Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from East Ayrshire Council

Report by the Depute Chief Executive (Safer Communities)

PURPOSE OF REPORT

1. The purpose of this report is to advise elected members of the Scottish Parliament Justice Committee’s call for evidence on the Police and Fire Reform (Scotland) Act 2012 and to seek approval of the Council’s proposed response.

BACKGROUND

2. The Scottish Parliament’s Justice Committee is undertaking post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012.

3. Five years after Police Scotland and the Scottish Fire and Rescue Service began operating, the Committee has commenced a scrutiny exercise to consider whether the policy objectives of the 2012 Act have been delivered, and if not, the reasons for this.

4. The 2012 Act created a single police service and a single fire and rescue service, replacing the eight police forces and the eight fire brigades that had existed previously. The creation of Police Scotland and the Scottish Fire and Rescue Service introduced the biggest reform of the police and fire services since the Parliament’s inception.

5. The 2012 Act includes provision for national governance arrangements as well as arrangements for the scrutiny, oversight and funding of the police and fire and rescue services. It provides the statutory framework for bodies such as the Scottish Police Authority, the Police Investigations and Review Commissioner (PIRC) and Her Majesty’s Inspectorate of Constabulary in Scotland (HMICS). The 2012 Act sets out powers for local authorities in relation to the provisions of fire and rescue services and the policing of their areas.

6. The 2012 Act also made provision for the transfer of existing officers and staff and the appointment of new officers and staff to both services, and sets out arrangements for complaint and investigation procedures.

7. The Scottish Government’s three main policy intentions in promoting the 2012 Act were:

- To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services;
• To create more equal access to specialist support and national capacity - like murder investigation teams, firearms teams or flood rescue - where and when they are needed; and
• To strengthen the connection between services and communities, involving many more local councillors and better integrating with community planning partnerships.

8. The Committee is to consider the whole of the 2012 Act, including the oversight and scrutiny bodies detailed within it, i.e. the Scottish Police Authority, Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) and the Police Investigations and Review Commissioner (PIRC). It will consider how the legislation is being enacted, if there are any unintended consequences, and identify any improvements that could be made.

9. The remit for the Committee's post-legislative scrutiny is to consider whether:

• the policy intentions of the Police and Fire Reform (Scotland) Act 2012 have been realised and are being delivered; and
• whether any further policy or legislative changes are required to improve the effectiveness of the Police and Fire Reform (Scotland) Act 2012.

CALL FOR EVIDENCE

10. The call for evidence is structured around the following set of questions, with the Council's proposed response detailed against each. The deadline for responding to the Justice Committee is Thursday 24 May 2018.

Police Service

11. **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.**

Response:

The Council and its Partners are only too aware that the context within which public services will be delivered in the future is one of significant transformation and reform. This requires all public services, including Police Scotland, to be increasingly responsive and innovative in how it will continue to achieve effective future service delivery. It is within this context, therefore, that the Council welcomes the review being undertaken by the Justice Committee to consider the extent to which the Scottish Government’s initial policy objectives of the 2012 Act have been delivered.

(a) **Benefits of the introduction of the 2012 Act**

In terms of benefits, the Council has welcomed the reduction in duplication and the consequent delivery of service efficiencies.

Access to specialist support available through the development of strengthened national capacity has been a positive consequence of the 2012 Act.
Even though we already have a mature and effective partnership arrangement with Police Scotland through our long-established Community Planning Partnership, the Act was instrumental in promoting the formal relationship between the police service and CPP Boards with the requirement for the Divisional Commander to participate; this again has been a positive consequence of the Act.

We have welcomed the development and introduction of the Policing 2026 strategy in 2016/17 which provides the framework for delivering the strategic priorities that were envisioned when the Act was first introduced.

Prevention is one of the guiding principles of our Community Plan and we are, therefore, encouraged by the strong focus this has within the 2026 Strategy. The focus on localism was particularly welcomed and there is a clear commitment from our Divisional Commander to maintain and further strengthen locality policing. The statutory duty on Police Scotland to participate in Community Planning provides the framework to help achieve local outcomes and also helps facilitate discussion with key partners about the deployment of resources to meet local needs as well as national priorities. Continuing to work together with other partners on our shared agenda will take the achievement of positive local outcomes to the next level.

The introduction of the Community Empowerment Act has further strengthened this commitment and we support any proposals to further empower Local Area Commanders to make decisions that suit local circumstances, using the Local Policing Plan, informed by our local priorities as well as the national strategic direction.

(b) Negative consequences of the 2012 Act

The Council’s over-riding concern since the introduction of the Act has been in respect of the openness, transparency and accountability of the Scottish Police Authority (SPA). The Council has been consistent in its responses to the SPA’s Governance Review and the work undertaken by HMICS in this regard. It is reassuring to note that, even at this early stage in their tenure since taking up post, HMICS report having had positive engagement with the new Chair and Interim Chief Officer of the SPA. The Council is reassured that HMICS will continue to evaluate the progress on improvement under the Authority’s new management arrangements.

A further negative consequence of the Act is in respect of the engagement around some national policing decisions that have had an impact on local communities. There has been a frustration at a local level regarding the limited opportunity to scrutinise the development and implementation of national policing decisions such as the deployment of firearms officers, the integration of command and control centres, and changes to the arrangements for the licensing of firearms. All of these matters impact on local communities but the SPA’s engagement and communication with councils was inadequate.

Since the introduction of Police Scotland and the SPA, the Council has also had concerns about how it can escalate matters beyond our local scrutiny body for consideration at the national level. It remains unclear how matters identified at a
local level can be brought to the attention of the SPA and, importantly, how we receive feedback thereafter. The recent improvements introduced by the SPA to provide earlier access to reports considered at the Board or its Committees has assisted the Council identify areas where we would want to make representations to the SPA.

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

Response:

The Scottish Government’s three policy intentions are set out below with comment provided against each:

1. **To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services.**

Local and national measures show that the police service continues to achieve strong performance. The Council and its Community Planning Partnership have long valued the assessment of levels of public confidence as a key measure of success and effectiveness of Police Scotland’s performance. Our 2017 Residents Survey noted that satisfaction levels have increased to 83% from 59% in 2005. In addition, overall crime levels have declined from 501 to 434 per 10,000 population.

The move to a single police service for Scotland has removed much duplication in how support services are delivered, thereby contributing to the delivery of efficiency savings.

We have, however, raised concerns at a local level regarding the continuity of officer representation at community groups such as Community Councils as a result of operational deployment. This has been particularly evident in our more isolated rural communities and we are reassured that proposals being developed by our Divisional Commander to introduce locality policing models will address this.

Another area that our Divisional Commander has sought to address following concerns having been raised by local elected members is in respect of Town Centre policing. This is recognised as requiring a multi-agency response and again, partners are working together to develop local solutions to this issue.

2. **To create more equal access to specialist support and national capacity - like murder investigation teams, firearms teams or flood rescue - where and when they are needed.**

Access to specialist support available through strengthened national capacity has been one of the most positive consequences of the 2012 Act. At a local level, we are advised that the Divisional Commander has been able to call upon support from murder investigation teams, support for missing person searches, and serious and organised crime response.
Elected members from our Police and Fire and Rescue Committee were also grateful for the opportunity to visit the Crime Campus at Gartcosh in September 2017 and were provided with detailed information on the key national services that are provided from the facility including forensic services, counter-terrorism, human trafficking interventions and homicide governance.

3. **To strengthen the connection between services and communities, involving many more local councillors and better integrating with community planning partnerships.**

From a position of strength, the statutory duty for Police Scotland to participate in community planning has further enhanced our partnership arrangements. We have robust local scrutiny and engagement arrangements in place and this has enabled more local elected members to be involved in scrutiny of police services compared with the former regional board model.

We welcome the commitment of the Police Service to work with all partners on our shared agenda developed through both the Community Plan and the Council’s Transformation Strategy.

As noted earlier in this response, however, the Council’s over-riding concern since the introduction of the Act has been in respect of the openness, transparency and accountability of the SPA. The SPA’s engagement and communication around some national policing decisions that have had direct impacts on local communities was inadequate.

The Council has welcomed the SPA’s recent actions to make Board reports and decision making processes more open and transparent but the earlier practices of limiting access did not do anything to strengthen the connection between the service and communities.

**Fire and Rescue Service**

13. **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.**

**Response:**

The Scottish Fire and Rescue Service, in common with the rest of the Public Sector, requires to adapt and transform to respond to significant new risks and the enduring challenging financial environment. The Council itself has a long-standing commitment to transformation to secure sustainable public services based on the priorities of our local communities and, therefore, is supportive of the principle of organisational change as a way to help sustain the delivery of valued and effective public services. We have welcomed, therefore, the review being undertaken by the Justice Committee. However, we also note that the Fire and Rescue Service is currently undertaking a wide-ranging consultation on the future of the Service which proposes significant changes to how the fire and rescue services are provided and a redesign of the traditional role of the firefighter.
(a) **Benefits of the introduction of the 2012 Act**

In line with our comments elsewhere in this response relating to the police service, in terms of benefits, the Council has welcomed the reduction in duplication and the consequent delivery of service efficiencies. In this regard, we support the aspiration within the separate consultation on the future of the Scottish Fire and Rescue Service (which appears as a separate item on the agenda for this meeting of Council) to build on the efficiencies that were accrued by integrating the eight former regional brigades to better align finite resources to need.

Access to specialist support available through the development of strengthened national capacity has also been a positive consequence of the 2012 Act.

Through our Community Planning Partnership arrangements, the Council has developed an excellent working relationship with the SFRS. The local Senior Officer is a core member of our CPP Executive Officer Group and was Chair of this Group over 2017/18 and makes a valuable contribution across all of our strategic workstreams. From a position of strength, we are well placed to secure continued effective partnership working in practice and welcome the strategic direction proposed in the separate consultation to further strengthen partnership working to deliver effective reductions in demand for services through preventative approaches.

(b) **Negative consequences of the 2012 Act**

Whilst the Council has no substantive comments to make on negative consequences of the 2012 Act we do emphasise the continued importance of effective governance, strong accountability and resilient performance monitoring. The governance model that was introduced following the introduction of the single Scottish Service, including the establishment of the Scottish Fire and Rescue Board, has been effective but, given the detailed proposals for significant transformation currently being considered, the continued effectiveness of the Fire and Rescue Board to deliver the level of change required, requires to be considered.

14. **Have the policy intentions of the 2012 Act in relation to the fire and rescue service been met?**

Response:

The Scottish Government’s three policy intentions are set out below with comment provided against each:

1. **To protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services.**

Local and national measures show that the fire and rescue service continues to achieve strong performance. Assessment of operational activity across East Ayrshire indicates a general downward trend in overall activity levels over the last five years. There has been a reduction in the number of deliberate fires from 743 to 601 in the
last year. Deliberate fire setting on average accounts for just over 1 in 4 operational responses and trend analysis indicates fluctuation in levels of this activity type over the last five years. Fire casualty rates have fluctuated over preceding years although a positive downward trend is not indicative at this time. The majority of recorded fire casualties are not required to attend hospital and of those who have attended hospital, the majority have been deemed to have sustained only slight injuries. Attendances at non-fire related emergencies on average account for around 1 in every 10 operational mobilisations. Whilst the majority of non-fire emergency casualties (fatal and non-fatal) are as a result of road traffic collisions within East Ayrshire, another emerging trend has been identified in those persons requiring assistance from other organisations.

The move to a single fire and rescue service for Scotland has removed much duplication in how support services are delivered thereby contributing to the delivery of efficiency savings.

2. To create more equal access to specialist support and national capacity - like murder investigation teams, firearms teams or flood rescue - where and when they are needed.

Access to specialist support available through strengthened national capacity has been one of the most positive consequences of the 2012 Act. At a local level we are advised that our local service has been able to call upon support for flood rescue, response to serious incidents and targeted prevention activity.

Elected members from our Police and Fire and Rescue Committee were grateful for the opportunity to visit the Service Headquarters and Training College at Cambuslang in 2016 and were provided with detailed information on the key services that are provided from the facility.

3. To strengthen the connection between services and communities, involving many more local councillors and better integrating with community planning partnerships.

We welcome the SFRS's continued commitment to the Council and CPP Board’s Transformation Programme. A key element of the Council's new Transformation Strategy is the focus on opportunities for collaboration with Partners, including the SFRS, to achieve improvements in service delivery whilst also reducing costs.

From a position of strength, the Act has helped further develop our partnership arrangements with the Fire and Rescue Service.

We have robust local scrutiny and engagement arrangements in place and this has enabled more local elected members to be involved in scrutiny of fire and rescue services compared with the former regional board model.

The governance model that was introduced following the introduction of the single Scottish Service, including the establishment of the Scottish Fire and Rescue Board, has been effective but, given the detailed proposals for significant transformation currently being considered, and we would reiterate the point made earlier in this
submission that the continued effectiveness of the Fire and Rescue Board to deliver
the level of change required, requires to be considered.

Other Issues

15.  **Are there any other issues you would like to raise in connection with the operation of the 2012 Act?**

Response:

All of the issues identified by the Council are covered elsewhere in this response.

COMMUNITY PLAN IMPLICATIONS

16.  The proposed response to the Justice Committee call for evidence is informed
by the priorities contained within 2015-30 East Ayrshire Community Plan and its
related Safer Communities Delivery Plan.

LEGAL, FINANCIAL, RISK AND EQUALITIES IMPLICATIONS

17.  None.

RECOMMENDATIONS

18.  Council is asked to:

1.  note the Scottish Parliament Justice Committee’s call for evidence on the
Police and Fire Reform (Scotland) Act 2012, and
2.  consider and approve the proposed response to the consultation as detailed
in the report.

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20 April 2018

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11 May 2018