>Population<sup>6</sup></b>	<b>Area (sq. miles)</b>
Dumfries & Galloway Constabulary	508	253	148,510	2,469
Central Scotland Police	846	353	291,760	1,020
Lothian & Borders Police	2,990	1,253	939,020	2,500
Fife Constabulary	1,082	475	363,460	531
Strathclyde Police	8,382	2,491	2,217,880	5,371
Northern Constabulary	792	346	288,840	12,000
Grampian Police	1,546	712	544,980	3,373
Tayside Police	1,225	565	399,550	2,896
<b>Total</b>	<b>17,370</b>			
Scottish Police Services Authority	114	1287		
Scottish Crime and Drug Enforcement Agency	334	151		

<sup>5</sup> Officer numbers as at 30 September 2010. Individual police force figures include officers on secondment to SPSA and SCDEA.

<sup>6</sup> Population numbers based on estimates by General Register Office as at 30 June 2010.

22. Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) has identified some of the challenges inevitably created by these significant variations in size and resources. Smaller forces are unable to afford capacity and capability in all policing specialisms, and to do so would be inefficient. In turn, this has led to ad-hoc, informal sharing of resources. However, HMICS found these collaborations are not well documented and often sit outside any system of governance by police authorities or the Scottish Government<sup>7</sup>. The Scottish Government wants to see a more transparent and efficient way of providing equal access to policing services across Scotland.

23. The unequal size of Scottish police forces has another effect. As budget reductions take effect, forces will rightly try to protect the frontline and reduce spending on headquarters (HQ) and support functions first. But small forces have less scope for doing this. To maintain their existence as an independent force, they need to protect the core corporate and HQ functions, which are fairly small to start with. The risk is that such forces may be forced to cut the frontline to a proportionately greater extent than larger ones. And the effect of that is that in some parts of Scotland – those served by a small police force – communities could get a lesser policing service than elsewhere, purely because of the structure of our police service.

### **New threats and a changed world**

24. The threats we face in the second decade of the 21<sup>st</sup> century differ from those we faced in the past. Improvements in transport and technology have brought great benefits to businesses and individuals. They have enabled policing to be more mobile, and more sophisticated. However, they have also brought new opportunities for criminals who seek to use technology and easier transport to profit at the expense of hard-working people. New threats have also emerged – serious organised crime, international terrorism, complex fraud, e-crime, and people trafficking. These threats reach across police force and national boundaries and require a sophisticated policing response. Criminals have no respect for boundaries, and crime patterns reflect this.

25. Dealing with the challenge of crime which crosses force boundaries can be difficult with eight separate police forces. Moves have been made to address this challenge, with national organisations such as the Scottish Police Services Authority (SPSA) and the Scottish Crime and Drug Enforcement Agency (SCDEA). ACPOS works hard to achieve consistency of policy and practice between police forces. However, these structures bring their own complexity and require a multitude of working relationships and processes within and between the eight forces.

26. The lack of a single mechanism at national level to agree priorities, manage national risks, and monitor Best Value, was criticised in the

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<sup>7</sup> Independent Review of Policing, HMICS, January 2009  
<http://www.scotland.gov.uk/Publications/2009/01/23133505/5>

Independent Review of Policing carried out by HMICS in 2009<sup>8</sup>. As noted above, the obstacles to swift and easy access for every force to specialist policing services and expertise in areas like firearms, major crime and serious organised crime were also highlighted. Arrangements for collaboration between forces to share resources were found to be ad-hoc and uncoordinated<sup>9</sup>.

## **A more complex contribution, and greater need for local engagement**

27. The 1967 Police Act sets out the role of the police to “guard, watch and patrol”. Modern day policing takes this as a foundation but also plays many other roles. In partnership with communities, with local authority services such as social work, housing and education and other services like health, police officers work to help divert young people away from crime, tackle violence against women, provide positive role models, educate young people about the dangers of drugs, play a role in emergency response, and signpost vulnerable people to other services among many other things. The roles and responsibilities of the key stakeholders who deliver policing in Scotland are set out in Annex A.

28. Community Planning Partnerships (CPPs), led by local authorities, provide the main mechanism and focus for Councils, the police and other partners to work together to deliver better services and outcomes for local communities. Each CPP is responsible for developing and delivering a Single Outcome Agreement (SOA) which sets out the priorities for local services and the outcomes or improvements they are working together to achieve. These CPPs and SOAs are based on the 32 council areas, not the eight police force areas. Each SOA sets out how the council, the police and other partners will contribute to Scotland’s 15 National Outcomes including “We live our lives safe from crime, disorder and danger”. The police work in partnership with many agencies and communities at local level. The difference in organisational structure between policing – with eight forces comprising 27 local divisions – and other local community partners means there is a lack of consistency in the way the police are able to engage in the development and implementation of SOAs. The Independent Review of Policing highlighted as a weakness the variation in engagement with community planning<sup>10</sup>.

29. For six of the eight forces, Joint Boards are in place which cover up to 12 different local authority areas. In the other two forces, the boundaries of the force and local authority are the same. Joint Boards are composed of a number of councillors drawn from each constituent local authority but have their own separate legal status. Joint audit and inspections by Her Majesty’s

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<sup>8</sup>Independent Review of Policing, HMICS, January 2009  
<http://www.scotland.gov.uk/Publications/2009/01/23133505/8>

<sup>9</sup> Independent Review of Policing, HMICS, January 2009, Chapter 4  
<http://www.scotland.gov.uk/Publications/2009/01/23133505/5>

<sup>10</sup> HMICS Independent Review of Policing, January 2009:  
<http://www.scotland.gov.uk/Publications/2009/01/23133505/8>



Inspectorate of Constabulary for Scotland and Audit Scotland have pointed to weaknesses in the effectiveness of current arrangements for local accountability<sup>11</sup>. In the first audit and inspection of Best Value in a Police Authority in 2009, the Accounts Commission for Scotland and HMICS found Tayside Joint Police Board was not meeting the objective of Best Value, that is the continuous improvement in its duties and responsibilities which include effectively contributing to setting priorities for the police service and holding the chief constable to account.<sup>12</sup> In 2010 the audit and inspection of Northern Joint Police Board raised concerns about “inconsistencies in relationships between the board and its constituent local authorities”<sup>13</sup>. Police forces are accountable to police authorities.

## Unprecedented financial challenges

30. Scotland’s public sector faces an extended period of financial constraint. The UK Government has reduced Scotland’s budget by £1.3 billion in 2011-12. We face further significant cuts over the period to 2014/15, and lower levels to public expenditure are likely to continue for a number of years beyond that. We are providing resources to maintain 1,000 additional officers in 2011-12, but tough decisions will have to be made to protect frontline services to the years ahead.

31. The police have already examined what efficiencies can be made in the years ahead<sup>14</sup>. It is clear that planned efficiencies will not be enough to fill the likely funding gap over the lifetime of the next Parliament and that some of the efficiency options would risk reducing the availability of local policing in our communities. We are determined to protect frontline policing despite reducing budgets.

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<sup>11</sup> [http://www.audit-scotland.gov.uk/work/bestvalue\\_police.php?year=2009](http://www.audit-scotland.gov.uk/work/bestvalue_police.php?year=2009)

<sup>12</sup> Audit Scotland/HMICS Joint Inspection of Best Value in Tayside Constabulary/Tayside Police Authority, 2009:

[http://www.audit-scotland.gov.uk/work/bestvalue\\_police.php?year=2009](http://www.audit-scotland.gov.uk/work/bestvalue_police.php?year=2009)

<sup>13</sup> Audit Scotland/HMICS Joint Inspection of Best Value in Northern Constabulary/Northern Police Authority 2010:

[http://www.audit-scotland.gov.uk/work/bestvalue\\_police.php?year=2010](http://www.audit-scotland.gov.uk/work/bestvalue_police.php?year=2010)

<sup>14</sup> Scottish Policing Board – Papers from Fifth Meeting on 13 September 2010 – ACPOS Update on Efficiencies

<http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard/ACPOSUpdateOnEfficiencies>

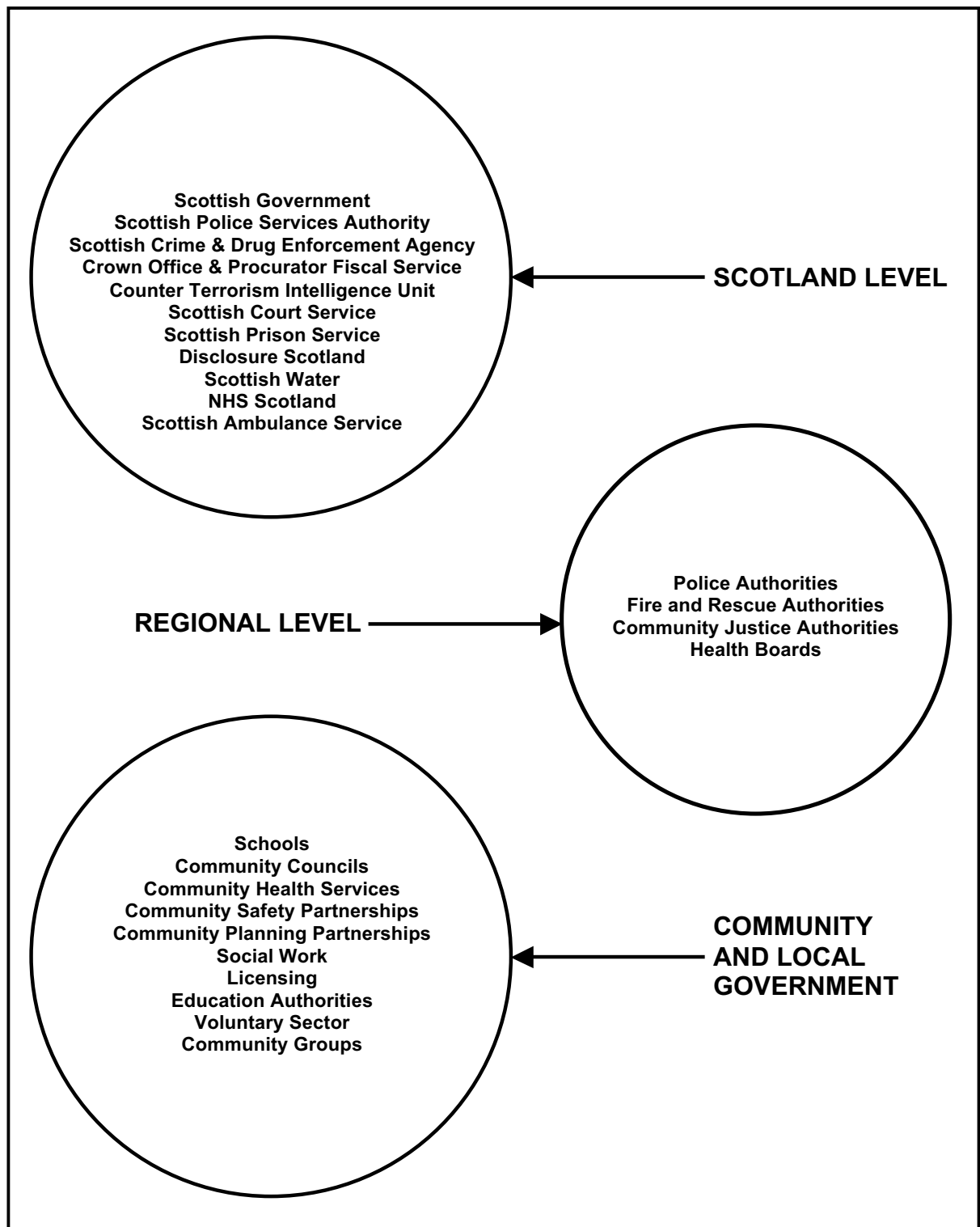
## **Local engagement and partnership**

32. None of the important outcomes we aim to achieve can be delivered by the police or any other service on its own – whether it be lower crime; strong and resilient communities; or improved life chances for children, young people and families at risk. Police officers work closely with a wide range of services on child protection, monitoring of offenders, health and education, preventing serious organised crime, counter-terrorism and many other areas.

33. The partnership role of the police is formalised in the Local Government in Scotland Act 2003, which requires police authorities and joint police boards to participate in community planning. The eight police forces are represented, in different ways, on the 32 CPPs, and each force delivers as part of the 32 SOAs. In the largest force, Strathclyde police is signatory to 12 SOAs linked to the 12 local authority areas within the force area.

34. Partnership is vital to the delivery of outcomes, but as the following diagram illustrates, the landscape is complex. The diagram illustrates the wide range of bodies with which the police work to deliver a very broad range of outcomes. Police and fire governance sits at regional level, while their partnership and engagement is mainly at local or national level. The current structure was created as part of local government regionalisation over 35 years ago, in 1975. Most other services are organised either at community, local council or national level.

## Levels of Police Partnership Working



35. With reduced resources across the public sector, it will be important to focus partnership activity on achieving better outcomes and to reduce any unnecessary effort or duplication of functions, while maintaining effective delivery. The Independent Review of Policing suggested that more collaboration would be needed to ensure that complex and specialist policing could be consistently delivered across Scotland, but found limited evidence to demonstrate that collaboration was happening. There is insufficient evidence to conclude that collaboration on its own will deliver the necessary capability and capacity to the timetable needed to keep pace with budget reductions and to maintain frontline services.

36. There is also more that could be done to ensure that the police are able to play a uniformly active role in community planning. For many local authorities there is a local policing division which shares the local authority boundary and this helps engagement, but this is not the case right across Scotland, and it is not enough on its own to ensure consistent, effective engagement across Scotland.

### **Taking police reform forward**

37. This is an opportunity to look afresh at the role of policing, to recognise the broader contribution it makes in our communities, and to ensure that organisational arrangements help to support that contribution. We believe there is an opportunity to simplify the public service landscape, to make partnership working easier, and to remove barriers that hinder services working together to deliver the best outcomes for our communities. The police working in partnership with others and sharing resources and information helps to achieve the best possible outcomes with less cost. We want to support and enable the police to work in partnership to deliver the best possible outcomes at local level.

38. The unprecedented financial challenges mean Scotland must fundamentally consider how best to focus and organise its resources across the public sector. The Scottish Government has therefore appointed the Commission on the Future Delivery of Public Services<sup>15</sup>. The Commission will address the role of public services in improving outcomes; examine structure, functions and roles; and consider the role of a public service ethos.

39. The Scottish Government wants to maintain the momentum of the work being done on the future of the police and fire and rescue services, and the outcome of this work will be made available to the Christie Commission to inform its consideration. Any changes made in policing should be capable of fitting with any future changes to partner agencies.

40. If a decision is taken to change police structures, this would provide an opportunity to remove barriers to the police working effectively with other bodies and organisations to deliver the outcomes we want for Scotland. This

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<sup>15</sup> News release on Commission for Future Delivery of Public Services, including full remit: <http://www.scotland.gov.uk/News/Releases/2010/11/19124547>

is a unique opportunity to empower local communities to have responsive and appropriate policing that meets local needs. For example, there would be scope to ensure that the geographical boundaries of local police divisions mirrored those of local authorities.

**Question 2: What do you think are the greatest opportunities and challenges facing policing in Scotland today and how do you think they should be addressed?**

**Question 3: How can partnership working between the police and other organisations be improved?**

**Question 4: How can the police better engage with communities to help them be more resilient and self-reliant?**

## Accountability

41. At present, police forces are formally accountable only to police authorities and Joint Boards. The six Joint Boards operate at the regional level, covering up to 12 local authorities, and there are two single police authorities – Dumfries & Galloway and Fife. There are many other levels of less formal accountability and expectations of the police to account for their actions to individuals, groups, communities, partnerships and government. It is difficult to argue that this level of complexity in accountability arrangements is necessary.

42. Most policing is local and community based, but local authorities have no direct say in the policing of their area. Most relevant partnerships, such as community safety partnerships, are also based around local authority areas and again these have little relation to the current structure of the joint boards.

43. There has also been a significant growth in the police capability needed at a national level for Scotland, since the regional structure was put in place in the 1970s. There is no consistent form of accountability for national policing functions: at present, these functions are exercised through a mixture of lead force, collaborative agreements, non-departmental public bodies and other arrangements.

### National accountability

44. Concerns have been raised about accountability of the police service at a national level. Audit Scotland's 2007 report on police call handling noted that "it was not always clear within the existing tripartite arrangements where proper accountability for national strategic decisions affecting local police services lay... and that the tripartite arrangement, while assisting in developing policies which meet local needs, may be a barrier to the adoption of national standards or agreements." It called on the Scottish Government to improve national accountability arrangements.

45. This concern was echoed in the 2009 Independent Review of Policing which identified a gap in governance at national level and called for a national forum with statutory powers, and new legal duties on chief constables to consider the national picture, to strengthen national governance and delivery of Best Value.<sup>16</sup>

46. At a national level, ACPOS co-ordinates policy and strategic priority-setting across the forces. However, both HMICS and Audit Scotland have highlighted shortcomings in this structure, which relies on consensus across all eight forces and has no national public oversight mechanism. The creation of the Scottish Policing Board in November 2009 has created a forum for all partners to consider national priorities, but the Scottish Policing Board is not a

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<sup>16</sup> Independent Review of Policing, HMICS, January 2009:  
<http://www.scotland.gov.uk/Publications/2009/01/23133505/8>

statutory scrutiny or decision-making body and so in its current form is unable to meet all of the challenges identified by HMICS.

47. As set out earlier in this paper, Scotland faces a number of threats which require a national response. In recent years Scotland has suffered from the impact of international terrorism, serious fraud and human trafficking. Meanwhile, the rise of e-crime and other cyber threats knows no borders. We can also expect new threats which require new national capabilities.

48. Some national provision is already in place to address these threats or to provide better value for money across the existing eight forces. For example, the SCDEA has a primary role in preventing and detecting serious organised crime in Scotland. There are also a variety of national units, dealing with issues including counter terrorism and major crime, which provide specialist policing services across Scotland. Meanwhile, police training, criminal records, forensic science and information and communication technology (ICT) are provided to all eight forces and the SCDEA on a national basis through the SPSA. There are also a wide range of collaborative arrangements across forces which, as highlighted above, lack clear and formal national accountability.

49. It is our view that, whatever the future structure of Scotland's police forces, there needs to be clearer responsibility and accountability at the national level for national policing issues and capability. We are also clear that the principle of operational independence for policing should be maintained. The role of the independent Lord Advocate in directing police investigations provides an important safeguard in this respect. We have a very long tradition in Scotland of separation between political control and the important investigative powers of the police. We have universal acceptance that such separation is a vital part of our democracy and this separation can and should be maintained under any structure.

50. We welcome views on how national governance and accountability can be strengthened and clarified.

51. It can be argued that a single police service would provide clear and transparent accountability for national policing. However, we recognise that, for some, this raises concerns about maintaining the operational independence of the police from the possibility of political interference in policing. In this respect it should be noted that Scotland's existing eight police forces are already accountable to local politicians through joint police boards and authorities made up of elected members from the constituent local authorities. Chief officers are appointed and may be dismissed by the joint board or authority (with the agreement of Scottish ministers) and are required to account to boards for the performance of their force.

52. There are also examples of single national police forces in mature democracies which have developed arrangements to carefully manage the relationship between the Government and the police, such as New Zealand, Denmark, Finland and the Republic of Ireland.

- The Danish Police are employed directly by the state. The Minister of Justice, who is the chief police authority, exercises his or her powers through the National Commissioner.
- The New Zealand Police Service, established in 1886, is led and managed by a senior police officer (Commissioner) appointed by the Governor General, who is the personal representative of the head of state, the Queen. New Zealand's Head of State is non-partisan and is not involved in the business of government, which is the responsibility of the Prime Minister and the Cabinet. The Commissioner is accountable to the Minister of Police for the administration of police services, but acts independently in carrying out law enforcement decisions.
- In the Republic of Ireland, the Garda have been providing police services across the country since 1922. The Service is commanded by a Commissioner who is responsible to the Minister for Justice, Equality and Law Reform. While the Minister for Justice, Equality and Law Reform is responsible to the Government for the performance of the Garda, it is the Commissioner who runs the organisation on a day to day basis.
- In Finland, the police service was restructured in 2009 to create a two tier structure, local and national. The National Police Board directs the operation of all police units, and is headed by a National Police Commissioner.

53. In the area of the judiciary, where judicial independence is paramount, the Judiciary and Courts (Scotland) Act provides an express guarantee of continued judicial independence

### **Local Accountability**

54. At present there is a mainly regional structure of accountability for a range of policing functions that are principally local or national. There has been some criticism of the effectiveness of the existing arrangements. The HMICS and Audit Scotland Joint Best Value Audit and Inspections identified areas for improvement in existing police accountability arrangements, indicating that in at least one case the police authority was not scrutinising the force effectively, and not achieving Best Value<sup>17</sup>. In another case, Audit Scotland found some evidence of inconsistencies in relationships between the joint police board and constituent councils<sup>18</sup>. The Independent Review of Policing identified gaps in the governance arrangements for policing decisions made locally through community planning partnerships and their SOAs and also found that joint police boards and police authorities, require further support to work effectively.<sup>19</sup> The Accounts Commission also called for

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<sup>17</sup> Audit Scotland/HMICS Joint Inspection of Best Value in Tayside Constabulary/Tayside Police Authority, 2009:

<http://www.audit-scotland.gov.uk/media/article.php?id=122>

<sup>18</sup> Accounts Commission Northern Constabulary & Northern Joint Police Board Best Value Audit and Inspection, 2010: [http://www.audit-scotland.gov.uk/work/bestvalue\\_police.php](http://www.audit-scotland.gov.uk/work/bestvalue_police.php)

<sup>19</sup> HMICS Independent Review of Policing, January 2009:

<http://www.scotland.gov.uk/Publications/2009/01/23133505/8>



greater clarity of roles and responsibilities, and more support for board members in carrying out their role.

55. At present, police authorities and joint boards are responsible for overseeing the work of the chief constable and holding them to account for the policing of the force area. The six joint boards cover between 3 and 12 local authority areas and are made up of representatives from their constituent local authority areas. For example, Northern Joint Police Board has 24 members drawn from Highland Council (16), Shetland Islands Council (2), Orkney Islands Council (2) and Comhairle nan Eilean Siar/Western Isles Council (4). Meanwhile, Strathclyde Police Authority has 34 members - 8 from Glasgow, 4 from each of North and South Lanarkshire and 2 from each of the remaining 9 local authorities. We do not believe that this provides the strongest basis for local accountability for policing.

56. Police reform is an opportunity to improve accountability at a local level. There are a range of ways this might be achieved. Some examples are:

- It would be possible under any option to devolve further responsibility to a senior police officer at the local authority level and to formalise structures and processes for local accountability;
- Our consultation on fire reform suggests the possibility of a consultative 'blue light' committee for each local authority or CPP with responsibility for scrutinising plans for - and performance in - their area; and
- In Ireland, the Garda Sionchana Act 2005 provides for the establishment of a Joint Policing Committee in each of the 114 local authority administrative areas. These Committees, currently being piloted in 29 areas, are chaired by a local authority representative and include other local authority representatives, Garda officers, local members of Parliament and representatives of the community and voluntary sectors.

We would welcome your views on how local accountability can be strengthened.

**Question 5: What arrangements and relationships do you think would lead to the greatest improvements in national and local accountability?**

## Efficiency

57. Funding for policing is at a record level - £1.4 billion in 2010/11. Funding of the police has increased by 20% since 2007. Currently, police forces are funded both by the Scottish Government and local authorities. The requirement on local authorities to match central government funding to a formula was removed four years ago, but in practice most local authorities have continued to match central government funding in a ratio of 49% to 51% funding. Funding is also provided by central government for national policing provision such as training, ICT and forensic services provided by the SPSA, and other national resources such as national capacity to tackle serious organised crime, e-crime, complex fraud, and terrorism.

58. The settlement agreed with local government for the next financial year includes an agreement to maintain the commitment to 1,000 additional police officers on Scotland's streets. However, in the years ahead we know that budgets will get tighter. ACPOS has been working to identify efficiencies and savings within the current force structure. It is clear that these savings will not be sufficient to meet the challenge in the medium term. On that basis it was agreed that more work must be done to look at options for reform.

59. There is scope to streamline support functions and reduce unnecessary duplication. The interim report of the Sustainable Policing Project<sup>20</sup> showed significant variation between forces in how much it costs to provide policing functions and identified scope for significant savings to be made. These early findings show considerable potential for enabling excellent service delivery with reduced budgets if the most cost effective approach can be adopted across Scotland.

60. The Sustainable Policing Project Team's Interim report presented to the Scottish Policing Board on 15 December 2010 indicated that Scottish policing could potentially secure efficiency savings in the range of £81m to £197m per year by reducing duplication and rationalising and standardising processes across Scottish police forces. These figures are based on high-level financial data provided by the eight Scottish police forces and SPSA, and identification of the range of efficiencies that might be achieved within each policing function, based on benchmarking data from elsewhere. These figures are a high level assessment and further work is needed to test deliverability. However, they give an indication of the scope for significant savings to be made. Releasing £197m per year may not be achievable without impacting on our ambitions to enhance the delivery of outcomes and the interim report recognised that a proportion of the savings might be reinvested in front line policing to enhance outcomes. Even half that sum would be highly significant. As a comparator, the annual cost of providing 1,000 additional police officers in Scotland is £30m. The delivery of savings of the scale indicated by this early work would enable improvements to outcomes and accountability to be delivered, while ensuring the police service is sustainable for the long term.

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<sup>20</sup> Sustainable Policing Board Papers <http://www.scotland.gov.uk/Topics/Justice/public-safety/Police/ScotPolBoard/MeetingPapers>

## **OPTIONS FOR STRUCTURAL REFORM**

61. The Scottish Government is determined to protect the hard-won outcomes for communities which our police service helps to deliver. However, we do not believe this can be secured within the status quo. Despite considerable effort to make the current system work, the gaps in governance and accountability, and the complexity of collaboration and partnership working, and the increasing financial pressures, mean that the status quo is not sustainable. Reform of the police service should also create opportunities for decentralisation.

62. This consultation paper invites your views on the options for reform, outlined below. Each option should be considered against key criteria in particular:

- improving services and the delivery of better outcomes at local and national levels;
- accountability to, and close engagement with, local communities in every part of Scotland is essential; and
- efficiencies must be delivered while protecting frontline services as far as possible.

### **OPTION A : A SINGLE SCOTTISH POLICE FORCE**

63. Under this option there would be one police force for Scotland under the leadership of a single chief constable.

64. Significant arguments have been identified in favour of a single force. It offers real potential for improving outcomes at the national and local level. Advocates of this option argue that, at the national level, a single force would provide improved capacity and capability to prevent and respond to threats which cross force and national boundaries, such as terrorism and large-scale emergencies like severe weather. Furthermore, in a single force it would be much easier to deliver a consistent standard of service to communities, improving consistency and performance at the national and local level.

65. Those in favour of a single force believe it offers significant scope for sustaining and enhancing frontline police services. This, they argue, would be achieved by delivering savings and efficiencies by reducing the duplication inherent across eight different forces. They argue that savings achieved through reducing duplication can be used to sustain and support frontline policing and that all communities would have equal access to specialist policing skills, equipment and capacity to meet local needs when required.

66. Some concerns about a single force remain to be answered. Some argue that in a single force there will be a tendency to centralise some functions and services, to the detriment of rural areas. Questions about accountability have also been raised. This paper has set out some of the considerations on these issues and we encourage those who favour a single force model to set out how these concerns could be met.

## **OPTION B: A RATIONALISED REGIONAL FORCE MODEL**

67. This option would involve a reduction to three or four large regional police forces in Scotland, each led by a chief constable.

68. Some arguments for this model have been put forward. It seems apparent that co-operation across a reduced number of forces would be less complex than the existing structure and that there would also be some improved scope for providing communities with access to specialist policing skills, equipment and capacity to meet local needs when required. However, it does less to address the weaknesses in national capacity than a single force would be able to. There would still need to be national organisations such as the SPSA and SCDEA to provide national police services.

69. Whilst the evidence suggests scope for delivering savings is less than the single force model, the savings achieved through some reduction in duplication could be used to sustain and support frontline policing. There are concerns that such large forces would tend to centralise some functions and services within their area. There is also a risk that the time, resource and uncertainty involved in moving to three or four forces will not fully deliver the benefits that reform could bring. This consultation provides an opportunity for those who favour this option to set out how those concerns could be dealt with.

## **OPTION C – RETAIN EIGHT FORCES WITH INCREASED COLLABORATION**

70. Under this option the existing structure of the police would remain unchanged: eight police forces, the SPSA and the SCDEA. Significantly enhanced collaboration would be required to deliver the necessary efficiencies.

71. There are not obviously strong arguments for this option. The existing structure is not ideally suited to address threats which cross national and force boundaries and there are differences in access to specialist policing skills, equipment and capacity across Scotland's communities. We believe this model offers the least scope for savings and, given the financial challenges ahead, may require reductions in frontline policing. This would have a detrimental impact on the delivery of local and national outcomes.

72. Retaining police force boundaries that are remnants of the 1975 regional government structures, and out of line with other local governance structures, does little to improve national and local accountability. It is not clear where formal accountability for national issues lies. To achieve necessary efficiencies, there would be a high degree of complexity in delivering collaboration and shared services across force boundaries. The savings achievable from this model are likely to be lower than from the other options and we have not seen any compelling evidence to support the argument that collaboration or shared services can deliver significant savings. This option carries the risk that it would not be financially sustainable in the

longer term and makes it more likely that further restructuring would be required.

## **CREATION OF A SINGLE EMERGENCY SERVICE FOR SCOTLAND**

73. There have been suggestions that the Government should pursue a broader amalgamation of the police service with the Scottish Ambulance Service – or a broader ‘single blue light service’, either nationally or regionally. While there is certainly scope for greater collaboration and sharing of services between fire and rescue, ambulance and police services, it is the Government’s view that full integration of these different services would be highly complex and technically challenging and would, as a result, require a longer timescale for delivery. In our view, the case for this option has yet to be made and there exists significant opposition from within the blue light services to such a scheme. As a result, we are not persuaded of the case.

74. There has been some discussion that control rooms for both police and fire and rescue services could be amalgamated. We believe that decisions about command and control (in both the fire and rescue services and the police) should be taken as part of any wider structural reform process, which places the final implementation of any changes beyond 2013 at the earliest.

### **Costs of change**

75. Moving to a new structure for policing will incur costs of change. These include items such as: staged investment to consolidate the various ICT systems in use across policing in Scotland, and to ensure greater consistency in provision of specialist policing skills and equipment.

76. The costs of reform will, in part, be determined by the pace of the reform. Thus, there will be choices to be made about when and how to achieve reform which will provide an ability to manage and control costs. The most costly changes can be phased over a number of years. For example, police ICT development – to get all forces onto the same systems - has been in transition for a number of years. This process will continue for a number of years throughout and beyond any restructuring. It is important to remember that we are considering moving to a structure which should last for the long term. As such, the benefits, including the financial benefits, of change need to be counted over the lifetime of the new structure. In that context, the costs of change are unlikely to be so significant as to cancel out the benefits. Detailed work is underway to analyse costs and to identify the potential costs of transition.

**Question 6: Do you agree that change is necessary to protect frontline services?**

**Question 7: Which option do you think should be pursued and why?**

**Question 8: How could we best improve accountability, deliver efficiencies and deliver service improvements at local and national levels?**

**Question 9: Do you have any views on how the process of change should be approached, including the extent and pace of change within a given option?**

**Question 10: To assist with our Equality Impact Assessment on the reform, please describe any equality issues (in relation to race, gender, disability, age, sexual orientation, transgender people and religion) relevant to each of the options.**

**Question 11: To assist with our Regulatory Impact Assessment, please describe any financial or other impacts for business, charities and the voluntary sector relevant to each of the options.**

## **NEXT STEPS**

77. The results of this consultation will help provide the basis for informed and evidence-based decision making by an incoming government, after the Scottish Parliament election in May 2011.

78. The questions posed in this consultation document are repeated below. We invite you to engage in the debate about the future of policing, and welcome your responses to the following questions:

**Question 1: How could police reform improve services and the delivery of outcomes?**

**Question 2: What do you think are the greatest opportunities and challenges facing policing in Scotland today and how do you think they should be addressed?**

**Question 3: How can partnership working between the police and other organisations be improved?**

**Question 4: How can the police better engage with communities to help them be more resilient and self-reliant?**

**Question 5: What arrangements and relationships do you think would lead to the greatest improvements in national and local accountability?**

**Question 6: Do you agree that change is necessary to protect frontline services?**

**Question 7: Which option do you think should be pursued and why?**

**Question 8: How could we best improve accountability, deliver efficiencies and deliver service improvements at local and national levels?**

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**Question 11: To assist with our Regulatory Impact Assessment, please describe any financial or other impacts for business, charities and the voluntary sector relevant to each of the options.**

**Question 12: Do you think there needs to be any change to the existing roles and responsibilities of the key bodies responsible for policing?**

79. Responses are invited by **5 May 2011**. A list of the responses to this consultation will be published by 3 June 2011, and a report summarising the content of the responses will be published as soon as possible after that date. Consultation responses can be submitted online using the online response form on the Scottish Government website, or, emailed to [policereform@scotland.gsi.gov.uk](mailto:policereform@scotland.gsi.gov.uk), or posted to:

Claire Pentland  
Police Division  
Scottish Government  
1 West Rear  
St Andrew's House  
Regent Road  
Edinburgh,  
EH1 3DG

80. The police consultation website [www.scotland.gov.uk/policereform](http://www.scotland.gov.uk/policereform) provides some background information on the proposals including the Scottish Policing Board papers.

81. Alternative formats of this consultation paper are available on request.



## ROLES AND RESPONSIBILITIES

82. This section defines the roles and responsibilities of the key bodies responsible for delivering Scotland's police service:

- the police authority;
- the Scottish ministers;
- the chief constable;
- local authorities and the Convention of Scottish Local Authorities (COSLA);
- the Scottish Police Services Authority (SPSA);
- the Scottish Policing Board;
- Her Majesty's Inspectorate of Constabulary in Scotland (HMICS);
- Audit Scotland; and
- The Association of Chief Police Officers in Scotland (ACPOS).

### Role of Police Authorities

83. Key amongst police authorities responsibilities are to:

- oversee the work of the chief constable and hold them to account for the policing of the force area. Where necessary and subject to appropriate procedures, police authorities have the power to require a chief constable to resign or retire, or to dismiss them<sup>21</sup>;
- control the budget for the force and so provide the chief constable with the resources necessary to police the area efficiently and effectively<sup>22</sup>;
- make arrangements to secure Best Value and report publicly on performance, in accordance with statutory guidance<sup>23</sup>;
- participate in community planning in accordance with statutory guidance<sup>24</sup>;
- be informed of policing in their area and call for reports from the chief constable in relation to particular policing policies in their area<sup>25</sup>;
- keep themselves informed of the manner in which the chief constable deals with complaints about police officers made by a member of the public<sup>26</sup>; and

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<sup>21</sup> Sections 15 and 4 of the Police (Scotland) Act 1967

<sup>22</sup> Police Authorities/Boards receive grant under Section 32 of the Police (Scotland) Act 1967 but spend it as a Local Authority under the Local Government in Scotland Act 2003

<sup>23</sup> Section 1 of Local Government in Scotland Act 2003

<sup>24</sup> Section 16 of the Local Government in Scotland Act 2003

<sup>25</sup> Section 15 of the Police (Scotland) Act 1967

<sup>26</sup> Section 40 of the Police (Scotland) Act 1967

- appoint senior police officers and set the terms of such appointments to the ranks of chief constable, deputy chief constable and assistant chief constable, subject to the approval of the Scottish Ministers. For a chief constable appointment, the authority is required to consult with, as well as seek the approval of, Scottish ministers<sup>27</sup>.

### **Role of the chief constable**

84. The chief constable is responsible for the command and direction of police operations. Generally speaking, neither police authorities nor the Scottish Ministers have power to direct chief constables on the enforcement of law or the deployment of police officers, although the Lord Advocate does have powers to direct the police in relation to the investigation of a crime. Subject to this, the chief constable deploys officers and other resources across the area as a whole in accordance with their statutory responsibilities (section 17 of the Police (Scotland) Act 1967). In the interest of public safety, Scottish ministers can issue directions to chief constables to provide reinforcement to other police forces (sections 11 and 12 of the 1967 Act). In terms of section 17(3) of the Police (Scotland) Act 1967, the chief constable in relation to the investigation of offences must comply with any lawful instruction he receives from the prosecutor. As head of the prosecution system the Lord Advocate can instruct chief constables in relation to the investigation of offences. Further in terms of section 12 of the Criminal Procedure (Scotland) Act 1995 the Lord Advocate can instruct chief constables in relation to the reporting of cases for prosecution. Under these powers the Lord Advocate may issue guidelines to chief constables in relation to the reporting and investigation of offences.

85. The police authority's statutory duty to secure Best Value should be seen as complementary to the chief constable's responsibilities. The police authority has a duty to secure continuous improvement in the use of the budget for the force, in terms of the various components of Best Value which include leadership and planning, responsiveness to citizens and efficiency. Therefore, the police authority and the chief constable need to work in partnership in respect of the use of resources. Although the chief constable retains sole discretion in respect of particular operations, police authorities and Scottish ministers can influence operational policy and management and can hold chief constables to account for operational decision.

### **Role of the Scottish Ministers**

86. Scottish Ministers have a number of powers which are intended to enable them to take responsibility for the effectiveness of the police service across Scotland and to promote national resilience, capacity and capability for those aspects of policing which are best managed on a national or supra-force basis. For example the national response to counter terrorism, national emergencies like severe weather and co-ordinating a response to serious organised crime<sup>28</sup>.

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<sup>27</sup> Section 4 and 5 of the Police (Scotland) Act 1967

<sup>28</sup> Powers contained in Police (Scotland) Act 1967 and other Acts including the Regulation of Investigatory Powers (Scotland) Act 2000

87. The Scottish Ministers have a range of powers in relation to policing including:

- Making grants to police authorities and joint police boards;
- Approving the appointment of chief constables and requiring a police authority to call on a chief constable to retire in the interests of efficiency;
- Directing a chief constable to provide reinforcement or assistance to another force in the interests of public safety or order;
- Directing chief constables to enter in to collaboration agreements to ensure the efficient discharge of police functions; and
- Requiring the inspectors of constabulary to carry out an inspection of any police force and, where that inspection finds the force inspected is not efficient, directing the police authority or joint police board to take appropriate measures.

### **Role of Local Authorities and the Convention of Scottish Local Authorities (COSLA)**

88. In 2007, the Scottish Government and COSLA signed a Concordat which established a new relationship between national and local government in Scotland, based on mutual respect and partnership. The relationship recognises the unique position held by local government in the governance of Scotland and substantially enhances their role in delivering national priorities and related policy.

89. Police forces are accountable to police authorities and joint boards. The six joint boards operate at a regional level, covering up to 12 local authorities, and there are two single police authorities – Dumfries & Galloway and Fife.

### **The Scottish Policing Board**

90. The Scottish Policing Board was established in 2009 and has brought together for the first time chief constables, police authority conveners, the Scottish Government and COSLA to consider strategic issues for policing. This Board meets to consider issues at a national level such as performance, efficiency and standards.

### **Scottish Police Services Authority**

91. The SPSA was established on 1 April 2007 by the Police, Public Order and Criminal Justice (Scotland) Act 2006. It is a national organisation based across Scotland, which comprises approximately 1,600 staff, around 20% of whom are police officers on secondment.

92. SPSA currently provides the following services to Scottish policing:-

- Forensic services;
- ICT support;
- Police information and intelligence systems, and;
- Delivery of national training for police officers and staff across Scotland.

93. The SPSA also maintains the SCDEA which has a lead role in tackling serious organised crime across Scotland, including complex fraud, e-crime, drug and people trafficking and counterfeiting.

### **Scrutiny Arrangements – Her Majesty’s Inspectorate of Constabulary and Audit Scotland**

94. HMICS is responsible for inspecting the eight Scottish police forces. HMICS operates independently of police forces, police authorities and the Scottish Government and exists to monitor and improve police services in Scotland. HMICS does this by:

- Inspecting and advising police forces and the services provided by the (SPSA)
- Providing advice to Scottish ministers

95. Ministers can ask the Inspectorate to undertake particular pieces of work

96. Under the provisions of the Local Government in Scotland Act 2003, both HMICS and the Accounts Commission have the power to examine Best Value in police authorities and joint police boards. HMICS in partnership with Audit Scotland, is currently undertaking a programme of Best Value audit and inspections of the eight forces.

### **Association of Chief Police Officers in Scotland (ACPOS)**

97. ACPOS is the professional voice of police leadership in Scotland. ACPOS works in partnership with central and local government to set strategic objectives for policing in Scotland and to deliver better integrated services for Scotland's communities. Its membership comprises all chief police officers and some senior police staff of the eight Scottish police forces, the SCDEA, the Scottish Police College and the assistant chief constable of the British Transport Police (Scotland).

98. ACPOS produces a policing assessment of the highest priority operational and business risks for policing across Scotland<sup>29</sup>, and an annual ACPOS strategy outlining more than 50 priority areas for action, delivered through 13 ACPOS business areas<sup>30</sup>.

**Question 12: Do you think there needs to be any change to the existing roles and responsibilities of the key bodies responsible for policing?**

<sup>29</sup> Scottish Policing Priorities 2009/10: <http://www.acpos.police.uk/BusAreas/SSA.html>

<sup>30</sup> ACPOS Strategy 2010-11: [http://www.acpos.police.uk/AboutUs\\_1.html#Strategy](http://www.acpos.police.uk/AboutUs_1.html#Strategy)

**Glossary of Terms**

<b>ACPOS</b>	Association of Chief Police Officers in Scotland
<b>COSLA</b>	Convention of Scottish Local Authorities
<b>CPPs</b>	Community Planning Partnerships
<b>HMICS</b>	Her Majesty's Inspectorate of Constabulary
<b>ICT</b>	Information Communication Technology
<b>SCDEA</b>	Scottish Crime and Drug Enforcement Agency
<b>SFRS</b>	Scottish Fire and Rescue Service
<b>SOAs</b>	Single Outcome Agreement
<b>SPSA</b>	Scottish Police Services Authority
<b>VRU</b>	Violence Reduction Unit

## Responding to the consultation on the future of policing in Scotland

We are inviting written responses to this consultation paper by **Thursday 5 May 2011**. Please send your response with the completed Respondent Information Form to:

***By email:***

[policereform@scotland.gsi.gov.uk](mailto:policereform@scotland.gsi.gov.uk)

***By post:***

Claire Pentland  
Police Division  
Scottish Government  
St Andrew's House  
Regent Road  
Edinburgh  
EH1 3DG

If you have any queries please contact Claire Pentland on 0131 244 2508.

We would be grateful if you could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received.

This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk>. This system allows individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces SG distribution lists, and is designed to allow stakeholders to keep up to date with all SG consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

### Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government are subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

### **Next steps in the process**

Where respondents have given permission for their response to be made public and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library, these will be made available to the public in the Scottish Government Library by 3 June. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

### **What happens next ?**

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on police reform. We aim to issue a report on this consultation process by the end of June.

### **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to Claire Pentland at the address above.



## A Consultation on the Future of Policing 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

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

Surname

Forename

#### 2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

#### 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 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



## CONSULTATION QUESTIONS

### 1. How could police reform improve services and the delivery of outcomes?

Comments

### 2. What do you think are the greatest opportunities and challenges facing policing in Scotland today and how do you think they should be addressed?

Comments

### 3. How can partnership working between the police and other organisations be improved?

Comments

**4. How can the police better engage with communities to help them be more resilient and self-reliant?**

Comments

**5. What arrangements and relationships do you think would lead to the greatest improvements in national and local accountability?**

Comments

**6. Do you agree that change is necessary to protect frontline services?**

Yes  No  Don't know

Comments

**7. Which option do you think should be pursued and why?**

- A single Scottish police force**
- A rationalised regional force model**
- Retain eight forces with increased collaboration**
- Other (please specify)**
- Don't know**

Comments

**8. How could we best improve accountability, deliver efficiencies and deliver service improvements at local and national levels?**

Comments

**9. Do you have any views on how the process of change should be approached, including the extent and pace of change within a given option?**

Comments

**10. To assist with our Equality Impact Assessment on the reform, please describe any equality issues (in relation to race, gender, disability, age, sexual orientation, transgender people and religion) relevant to each of the options.**

Comments

**11. To assist with our Regulatory Impact Assessment, please describe any financial or other impacts for business, charities and the voluntary sector relevant to each of the options.**

Comments

**12. Do you think there needs to be any change to the existing roles and responsibilities of the key bodies responsible for policing?**

Comments

**Consultation on the future of policing in Scotland – list of consultees**

Aberlour Child Care Trust  
 ACPOS  
 Action for Children Scotland  
 Antisocial Behaviour Lawyers Forum  
 Antisocial Behaviour Officers' Forum  
 APEX Scotland Association  
 Association of Chief Officers of Voluntary Organisations  
 Association of Directors of Social Work  
 Association of Directors of Education  
 Association of Scottish Neighbourhood Watches  
 Association of Scottish Police Superintendents  
 Audit Scotland  
 Barnardos  
 British Security Industry Association  
 BTP  
 CBI  
 Chief Constables of Scottish Police Forces  
 Centre for Regional Economic and Social Research  
 Chief Fire Officers Association Scotland  
 Child Exploitation and Online Protection Centre  
 Children 1<sup>st</sup>  
 Community Councils  
 Community Planning Partnerships  
 Community Safety Partnerships  
 Council for Ethnic Minority Infrastructure in Scotland  
 CoSLA  
 Crimestoppers Scotland  
 Crown Office  
 Director of Judicial Studies  
 Drug and Alcohol Partnerships  
 Equality & Human Rights Commission  
 Equality Network  
 Engender  
 Faculty of Advocates  
 Federation of Small Businesses in Scotland  
 Gay Police Association  
 Help The Aged in Scotland  
 HMICS  
 HMRC  
 Home Office  
 Improvement Service  
 Judicial Studies Committee  
 Justice Committee  
 Law Society of Scotland  
 Licensing Boards  
 Local Authorities  
 Scottish MEPs  
 Ministry of Justice

Ministry of Defence Police  
Muslim Police Association  
National Assembly of Wales  
National Fraud Authority  
National Fraud Intelligence Bureau  
NHS Health Boards  
Special NHS Boards  
Northern Ireland Office  
Northern Ireland Executive  
Police Boards  
Principal Clerk of Session & Judiciary  
Rural Gateway  
SACRO  
SCDEA  
Scotland Office  
Scottish Association of Community Councils  
Scottish Business Crime Centre  
Scottish Centre for Crime and Justice Research  
Scottish Chambers of Commerce  
Scottish Chief Police Officers' Staff Association  
Scottish Children's Reporter Administration  
Scottish Community Foundation  
Scottish Community Safety Network  
Scottish Community Wardens Network  
Scottish Commissioner for Children and Young People  
Scottish Consortium on Crime and Criminal Justice  
Scottish Contact for Development and Industry  
Scottish Council for Voluntary Organisations  
Scottish Court Service  
Scottish Interfaith Council  
Scottish Legal Aid Board  
Scottish Police Federation  
Scottish Police Muslim Association  
Scottish Prison Service  
Scottish Security Association  
Scottish Women's Convention  
Scottish Youth Parliament  
SCPOSA  
SEMPER Scotland  
Security Industry Authority  
Sheriff Clerks  
Sheriff Principals  
SOCA  
SOLACE  
Society of Solicitor Advocates  
SPICe  
SPSA  
Stonewall Scotland  
Strategic Co-ordinating Groups  
UNISON

Victim Support Scotland  
Violence Reduction Unit  
Voluntary Action Scotland  
Wales Office  
Welsh Assembly Government  
Women's Aid  
YouthLink Scotland  
Young Scot





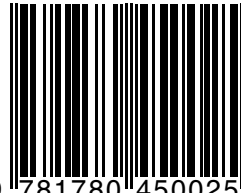
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[www.scotland.gov.uk](http://www.scotland.gov.uk)

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