COSLA welcomes the opportunity to provide a response to the request from the Scottish Parliament’s Justice Committee for submissions on Police and Fire Reform (Scotland) Act 2012 post-legislative scrutiny, given the important local oversight and scrutiny role of local government elected members for policing and fire services as the layer of governance closest to communities.

There have been some substantive issues from the 2012 Act that COSLA has had concerns covering the governance of policing and the development of national policing policy. These have been raised and discussed in meetings between local scrutiny convenors of our member authorities, members of the Scottish Police Authority, Board members of the Scottish Fire and Rescue Service and the Executive of Police Scotland.

COSLA officials are currently working with the Scottish Police Authority, Police Scotland and SOLACE to address these issues through a Joint Officer Group. This will report to the next COSLA Police Scrutiny Conveners Forum later this year.

Police Service

Q1) In your view, what have been the consequences of the 2012 Act for the police service? Please set out your views on (a) any benefits and (b) any negative consequences of the 2012 Act for the police service.

(a) Benefits

- The establishment of local police scrutiny committees has allowed more elected members a direct role in the oversight of local police services and a better understanding of local policing issues within the wider context of community safety.
- The model of local policing has allowed councils to retain a local relationship through local police commanders. The 2012 Act also gave local authorities the right to monitor and provide feedback to the local commander, and to make recommendations for the improvement of policing in local areas including – but not limited to – the local policing plan.
- There would appear to have been a reduction in duplication and a delivery of some service efficiencies through the single force such as specialist support services for missing persons, murder capacity teams etc where and when they are most needed locally.

(b) Negative consequences of the 2012 Act for the Police Service

- The governance role of the Scottish Police Authority (SPA) and the lack of meaningful engagement with local scrutiny arrangements since 2013 has
been unhelpful. That said, the renewed leadership of the SPA since late 2017 provides an opportunity to improve arrangements considerably, albeit much joint work requires to be progressed between the SPA, Police Scotland and councils.

- Police Scotland’s national policy approach has meant that national priorities have overtaken local priorities, impacting on service delivery e.g. national policy on traffic wardens. Community and partner confidence in policing has been affected by poor communication and inadequate consultation on major issues such as the review of police public counter closures, armed policing and TTROs. In short, the disconnect between Police Scotland’s national strategic policies and local priorities can undermine positive work at a local level and policing by consent. However, joint national and local approaches to areas such as violence against women and PREVENT are necessary, helpful and productive.

- Centralised systems and processes within Police Scotland can result in less scope for localised innovation in the way services operate. Local commanders also seem to have reduced financial flexibility and autonomy to respond to local circumstances.

- Over recent years concerns have been expressed over the sign-off of local policing plans due to a lack of meaningful dialogue and scrutiny. We understand that the SPA and Police Scotland are working to address this issue. We would be willing to contribute to this.

**Q2) Have the policy intentions of the 2012 Act in relation to the police service been met?**

- Councils undertake engagement with Police Scotland through scrutiny committees established by the 2012 Act. However, local scrutiny committees play no role in approving or monitoring resources allocated to local police commanders. The connection with local services and communities could be strengthened if local scrutiny committees had more of a role in approving or monitoring resources.

- There has been less opportunity to sustain professional relationships with senior police officers at national and regional levels due to frequent changes of staff within positions in the organisation since implementation of the Act. That said, the Act has been useful in supporting the formal relationship between Police Scotland and CPP Boards with Divisional Commanders required to participate locally.

- Over the last 5 years for Police Scotland, our members felt national priorities overrode local processes. Budget savings have been made simply by cutting local resources rather than through the economies and efficiencies that would be gained from the bringing together of eight forces (as was mooted during its creation). Many of the controversies could have been avoided had Police Scotland offered consultation or even early warning to elected members prior to implementation of certain policies.
Fire and Rescue Service

Q3) **In your view, what have been the consequences of the 2012 Act for the fire and rescue service?** Please set out your views on (a) any benefits and (b) any negative consequences of the 2012 Act for the fire and rescue service

(a) **Benefits**
- Access to specialist support available through the development of strengthened national capacity has been useful to local communities when and where required.
- There seems to have been a strong focus on partnership working and prevention through engagement with the community and partners by SFRS. This has been particularly evident in significant work since the Grenfell fire tragedy.

(b) **Negative consequences of the 2012 Act for the fire and rescue service**
- The reforms have led to centralised services, but these are not services which some councils e.g. rural and island councils are likely to benefit from due to the timescales in getting staff and plant to the more remote parts of the country. Recruitment and training also present difficulties for remote island communities.
- The nationalisation of the fire services coincided with many experienced officers of the organisation leaving the SFRS. This resulted in disruption at a local level and undermined the desired intention of the Act to strengthen the connection between services and communities.

Q4) **Have the policy intentions of the 2012 Act in relation to the fire and rescue service been met?**
- The Act has enabled SFRS to work effectively with local community planning partners to improve the safety and wellbeing of communities, within budgetary requirements.
- The intention to strengthen the connection between services and communities, involving more local councillors and better integrating with community planning partnerships has been broadly met. However, for this to be maintained it will be important that governance and local accountability play a key role in the proposed transformation of SFRS.

Other Issues

Q5) **Are there any other issues you would like to raise in connection with the operation of the 2012 Act?**
- Police Scotland’s 2026 Strategy Implementation Plan must take into account key strategic issues for local government covering local accountability, governance, community planning/community empowerment, LOIPs, community justice, youth justice and effective community engagement in respect of the 2012 Act’s intentions.
The proposed transformation of SFRS since the 2012 Act must maintain the current service provision locally with no increased risk to safety. In addition, the transformation must provide the opportunity for the continued prevention and early intervention; integration of public services, transparency as well as community engagement.

Performance reporting for SFRS and Police Scotland at a local level should be seen as equally important to the national assurance process, to ensure confidence is maintained in both organisations. In addition, partnership working requires to be embedded through SFRS’s business as part of any transformation and in Police Scotland’s 2026 Strategy Implementation Plan. Police Scotland and SFRS should continually review and look at innovative ways to work together with other community planning partners to identify and improve shared outcomes for local communities.

It is vital that elected members’ roles in scrutinising the delivery of the local plans of Police Scotland and SFRS, commenting on the local implications of operational and national policy change, their broader advocacy for local communities and with responsibility for strategic key supporting local services are all recognised and accommodated. This requires robust scrutiny and governance arrangements, clarity over roles and responsibilities and meaningful dialogue at a national level in addition to having the local structures in place to ensure public confidence in police and fire services are maintained.

To improve governance arrangements for national policing and fire decisions a formal opportunity should be provided for locally elected members to scrutinise these decisions. In addition, local commanders for policing should be sufficiently empowered to meaningfully respond to local priorities.

COSLA
21 June 2018