



GRAMPIAN JOINT POLICE BOARD

COMMITTEE: GRAMPIAN JOINT POLICE BOARD
DATE: 7TH SEPTEMBER 2012
TITLE OF REPORT: POLICE REFORM – UPDATE REPORT

1. PURPOSE OF REPORT

The purpose of this report is to provide an update to Members with respect to the Police Reform.

2. RECOMMENDATION(S)

It is recommended that the Board note the update provided.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this update report.

4. SERVICE & COMMUNITY IMPACT

The stated aims of reform include the protection and improvement of local services in the face of financial constraints and to strengthen the local connection between communities and the Police Service.

5. OTHER IMPLICATIONS

There are no other implications associated with this update report to highlight at this time.

6. REPORT

6.1 On 16th January 2012, Kenny MacAskill MSP, Cabinet Secretary for Justice introduced to Parliament the Police and Fire Reform (Scotland) Bill. The purpose of the Bill was to create a single Police Service and a single Fire & Rescue Service for Scotland.

6.2 The Bill was enacted on 27th June 2012, received Royal Assent on 7th August and is known as the Police and Fire Reform (Scotland) Act 2012 (the Act). The Act establishes the Scottish Police Authority (SPA)

and the Police Service of Scotland (PSS). The SPA will comprise between 10 and 15 Members, including a Chair and is to be appointed by Scottish Ministers. It is anticipated that the appointment of the Chair will be announced by 6th September at the latest. The Chair will then be involved in the recruitment of other Authority Members and the Chief Constable. It is envisaged that the Chief Constable will be appointed by mid October, and the SPA by late October. The Scottish Government recently confirmed that the recruitment exercises are running ahead of schedule.

The main functions of the SPA are to

- maintain the PSS
- promote the policing principles set out within the Act
- promote and support the continuous improvement in the policing of Scotland
- keep under review the policing of Scotland
- hold the Chief Constable to account for the policing of Scotland.

The SPA also holds a number of general powers that would be expected of a public body, such as the power to enter into contracts and acquire and dispose of land or property. It must comply with any direction given by the Scottish Ministers, other than in relation to specific policing operations) and is answerable to the Scottish Ministers, who will in turn be held to account by the Scottish Parliament as they exercise their role to provide strategic direction to the SPA.

6.3 A number of the provisions of the Act came into force on 8th August, especially those that allow transitional arrangements to be progressed e.g. in relation to recruitment of the SPA and the Chief Constable. Further provisions will come in to force between now and 1st April 2013 (Day 1), which is the date on which responsibility for policing and the governance of policing will pass to the PSS and the SPA respectively. The key dates are as follows –

- October 2012 – planning powers for the SPA and the Chief Constable
- January 2012 – the designation of Local Commanders, the establishment of the Police Investigations and Review Commissioner and the creation of a transfer scheme
- April 2013 – the establishment of the PSS and the vesting of all functions in the SPA and PSS

6.4 The Act introduces new arrangements for local engagement. Current Joint Boards and Authorities will cease to exist at midnight on 31st March 2013, when responsibility for the governance of policing will pass to the SPA. The Act provides that each local authority area will have a Local Commander (LC), however it may be that one individual will be LC for more than one local authority area. Members may wish to note that ACPOS are recommending that due to the nature and scope of the role of LC there should be 32 i.e. one individual LC for each local authority area. The role of the LC will be to

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- lead the local policing team
 - manage the performance of the local policing team
 - develop and deliver the local policing plan
 - discharge the statutory duty of the Chief Constable in relation to Community Planning
 - develop relationships with Community Planning partners
 - draw assistance from police support services where required.

It is envisaged that the role of the LC will enhance local engagement and accountability, however their role is not that of a “local” chief constable and should not be confused as such.

6.5 As stated above, it is the responsibility of the LC to develop and deliver the Local Policing Plan. The LPP should have regard to the national strategic policing plan and must be the subject of consultation and agreement. The LPP should include

- priorities and objectives
- an explanation of the reasons for the priorities
- the arrangements for policing within the area
- outcomes and measures
- links to Community Planning and the Single Outcome Agreement

The LPP should be renewed on a three yearly basis or more frequently in the event of changes to the strategic policing plan. The content of the LPP will include diversity and equalities, dealing with local concerns, delivering excellent services and community engagement standards. It will also include measurements of delivery.

6.6 The Act sets out a role for local authorities in terms of local policing. The new Chief Constable will be under a statutory obligation to ensure that there are adequate arrangements for the policing of each local authority area. Further, the LC must consult the local authority in relation to the LPP and the LPP must be agreed by the local authority. In addition to this, the local authority has a right to

- be involved in setting priorities
- monitor and give feedback to the LC on the views of policing in the area
- make improvement recommendations to the LC
- to specify measures that it wishes to be included within the LPP
- to receive reports on the carrying out of police functions and performance, including in relation to complaints.

Crucially, the Act and guidance available to date is silent as to what happens in the event that a local authority does not agree the LPP. The Act is also silent on any right of engagement that the local authority may have with the Chief Constable or indeed the SPA. Further, it does not prescribe the manner in which local authorities should discharge their rights and roles under the Act. Members will be aware that there

are a number of pathfinder initiatives running at present to test out different means of local engagement. In the main, it would appear that local authorities are contemplating the creation of new police and fire committees or delegating this function to community planning partnerships.

- 6.7 The reform process and transitional arrangements may have a number of potential implications for current Boards. In particular, Boards may have to begin engaging with new individuals and organisations e.g. the SPA and the new Chief Constable once appointed. There is also the possibility of the disruption which may be caused as senior officers move into the new organisation, by taking up new posts in advance of Day 1. This also applies to key members of Police staff. In addition, the Board will have to deal with the transfer of staff, assets, powers and liabilities. Work is on-going at a national level in relation to the transfer of staff, assets and liabilities. Boards will be asked to identify properties, assets, liabilities etc to transfer to the SPA, and the Scottish Government will create a staff transfer scheme. Members should be aware that TUPE does not apply in a public sector to public sector transfer; however, the Scottish Government has indicated that it will apply the principles of TUPE as far as possible. A national project is considering the implications of staff transfers and looking at ways to harmonise non-contractual terms and policies. Staff pensions will remain with the current local authority schemes.

At present there is limited detailed information regarding the timescales for winding up existing Boards and how legal obligations which may extend beyond 31st March 2013 will be addressed e.g. in relation to finalising accounts. Further information will be provided to Members once it is available

- 6.8 There are various Scottish Government and ACPOS projects working on different strands of reform e.g. conduct regulations, recruitment and property issues. The Depute Clerk represents the Scottish Clerks on the Establishing the SPA Project Board and on the Scottish Government Governance and Sponsorship Project Board. The ESPA project is charged with responsibility for putting in place the arrangements and resources necessary to allow the SPA to function and hold the Chief Constable to account at Day 1. Current work includes looking at interim accommodation, proposed committee and staffing structures for the SPA. These will be placed before the Chair for consideration following appointment. The project will also look at Standing Orders and other administrative requirements.

The Scottish Government: Governance and Sponsorship project is charged with developing

- guidance for the SPA in relation to the new policing landscape,
- the roles of and relationships with partners and other stakeholders,
- a description of the functions of the SPA and how it will engage with other stakeholders and partners

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- clear arrangements for priority setting, planning and performance management, including the development of strategic priorities
 - key sponsorship documents
 - induction and training for the SPA Chair and Members

The project is currently developing an induction pack for the new Chair and will arrange familiarisation meetings and training for the Chair and Members.

7. REPORT AUTHOR DETAILS

Karen M Donnelly
Depute Clerk

Telephone: 01224 522416

E-mail: KDonnelly@aberdeencity.gov.uk

8. BACKGROUND PAPERS

Police and Fire Reform (Scotland) Act 2012

**KAREN M DONNELLY
DEPUTE CLERK
29TH AUGUST 2012**