PARTNERS IN SCRUTINY
BRIEFING NOTE 2: THREE LOCAL SCRUTINY COMMITTEES

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Summary: This is the second of two briefing notes from the SIPR-funded Partners in Scrutiny project. It presents the perspectives and experiences of key participants (from police and local authorities) working in three different Local Scrutiny Committees (LSCs). Themes explored with participants included: structural disconnects between LSCs and local communities, LSCs and the SPA, and within Police Scotland; the understanding of roles and functions within LSCs; information flow and quality; the capacities and skills of participants relevant to the scrutiny function; the status of LSCs; and learning and sharing good practice around police scrutiny.

INTRODUCTION: PARTNERS IN SCRUTINY AND THE LOCAL CONTEXT OF POLICE ACCOUNTABILITY

This *Partners in Scrutiny* project was developed within a context of uncertainty as to how effectively new local police scrutiny arrangements were working alongside the new single police service in Scotland (see Henry, Malik and Aitchison, 2016). It was designed to do two things. Firstly, it sought to 'map' the diverse landscape of LSCs and identify key issues of interest or concern to main stakeholders. This 'mapping' exercise is documented in our first *SIPR Briefing: Mapping local scrutiny arrangements in Scotland* (Henry, et al. 2016), a useful companion piece to this briefing. The second objective was to explore and understand LSCs current stage of development from the perspectives of the people who make them work. This was done through more detailed qualitative studies of local scrutiny arrangements in three locations. Issues raised in the mapping and overview exercise acted as a starting point in relation to the (overlapping) themes that we would actively explore in the fieldwork:

- **Structural disconnects:** between the LSCs and their wider communities, between LSCs and the Scottish Police Authority (SPA), and within Police Scotland;
- **Understanding of roles and functions:** how clear are the scrutiny and engagement roles and what constitutes 'good practice' in relation to them?
- **Information flow and quality:** how effectively does information flow and accessibility support participants in achieving LSC functions?
- **Capacities and skills:** how well equipped are participants to carry out their roles effectively?
- **Status of LSCs:** has the loss of formal powers and budgets resulted in a loss of status of police scrutiny work within Local Authorities?
- **Learning and development of good practice:** to what extent were there training and networking gaps that could be filled in order to enhance scrutiny work and the sharing of good practice within and between LSCs, the SPA and Police Scotland? (See: Henry et al. 2016: 5)

The main findings from this second stage of the project are the subject of this briefing. A fuller set of findings, an outline of site selection and methodology, and a critical discussion of the findings are to be found in the Final Report.

FINDINGS: PERCEPTIONS OF LSC PARTICIPANTS

The findings presented here reflect the perspectives of key participants in LSC processes in three sites. They are organised around the issues identified above. 'Key participants' include District Commanders (DCs) and Local Area Commanders (LACs) on the police side, and LSC Convenors and Local Authority Officers (LAOs) on the side of the council. In one site we interviewed a LSC member from the Third Sector. The views expressed here are not *representative* of experiences across all of Scotland. However, site selection covered a diverse

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range of experience *illustrative* of many issues faced by those engaged in local scrutiny (see the Final Report for a fuller discussion of this).

Structural disconnects

Overview interviews expressed concern that there were 'structural disconnects' in three main senses. Firstly, between the work of LSCs and the communities they served, including between the LSC and other 'representative' forums such as Community Planning and Community Councils. Secondly, between the LSCs and the SPA, particularly with regards to how concerns about local issues are escalated to the SPA for resolution. Thirdly, internal structural disconnects within Police Scotland that prevent LACs from resolving local problems that emerged out of national policy. They are discussed in turn:

1. Structural disconnects between LSCs and wider communities

- Publicly elected councillors were seen to provide LSCs with some representation and valuable knowledge of local community issues. Many more elected members were perceived to be involved in LSCs than had been the case with LPAs. Police participants also appreciated elected members' links with wider Council business, including Community Planning, Community Safety and Community Councils. This helped the LSC and ensured that it was joined up with other Council activities (see also Capacities). In all sites it was perceived that reporting back from the old LPAs to wider council committees had been poor, but that the links between LSC members and other committees had improved reporting and exchange.
- Police Scotland produce multi-member ward plans (MMWPs). MMWPs relate to particular wards, the geographic units to which local councillors are elected, and so potentially represent an even more local level of engagement than LSCs (local authority areas served by an LSC will be made up of several wards). MMWPs feed into the local police plan of the local authority area but do not form the basis of ongoing scrutiny which focuses on the local police plan. Even at Community Council level it was felt that the MMWPs held little traction, with discussion of policing driven by current local issues rather than scrutiny of a MMWP.
- In all three sites the LSC included councillors who were members of Community Councils. LSCs in Sites 1 and 3 also have representatives of third sector organisations (sometimes brought in for specific issues, other times as ongoing participants), both of which were seen as helpful in representing community interests.
- The LSCs did not conduct their own surveys into local community interests and did not perceive this as a relevant aspect of their scrutiny function. Police Scotland, Local Authorities and community safety partners all conduct community surveys which are drawn on when required.
- In all three sites proper links to Community Planning structures and sub-committees were seen as key to ensuring that the LSC contributed to joint working and outcomes. For instance, in Site 3 the DC had contributed to the restructuring of the Community Planning Partnership to ensure that all officers from partner agencies engaging in different types of partnership working (around children, vulnerable adults, domestic abuse, hate crimes, and counter terrorism) are organised under one broader working group that is chaired by the DC. This allows this work to feed directly into SOAs and joint outcomes which are routinely fed back to and discussed at the LSC level.
- Site 2 is a Type 1 arrangement (Henry et al., 2016: 3) and has a cross-party composition but does not include community safety partners or members of the third sector. The convenor indicated that there could be better integration between the police and community safety partnership through a shared reporting system, which is being discussed more widely in the site.
- The need for the police to maintain continuity of engagement with community structures (including Community Councils and wards) had been an issue. Concerns had been raised by councillors to the LSC about successive officers turning up for meetings, often ill-briefed about specific issues of local concern, only to be replaced by yet another officer at the next meeting. This was resolved in all three sites through consultation and engagement between the LACs and community councillors.
- Public scrutiny meetings are held in all three sites. The media attend these meetings, raise issues, and can present information back to the communities concerned (what is reported back was outside the scope of this small project). From the perspective of LSC participants it was felt that media questions tended to be more focused on national 'Police Scotland' strategies and issues, and less directly on local

matters. However, participants' acknowledged that such national issues often had local ramifications and that this was also a concern to them (see 2 and 3, below).

2. Structural disconnects between LSCs and the SPA

- In the first briefing paper it was identified that LSCs were concerned about national decisions that had local repercussions. LSC participants from the police and councils confirmed that there was some dissatisfaction that national priorities and policies were not open to scrutiny at a local level, and they felt a disconnect in that respect.
- An SPA representative attended public meetings at each of the LSC sites. This was highly praised by LSC participants. For convenors and the LAOs, SPA representatives provided useful expertise on resource issues and national priorities. These were also important for DCs and LACs who valued their input in fielding questions regarding national issues at public meetings. All observed that there needed to be a more formal channel to raise, and deliberate on, local issues at a national/SPA level. For the moment they were unsure about the extent to which local issues raised at LSC meetings were consistently reported back to the full SPA Board (see also information flow, below).
- The main examples of national policies having local impact that were discussed in all of the project sites were Police Scotland's withdrawal of traffic warden support, stop and search, firearms and the closure of counter services. The traffic warden issue is still being debated at full council level at two of the three sites with no resolution in sight.

3. Structural disconnects within Police Scotland

"We have lost the boundaries of the previous forces with police Scotland but we have created new boundaries with the specialist forces that we never had before." (DC)

- DCs and LACs intimated that whilst LSCs provide an opportunity for members to scrutinise local police performance, the forum is also used to quiz 'Police Scotland' on national policies that are outside of the scope of local police leadership. They found it difficult to respond to these constructively.
- In particular, the deployment of specialist services in local areas and the operational command of these units (e.g. for roads policing) is the domain of Assistant Chief Constables (ACCs). However, ACCs have no legislative duty to present themselves to the LSC nor to respond to local questions and concerns. DCs and LACs in the three sites expressed a fairly consistent view that internal escalation processes between local DCs and Police Scotland's corporate executive may need to be reviewed to ensure that specialist units are responsive to local concerns.
- The weakness of the escalation route is emphasised by the example of roads policing in Site 3. Roads policing officers migrated from other regions and operated under the command of the regional ACC. There was a perception locally that these officers issued tickets in line with a different policing culture and performance targets, whereas previously the local force focused less on tickets and more on engagement with the drivers with a view to changing driving behaviour. This new practice was seen as counter-productive to local policing and resulted in challenging questions at the LSC, but with no escalation route to satisfactorily resolve the matter.

Understanding of roles and functions

- The participants' at all three sites perceived that they had a clear understanding of their roles and functions in relation to the LSCs under the 2012 Act. They characterised the LSC as a 'scrutiny' committee (approving local police plans and reviewing their delivery and responsiveness to local concerns) and not a 'doing' committee where specific decisions had to be made (e.g. regarding the police budget), as had been the case with the previous LPAs.
- 'Improvement', an aspect of the function emphasised in the Scottish Government, Improvement Service, and CoSLA joint guidance (2013), was viewed as better achieved through the joined-up working and formulation of joint outcomes and SOAs achieved through Community Safety committees and Community Planning Partnership structures, to which LSCs reported.
- Police and council members viewed the LSC as a mechanism for consultation on local policing issues. In all three sites convenors and LAOs felt that local police representatives listened to community

feedback and responded where they could (subject to some issues being formally 'national' in character, as noted previously).

- The DCs and LACs also felt that the LSC serves as a two way communication channel where, as well as reporting on performance against local priorities, they can also raise awareness of policing issues affecting the locality with members, such as preventative work being done in local areas and forthcoming police initiatives.

Information flow and quality

- The current LSC arrangements are perceived across the three sites as having opened up new channels of communication between local representatives, third sector stakeholders and the police. Under the previous arrangements, council representatives, particularly at the joint police boards, were under no obligation to report back to the full council. The current LSC model has enhanced the capacity for locally elected representatives to get regular representations from the police and members feel there is more awareness of policing issues and that there is a better paper trail around issues discussed.
- In general, convenors and LAOs, felt that the police provided good, locally relevant information, and that they were responsive to requests for additional information or for information to be provided in different formats (see below). However, there were some differing experiences between site 2 and sites 1 and 3.
- In site 2, the current style of reporting is a cause for concern for both DCs and the LSC members particularly due to the nature of the report being a "formulaic Strathclyde region based style which consists of hard raw facts, no relating introductory narrative." It was felt that misinterpretation and misreporting of statistical data by the press, particularly where data is provided without adequate contextual information, can affect local relations with the police and public confidence.
- In site 2 the DC and LAC feel that their form of reporting to the LSC would be better presented with an introductory narrative, followed by supporting statistical data. However they also express concern that this would go against the current reporting style, or the "Scottish template", which they saw as being advocated by Police Scotland corporate executive.
- Experience in sites 1 and 3 has been different, potentially because of their involvement in training workshops during the Pathfinder. Here the DCs and LACs similarly felt the need to move away from the rigid "Scottish template" after consultation within the LSC. They have tailored reporting to include information requested by the members. For instance, in site 3 members wanted information presented at specific local levels so that overall crime figures throughout the area were not distorted by bigger towns and could identify different patterns of incidents in rural and urban communities. This was duly included in future reports. Further, members in site 3 also requested a mix of statistical data with 3 year and 5 year trends and accompanying context. Reporting in both sites now reflects this.
- Whilst the LACs present the performance reports and provide the narrative, in all three sites the DCs also attend committee meetings, and inform members of national initiatives and policies. As noted previously, SPA board member presence at committee meetings is also valued as they are able to provide information and answer broader questions about resourcing, finance and national issues outside the formal scope of the local command team. However, members showed uncertainty about whether such issues when discussed locally are fed back to the full SPA Board.
- As LSCs are held in a public forum with regular attendance from local media, participants felt constrained in sharing sensitive information in that forum.
- All three sites have developed informal briefing sessions, members' only monthly meetings with cross-section political representation and representation from LACs and DCs where all issues are discussed in private. While these meetings are not minuted, participants were unanimous in recognising the benefits of these sessions, "one of most helpful both in terms of local scrutiny and information exchange".
- The interpersonal dynamics between DCs, LACs, Convenors and LAOs is seen as key to local partnership working by all participants. Informal meetings have helped alleviate restrictions on what can and cannot be shared as one LSC Convenor said *"nothing is off the table, I can get the information on officer numbers deployed in my local area without any problem"*. However, in one of the sites members have expressed concern about the number of officers deployed in their local areas and they feel that this information should be divulged so they can fulfil their community safety obligations. In this site an overview of resources and deployment in percentages was provided, whereas in other sites exact information on officer numbers and shifts was provided. The perceived quality of local working relationships may affect what is perceived as 'sensitive' information and how discretion to release it is exercised.

Capacities and skills:

- Data for local scrutiny is generated centrally by Police Scotland performance analysts using the performance management system called SCOMIS. The reports provided contain a mix of statistical data and contextual information, with all three DCs making efforts to tailor them to local needs and priorities (as far as the 'Strathclyde template' noted earlier would allow). As the primary function of LSCs is to scrutinise police performance against priorities identified in the local police plans, members felt that there is no real expertise required for their new role.
- Sites 1 and 3 have a cross-section of stakeholders at the LSC meetings. This includes government and opposition councillors, police, fire, community safety, health and equalities, minority group representatives, housing and trader's associations. This diversity is felt to bring a range of knowledge and expert skills into the scrutiny process.
- These sites also benefitted from being part of Pathfinder as training workshops organised by the LAO and DCs ensured that members understood what was being presented to them and had an opportunity to ask questions around that.
- For instance in Site 3, the LAO, the DC and the local senior officer for the Fire and Rescue Service ran a workshop with the LSC members during the Pathfinder phase. Members were presented with data and split into groups and asked to think of challenging questions they could ask of that data. The session was well received and members made a list of requests for changing the way in which future data was presented. The DC welcomed this approach as expectations were clear from the start.
- In terms of training and skills, members felt that it would be useful to have an induction for new committee members, particularly so they can get to know other members of the LSC. Also, an understanding of what the local priorities mean and asking questions within the broad categories of crime types was deemed as an important skill that could be achieved through the help of LAOs and DCs/LACs through training workshops of the kind organised at Pathfinder sites.
- It was identified by all participants that the most important quality in LSC members is a genuine interest in the communities that members represent and an understanding of the needs of those communities.
- All DCs also accepted that elected members and community councillors were well equipped to scrutinise and support local policing.

Status of LSCs

- As observed earlier, the participants have understood the role of the LSC as a 'scrutiny' committee and not a 'doing' committee primarily because they understand there to be no formal decision making powers bestowed upon local authorities in relation to police maintenance under the 2012 Act.
- In the days following the reforms, some councillors in the three sites did struggle to adjust to their new roles. In the initial meetings they were still asking questions about complaints, budget, finance, HR and corporate policies of Police Scotland. Sites 1 and 3 specifically stated that the Pathfinder pilots, workshops organised by the LAOs, DCs and senior Fire Officers, and later Partner in Scrutiny events organised by SPA, had aided the process of adjustment. Site 2 were a little more ambivalent, being aware of Pathfinder and Partner in Scrutiny events as ways of finding out what other LSCs were doing, but still feeling that they were learning themselves through trial and error or *"scratching in the dark"* (LSC convenor).
- It was felt by some members that if LSCs had some say over resources they could influence police numbers in their local areas to meet community safety demands.
- However, local authorities have statutory powers to approve the local police plan and this does give considerable influence to local representatives. This is understood by both council and police members of the LSC:

> *"Within the police scrutiny sub-committee we have a role in terms of working with the police and our own community safety representatives to establish and have a settled view as to what we would believe as our policing priorities which we would ask Police Scotland to deliver on."* (LSC Convenor)

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"the local scrutiny committee has a clear role to scrutinise the local policing performance, set the objectives within the local policing plan and I have been quite clear that we are willing to be agile and move into new areas of police business depending on what happens because policing isn't static." (DC)

- Although the current arrangements seem to largely be viewed positively as providing robust scrutiny one of the DCs identified an issue arising from the lack of formal powers. He felt that whilst the LSC could scrutinise local police performance and ask questions, he did not feel he was 'accountable' to them.
- One of the LSC convenors also felt that powers of scrutiny alone are not sufficient:

"There are limits to the devolution settlement - if I want the best policing for my local communities and that means having more police officers on the streets by preventing officers from doing civilian jobs for twice the money that's a change in direction and policy that I cannot influence." (LSC Convenor)

- Contrary to the above, one LAO observed that the local dimension of scrutiny into the Police Service was quite unique in the context of local public services in Scotland. They noted that the model for policing was positive in that it gave a clear role for local officials and was actively welcomed by the police who recognised the value of community engagement. This was contrasted with health, environment and economic development which they perceived as less open to meaningful local engagement and scrutiny. In the context of Community Planning and Community Empowerment they felt that the hybrid model of police governance was the most conducive to joint working and partnership.

Learning and development of good practice:

- Members felt that there is no adequate forum to share best practice between convenors and officers. Whilst SPA's training initiatives are welcomed, the outcome from those meetings were not long lasting and were not perceived to have had an impact on local practices.
- It was felt that a more formal line of communication from LSCs to the SPA (see structural disconnects) would offer reassurance that the SPA were learning about local policing issues.
- The convenor in Site 2 noted that in some respects they were still learning and finding their own way. They indicated that Pathfinder trial results had not been shared with the rest of the local authorities and argued that was an opportunity missed in terms of sharing best practice.
- Regional networking of LSCs involving police and council members were noted as a potential means of enhancing communication and sharing of 'good practice' across the sector.

SUMMARY FINDINGS: THREE LOCAL SCRUTINY COMMITTEES

Overarching messages from the project, which will be developed in the final report, are outlined in conclusion to this briefing:

- Professional and interpersonal relationships between local participants were universally perceived to be positive and facilitative of constructive dialogue;
- Information flow was generally perceived to be good, particularly after DCs and LACs responded positively to local requests for tailored local information and contextual details alongside statistical data;
- Council participants all felt that they had been able to input into local police plans and that there was sufficient flexibility to tweak priorities in the light of new information or emergent issues;
- Council officials indicated that they felt empowered to ask LACs questions and for additional information where they felt that they needed it. In most instances they perceived the police to be responsive and forthcoming, albeit it was felt in site 1 that there was some reticence in providing specific information about police numbers deployed locally (the police provided this information in the other sites);
- Input from SPA members assigned to each LSC was highly valued by police and Council participants, particularly because it allowed local issues to be contextualised with SPA expertise on national developments. However, convenors and LAOs expressed some desire for more engagement with the

SPA, and a mechanism for having local issues passed up to the full SPA Board on a systematic and transparent basis;

- DCs and LACs drew attention to an internal structural disconnect within Police Scotland. Where the policy or activities of specialist units (under the command of an ACC) were perceived to raise local concerns, there was not a clear mechanism by which the DC or LAC could resolve them;

- Overall, participants felt that they understood their 'scrutiny' role under the 2012 Act (contrasting it with previous arrangements which had more decision making). Participants felt that the consultation and feedback processes around the agreement of local police plans constituted good engagement between the police and local government, noting also that more elected members are now actively involved than under previous arrangements.

- Particularly in sites 1 and 3, there were indications that LSCs were well integrated with Community Safety and Community Planning Partnerships and it was through these structures (not LSCs themselves) that agreement of joint outcomes and improvement plans amongst partners took place;

- Some participants, particularly convenors and LAOs, perceived insufficient sharing of good practice across different LSCs, ongoing central training and workshop sessions to network LSCs and the SPA, or in-house training and mentoring of members new to the role of local police scrutiny. This suggests that there may not be a shared sense of what scrutiny, engagement and 'good practice' are across LSCs.

REFERENCES

Henry, A., Malik, A. & Aitchison, A. (2016). Partners in scrutiny: mapping local scrutiny arrangements in Scotland. *SIPR Briefings No: 15.*   http://www.sipr.ac.uk/downloads/Briefing15.pdf