Gordon Scobie and Frazer McCallum

This briefing is one of six covering various aspects of the Scottish criminal justice system. It outlines the organisation, administration and funding of policing in Scotland.

The other five briefings in this series are:

- [The Scottish Criminal Justice System: Legal and Administrative Arrangements](#)
- [The Scottish Criminal Justice System: The Public Prosecution System](#)
- [The Scottish Criminal Justice System: The Criminal Courts](#)
- [The Scottish Criminal Justice System: The Prison Service](#)
- [Children and the Scottish Criminal Justice System](#)
INTRODUCTION

Since 1 April 2013, Scotland has had a single national police force – the Police Service of Scotland (also referred to as ‘Police Scotland’). This is as a result of reforms provided for in the Police and Fire Reform (Scotland) Act 2012 (‘the 2012 Act’) which also:

- established a single Scottish Police Authority (taking over many of the tasks formerly carried out at local authority level by police authorities and joint police boards)
- created new police governance and funding arrangements
- established the post of Police Investigations & Review Commissioner (taking over from the Police Complaints Commissioner for Scotland)
- abolished a number of previous bodies including the eight territorial police forces

A number of British or UK police bodies (falling under UK rather than Scottish jurisdiction) also operate in Scotland. These include:

- **British Transport Police** – police force for the railways providing a service for rail operators, their staff and passengers across Britain
- **Ministry of Defence Police** – provides security within Ministry of Defence property across Britain (eg the nuclear submarine base at Faslane)
- **Civil Nuclear Constabulary** – provides protection for nuclear materials on designated UK nuclear licensed sites and in transit
- **Serious & Organised Crime Agency** – tackles serious organised crime across the UK including class A drugs, people smuggling and human trafficking, computer crime and money laundering (it is to be absorbed into a new National Crime Agency)

POLICE SERVICE OF SCOTLAND

Structure

The Police Service of Scotland has three main branches: (a) Local Policing; (b) Crime and Operational Support; and (c) Commonwealth Games and Major Events. In addition, there are directorates for Finance, Human Resources, Communications and Corporate Services.

Operationally, Scotland is divided into 14 divisions for the purposes of Local Policing:

- Aberdeen City
- Argyle & West Dunbartonshire
- Dumfries & Galloway
- Fife
- Greater Glasgow
- Lanarkshire
- Renfrewshire & Inverclyde
- Aberdeenshire & Moray
- Ayrshire
- Edinburgh
- Forth Valley
- Highland & Islands
- Lothians & Scottish Borders
- Tayside

1 The eight territorial police forces were Strathclyde, Lothian & Borders, Grampian, Tayside, Fife, Central Scotland, Northern and Dumfries & Galloway.
A police commander is in overall charge of each local division. Policing at the local level includes response officers, community officers and those engaged in the investigation of offences. It also includes officers working on public protection, local intelligence and the policing of roads. Specialist support from air, underwater, mounted and dog handling officers is also available at the local level if required.

The Crime and Operational Support branch provides specialist investigative and intelligence services and operational support. It deals with serious and organised crime, major crimes and terrorism. It includes the National Human Trafficking Unit, the National Domestic Abuse Co-ordination Unit and the Rape Taskforce.

The Commonwealth Games and Major Events branch has responsibility for ensuring that major events which take place in Scotland are provided with appropriate policing.

### Police Officers

The term ‘constable’ describes the office held by all police officers. It also refers to the lowest rank of police officer. The other ranks are: sergeant; inspector; chief inspector; superintendent; chief superintendent; assistant chief constable; deputy chief constable; and chief constable.

Police officers are represented by three police staff associations: the Scottish Chief Police Officers Staff Association; the Association of Scottish Police Superintendents (‘ASPS’); and the Scottish Police Federation (‘SPF’). The SPF represents the vast majority of police officers, including constables, sergeants, inspectors and chief inspectors. Although it performs a role similar to that of a trade union, police officers are prohibited by statute from being members of trade unions or from taking any form of industrial action.

In 2007, the Scottish Government outlined a commitment to “make an additional 1,000 police officers available in our communities” (Scottish Government 2007, p 61). The most recent set of police officer quarterly strength statistics (Scottish Government 2013a) reports that there were 17,496 police officers (full-time equivalent posts) as at 31 March 2013. This represents an increase of 1,262 police officers compared with the position on 31 March 2007 (the baseline used for the commitment). Table 1 reproduces quarterly figures for the total number of police officers since 31 March 2007.

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<tr>
<th>Date</th>
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<td>31 Mar</td>
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<tr>
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<td>31 Dec</td>
<td>17,436</td>
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The police also have part-time volunteer special constables. Whilst on duty, they have the same powers as other police officers. Although not paid a salary, the Scottish Ministers can make regulations allowing special constables to receive periodic payments in acknowledgment of their service. In 2011-12 the then eight territorial police forces had 1,456 special constables.
who were on duty for a total of 228,374 hours – an average of 157 hours per constable during the year (Scottish Government 2012a).

The Chief Constable can also appoint police cadets who undertake training with a view to becoming police constables. Cadets are employed by the SPA but subject to the control and direction of the Chief Constable in carrying out their functions.  

Police Support Staff

In addition to police officers, civilian police support staff are used in a wide range of roles not requiring a police officer's power of arrest. These include areas such as: custody and detention; report checking; administration; human resources; communications and marketing; procurement; information technology; and forensic services. Unlike police officers, civilian support staff can be members of trade unions and take industrial action.

The number of police support staff (full-time equivalent posts) increased from 7,352 on 31 March 2007, to a peak of 7,862 on 31 March 2010. Since then, the general trend has been downwards. The number employed as at 31 March 2013 (6,790) was 562 less than were employed on 31 March 2007 and 1,072 less than 31 March 2010. Table 2 reproduces quarterly figures for the total number of police support staff since 31 March 2007.

Table 2: Number of Police Support Staff, March 2007 to March 2013

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<tr>
<th></th>
<th>2007</th>
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<th>2008</th>
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<td>31 Mar</td>
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<td>6,885</td>
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Source: Scottish Government Officials and Parliamentary Questions (S4W-02796, S4W-06043, S4W-06611, S4W-09275, S4W-11602 and S4W-13622)

Duties and Powers

Section 20 of the 2012 Act sets out the general duties of police officers:

- to prevent and detect crime
- to maintain order
- to protect life and property
- to take lawful measures, and make such reports to the appropriate prosecutor, as may be needed to bring offenders with all due speed to justice
- to serve and execute warrants, citations, etc
- to attend court to give evidence

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They must also seek to ensure that people charged with offences are not unreasonably or unnecessarily detained in custody. Section 10 of the 2012 Act provides that the appointment of a police officer is dependent upon the officer making the following declaration before a sheriff or justice of the peace:

“I, do solemnly, sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable with fairness, integrity, diligence and impartiality, and that I will uphold fundamental human rights and accord equal respect to all people, according to law.”

Police officers have powers arising from both common and statutory law to carry out their duties, including powers of arrest and detention.

GOVERNANCE AND ADMINISTRATION

Scottish Ministers, the Scottish Police Authority and the Chief Constable of the Police Service of Scotland all have roles to play in the governance and administration of policing. The Scottish Parliament has a role in providing scrutiny. The respective roles of each are set out below.

Scottish Ministers

The Scottish Ministers have overall responsibility for policing in Scotland. This role includes:

- providing the Scottish Police Authority with the funds to resource the Police Service of Scotland and cover its own costs
- setting strategic priorities for the Scottish Police Authority and approval of its strategic police plan
- holding the Scottish Police Authority to account for the delivery of effective policing

Under section 48 of the 2012 Act they must make regulations for the governance, administration and conditions of service of police officers. Section 54 of the 2012 Act provides that the Scottish Ministers must, before making regulations on a range of matters including the pay and allowances of police officers, consider any representations made by the Police Negotiating Board for the United Kingdom (‘PNBUK’). Legislation currently being scrutinised by the UK Parliament includes provision to abolish the PNBUK.³ In relation to Scotland, the Criminal Justice (Scotland) Bill (as introduced on 20 June 2013) seeks to replace it with a Police Negotiating Board for Scotland. It is intended that this new body will (for Scotland) continue the current collective bargaining approach to relevant matters.

Before making regulations on a range of other matters, the Scottish Ministers must consult with the Chief Constable, the Scottish Police Authority, representatives of police officers (eg the Scottish Police Federation) and such other persons as they consider appropriate.

In taking forward their responsibilities, the Scottish Ministers are answerable to the Scottish Parliament.

³ The Anti-Social Behaviour, Crime and Policing Bill (introduced in the House of Commons on 9 May 2013). In relation to England, Wales and Northern Ireland, the bill provides for a Police Remuneration Review Body in its place.
Scottish Police Authority

The Scottish Police Authority (‘SPA’) is a new public body. The SPA Board is made up of members appointed by the Scottish Ministers. The Board has delegated responsibility to a chief executive to provide support and advice on strategic decisions regarding various matters including finance and human resource.

The SPA has the ability to appoint its own staff and may also engage police officers on secondment. It is also able to borrow money with the prior consent of Scottish Ministers. Its responsibilities include:

- promotion of the policing principles (as set out in section 32 of the 2012 Act) and continuous improvement in the policing of Scotland
- preparation of a strategic policing plan (in conjunction with the Chief Constable)
- provision of appropriate resources for the Police Service of Scotland (eg providing the Chief Constable with a budget to spend, buildings and equipment, as well as being directly responsible for the provision of forensic services to the police)\(^4\)
- holding the Chief Constable to account for carrying out the responsibilities of the post (including the proper use of resources)

The SPA appoints the Chief Constable (as well as deputy and assistant chief constables). The appointment of the Chief Constable must be approved by the Scottish Ministers. The SPA can call on a senior officer (including the Chief Constable) to resign or retire from office in the interests of policing efficiency or effectiveness.

Chief Constable

The Chief Constable of the Police Service of Scotland is responsible for policing in Scotland with particular responsibilities including:

- direction and control of police officers and civilian police staff
- day-to-day administration and planning within the Police Service of Scotland
- ensuring that all local authority areas have adequate arrangements for policing
- designation of a local commander for each local authority area, with responsibilities relating to policing in that area
- securing best value in the use of resources
- preparation of annual police plans
- involvement in the preparation of the strategic police plan

Scottish Parliament

Section 124 of the 2012 Act requires the Scottish Parliament to make arrangements for keeping the provisions of the 2012 Act under review and reporting on its operation. A Justice Sub-Committee on Policing has been established to oversee the operation of the 2012 Act as it relates to policing.

\(^4\) It was intended that the transfer of forensic services from the former Scottish Police Services Authority to the SPA, rather than the Police Service of Scotland, will help protect the impartial nature of such services.
Local Authorities

Many of the tasks formerly carried out at local authority level by police authorities and joint police boards, including the setting of police budgets, now form part of the work of the SPA. Although statutory police authorities and joint police boards ceased to exist under the new arrangements, local authorities still have a role in local policing (eg monitoring local performance and working with local police commanders in setting local priorities). Local authorities also retain the ability to provide additional funds for policing in their areas.

STRATEGIC FRAMEWORK

The strategic framework for policing encompasses the policing principles, strategic police priorities, three yearly annual strategic police plans, annual policing plans, together with policing plans at local authority and multi-member ward level.

Priorities and Plans

As noted above, the Scottish Ministers may set strategic police priorities for the SPA – relating to policing and/or the carrying out of SPA functions. The Scottish Government (2013b) published its Strategic Police Priorities on 13 March 2013.

The SPA must prepare a three year strategic policing plan. Its Strategic Police Plan for the period 2013-14 to 2016-17 was laid before the Scottish Parliament on 28 March 2013. The SPA has stated that the plan will be reviewed after the first year.

The Chief Constable of the Police Service of Scotland must produce an annual police plan. The Annual Police Plan 2013/14 was also laid before the Scottish Parliament on 28 March 2013.

Local police commanders are responsible for putting in place local policing plans for each of the 32 local authority areas and also for each of the 353 multi-member wards. These plans are available on the Police Service of Scotland website under the heading of ‘Communities’. A local police plan must be approved by the relevant local authority.

Scottish Policing Performance Framework

The Scottish Policing Performance Framework (first published by the Scottish Government in 2007) measures and reports on police performance. The framework seeks to provide:

- a single suite of performance indicators for policing
- a framework that supports managers in understanding and improving policing performance
- a mechanism for better accountability at local and national levels, through the publication of consistent and transparent performance information
POLICE FUNDING

Funding for policing in Scotland is provided by the Scottish Government, subject to approval by the Scottish Parliament through the normal budget process.\(^5\) Table 3 draws together the following elements of police spending (all within the Justice portfolio):

- Scottish Police Authority – funding for the SPA and, through it, the Police Service of Scotland
- Police Central Government – funding for police support services and national police funding and reform
- Police Pensions – funding to meet the pension costs of retired police officers

<table>
<thead>
<tr>
<th></th>
<th>2013-14 draft budget £m</th>
<th>2014-15 plans £m</th>
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<tbody>
<tr>
<td>Scottish Police Authority</td>
<td>1,085.5</td>
<td>1,040.6</td>
</tr>
<tr>
<td>Police Central Government</td>
<td>115.8</td>
<td>106.1</td>
</tr>
<tr>
<td>Police Pensions</td>
<td>231.0</td>
<td>249.6</td>
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<td><strong>Total</strong></td>
<td><strong>1,432.3</strong></td>
<td><strong>1,396.3</strong></td>
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Source: Scottish Budget – Draft Budget 2013-14 (Scottish Government 2012b)

HM INSPECTORATE OF CONSTABULARY FOR SCOTLAND

*Her Majesty’s Inspectorate of Constabulary for Scotland* (‘HMICS’) seeks to monitor and improve policing in Scotland. It is staffed by a Chief Inspector of Constabulary, assistant chief inspectors and staff officers. Inspectors are appointed by Her Majesty by an Order in Council, while staff officers are appointed by HMICS itself.

HMICS seeks to improve policing by carrying out relevant inquiries and promoting effective practice. It produces plans setting out priorities for inquiries, including how these will be conducted (eg see its [work plan for 2013-14](#) (2013)). The Scottish Ministers may direct HMICS to inquire into specific matters.

HMICS reports are laid before the Scottish Parliament. The SPA and the Chief Constable of the Police Service of Scotland must have regard to HMICS reports and take such measures as they think fit. If an inquiry finds that the SPA or the Police Service of Scotland is not efficient or effective or is not securing best value (or is unlikely to do so unless remedial action is taken), the Scottish Ministers may direct the SPA to take appropriate action to address the matter. The SPA must comply with any such direction.

POLICE COMPLAINTS

Overview

The SPA, the Chief Constable of the Police Service of Scotland, the Police Investigations & Review Commissioner and the Crown Office & Procurator Fiscal Service are all involved in dealing with complaints about the police.

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\(^5\) As noted above, local authorities retain the ability to provide additional funds for policing in their areas.
Section 34 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 defines a relevant complaint as a statement (whether oral, written or electronic) expressing dissatisfaction about an act or omission (including standards of service provided) by any of the following:

- the SPA
- the Police Service of Scotland
- police officers and SPA/police staff

Complaints may be made by members of the public who were involved in an alleged act or omission, or who otherwise claim to have been adversely affected by or to have witnessed that act or omission. They may also be made by a person acting on behalf of such people.

For the purposes of these complaint procedures, relevant complaints do not include:

- complaints about terms and conditions of a person’s service with the police
- complaints which include an allegation of an act or omission which constitutes a criminal offence

**Scottish Police Authority**

The SPA deals with complaints relating to the business of the SPA as a public body, including complaints made about its chief executive, the SPA Board, individual members of the Board and SPA staff. It also deals with complaints and allegations of misconduct made against senior police officers, including the Chief Constable of the Police Service of Scotland.

The SPA provides oversight of how the Police Service of Scotland handles complaints and is responsible for ensuring that complaint handling arrangements are suitable. It also administers any Police Appeals Tribunal held following the dismissal or demotion of a police officer.

**Chief Constable**

The Chief Constable is responsible for ensuring that suitable arrangements are in place for dealing with complaints against the Police Service of Scotland and its police officers. The Chief Constable is also responsible for ensuring that information on complaints is properly recorded and that information is provided to the SPA to enable it to assess the suitability of arrangements for handling complaints.

**Police Investigations & Review Commissioner**

The post of Police Investigations & Review Commissioner (‘PIRC’) was established by the 2012 Act, taking over and expanding on the role and responsibilities of the former Police Complaints Commissioner for Scotland.

The Commissioner heads an independent organisation, not connected to the police, with a remit covering all police forces operating in Scotland and including the ability to investigate, on grounds of public interest, any matter relating to the SPA or Police Service of Scotland.

The SPA and Police Service of Scotland must refer to the Commissioner for investigation certain serious incidents involving the police.

Members of the public can ask the Commissioner to review the way in which complaints have been dealt with by the police. Depending on the result of any such review, the Commissioner
may recommend that the police take action. Further information is set out in a guide for complaints about the police (PIRC 2013).

Crown Office & Procurator Fiscal Service

In general, complaints which allege that police officers/staff have done something amounting to a criminal offence are dealt with by the Crown Office & Procurator Fiscal Service (‘COPFS’). However, the Police Investigations & Review Commissioner must, if directed to do so by the COPFS, investigate any circumstances in which there is an indication that a person serving with the police may have committed an offence.

SOURCES


Scottish Parliament Information Centre (SPICe) briefings are compiled for the benefit of the Members of the Parliament and their personal staff. Authors are available to discuss the contents of this briefing with MSPs and their staff who should contact Frazer McCallum on extension 85189 or email frazer.mccallum@scottish.parliament.uk.

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