

Highland Council
Communities and Partnerships Committee
10 December 2015

Agenda Item	7
Report No	CP 04/15

Scottish Police Authority (SPA) Review of Governance

Report by the Head of Policy and Reform

Summary

This report includes proposals for feeding into the national review of governance for policing, while acknowledging the positive working relationships with local officers.

1. Background

1.1 On the 17th November 2015 the Chair of the Scottish Police Authority (SPA) wrote to Local Authorities regarding the national review of governance in policing which reports to the Cabinet Minister for Justice by March 2016. The review has four strands, namely:

- To Ensure that local interests are effectively represented in national scrutiny processes; that decision making on national priorities, policies and programmes takes account of local needs; and that there is appropriate discretion and flexibility within national policies to reflect local circumstances.
- Ensure that the Scottish Police Authority has the appropriate structures and skills to undertake effective scrutiny. In so doing identify any skills gaps and development requirements and consider any external expertise that needs to be brought to bear to support scrutiny of major change programmes.
- Review the information flows and communication between Police Scotland and the SPA to ensure the authority has all of the material and data required timeously to fulfil its scrutiny function; and the information made available to HMICS, the Scottish Government and the Scottish Parliament to fulfil their respective roles.
- Review the way the Authority works with other stakeholders to ensure its approach is rooted in partnership and contributes effectively to wider policy objectives across the public sector. Propose measures to strengthen communication with partners and communities about the work of the Authority and policing more generally.

Further information about the review is available at <http://www.spa.police.uk/about-us/governancereview>.

1.2 To contribute to the first strand of the review, focused on localism, the Chair of the Committee has taken part in a Ministerial event and officers have attended an SPA workshop. It is clear that the SPA is keen to learn from the operation of the national service to date and to engage widely to inform the review. The Council is now invited to submit broader issues, views and evidence by 16th December 2015 to contribute to the review.

- 1.3 The Council has a commitment in the Highland First programme that it will engage with the emergency services to ensure Highland needs and issues are taken into account. The remit for the Communities and Partnerships Committee includes engaging with the Scottish Police Authority and the SFRS Board so that they are aware of the community safety context and issues for the Highlands when determining national policies and to ensure compliance with any requirements on the Council arising from governance reviews of the national bodies.

2. Proposed submission of views for the review

- 2.1 It is proposed that the Council's submission covers the following points:
1. Our experience of scrutinising local performance and engaging on local police plans
 2. Views on national policy being more sensitive to local impacts
 3. The relationship between the Council's Committee and the SPA.

3. The scrutiny of local police performance and engagement and local police plans

- 3.1 Members scrutinise police performance through reports covering the region at each meeting of the strategic committee and through local reports presented to Area Committees. Police Scotland has confirmed it will provide more localised reports for the new Local Committees once established. The Local Commander has welcomed this constructive challenge and responds well to Members' questions and local officers are able to provide full responses on local issues raised at Area Committees. Police Scotland also attends Community Council meetings, Ward Forums where these continue and takes part in community planning partnership meetings, leading on the theme of Safer Highland. Similarly the Council has arrangements in place for seeking any amendments to the local police plan through this Committee and the ECAS Committee with changes sought confirmed through the Council meeting. The Council can demonstrate it has effective arrangements in place for scrutinising local police performance and plans and this is underpinned by trusting and productive working relationships with local officers. This point can be fed back to the review of governance.
- 3.2 The only area where Members have been unable to date to scrutinise local performance is in the practice of stop and search but this has arisen because of issues nationally with verification of the statistics on the number and type of stop and search activities.

4. Influencing national policy

- 4.1 The areas where Members have expressed concern relate to the implementation of national police policy and practice that have not been subject to local consultation or an assessment of local impacts. High profile examples include the decisions made on: withdrawing traffic warden provision, relocating call handling services and standing authority for arming police. While decisions on the latter were changed after Council and other lobbying, earlier engagement and a process for understanding local impacts could have enabled greater flexibility in how national policies are implemented locally.
- 4.2 It is recommended that when changes to policy or practice are considered nationally that a local impact assessment is carried out, that engages with elected members and partners to identify the positive and negative impacts of any proposed change, with local adjustments identified where possible to reduce or remove any negative impacts. This could be led by the Local Commander with

feedback through our community planning process, ward business meetings and Committee depending on the time available. It may also help for rural proofing to be used and we can share our tool for that purpose.

- 4.3 Clearly such an arrangement would need to be reciprocated so that any change to Council policy or practice that may have a positive or negative impact on local policing should require engagement with local police. We have evidence of that approach through our impact assessment on previous budget savings, conducted with partners.

5. The relationship between elected members and the SPA

- 5.1 There are opportunities for strengthening the relationship between elected members and the SPA. In addition to regular SPA member attendance at this Committee we could seek:
1. For the Chair of the Committee to be part of a Forum of scrutiny chairs nationally to meet with the SPA periodically (this option is supported by Cosla);
 2. For SPA members with a role in the Highlands and Islands (H&I) to take part in the 6 monthly meetings with the chairs of the Committees from the H&I authorities to address any concerns or issues pertinent to the wider region;
 3. For a process to be designed that enabled any cause for concern from the Council's committee to be raised regarding the local impact of national policy and practice. This could operate like a complaints procedure. While a resolution sought by members may not always be possible, having a transparent process for hearing such concerns should provide assurance that the proper process has been followed.
 4. For Scrutiny Committees to be invited to submit information to the SPA to feed into the annual reviews of Police Scotland. The SPA could provide a standardised template for this purpose.

6. Implications

- 6.1 Resources implications: Additional staff and member time would be needed to strengthen engagement as outlined above.
- 6.2 Legal and Risk implications: The proposals suggested should enable national policy and practice to be more sensitive to local needs.
- 6.3 Equalities, Gaelic or climate change implications: There are no new equalities, Gaelic or climate change implications arising from the proposed response.
- 6.4 Rural implications: The proposal for local impact assessment to be undertaken should enable greater sensitivity to policing in rural communities.
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7. Recommendations:

Members are asked to welcome the invitation to feed in views to the review of governance for policing and agree that the response includes:

1. Our acknowledgment of the effective arrangements in place for scrutiny of local policing and the good working relationships with local officers;
2. A request for local impact assessment to be carried out to identify positive and negative impacts of any changes proposed in policy or practice nationally, with flexibility enabled for local adjustments to be made where needed and possible and in advance of any change being implemented;
3. Sharing our approach to rural proofing;
4. Four additional ways for engaging with the SPA as outlined in paragraph 5.1.

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