Police and Fire Reform (Scotland) Bill

I refer to the above and on behalf of the Scottish Police Federation (SPF) thank you for the opportunity to provide comment and give evidence to your Committee.

The SPF represents over 98% of all Scottish Police Officers from the rank of Constable to Chief Inspector. We are concerned that the Bill proposes changes to accountability and governance which could affect operational independence and amount to inappropriate political direction. What follows is a summary of our concerns and observations on key elements of the Bill;

Part 1 - Police Reform

Chapter 1 – The Scottish Police Authority

S5(2) In addition to the constraints outlined in the Bill the SPF wishes to ensure that neither Scottish Ministers nor the Scottish Police Authority (SPA) can give direction on any operation, not just being carried out by the Police Service as stated in the Bill, but on any specific or class of operation which is or might be carried out by the Police Service.

There is no reference in the Bill to any requirement for engagement between the SPA, local authorities and the public. The SPF believes this has the potential to create a disconnection and may harm local policing.

Chapter 2 – The Police Service of Scotland

S17(2)(c) The Chief Constable should prepare the strategic plan not merely be 'involved' in its preparation.

S17(4) & (5) We believe this impinges on operational independence and should simply read, 'The Chief Constable must seek to ensure that the policing of Scotland is done with due regard for the law'.

Chapter 3 – Forensic Services

The SPF is concerned about the quality of service and costs incurred (reputational and actual) by the police if forensic services are not delivered properly and timeously. To that end it is our view the operational side of the business (gathering of evidence)
should be under the control and direction of the Chief Constable with the analysis side a matter for the new forensic service body. It should be noted the criticism of forensic services following the McKie inquiry was not as a consequence of the Chief Constable having this authority.

Staff in this area of policing have been already subject to great change with the creation of the Scottish Police Services Authority and their subsequent transfer to its direction and control. Despite best intentions, this has seen a poorer and more costly service being delivered with significant and unnecessary levels of bureaucracy created.

Chapter 4 – Principles, Priorities, Objectives and Plans

S34(1) & 36 As previously stated it is the view of the SPF, the Chief Constable should be responsible for the preparation of the strategic plan.

The SPF believes there must be a connection between the local policing plans and the strategic and annual plans referred to in order to ensure that local plans are informed by their content.

Chapter 6 – Annual Reports, Accounts, Audit and Examination

S48 Please refer to our comment re S17(2)(c).

Chapter 7 – Local Policing

Local policing is delivered well and in a variety of different ways across Scotland. Delivery methods reflect the needs of communities and have resulted in exceptional levels of satisfaction and confidence in the police service. Whilst record lows in crime and highs in detection rates are a part of this, we believe it is the day to day interaction between officers and the public which is the greatest contributory factor in this regard. It is therefore our belief that nothing should be created which could damage these significant achievements.

S46 The SPF believes that unless some definition is created the local authority role in policing could be subject to thirty two different interpretations and potentially place an undue burden on local commanders. Not doing so could create enormous bureaucracy and at significant cost to policing.

S48 It is unclear who has primacy in the event of non approval and there is no mechanism for resolving disputes.

Chapter 14 – Grants

S86 We are concerned the distinction between the provision of facilities for the SPF (currently provided by police boards and authorities) and Grant in Aid for the SPF (currently provided directly from the Scottish Government) will
get lost if greater clarity is not introduced in this section. Loss of facilities will undoubtedly have a negative impact on the delivery of services locally as the SPF role extends not only to the welfare of our members but also to the efficiency of the wider service.

Chapter 17 – Miscellaneous and General

S94 We believe that the facility to discuss non-negotiable terms and conditions with other stakeholders is valuable and that what is intended to replace PABS requires to be identified. The absence of any similar forum could create widespread disparities across the country and lead to workforce disharmony.

Schedule 1 – The Scottish Police Authority

Part 1 Status, Structure and Governance

Membership

2(1) We believe a body with such responsibility would lack resilience if too small and would be unable to properly service the myriad of subcommittees we believe will be inevitable at least in the early years of the new service. Our suggestion is 15 members.

The SPF has modified its position in recognition of the test applied to other appointees. We do believe there should be place for representation from local authorities to the SPA with the caveat their selection should be subject to the same criteria as for all other members.

Tenure

4(3) The SPF believes this should be subject to a maximum of two terms.

Schedule 4 – Transfer of Constables, Staff and Property etc

Limitation on mobility of constables

9(4)(b) This provision was not included in previous police force amalgamations. The SPF believes this has the potential to prove enormously costly and result in many officers living remotely from their place of work. Consequently this would inevitably impact negatively on local communities and lead to a deterioration in relationships locally. It is therefore our view this provision should be removed.
Conclusion

The SPF is committed to the restructuring of the service and is anxious to ensure that service delivery is not adversely affected. Operational policing in Scotland is recognised worldwide and its policies and practices are rightly sought across the globe.

We recognise the reality of reducing finances and the need to realise efficiencies in the delivery of services to the public. This can not however be at the expense of the terms and conditions of those delivering the service as by default this will reduce the quality of service to the public. We are of no doubt that the unique nature of policing means policing and police officers cannot be properly compared to any other service or employee; public sector or otherwise.

We instinctively recognise and appreciate the opportunities for significant savings by not replicating existing functions eight times over. However we balance this with the potential to replace eight local bureaucracies with thirty two and believe this should be guarded against at all costs.

The Scottish Government is committed to maintaining police officers numbers and much of the savings to be realised comes from the rationalisation of police staff numbers. We recognise and are sympathetic with the difficulties this causes many of our colleagues. It is however the view of the SPF that the argument over the potential for police officers to undertake roles currently being performed by police support staff to be the wrong one. We believe the focus should not be on the who does the job but on the why the job is done in the first place.

Calum Steele
General Secretary
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