

PARTNERS IN SCRUTINY

BRIEFING NOTE 1: MAPPING LOCAL SCRUTINY ARRANGEMENTS IN SCOTLAND

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Summary: This is the first of two short briefing notes from the SIPR-funded *Partners in Scrutiny* project. The project focuses on the development and working of new local policing scrutiny arrangements created alongside the establishment of a single Police Service for Scotland (Police Scotland) under the Police and Fire Reform (Scotland) Act 2012. Local Scrutiny Committees (LSCs) replace the Local Police Authorities (LPAs) central to police governance and accountability under previous arrangements dating back to the Police (Scotland) Act 1967. The briefing will: examine changes in the relationship between local authorities and the police; review efforts to support LSCs in adapting to their reconfigured role; note issues making local policing arrangements a focal point for policy makers, media and public over the last two years; identify emerging work to review arrangements in light of this focus; and set out a rough 'mapping' of the diverse, and still-evolving, ways in which the new scrutiny arrangements are taking shape. The mapping has been informed by existing work undertaken by, and through some additional interviews with personnel in, the Improvement Service (IS), the Convention of Scottish Local Authorities (CoSLA), the Scottish Police Authority (SPA), Police Scotland (PS), and Her Majesty's Inspectorate of Constabulary Scotland (HMICS). The second briefing note will examine findings from three in-depth studies of local scrutiny arrangements.

CONTEXT: POLICE REFORM, LOCAL POLICING STRUCTURES AND CURRENT ISSUES

The Police and Fire Reform (Scotland) Act 2012 came into force on 1 April 2013. The Act amalgamated eight regional police forces into a single Police Service for Scotland, now known as Police Scotland. This altered both the relationship between local government and the police and the arrangements through which Police Scotland would be scrutinised and held to account locally. Under the previous arrangements, set out in the Police (Scotland) Act 1967, local authorities exercised responsibilities for maintaining the eight regional forces, appointing and dismissing Chief and Assistant Chief Constables, employing civilian staff, scrutinising the Chief Constable's annual report, and requiring additional reports deemed necessary for the maintenance of policing in that area. These functions were carried out within unitary or joint LPAs. For example in Fife, policing and local council areas coincided, while in Lothian and Borders and Strathclyde, multiple local authority areas were served by a single police service. Studies of these arrangements were generally critical. Ahead of the 2012 Act, increasing centralisation of control was observed in the forms of central police policy setting through the Association of Chief Police Officers Scotland (ACPOS), the Association of Scottish Police Superintendents (ASPS) and the Police Federation (PF), and through the auditing and scrutiny work of Audit Scotland and Her Majesty's Inspectorate of Constabulary in Scotland (HMICS) (Walker, 2000: 163-165). Research suggested that the 1967 framework failed to provide the necessary strength of the local dimension to the governance and accountability of Scottish policing. In particular, LPAs were argued to be lacking in the necessary skills and capacities to effectively hold the police to account (Laing and Fossey, 2011; Audit Scotland, 2012), ultimately being characterised as generally providing a 'rubber stamp' to the will of the police and the Chief Constable (Donnelly and Scott, 2002: 10). A stated objective of the 2012 Act was that it should strengthen mechanisms of local governance.

Many of the functions of LPAs set out in the 1967 Act - specifically those around maintenance of the force, employment of civilian staff, and appointment and dismissal of senior ranks above Assistant Chief Constable - were relocated to the SPA as part of the reform process (see chapter 1 of the 2012 Act in particular). The new role of local authorities, alongside ongoing commitments of the police towards local policing, is set out in chapter 7 of the 2012 Act (ss44-47) and is framed in terms of 'consultation', providing 'feedback' and 'scrutiny'. The responsibility to ensure the maintenance of 'adequate arrangements' for local policing is that of the Chief

Constable (s44[1]) who must, following consultation with local authorities, appoint a police officer as Local Area Commander (LACs) for each local authority area (s44(2), a role that an officer so designated can exercise for more than one local authority if required. The Chief Constable's responsibility to participate in Community Planning processes is delegated to these LACs (s46). Local authorities are required to be involved in the setting of local police priorities (s45[1]) and must approve the local police plan (s47) which should be drafted by the LAC giving cognisance to the overall police strategic plan. Local police plans must set out reasoned priorities and objectives for local policing, and, where appropriate, should identify outcomes against which performance can be measured (s47[2]). In undertaking this role the local authority may 'specify policing measures' (s45[3]) it wishes to be included in a local police plan, may 'provide feedback' on the plan (s44[4]), and must be provided with information about the policing of the local area by the LAC so long as the request is 'reasonable' (s45[5]). Requests relating to specific policing operations or the prosecution of offenders are identified in s46 as issues which the LAC must refer to the Chief Constable.

Preparations to support local authorities in negotiating the new arrangements began prior to commencement of the 2012 Act. The Scottish Government, the Convention on Scottish Local Authorities (CoSLA) and the Improvement Service issued jointly agreed guidance on what good scrutiny might look like and how community engagement would be a necessary dimension of achieving it. The guidance was linked to a consultation survey through which local stakeholders could comment on the guidance and contribute to developing iterations of it, and a series of Learning Network Events were also organised to facilitate discussion of and shared learning around the new arrangements, many of them already emerging as pathfinder committees established to work through and test the new processes, prior to their formal creation on 1 April 2013. A joint review conducted by HMICS and Her Majesty's Fire Service Inspectorate for Scotland (HMFSIS) which reported in May 2013 found that progress had been made in designating LACs and in setting up local scrutiny arrangements across the 32 local authority areas, although some that had not been pathfinders were still finalising relevant local structures. The review found that the new arrangements were broadly welcomed by local practitioners and specifically indicated that there was some evidence that elected members had seen an improvement in the quality and direct local relevance of information supplied to them by LACs (HMICS and HMFSIS, 2013: 6.15). However, the review also identified some areas for development and further review, namely that levels and quality of local consultation were variable (HMICS and HMFSIS, 2013: 5.15), and that the relationship between 'scrutiny and engagement' and 'governance and accountability' wasn't always clear to members, particularly where there was a perceived ambiguity between national and local matters and uncertainty over the mechanisms through which such matters could be formally addressed (HMICS and HMFSIS, 2013: 6.13). The review also noted that LSCs were emerging in a variety of ways, with different connections to existing structures - such as full council meetings and community safety partnerships, for example (HMICS and HMFSIS, 2013: 6.4) and that this was in line with the spirit of the 2012 Act which provided 'considerable latitude' for local arrangements to be tailored locally (HMICS and HMFSIS, 2013: 6.1).

The years following the implementation of the new LSCs have seen a number of high profile issues emerging which have raised concerns about the efficacy of these arrangements as they continue to settle. For example, the routine arming of police officers, the policing of saunas and the sex industry, closures of public counters, and the ending of police traffic wardens were understood in some circles to evidence a lack of local consultation and deliberation on matters which have a direct effect on local policing services and the communities they serve. Concerns are such that in 2015 The Scottish Government hosted a Local Policing Summit to consult with local stakeholders on the working of LSCs, and the SPA established a Partners in Scrutiny forum to work with local authority officers, also formalising direct links between local officers and designated SPA board members in order to improve lines of communication between them. Ongoing concerns about local policing are also given particular emphasis in both the Scottish Labour Party's recent review of policing in Scotland (Pearson, 2015) and in the SPA's wider review of the governance of Police Scotland, requested by the Cabinet Secretary for Justice, which is due to report in March 2016.

PARTNERS IN SCRUTINY: THE RESEARCH

This research emerged out of this context of wider reform of the police in Scotland, emerging new structures of local governance, and heightened political and public interest in how effectively these new structures are working. The small-scale project is being supported by the Scottish Institute for Policing Research. Its primary objectives are to:

1. Map emergent local policing scrutiny arrangements across Scotland;
2. Examine in more detail examples of how LSCs (and, potentially, other local approaches uncovered by the research) are constituted, organised and work, internally and with partners;
3. Investigate how effectively these emergent arrangements support the SPA in its scrutiny responsibilities, and how they are in turn supported by the SPA.

The project has two stages. In stage one, outlined here in this briefing note, we have sought to 'map' the various ways in which LSCs have thus far been established, and explore with some key stakeholders the kinds of issues and concerns around these arrangements that might be explored in more detail in stage two. The mapping and overview exercise has been informed by an Advisory Board¹, additional meetings with stakeholders in CoSLA, the Scottish Government and the Improvement Service, and has drawn upon existing publically available reviews and audits carried out since amalgamation of the police. Stage two will involve in-depth qualitative study of three LSCs to explore their working from the perspectives of participants in them - convenors, local authority officers, local police commanders, elected members and Community Planning liaisons in particular. Findings from stage two will be published in the next briefing note and in the full report of the project once it has been completed.

MAPPING LOCAL SCRUTINY ARRANGEMENTS IN SCOTLAND

Local Scrutiny Committees have evolved in a diverse set of ways according to local circumstances and practices, as was envisaged/permitted by the 2012 Act. A rough typology (Appendix A) of the different emergent types, according to their relationship with other local authority structures, was mapped out by the Improvement Service and the Scottish Police Authority. We use this typology to give a sense of emergent practice and how it is distributed around the country in the map (see Fig. 1). The typology classifies Local Committees depending on whether they are constituted:

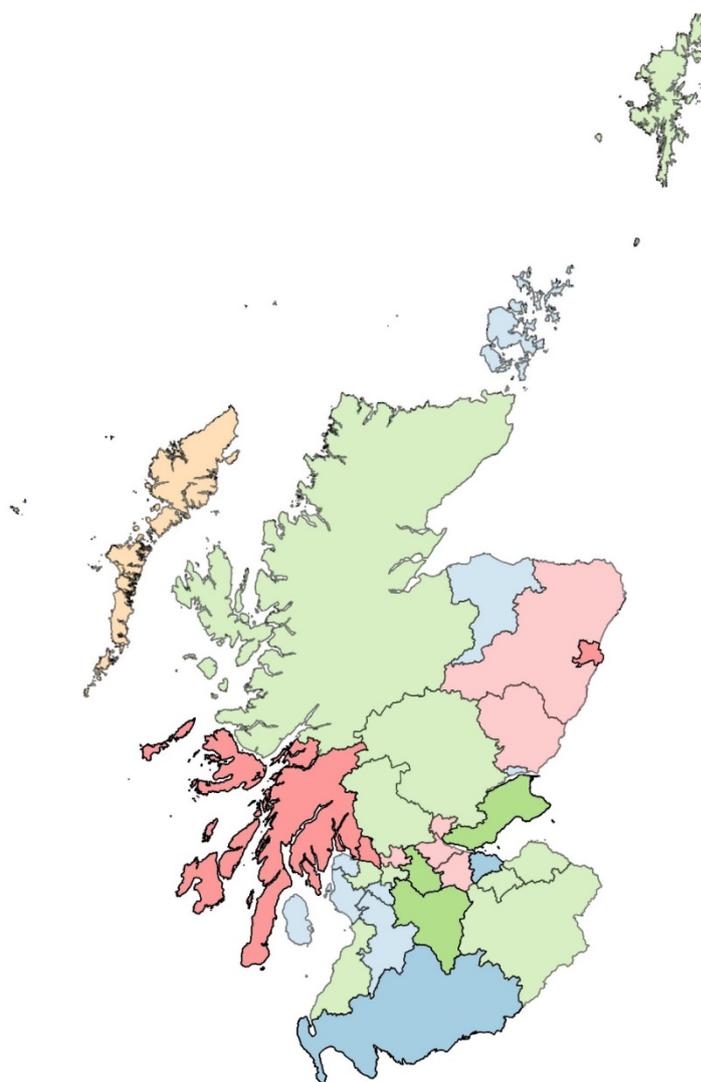
1. As dedicated blue light services (i.e. also including the Fire Service and sometimes Ambulance Services as well) committees;
2. Within existing community safety committees;
3. Within an audit/performance committee or other;
4. As part of the full council.

A necessary caveat is that some committees have been reviewing their practice and location within local government structures. The map is merely a snapshot at this moment in time and committees may move across this typology as they evolve and settle. There is also variation within each location. For example, community safety committees are organised in various ways with different memberships contributing to them.

The map (fig. 1) indicates that there is variation within each of the three Police Regional Command Areas (North, West and East) and within the fourteen Divisional Command Areas. This would suggest that the same Divisional Commander is likely to face different types of scrutiny arrangements across the various local authorities within the same Division. It will be explored as part of this research if the different scrutiny arrangements affect the way Divisional and Area Commanders present and prepare information and whether this has an effect on the quality of discussions and questions asked.

There is no uniform approach across urban and rural locations either and the rationale for each local authority to adapt a specific type of LSC arrangement is as yet unclear. We are not yet in a position to comment on whether any type of arrangement is preferable. However, many local authorities (13 in total) have adapted the LSC arrangement within a 'Community Safety' approach which potentially allows a broader membership and consideration of wider issues than approaches which more narrowly focus on the police. Whether this enhances or dilutes the work of LSCs remains a question for the research.

¹ The Advisory Board included input from the SPA, Police Scotland, local councillors, HMICS and an academic independent from the project team.



Type of Local Scrutiny Arrangements

- Dedicated Blue Light (Uniform approach in DCA)
- Dedicated Blue Light (No uniform approach in DCA)
- Examined under Community Safety (Uniform approach in DCA)
- Examined under Community Safety (No uniform approach in DCA)
- Examined under Audit/Performance Committee (Uniform approach in DCA)
- Examined under Audit/Performance Committee (No uniform approach in DCA)
- Full Council (No uniform approach in DCA)

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Figure 1: Map showing the 4 different types of local scrutiny arrangements and the variation in practice through different Divisional Command Areas (DCAs)

Emergent issues to be followed up

The mapping and overview exercise has identified a number of issues and questions to be explored in more detail in stage two. This is by no means an exhaustive list (which will be more fully set out in the final report) but one which this first stage of the project suggests is indicative of some of the more pressing questions and concerns that are emerging around LSCs in particular, and in relation to the local governance of policing in general.

- **Structural ‘disconnects’.** There are concerns that there may be structural disconnects in three key senses. Firstly, between LSCs and the centre, where local participants feel that issues defined as ‘national’ in fact have ‘local’ repercussions for their communities that require deliberation, and, potentially in some cases, a formal mechanism through which such issues can be ‘escalated’ where they have not been resolved to their satisfaction. ‘Escalation’ might mean from the LSC to the SPA and/or from the LAC to the Chief Constable. Secondly, between LSCs and local communities, where there may be some ambiguity as to how the work of LSCs is cascaded back to communities and other community-based institutions, such as Community Councils. Thirdly, and related to this issue is how well LSCs are connected to Community Planning structures, and cognisant of local Single Outcome Agreements around policing, security and community well-being.
- **Understanding of roles and functions.** How clear are the ‘scrutiny and engagement’ roles to LSCs? What does ‘good practice’ actually look like, and how might it be cultivated in ways that still respect differences in local structures?
- **Information flow and quality.** Having meaningful information on local police practice is essential to the work of LSCs. How well does this information flow to LSCs and are LSCs requesting information from the police that can help them to carry out their functions adequately? Does information provided allow effective scrutiny or are there gaps? The roles of Local Authority Officer and LAC are consistently recognised as playing a key role in determining the character of the LSCs.
- **Capacities and skills.** Information provided for scrutiny purposes might be highly technical in nature. Do participants have the necessary time and skills to properly interrogate it? Do participants have the necessary knowledge and skills to critically appraise information and ask reasonable and pertinent questions of it, perhaps also asking for additional information in response to particular issues?
- **Status of LSCs.** Under the 2012 Act the role of LSCs has been configured around consultation and providing feedback to the police on local issues. More formal powers around police budgets and appointments have been relocated to the SPA. Questions have been raised as to whether this reduces the relative status of scrutiny work with the police within the context of wider local government roles and functions.
- **Learning and development of good practice.** What (if any) are the needs for training and professional development around local scrutiny of policing? To what extent have the Learning Network Events and the SPA’s Partners in the Scrutiny events helped to create opportunities for learning and professional support around the LSC role? What additional training/networking is required? Would additional sharing of ‘good practice’ help LSCs in developing their role? Could LSCs benefit from sharing experience and raising awareness of policing and security issues within a wider set of Council committees and partnerships?

SOURCES OF FURTHER INFORMATION

Audit Scotland and HMICS (2012), *Best Value in Police Authorities and Police Forces in Scotland*. Edinburgh: Audit Scotland and HMICS.

Donnelly, D. and Scott, K. (2002). Police accountability in Scotland: the ‘new’ tripartite system. *The Police Journal* 75(3), 3-14.

Laing, A. and Fossey, E. (2011). *Governance and accountability of policing in Scotland: a discussion paper by HM Inspectorate of Constabulary: abridged report*. Edinburgh: HMICS.

HMICS and HMFSIS (2013), *A Thematic Inspection of the Development of Local Police Plans and Local Fire and Rescue Plans and Associated Arrangements for Local Scrutiny and Engagement*. Edinburgh: Scottish Government.

Pearson, G. (2015), *The Pearson Review of Policing in Scotland*. Scottish Labour.

Appendix A – List of Police Divisions, local authorities and types of LSC arrangements

Division	Local Authorities	Type of Local Scrutiny Arrangement
Aberdeenshire and Moray	Aberdeenshire	Examined under Audit/Performance Committee
	Moray	Dedicated Blue Light
Aberdeen City	Aberdeen City	Examined under Audit/Performance Committee
Argyll and West Dunbartonshire	Argyll and Bute	Examined under Audit/Performance Committee
	West Dunbartonshire	Examined under Audit/Performance Committee
Ayrshire	North Ayrshire	Dedicated Blue Light
	East Ayrshire	Dedicated Blue Light
	South Ayrshire	Examined under Community Safety
Dumfries and Galloway	Dumfries and Galloway	Dedicated Blue Light
Edinburgh	Edinburgh City	Dedicated Blue Light
Fife	Fife	Examined under Community Safety
Forth Valley	Clackmannanshire	Examined under Audit/Performance Committee
	Falkirk	Examined under Audit/Performance Committee
	Stirling	Examined under Community Safety
Greater Glasgow	Glasgow City	Examined under Community Safety
	East Dunbartonshire	Examined under Audit/Performance Committee
	East Renfrewshire	Dedicated Blue Light
Highlands and Islands	Highland	Examined under Community Safety
	Orkney Islands	Dedicated Blue Light
	Shetland Islands	Examined under Community Safety
	Eilean Siar	Full Council
Lanarkshire	North Lanarkshire	Examined under Community Safety
	South Lanarkshire	Examined under Community Safety
Renfrewshire and Inverclyde	Inverclyde	Dedicated Blue Light
	Renfrewshire	Examined under Community Safety
Tayside	Dundee City	Dedicated Blue Light
	Angus	Examined under Audit/Performance Committee
	Perth and Kinross	Examined under Community Safety
The Lothians and Scottish Borders	West Lothian	Examined under Audit/Performance Committee
	Midlothian	Examined under Community Safety
	East Lothian	Examined under Community Safety
	Scottish Borders	Examined under Community Safety

Source: Scottish Police Authority mapping of local scrutiny arrangements, 2015.