



To: Housing and Community Safety Policy Board

On: 17 May 2016

**Report by: Director of Community Resources and
Head of Corporate Governance**

Heading: Review of Governance in Policing

1. Summary

- 1.1 In September 2015 the then newly appointed Chair of the Scottish Police Authority was asked by the Cabinet Secretary for Justice to carry out a review of governance in policing and to report within 6 months. That report has now been completed and passed to the Cabinet Secretary. It has also been copied to the conveners of all Boards/Committees with responsibility for scrutinising local policing arrangements as well as all council chief executives.
- 1.2 The report makes 30 recommendations for improvement in practice although the overall conclusion is that the existing model of an arms - length Police Authority providing a clear separation between politics and policing is effective in principle.
- 1.3 In his covering email, the Chair expresses his appreciation for the valuable input into the review from local authorities and he makes reference to three key acknowledgements made in his report that are of direct relevance to local authorities. These relate to concerns about local scrutiny committees not feeling listened to and them not being able to input into national policy development. They also reflect concerns that local authorities have no way of recording their views on the success or otherwise of local engagement. These are discussed in more detail in section 5 of this report.
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2. Recommendations

2.1 The Housing and Community Safety Policy Board is asked to:-

- a) Note the terms of the report to the Cabinet Secretary for Justice by the Chair of the Scottish Police Authority following his review of Governance in Policing.
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3. Background

- 3.1 The Scottish Police Authority (SPA) was established under the Police & Fire Reform (Scotland) Act 2012 and came into being on 1 April 2013. It was created as the oversight and governance body for the Police Service of Scotland (Police Scotland), a single police service created from the amalgamation of the eight regional police forces and one national agency previously serving Scotland. The SPA Board comprises a Chair and between 10 to 14 member with appointments being made by the Cabinet Secretary for Justice.
- 3.2 The 2012 Act also abolished the Joint Police Boards whose members were local councillors. In place of local police boards, the 2012 Act provided for local authorities to have a scrutiny role and each local authorities has a right to be involved in setting priorities and objectives for the policing of its area and to approve the local police plan In Renfrewshire, this role is co-ordinated through the Housing and Community Safety Policy Board.
- 3.3 The background to the review was growing criticism of both the SPA and Police Scotland following a number of high profile incidents. One of the main criticisms of the SPA was that it was not providing effective scrutiny of Police Scotland.
- 3.4 The Terms of Reference for the review identified four workstreams covering localism and community accountability: the structure and skills of the SPA; information requirements and processes; and stakeholder engagement requirements. It is primarily the first workstream that covers the relationship between the Council and the SPA.
- 3.5 In relation to the first workstream the review comments that the key issue is that local scrutiny bodies do not feel they are sufficiently listened to regarding local policing and they are unable to input into national policies to met local requirements. In response to this, the review aims to set out a number of recommendations to improve the communication and engagement processes

of Police Scotland at local level and there is a proposal for a more formal approach to escalation of issues. The review also suggests a more formalised relationship between local scrutiny bodies and the SPA.

4. Governance

- 4.1 The review includes a discussion on the current governance model and consideration of whether other models would be more effective. These other models included where police are directly overseen by the Parliament or where there are directly elected members of the scrutinising body. The conclusion reached is that the current structure of a police authority at arms-length from government to oversee policing is a good one. Therefore, no structural changes are proposed although there are recommendations on how the operation of the current structure could be improved.
- 4.2 The review also comments that there is no comprehensive, unified written governance framework under which it operates. There is a recommendation that such a framework is introduced which will be used to clarify the basis on which the SPA exercises its authority.

5. Workstream 1: Localism and Community Accountability

- 5.1 In relation to the first workstream the review comments that the key issue is that local scrutiny bodies do not feel they have a sufficient role in determining local plans and priorities or that they are sufficiently listened to regarding local policing . Local scrutiny bodies feel that they are unable to input into national policies to meet local requirements and where they do input into national policy they receive no feedback particularly when the national policy does not reflect local concerns and there is no way of challenging such decisions. The review also identifies a degree of confusion regarding the types of policing activity and performance information that should be scrutinised at a local level.
- 5.2 In response to this, the review points out that the principal responsibility for community engagement and accountability rests with Police Scotland under the 2012 Act. The feedback received during the review was that many communities did not think that engagement was working effectively. The review aims to set out a number of recommendations to improve the communication and engagement processes of Police Scotland at local level and there is a proposal for a more formal approach to escalation of issues. The review also suggests a more formalised relationship between local scrutiny bodies and the SPA.
- 5.3 In Renfrewshire, the Housing and Community safety Policy Board fulfils the role of the local scrutiny committee. From the Council's perspective the

system in place in Renfrewshire is already strong and effective. Police Scotland already take an active role in the Community Planning Process and at the Policy Board. However the conclusion of the review, that there has been less involvement of the SPA in directly consulting and engaging locally would also hold true in Renfrewshire.

5.4 The six recommendations arising from this workstream cover the following areas:-

- a) Police Scotland to ensure their local engagement programmes are directed at a wide range of local organisations to include community planning partnerships.
- b) Greater consideration to be given to the differing policing needs of local communities.
- c) Police Scotland to ensure that feedback provided by local scrutiny committees is effectively responded to.
- d) Police Scotland to establish a formal escalation process to allow local scrutiny committees to record their disagreement with individual policing policy decisions.
- e) The SPA Board to ensure that proper and effective arrangements are in place rather than attending local scrutiny committees. SPA to annually review the effectiveness of these processes.
- f) SPA to establish a process to share knowledge between local scrutiny committees and should hold an annual forum to discuss issues and share experience.

6. Workstream 2: SPA structures and skills

6.1 The main issues identified in workstream 2 are:

- a) That there are a number of skills that are under - represented or are missing on the SPA Board as it develops its governance role.
- b) Arising from the legacy of the dispute between the SPA and Police Scotland over where the responsibility for some functions rested, the Board is overly involved in operational detail which should be delegated to the SPA's officials and/or Police Scotland.

- c) There is a need to better define the role of the Board in terms SPA's statutory responsibilities and to take greater involvement in setting strategic direction and oversight of performance.
- d) The Board has established a number of committees to assist its work but there are areas such as strategy, policy and performance not covered. The current committee remits include powers to make decisions that bind the whole Board. However, delegation of decision making powers to committees should be exceptional.
- e) In response to a seriously critical Audit report a new role of Chief Financial Director has been introduced. The chief executive of SPA is the Accountable Officer to Parliament. However, 90% of the budget is delegated to Police Scotland and is under the direct financial control of the chief constable. There is a blurring of roles and financial accountability. Accordingly, there needs to be protocol which sets out the circumstances where financial interventions should take place.
- f) The tension between the two principles of "operational independence" and "policing by consent" as highlighted in the stop and search and armed policing controversies, is acknowledged. However, it is stated that SPA does not have an approach or capability to proactively exercise its responsibility to reflect the public consent on police policy and procedures.
- g) Finally, it is conceded that the SPA has to date not set out the framework under which the Chief Constable will be held to account. Nor had they set out the measures for which the Chief Constable will be held to account.

7. Workstream 3: Information requirements and processes

- 7.1 The key issue to be addressed under this work stream is that there are concerns that information and information flows from Police Scotland have not been sufficient to allow SPA to have all material and data to discharge its oversight function effectively.
- 7.2 The review identifies that SPA have not set out their requirements for information sufficiently clearly and there is a criticism that much of the information is provided through Board reports rather than through routine reporting cycles.
- 7.3 There is a criticism that many reports contain too much unnecessary detail and inadequate consideration is given to how accessible or understandable the information presented is to the lay person

- 7.4 On the other hand, in some important areas such as financial reporting, there is a paucity of information.
- 7.5 There are a number of important reports required by legislation or by other external bodies. These include the Strategic Police Plan, Annual Police Plan, Annual Report and Accounts and local police plans. However, there is not a clear understanding of what each of these reports are for and how they inter-relate to each other.
- 7.6 Processes to prepare information are manually intensive and reports are often late and difficult to digest and interrogate. Many information systems are still based around systems inherited from legacy forces. The review comments that greater progress could have been expected on rationalising systems and processes over the last three years.

8. Workstream 4: Stakeholder Engagement

- 8.1 It is recognised that both the SPA and Police Scotland are involved in a wide range of stakeholder engagement activities. However, it is argued that there should be clearer agreement about the purpose of such engagements, which organisation should take a lead role and how achievement of agreed outcomes can be measured.
- 8.2 There needs to be stakeholder map with clear objectives, action plans and identified ownership.
- 8.3 The SPA needs to have a wider perspective in the context of the greater demands in the public sector for collaboration.
- 8.4 The respective roles of Police Scotland and SPA in holding and managing relationships with stakeholders needs to be better understood.

9. Conclusion

- 9.1 The report has been presented to the Cabinet Secretary and the response to the review is awaited.
- 9.2 The report does say that since the initial date when the review was commissioned, there has already been a significant amount of work commissioned.
- 9.3 As part of the review consultation process, officers from Renfrewshire participated in a Summit arranged by the SPA held in September 2015 as well as follow up events in November 2015 and Glasgow in December 2015.

Overall the discussions at these events are reflected in the conclusions in the report.

- 9.4 There is no doubt that the review has highlighted a significant number of issues within the SPA and its interactions with Police Scotland and other organisations such as local scrutiny bodies, that require to be dealt with. However, at a local level the council is already seeing improvements for example in the police's approach to consultation on such matters as the proposed merger of K and L divisions.
- 9.5 For the Council, in general, the proposals to strengthen communication between the SPA and local authorities are welcomed. It is noted that the review has identified the lack of satisfaction with the level of involvement of local councils and their communities in setting policing policies and priorities. If implemented, the recommendations under Workstream 1 should go at least some way to addressing this. However, it is worth noting that there is no intention to reconsider having local police joint boards or to increase local government membership on the SPA Board.

Implications of the Report

1. **Financial** – None
2. **HR & Organisational Development** -.None
3. **Community Planning** –
Safer and Stronger – the report provides information on the review of the governance of policing in Scotland. The review contains recommendations that are relevant to policing at a local level as well as national issues that may impact locally.
4. **Legal** – None
5. **Property/Assets** -None
6. **Information Technology** – None
7. **Equality & Human Rights** -

The recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. The report is for noting and no negative impacts on equality groups or potential for

infringement of individuals' human rights have been identified arising from the recommendations contained in the report. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website. .

- 8. **Health & Safety** – None
 - 9. **Procurement** – None
 - 10. **Risk** – None
 - 11. **Privacy Impact** – None
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List of Background Papers

- (a) Background Paper 1 Review of Governance In Policing by Andrew Flanagan (March 2016)

The foregoing background papers will be retained within Legal and Democratic Services for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Ken Graham, Head of Corporate Governance, ext 7360. Ken.graham@renfrewshire.gcsx.gov.uk.

Author **Ken Graham, Head of Corporate Governance ext 7360**