



Response to the Police and Fire Reform (Scotland) Bill

The UNISON Scotland Submission to the Scottish Parliament's Justice Committee on their call for Written Evidence on the Police and Fire Reform (Scotland) Bill

February 2012

UNISON Scotland
Scottish Parliament Justice Committee
Call for Evidence: Police and Fire Reform (Scotland) Bill

Introduction

UNISON Scotland welcomes the opportunity to respond to the call for written evidence from the Scottish Parliament's Justice Committee regarding the above Bill.

UNISON is Scotland's largest trade union representing over 162,000 members working primarily in the public sector in Scotland, and represents police staffs as well as Fire and Rescue control room and support staff in Scotland.

UNISON Scotland's Response

UNISON Scotland submitted a response to both Scottish Government consultation exercises on this Bill and responded to the Calls for Evidence from both the Scottish Parliament's Finance and Local Government Committees. This response highlights some key issues of concern to UNISON Scotland and its members.

Reform of Public Services

The Christie Commission specifically commented on the reform of the Police and Fire & Rescue Services in their report on public sector reform. The Commission raised a number of specific concerns relating to their criteria for public sector reform including whether any new arrangements:

- can be shown to lead to the achievement of better outcomes for the people and communities of Scotland;
- ensure that services are required to account to the people and communities of Scotland, both directly and through their democratically elected representatives, so that public confidence in and support for the delivery of services can be maintained; and
- support the local integration of service provision.

The Christie Commission called on the Scottish Government and other partners to address these issues in further discussion of the reform of police and fire and rescue services; and to give an account of how any specific proposals for reform can meet these criteria. UNISON Scotland does not believe that this Bill meets that test. The Christie Commission's priorities included recognition "that effective services must be designed with and for people and communities – not delivered 'top down' for administrative convenience". It seems to us that these proposals are exactly the sort of 'top down' approach the Christie Commission warned against.

Accountability

It is unclear as to why there are to be two policing bodies in the new structure, the SPA and PSS. In addition forensic services have a further degree of separation from the SPA and PSS. From a police staff perspective we are even unclear who will be the employer of our members.

The reform to the police service highlights that there could potentially be 32 local commanders – one for each local authority area. However, local commanders may not be all the same rank and this could lead to some commanders having more power and influence within the new police force than others. Local authorities may also feel that they deserve the same ranked commander as neighbouring authorities or the same number of police officers as their neighbours, creating an unhealthy competition between councils unless a clear criteria is set on the distribution of resources.

UNISON Scotland is also concerned that this could lead to police staff being redeployed to other areas, possibly at short notice and disruption to work life balance.

The Bill also doesn't set out how the relationship between local commander and local authority should operate locally- leaving it up to each local authority to determine. This also raises the question of who is the local commander answerable to – is it the local authority for the area he/she covers and which may argue for one thing on behalf of its electorate, or the chief constable who may have other priorities? Police and to a lesser degree fire services are managed primarily on a command and control model, very different from other services. Unless there is much stronger local discretion it is inevitable that central control will interfere with local priorities.

Similarly, there are concerns about the democratic accountability of a single police force, how much representation will be afforded to areas such as the Highlands and Islands which have to cover a large land mass but has a lower population. There is a concern that any board meetings would be difficult for representatives from all across Scotland to attend and that many areas would have insufficient representation. This would break the link between communities and their local police force.

At a national level being subject to general or specific Ministerial direction does not in our view achieve the essential separation from Scottish Ministers and the SPA, giving the impression of political control of the police. There is a tradition in the UK of policing as a local service while recognising the legitimate interest of central government. A national police force could still be a local government body and this would provide a better governance model than that proposed in this Bill.

Finance

It is difficult to assess whether the estimated costs and savings provided within the Financial Memorandum are either reasonable or accurate. The paper highlighted a wide range of figures for both costs and savings, depending on what assumptions are made. For instance, in the case of police reform the costs range from £137million to £163million, while the potential savings range from £1.135billion to £621million. Similar variations are identified in the more detailed breakdowns later in the report, highlighting potential cashable and non-cashable savings, with some savings potentially coming from increased productivity but no comment on how this will actually be achieved. It is our understanding that the figures have been generated as a 'top down' requirement and task groups have been told to find the savings.

This approach results in optimistic assumptions about the effectiveness of shared services and simply passing even more support staff tasks onto operational staff through cost displacement. Others have also expressed concerns over the savings estimates, particularly in areas like IT. Experience of past reorganisations has rarely justified the scale of optimism shown in the current plans.

UNISON Scotland is also concerned that local authorities may end up with additional budgetary pressures paying for the scrutiny of complaints, training for members, or even the administration of a local police board and local fire and rescue board – when this should come from the SPA/ Scottish Fire & Rescue Service resources rather than from local authorities own funding streams.

There is also a concern regarding the VAT liability for both new organisations, as highlighted within the report. This issue needs early clarification. If there is no VAT exemption then this will be a recurring cost on both budgets (approx £22million per annum for the police and £4million per annum for Fire and Rescue).

Police Staff

As the Government has a target to maintain police officer numbers, the focus of the savings are concentrated on police staffs. This is in contrast to the report by the National Police Improvement Agency in England and Wales, which examined how forces could save resources by removing the use of a warrant card for some jobs where there is no need for one, and having a better workforce mix between civilian and uniformed staff. Scotland is already some way behind modern police practice in this regard. Police staffs includes properly qualified civilian personnel delivering a wide range of routine, complex and specialised functions that are central to modern day police forces, while allowing uniformed officers to concentrate on operational policing duties. Taking trained operational police officers off the streets to perform administrative or specialist tasks – at greater cost, is economic madness. Together with the cost savings this will return the police service in Scotland almost to the 1980's, with inefficient and outdated police practice

UNISON Scotland is concerned about a number of issues relating to workforce planning particularly for staff who may be currently employed by local authorities but are working for police forces. This could include staff in shared services, such as camera safety partnerships and elsewhere, who may be employed primarily with a local authority or other agency. The Bill states that such staff will be transferred, subject to a staff transfer scheme but there is little detail about this within the Bill.

UNISON Scotland would like further clarification on whether police staffs, once transferred to the new bodies, would be subject to the Scottish Government guidance on non compulsory redundancies. There is a concern that the projected savings from the move to a single police force will be mainly achieved by drastically reducing the number of police staffs – a recent ACPOS paper indicated as many as 2,000 posts were under threat. UNISON Scotland would like further clarification on this issue. This is causing anxiety and uncertainty around staff transfer.

S26 provides for the appointment of police staff “to assist constables”. This is very outdated view of the role of police staffs. Many police staff perform their duties in their own right without “assisting” any constables. S26(2)(b) also refers to individuals being appointed under arrangements with a “third party”. There are separate provisions in the Bill for contracting, so the purpose of this section is unclear.

The Bill has separate provisions (s28-30) for Police Security and Custody Officers (PCSO). The certification and ‘fit and proper person’ test could result in double jeopardy situations for the police staff concerned and the necessity for such arrangements are unclear.

Police staffs are also included under the s21 powers of the Chief Constable to direct and control the service. Police staffs are correctly explicitly excluded from police regulations because they are appointed through a contract of employment. That contract should determine the relationship, not a statutory provision that could conflict.

The staff transfer scheme in Schedule 4 is inadequate and does not cover the full range of matters staff would expect in a statutory transfer scheme. Previous statutory reorganisations have at least covered the main provisions of TUPE (e.g Water industry (Scotland) Act 2002). S27 also refers to the establishment and administration of pension schemes. Is it really intended that a new pension scheme should be established rather than remain as a scheduled body to the LGPS?

We welcome the inclusion of police staff in s87 offences.

With regards to the new Scottish Fire and Rescue Service, UNISON Scotland would like clarification on whether control room staff and support staff, once transferred to the new body would be subject to the Scottish Government guidance on non compulsory redundancies. There are similar issues in the staff transfer arrangements in relation to fire and rescue staff.

Conclusion

UNISON Scotland believes that the centralisation of police services in Scotland is wrong in principle and contrary to the principles of public service reform as described by the Christie Commission. Accountability is confused and the balance of powers between local commanders and the Chief Constable are insufficient to ensure genuine local policing. National direction could be perceived as political direction of the police.

The financial arrangements are sketchy to say the least. They have not been built up from service delivery need. Instead target savings appear to have been randomly allocated and staff told to fit services to those figures. This is a recipe for service chaos with the inevitable cost dislocation that goes with this 'top down' approach.

The provisions for police staff will turn back the policing clock in Scotland by decades. Police officers will be performing duties they are not qualified to undertake at greater cost. The aim should be to ensure the maximum number of police officers 'on the street', not substituting for police staff roles. The provisions in the Bill regarding police staffs reflect this outdated approach to policing. Finally the staff transfer arrangements are inadequate and unclear.

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