Integrity4Scotland which campaigns for the highest ethical standards, transparency and public accountability within Scottish public service bodies is pleased to make the following submissions on the general principles of the Police and Fire Reform (Scotland) Bill.

These submissions relate to 1) the people’s ownership of policing, 2) the requirement for transparency in the proposed single police force’s operation and 3) the need for the public to be able to hold the proposed single police force to account.

1) The people’s ownership of policing:

1) (i) We have concerns that the Bill does not clearly acknowledge the people’s ownership of policing in Scotland and that adequate provision is not included within the Bill for the people’s direct involvement in and control of the police services to their communities and county.

1) (ii) Our view is that a crucial function of policing is the promotion of a sense of security in the public. We feel that as well as a recognition of the people’s ownership of policing that particular function requires to be explicit in the proposed new “Constable’s Oath”.

1) (iii) There is also the democratic imperative that a police force is under the control of the people rather than the state. While the Bill sets out in differing degrees of detail the roles and powers which the Scottish Government and members of local authorities will have in respect of policing, little is made clear in respect of the role the Scottish Parliament will play and nothing at all on the people’s direct control over policing. Viewing the Bill from democratic perspective we see this as a fatal omission.

1) (iv) It is generally accepted that the people themselves are capable of being a great asset to policing. Within our Scottish population we have a wealth of untapped talent some of whom could render excellent service to the nation through direct involvement in smart, open, inclusive and socially responsible policing. We would therefore wish to see the Bill re-drafted to recognise the existence of that talent and include possibilities for much greater public involvement at every level of policing in Scotland.

1) (v) Policing in order truly to be policing for the people must be conducive to social cohesion. It is a universally accepted fact that for a police force to operate to its maximum effectiveness it must have the acceptance and support of the people it serves. A stronger sense of ownership of policing we believe would correspondingly enhance the people’s sense of responsibility towards policing and thereby their
willingness to contribute beneficially to policing operations, social coherence and ultimately quality of life in Scotland.

1) (vi) With the creation of a single police force covering all of Scotland we will introduce a new and powerful element into the interactive life of our nation. This new force will itself require policing if it is to render best service to the people of Scotland and we would submit that in the interest of our democratic society policing of the police must be done primarily by the people rather than the state. We would wish that requirement to be explicit in any eventual legislation.

2) Transparency of policing:

2) (i) In an open society policing can never be secret. For the maintenance of public confidence in any public service that service must not only operate but be seen to operate in the public interest. In particular, a police force with a monopoly on policing powers in Scotland, we submit, would have to conform to the highest demands of transparency and be subject to correspondingly high levels of scrutiny.

2) (ii) We do not consider that such proposed measures as the laying before the Scottish Parliament of annual reports and “accountable persons” attending interviews at parliamentary committee level represent adequate opportunity for parliamentary scrutiny of policing.

2) (iii) Given that Scottish Ministers must of necessity delegate much of their duties to aids and civil servants we are concerned that much of Ministers’ duties in respect of police scrutiny will be carried out less democratically than will be healthy for our society.

2) (iv) While we recognise that formal links between local authorities and the police will always be necessary we are concerned that the Bill proposes that oversight of policing at a local level should be the sole preserve of local authority members. Our fear is that the Bill assumes a public confidence in the ability of local authority members to competently represent them in local policing matters, including scrutiny, while in many cases such a confidence simply does not exist.

2) (v) We would wish to see incorporated into any legislation which may be passed explicate provision for public representation in a Scottish Police Authority and local police liaison committees and also provision for a new appropriately empowered national policing oversight body composed entirely of members of the public. By “public representation” and “members of the public” we mean here resident of Scotland who can demonstrate to the public’s satisfaction that they have no connection to the political, legal or police “establishments” which would constitute a conflict of interest.

3) Public accountability of policing:

3) (i) Any police service clearly has to be accountable for its actions and ultimately the ways in which the police are held to account have to be satisfactory to the public.
3) (ii) We have given our police extraordinary powers including the power to breach what we consider some of our most cherished natural rights and we must have corresponding powers to scrutinise their use of those powers and to hold them accountable for any suspected misuse.

3) (iii) Ideally a police service should on all occasions be accountable directly to the public for its actions. However, while we accept that such an arrangement may be excessive and impracticable we contend that it should be the ideal towards which we strive.

3) (iv) We are therefore concerned over the total lack of provision within the Bill for direct public involvement in the processes for holding the police to account.

3) (v) Noting the Bill’s intentions for the investigation and answering of complaints against the police we recognise the considerable problems associated with (a) one police officer handling a complaint against another police officer and (b) the enhanced role proposed for the much criticised Police Complaints Commissioner for Scotland.

3) (vi) We fear that the provisions in the Bill to scrutinise the police and to hold them to account fall far short of anything which would be likely to persuade the public that the protection of their rights is its paramount concern.

3) (vii) As in scrutiny of policing, we consider that the public will only be satisfied over the impartiality of a process which holds the police to account if they can see that it has the direct public involvement and independence of a kind which they accept.

3) (viii) This we believe will also necessarily entail the kind of public representation which we described in point 2) (v).

4) Summary:

4) (i) Our central message to the Justice Committee, the Scottish Government and the Scottish Parliament is that in the fair, open and inclusive Scotland which we all wish to see policing must above all be policing for the people.

4) (ii) We believe that this means that future policing in Scotland should be transparent, publicly accountable and reflect its ownership and control by the people of this country.

4) (iii) The decision the Scottish Government has taken to reform the police forces in Scotland into one national force while offering the opportunity to save public funds carries with it the risks which creating any large powerful organisation entails.

4) (iv) However, the present considerations also offer us the opportunity to tailor our police service to the future needs of the Scottish people.

4) (v) We believe that in order to minimise risk to appropriate democratic control over policing and to maximise the opportunity for progressive change in policing the
people must have opportunities to have real, hands-on involvement in every aspect and at every level of policing.

4) (vi) The introduction of the present Bill gives us a seldom available opportunity to consider how we wish to shape future policing in Scotland and indeed life in Scotland. However, for the reasons given above we consider that the Bill now under consideration falls far short of an acceptable blueprint for the future provision of police services to this country.

Arthur McFarlane
Secretary, Integrity4Scotland
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