

Agenda Item	4.
Report No	NBS/18/14

## Engaging with Police and Fire and Rescue Services at Area Committee

### Report by the Head of Policy and Reform

#### Summary

This report describes the role of members in engaging with the new national services for police and fire and rescue. It is provided as context for the members in considering the first round of performance reports from the national bodies at Area Committee.

#### 1. Introduction

- 1.1 The Police and Fire Reform (Scotland) Act 2012 established the Police Service for Scotland and the Scottish Fire and Rescue Service (SFRS) and abolished the former territorial forces and their governing bodies from 1<sup>st</sup> April 2013. The legislation brings new roles for members and the Council in engaging with the national services.
- 1.2 There are several community safety commitments in the Council's Programme 'Working Together for the Highlands'. They include: the maintenance of police numbers in the Highlands; the role of elected members in agreeing priorities for local plans for police and fire and rescue services and monitoring their performance; and engaging effectively with the new national services and the Scottish Ambulance Service.

#### 2. The role of local authorities and elected members in engaging with the new single services

- 2.1 The Act sets out the roles for local authorities in local policing and local fire and rescue services. These are listed in an extract from the Act at Appendix 1. Two key requirements of the Act are that the chief constable must ensure there are adequate arrangements in place for policing each local authority area and the SFRS must ensure there are adequate arrangements in place for carrying out its functions in each local authority area.
- 2.2 Engagement for both services with the Council means, in summary, that they must:
  - **Consult** with the Council on the designation of a local commander for police and a local senior officer for the fire and rescue service (these officers can cover more than one local authority area).
  - **Involve** the Council in the setting of priorities and objectives for policing the area and in determining the priorities and objectives for the fire and rescue service.
  - Following the production of the first strategic (national) plans for police and fire and rescue services, the local commander and local senior officer are to **submit a local police plan and local fire and rescue plan to the Council for approval** and once approved the local commander must publish the local policing plan in a format the Council may **specify**. The plans must set out priorities and objectives, the rationale for them, how delivery will be organised to achieve them and performance measured and how this aligns with the Single Outcome Agreement.
  - A legal duty for the local police commander and local senior officer to

**participate** in community planning.

- **Provide** information or reports to the Council on carrying out police functions and fire and rescue service functions, statistical information on police complaints or any other reasonable information requests of both services.

2.3 In addition the Council can:

- **Monitor and provide feedback** on any policing and fire and rescue service matter and any recommendations for improvement; and
- **Specify** any policing measures to include in the local police plan.

2.4 Local members have important engagement and scrutiny roles; but have no role in specifying operational matters or in agreeing resource allocation.

### **3. The Council's approach to engaging the national services**

3.1 As part of the Council's Scheme of Delegation the Community Safety, Public Engagement and Equalities (CPE) Committee has responsibility for enabling local scrutiny and engagement with the national bodies and their governing boards. In addition the Education, Children and Adult Services (ECAS) Committee has responsibility for engaging with the national services on their local plans for the following policy areas: youth justice; alcohol and drugs; adult protection; child protection; and offending and re-offending.

3.2 In the first 15 months of the new services, the Council has demonstrated its scrutiny role through constructive challenge of performance information presented to the CPE Committee and it specified the amendments it sought in order to agree the the first Highland local plans for police and for fire and rescue services by June 2014.

3.3 Over the past 18 months members of the CPE and ECAS Committees have participated in workshops to develop their new roles and to test out national guidance on scrutiny and engagement. The Council's approach is identified as good practice nationally through the Scottish Government's Building Safer Communities Network and by the national inspection body for police.

3.4 From these workshops members identified some improvement actions to support them in their role locally and with some implications for area committees. These are listed below along with an up-date on progress against them.

1. On-going development of ward plans for Police by engaging members at the ward level.
  - *Ward plans were developed for Highland and in consultation with local members and through ward forums. They contributed to the priorities for the Local Police Plan for Highland.*
2. Providing performance reports for police and fire services at the Council's Area Committees for local scrutiny.
  - *These are available for this meeting and with a view to providing them twice a year.*
3. Putting arrangements in place so that members receive police briefings on local matters timeously.
  - *The Local Police Commander has arrangements in place for staff to brief local members directly when required.*
4. Arrangements for the Fire and Rescue Service to engage with Ward Forums, Business Meetings and Community Councils.

- *SFRS attended ward forums to gauge public views on the priorities for the SFRS local plan for Highland.*

5. To understand the connections between Highland wide outcomes and local priorities and action.

- *Ensuring community safety requires partnership working with a range of community planning partners, including NHS Highland. For this reason District Partnerships are evolving to include community safety as part of their remit and this should ensure local issues are planned for and responded too appropriately by public services together. Local issues will also feed into the assessment of need across Highland and influence future priorities in the Single Outcome Agreement. These arrangements are new and will be reviewed.*

6. Consider how community development approaches could be used to improve community safety locally.

- *Community planning partners have agreed to work together on community development. A new partnership officer working group chaired by the Council's Director of Care and Learning is being established and it will report to the CPP Board and to the ECAS Committee on progress. It will draw on the learning from the new community health co-ordinators located in areas of deprivation and in four rural areas where community account management is supported by HIE. At this time this does not affect the area covered by this Area Committee; however learning from the areas may be transferable. This is work in progress and local members will be kept informed of any issues arising for their area.*

3.5 The Council's approach to engagement and scrutiny of the national services will continue to evolve. It is likely to be inspected at some point over the next few years by the inspection bodies for police and fire and rescue services and it is taken into account in Audit Scotland's Annual Assurance and Improvement Plan, which identifies whether any additional audit and inspections are required.

#### **4. Effective scrutiny of performance reports**

4.1 As performance reports for the Area Committee are now provided for police and fire services, it might be helpful for members to refer to the good practice in scrutiny provided for this purpose. The statement of good local scrutiny and engagement agreed between the Government, Cosla and police and fire services identifies five principles, namely:

1. Focusing on outcomes
2. Understanding local conditions and reflecting the community voice
3. Promoting joint working and best value to secure better outcomes
4. Providing strategic leadership in order to influence service delivery
5. Supporting continuous improvement by providing constructive challenge

4.2 Appendix 2 sets out the questions members can ask of themselves in meeting principle 5 above. These questions should support members when they consider the performance reports provided by Police Scotland and the SFRS. These were used for the member workshops referred to in paragraph 3.3 above.

#### **5. Legal, risk, financial, equalities, climate change and rural implications**

##### **5.1 Legal and risk implications**

The Police and Fire Reform (Scotland) Act 2012 places new requirements on the

Council to engage in the arrangements for local policing and fire and rescue services but without financial or operational decision-making for these services. Area Committees have an opportunity to engage through the scrutiny of local performance reports and in feeding into local plans. Members can be supported in their role by referring to good practice in scrutiny and engagement, as appended.

5.2 Resource implications

There are no implications for Council resources arising from this report.

5.3 Equalities implications

Appendix 2 sets out the types of information members may need to challenge performance information constructively. This includes seeking information about impacts on different groups in the community.

5.4 Climate change/carbon CLEVER implications

There are no implications for climate change or carbon CLEVER practice arising from this report.

5.5 Rural implications

The Highland local plans for police and fire and rescue services both highlight the challenges and opportunities for providing community safety services in rural areas.

**6. Recommendation**

6.1 Members are asked to note:

- The requirements on the Council for the engagement and scrutiny of police and fire and rescue services;
- The governance arrangements we have for this purpose through strategic, non-strategic and area committees as well as partnership arrangements through community planning and district partnerships; and
- Local members have important engagement and scrutiny roles; but have no role in specifying operational matters or in agreeing resource allocation.

6.2 Members are asked to agree to scrutinise the performance of police and fire and rescue services based on information provide separately for the Area Committee and to make use of the good practice guidance for doing this as set out in Appendix 2.

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Date: 10.9.14

## **Appendix 1**

### **Extract from the Police and Fire Reform (Scotland) Act 2012**

#### **Part 1 Police Reform, Chapter 7 Local Policing**

##### **Section 44 Local policing**

- (1) The chief constable must ensure that there are adequate arrangements in place for the policing of each local authority area (and any adjacent territorial waters).
- (2) For each local authority area, the chief constable must, after consulting the local authority, designate a constable as local commander.
- (3) A constable may be designated as local commander in relation to more than one local authority area.

##### **Section 45 Local authority role in policing**

- (1) A local commander must involve the local authority in the setting of priorities and objectives for the policing of its area.
- (2) A local authority may monitor and provide feedback to the local commander on the policing of its area, and (in particular) may provide to the local commander—
  - (a) its views on any matter concerning or connected to the policing of its area, and
  - (b) any recommendations for the improvement of the policing of its area that it thinks fit.
- (3) A local authority may specify policing measures that it wishes the local commander to include in a local policing plan.
- (4) A local authority may provide feedback by reference to any local police plan in force for the area.
- (5) A local commander must provide to the local authority such—
  - (a) Reports on the carrying out of police functions in its area (including by reference to any local policing plan in force for the area),
  - (b) statistical information on complaints made about the Police Service in, or the policing of, its area, and
  - (c) other information about the policing of its area, as the local authority may reasonably require.
- (6) A local commander may refer a requirement under subsection (5) to the chief constable if the local commander considers that complying with the requirement would or might prejudice—
  - (a) the carrying out of any operation by the Police Service, or
  - (b) the prosecution of offenders.
- (7) A requirement referred under subsection (6) has effect only if it is confirmed by the chief constable.

##### **46 Duty to participate in community planning**

- (1) In section 16(1) of the Local Government in Scotland Act 2003 (asp 1) (duty to participate in community planning) —
- (2) The chief constable must delegate the carrying out of the chief constable's functions under section 16(1)(e) of the Local Government in Scotland Act 2003 in each local authority area to the local commander for that area.

## **Section 47 Local police plans**

- (1) As soon as is reasonably practicable after the first strategic police plan is approved under section 34, a local commander must prepare and submit a local police plan to the relevant local authority for approval.
- (2) A local police plan is a plan which—
  - (a) sets out the main priorities and objectives for the policing of the local authority's area,
  - (b) explains the reasons for selecting each of those priorities and objectives,
  - (c) sets out the proposed arrangements for the policing of the local authority's area (and how those arrangements are expected to achieve the main priorities and objectives),
  - (d) where reasonably practicable, identifies outcomes by reference to which the achievement of those priorities and objectives may be measured,
  - (e) describes how those priorities, objectives and arrangements are expected to contribute to the delivery of any other relevant local outcomes which are identified by community planning, and
  - (f) includes any other information connected with the policing of the local authority's area which the local commander considers relevant.
- (3) In preparing a local police plan, the local commander must—
  - (a) have regard to the most recently approved strategic police plan, and
  - (b) consult—
    - (i) the joint central committee of the Police Federation for Scotland,
    - (ii) such persons as appear to the local commander to be representative of senior officers,
    - (iii) such persons as appear to the local commander to be representative of superintendents (including chief superintendents),
    - (iv) such persons as appear to the local commander to be representative of police staff, and
    - (v) such other persons as the local commander considers appropriate.
- (4) If the local authority approves a local police plan submitted to it, the local commander must publish it in such form and manner as the Authority may specify.

## **Part 2, Fire Reform**

### **Section 115 Local fire and rescue plans**

#### **41D Provision of local services**

- (1) SFRS must ensure that there are adequate arrangements in place for the carrying out of its functions in each local authority area.
- (2) SFRS must involve each local authority in determining priorities and objectives for SFRS in connection with the carrying out in the local authority's area of SFRS's functions.

#### **41E Local fire and rescue plans**

- (1) As soon as is reasonably practicable after a strategic plan is approved under section 41A, SFRS must prepare a local fire and rescue plan for each local authority area.
- (2) A local fire and rescue plan is a plan setting out—
  - (a) priorities and objectives for SFRS in connection with the carrying out in the local authority's area of SFRS's functions,

- (b) the reasons for selecting each of those priorities and objectives,
  - (c) how SFRS proposes to deliver those priorities and objectives,
  - (d) in so far as is reasonably practicable, outcomes by reference to which delivery of those priorities and objectives can be measured,
  - (e) how those priorities and objectives are expected to contribute to the delivery of any other relevant local outcomes which are identified by community planning,
  - (f) such other matters relating to the carrying out of SFRS's functions in the local authority's area as SFRS thinks fit.
- (3) In preparing the local fire and rescue plan, SFRS must—
- (a) have regard to the framework document and the strategic plan approved under section 41A,
  - (b) consult—
    - (i) such persons as SFRS considers represent employees of SFRS, and
    - (ii) such other persons as SFRS considers appropriate.
- (4) SFRS must submit a plan prepared under subsection (1) for approval to the local authority for the area to which the plan relates.
- (5) If the plan is approved under subsection (4), SFRS must publish it.
- (6) In this section “community planning” means the community planning processes described in Part 2 of the Local Government in Scotland Act 2003 (asp 1).

#### **41H Provision of information to local authority**

SFRS must give to a local authority such information or reports relating to the carrying out of SFRS's functions in the authority's area (including reports given by reference to any local fire and rescue plan in force for the area) as the authority may reasonably request.

#### **41J Local Senior Officers**

(1) After consulting the local authority, SFRS must designate an employee of SFRS as Local Senior Officer for each local authority area for the purpose of carrying out on behalf of SFRS the delegated functions.

2) The delegated functions are—

- (a) SFRS's functions under sections 41E to 41H,
- (b) SFRS's function in relation to the provision of feedback to it under section 41K(1),
- (c) SFRS's functions under section 16(1)(d) of the Local Government in Scotland Act 2003 (asp 1) (duty to participate in community planning),
- (d) any other functions of SFRS which SFRS delegates to the Local Senior Officer.

(3) The duty imposed on SFRS by subsection (1) must be carried out by the Chief Officer.

(4) A person may be designated under subsection (1) in relation to more than one local authority area.

(5) Subsection (1) does not affect—

- (a) SFRS's responsibility for the carrying out of the delegated functions,
- (b) SFRS's ability to carry out the delegated functions.

**41K Monitoring by local authority**

- (1) A local authority may monitor and provide feedback to SFRS on the manner in which SFRS carries out its functions in the authority's area and (in particular) may provide to SFRS—
  - (a) its views on any matter concerning or connected to the manner in which SFRS carries out those functions in the authority's area,
  - (b) any recommendations for improvements in the manner in which SFRS carries out those functions in the authority's area that it thinks fit.
- (2) A local authority may provide feedback by reference to any local fire and rescue plan in force for its area.



**Extract from the Collaborative Statement of Good Local Scrutiny and Engagement**

**Principle 5: Support continuous improvement by providing constructive challenge Questions for scrutineers**

1. Do I have a good understanding of how the services are performing locally?
2. Have I received an appropriate induction into the work of the services and my scrutiny role?
3. Do the services report on performance in a way that is clear, concise, balanced and presented in a way that is understandable and allows me to judge how well they are doing?
4. Does the information I receive cover:
  - service performance?
  - customer satisfaction?
  - trend data?
  - benchmarking data?
  - targets?
  - outcomes?
5. Does the information I receive tell me:
  - If the services are meeting their targets?
  - Why variances occur?
  - What the implications are of not meeting the target?
  - If resources are adequate?
  - What the impacts are on people who use the services, local people and partner agencies?
  - If there is an impact on equalities, sustainability or efficiency?
  - What the implications are for local priorities?
6. Do I interrogate performance reports and ensure that they highlight not just successes but also areas for further development?
7. Do I make recommendations for how to improve performance locally, building on good practice from across Scotland?
8. Do I regularly challenge the services on the performance information presented to me in a robust, constructive and purposeful way?
9. Do I require any training to help me understand performance management or to challenge the services on performance?
10. Am I aware of activity and performance in other local authority areas?
11. Do I use national datasets to benchmark performance with comparable areas?