1 Introduction

1.1 ASPS are the body that represents constables that hold the ranks of Superintendent and Chief Superintendent in Scotland.

1.2 We support the policy objectives described in the Policy Memorandum (PM). The change programme must be considered against a backdrop of current police performance which has provided the lowest recorded crime figures for thirty five years allied to improved detection rates which has led Scottish Government to describe policing in Scotland as “excellent”. It must also be considered in the context of wider public sector reform.

1.3 We recognise the reality of the challenging economic environment and that this is a key driver to reduce the cost of policing while improving outcomes for communities and the wider public sector reform agenda.

1.4 We believe policing in Scotland is excellent because of the professional, committed and motivated people who deliver this service in a fair and impartial manner with the consent of the public. Critical to delivering excellent policing has been the freedom from undue influence from any individual or organisation.

2 ASPS and Police Reform

2.1 ASPS have over many years consistently called for a single police service for Scotland. We welcome the introduction of the Bill and the opportunity it presents to make a step change improvement in the police service delivered in Scotland for our communities.

3 Areas for Clarification

3.1 We would welcome clarification over the following key points in terms of Local Government and Regeneration Committee area of interest.

Section 17 – Chief Constable’s responsibility for policing Scotland

3.2 There is no reference to linking Local Plans to Strategic Plans. This seems to distance the Chief Constable from local policing.
3.3 There is no reference to the Local Policing Plan – are Local Commanders accountable to the Chief Constable for delivery of the Local Policing Plan?

3.4 The Chief Constable’s role in the strategic police plan is to be “involved” (2, (c)). Currently Chief Constables may be regarded as “owning” the police plan and this has delivered an “excellent” service. What is the intention and improvement being sought by this change?

Section 31 – Forensic Services

3.5 Effective Forensic Services play a crucial role in policing. We would welcome clarity regarding the operational deployment, direction and control of Forensic Services. We understand the need for separation of the analysis and presentation of evidence from the investigation and evidence gathering aspect of Forensic Services. However for the efficient, effective and fair investigation of crime, police need to have control over when, where and what Forensic Services do at the scenes of crime and in some aspects of the subsequent examination of evidence.

Section 21 – Direction and control of the Police Service

3.6 There is potential for misunderstanding to arise with regard to who has primacy when considered with the role of the Local Authority and Local Policing Plans in Chapter 7, where local plans must be approved by the Local Authority. Operational Officers need to understand their chain of command and their accountability to the Chief Constable.

Chapter 4 – Principles, Priorities, Objectives and Plans

3.7 There is no reference to the connection to Local Plans. We would expect there to be a requirement for Strategic and Annual Plans etc. to be used to inform the content of Local Policing Plans.

Section 46 – Local Policing

3.8 The Chief Constable must ensure that there are “adequate arrangements” in place for the policing of each Local Authority Area. Some clarity would be welcome over what is meant by “adequate” and how any concerns raised locally on the interpretation of what is deemed adequate, are to be raised and resolved.

Section 46 – Local authority role in policing

3.9 This imposes a number of requirements on Local Commanders which appear to replicate to some degree the requirements that currently are a matter for Chief Constables to provide reports, information etc. to Police Boards. The requirement under (3) in particular appears to have extremely broad
parameters which Local Commanders may not have the capacity or capability to respond.

3.10 This infers considerable latitude for local authorities to place demands upon the local police commander which may adversely impact on their operational responsibilities or capacity to meet a variety of demands over which they have little control, in an environment where we can anticipate less police support staff.

3.11 The Bill specifies the Local Authority and clarity would be welcome as to what this means as it may be interpreted in a number of ways.

3.12 There are many areas where it may not be appropriate for police to report to the Local Authority on certain matters and limit the detail on what can be reported. The Bill does not specify any constraints or exemptions and we would welcome clarity in this regard.

3.13 The Policy Memorandum\(^2\) states the Bill does not set out how this relationship should operate locally. We would welcome clarification over how local governance, the relationship between police and Local Authority can efficiently and effectively be structured without increasing costs if it is left to 32 individual interpretations.

**Section 47 – Duty to participate in community planning**

3.14 The Local Government (Scotland) Act 2003, Section 15 and 16 places the emphasis on Local Authorities, Chief Constables etc. in relation to community planning. We note that this duty is specified at “local commander” in the Bill. As the Chief Constable can delegate\(^3\) any of his/her functions to any constable we would welcome clarification as to why it is necessary to specify the local commander.

3.15 We would also encourage consideration of a review of the Local Government (Scotland) Act 2003 with regard to whether there is advantage to specify the equivalents of “local commanders” in the organisations specified in Section 16 of that Act, to ensure equal treatment across public sector bodies.

3.16 We recognise financial pressures may well affect services that contribute to community safety and wellbeing. The police are already the service of “last resort”. We would not wish to see a significant increase in the duties falling to police through an over wide interpretation of community planning.

3.17 We do see increased opportunities to share resources through Community Planning Partnerships and would encourage exploring this. This could include adopting a common business model that enables resources to be prioritised on prevention and managing risk to individuals and communities. Improvements in effective sharing of information and intelligence coordinated

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\(^2\) Policy Memorandum

\(^3\) Bill, Section 18, (1)
tasking and close joint working on agreed priorities to deliver improved outcomes are entirely possible.

Section 48 – Local police plans

3.18 This section provides that the local police commander “must” submit the local policing plan to the Local Authority for “approval”. We would welcome clarity over this point. In particular this infers that the Local Authority has a degree of direction and control over local policing which may create tension in relation to the direction and control in Section 21, by the Chief Constable.

3.19 We strongly believe in being responsive to local communities but at the same time we believe that the public interest is best served by having an impartial professional police service. It is also of critical importance for local commanders and all constables, to be clear to whom they are accountable and we believe this is to the Chief Constable. This does not mean that there should not be any local accountability but that the nature and extent of such local accountability should leave no room for misinterpretation.

3.20 Clarity would also be welcome over what is meant by “Local Authority”. Is the intention that this should be the Chief Executive, Elected Members, Council Officers or a combination of any of these or any other configuration? We do not believe that it is in the public interest or best use of public resources to allow 32 variations to be developed without a framework that must be given due regard.

3.21 We also believe that there must be a requirement to consider the elements of Chapter 4 in relation to local policing plans. There must be a clear link between the Chief Constable, local policing, strategic and local plans and clarity over what has priority should any aspect become subject of disagreement and how a resolution can be obtained.

3.22 When policing in Scotland is recognised as “excellent” we would not encourage wholesale change.

Schedule 1 – The Scottish Police Authority

3.23 We would welcome clarity over the status of the part or full time nature of the Board members as well as the qualifications of those members to lead and manage the circa £1.4 billion critical public service that they will be responsible for.

3.24 We would also welcome clarity over the scope for suspension of a Board Member should they become a suspect in a serious criminal investigation and clarity on the extent of vetting that Board Members will be subject to.

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4 Bill, Section 46, (3)
4  Impact

4.1 It is our contention that local policing works well and it is important that any changes do not negatively impact on service delivery. It is not practicable, desirable or affordable to replace the current police boards with 32 smaller versions and expect existing reporting and accountability arrangements to be replicated 32 times.

4.2 We are aware of the potential local impact on employment and the economy as a consequence of reform and support a balanced workforce. We would hope to see the principles of both Christie and McClelland reports prominent when considering reform.

4.3 We do however anticipate a reduction in police staff numbers, a leaner management structure with reduced non-operational capacity. We therefore would not encourage a local accountability and reporting model that places an increased burden on local commanders. There needs to be some parameters that limit any potential burden on local commanders to allow them to focus on service delivery.
5 Conclusion

5.1 It is ASPS view that the operational responsibility of constables and the local police commander to act in pursuance of Sections 19 (function and jurisdiction), 20 (general duties) and 32 (policing principles) of the Bill, in the context or local policing must be explicitly stated and understood. This is essential to avoid a situation where local policing might become inappropriately influenced by any individual, or organisation in relation to the impartial execution of the office of constable resulting in the erosion of public confidence in the impartiality of the police service as a consequence.

5.2 Finally, the overriding priorities for ASPS in terms of responding to the Draft Bill and supporting the establishment of the new Police Service of Scotland are:

- Maintaining service delivery and high performance
- Ensuring public confidence and reassurance
- Preserving Constabulary Independence
- Maintaining staff confidence and morale
- Developing effective and clearly understood local and national accountability and governance arrangements
- Developing the new service from community level with the focus upon local commanders and teams providing visible, accessible and response policing
- Ensuring the range of specialist services are available locally and nationally

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