1. Introduction

1.1 HMICS is grateful for the opportunity to provide evidence to the Local Government and Regeneration Committee.

2. Local democracy and accountability

2.1 It is important to be clear about what is meant by terms such as accountability. In particular, it is key to delineate and capture in any new legislation the difference between:

1. A police officer giving an account to a governing body of a past event or an intended course of action (reporting)
2. A governing body calling for an account to be given by an officer (answerability)
3. A governing body calling a police officer to account - with the potential for a form of consequence or sanction (accountability)

2.2 As drafted, the Bill provides for a single seat of governance in terms of accountability (bullet point 3 above) and this is in relation to the Chief Constable’s accountability to the Scottish Policing Authority.

2.3 It is important that the Chief Constable is clearly responsible for the day to day management of the service and control of resources.

2.4 The Bill does provide the facility to call for reports and information and certainly it is likely that, as happens now, local commanders will continue to have good relationships with local stakeholders and that they will continue to provide regular updates to local bodies on policing matters.

2.5 Further the Bill sets out a series of interactions between the local commander and the local authority focused on establishing and monitoring of local policing plans. The local commander, in preparing a local plan, must have regard for the most recently approved strategic police plan and must consult locally.

2.6 Although the local authority may approve such plans, call for reports and make recommendations, the Bill provides no implications or recourse if these aren’t concluded to its satisfaction.
2.7 Locally, the proposed arrangements provide no facility to directly hold the Chief Constable to account for that local provision. This can only be achieved through the Scottish Police Authority.

2.8 Our previous report on governance and accountability\(^1\) highlighted the problems with dual seats of accountability and the requirement ultimately for national policing needs to take precedence.

2.9 Although these arrangements appear stark in their lack of local influence over policing priorities, it is important to see how the national accountability framework should continue to enable good local policing services. Below we illustrate how the proposed legislation and scrutiny framework combine to provide assurance and hopefully reassurance of local policing services.

2.10 First, the Chief Constable,

‘must designate local commanders and ensure adequate arrangements are in place for the policing of each local authority area’

In this regard the Chief Constable is directly accountable to the Scottish Police Authority.

2.11 Second, there are important external scrutiny and inspection arrangements. These include those pursuant to Best Value requirements (falling to HMICS and the Auditor General), those falling to the Auditor General to examine the economy, efficiency and effectiveness of the police service and the specific statutory responsibility upon HMICS to,

‘inspect annually on the state, efficiency and effectiveness of the Authority and the police service’

2.12 Whilst the Bill is largely silent on the working structures and relationships to manage the inherent tension between meeting local and national policing requirements, what is clear is that the Authority and the police service cannot be deemed to be efficient and effective unless they have such arrangements in place.

3. Community planning partnerships

3.1 The police service has been a strong contributor to the community planning process. It is to be expected that the focus and duty towards this legislation will now centre on the local commander.

3.2 Expectations will be high that an increasing focus on community planning will benefit local outcomes. The Bill needs clarity about how local authority arrangements relative to policing, interact with community planning structures in a clear and complementary manner.

\(^1\) Governance and accountability of policing in Scotland: A discussion paper by HM Inspectorate of Constabulary for Scotland
3.3 That said and as highlighted above, local community planning arrangements cannot be constituted in isolation from national risks, threats and need. Whilst partnerships are strongly encouraged to work together to improve local outcomes, the direction of local resources on a day to day basis must remain with the local commander whilst the full accountability for policing remains with the Chief Constable.

3.4 If expectations are realistic and the span between national ministerial policing priorities and local policing priorities is not too great, then the policing contribution to community planning partnerships should continue to be strong and effective.

3.5 However important community planning partnerships are to local outcomes, they are not accountable structures nor at present subject to any legislatively driven audit and inspection regime. We note however that there is work underway through Audit Scotland in this area.

4. Transfer of local authority staff

4.1 Clearly organisations other than HMICS, particularly staff associations, are better mandated to highlight the particular personnel concerns surrounding workforce transitioning plans. In that context whilst acknowledging and not wishing to minimise these real concerns, we shall focus on the impact of workforce plans on service delivery.

4.2 Equally we will not comment on Scottish Government policy to maintain 17,234 police officers or to avoid compulsory redundancies but our role requires us to highlight the potential impact of these policies.

4.3 Put simply, these act as constraints on delivering police reform. Their affect on police reform and potentially by extension on policing, is exacerbated when they are combined with a challenging timescale and profile of savings provided by the Comprehensive Spending Review budget settlement.

4.4 We have yet to see a clear plan for delivering police reform that matches the scale of the task with the above constraints. We have some confidence however that this work is being advanced.

4.5 That said, in the absence of such a detailed plan it is incumbent upon us to highlight risks of police reform including those to:

- service delivery
- public confidence
- staff confidence
5. Conclusion

5.1 HMICS will continue to focus upon working with all stakeholders to ensure that changes to policing in Scotland build upon its sound foundation.

5.2 Police reform provides opportunities to:

- simplify policing across Scotland
- create the best affordable service
- improve governance and accountability

5.3 HMICS would welcome the opportunity to discuss these issues with the Local Government and Regeneration Committee.

5.4 We can provide copies of our Finance Committee and Justice Committee submissions on this matter, should they be required.

HMICS
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